



Salt Spring Island Local Trust Committee

Regular Meeting Agenda

Date: Thursday, April 11, 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 - 9:55 AM
4.1 Robyn Kelln	5
Regarding the use of a building on common property at 265 Furness Road	
5. TRUSTEE REPORTS	9:55 AM - 10:05 AM
Verbal Report	
6. CHAIR'S REPORT	10:05 AM - 10:10 AM
Verbal Report	
7. CRD DIRECTOR'S REPORT	10:10 AM - 10:20 AM
Verbal Report	
8. PREVIOUS MEETINGS	10:20 AM - 10:25 AM
8.1 Draft Minutes of the Salt Spring Island Local Trust Committee	
8.1.1 <u>Draft Minutes of the 27 February 2024 Special Meeting</u>	27
For Adoption	
8.1.2 <u>Draft Minutes of the 7 March 2024 Regular Meeting</u>	30
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 10:25 AM - 10:30 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 Federal Court - Dated 9 March 2024 - Regarding Federal Court Decision, File T-1107-23 40

For Information

9.2 Capital Regional District - Dated 14 March 2024 - Regarding Abandoned Boats Workshop 65

For Information

9.3 G. Stevens - Dated 19 March 2024 - Regarding Ganges Harbour 66

For Information

9.4 Ministry of Housing - Dated 20 March 2024 - Regarding Short-Term Rental Accommodations Act 86

For Information

9.5 MP Elizabeth May - Dated 26 March 2024 - Regarding Marine Matters Joint Letter 90

For Information

10. BUSINESS ARISING FROM MINUTES 10:30 AM - 11:00 AM

10.1 Follow-Up Action List 93

Report dated April 2024

10.2 Salt Spring Island Local Trust Committee Special Meeting Schedule 102

For Decision

10.3 Standing Resolution SS-2019-153 regarding Short Term Vacation Rentals 103

Staff Report

11. COMMUNITY INFORMATION MEETING - NONE

12. PUBLIC HEARING - NONE

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

13.	APPLICATIONS AND REFERRALS	12:00 PM - 1:00 PM	
13.1	SS-TUP-2023.2 - R. Blaney - 805 Vesuvius Bay Rd, SSI Staff Report		105
13.2	SS-DVP-2023.16 - A. Maten - 131 Northern Way, SSI Staff Report		155
13.3	SS-DVP-2024.4 - E. MacDonald - 541 Anna's Drive, SSI Staff Report		176
14.	LOCAL TRUST COMMITTEE PROJECTS	1:00 PM - 2:00 PM	
14.1	Official Community Plan - Land Use Bylaw Update Project Staff Report Pending		
15.	NEW BUSINESS	2:00 PM - 3:00 PM	
15.1	Salt Spring Island Annual Report Staff Report Pending		
15.2	Local Trustee Committee Chairperson Travel to Meetings For Discussion		196
16.	REPORTS		
16.1	Policy and Standing Resolutions List For Information		197
16.2	Future Projects Report Report dated April 2024		208
16.3	Active Projects List Report dated April 2024		211
16.4	Applications with Status Report Report dated April 2024		215
16.5	Expense Report		
16.5.1	<u>Report dated January 2024</u>		233
16.5.2	<u>Report dated February 2024</u>		234
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 16 May 2024 at the Legion Meaden Hall, 120 Blain Road, Salt Spring Island.

19. ADJOURNMENT

From: Robyn Kelln [REDACTED]
Sent: Wednesday, March 27, 2024 3:27 PM
To: Rob Pingle <rpingle@islandstrust.bc.ca>
Subject: Re: Delegation for SS LTC April 11 meeting

Hi Rob,

As per the topic we wish to ask the Trustees to clarify the 219 Covenant that is on title,
AT 265 FURNESS RD
to confirm that a *"farmworker or farmworkers , are allowed to live in the old log house"*
that still stands and has stood for the last 30 years on the common property that
is in the ALR. This is supported by a legal opinion from Perleman Lindholm , Law office
in Victoria
And we ask the Trustees to instruct staff when a potential buyer comes to the Trust
office, that this is the confirmation that will conveyed
I will forward you the legal opinion and the covenant

Robyn Kelln and Jamie Colligan
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Our File: 24-0196

March 28, 2024

Jamie Colligan & Robyn Kelln
[REDACTED]
[REDACTED]

Dear Ms. Colligan and Mr. Kelln:

Re: Lot 9, Section 5, Range 1, South Salt Spring Island, Cowichan District, Plan 25293 – 250 Furness Road and 265 Furness Road, Salt Spring Island, B.C. (collectively, the “Property”) Form C (Section 233) Charge, numbers CA8420693 and CA8420697, appending the Section 219 Covenant (the “Covenant”)

I have reviewed the Covenant for the Property, and it is my opinion that the Property’s common property measuring 1.394 hectares (the “**Common Property**”) can be occupied by one or more individuals.

You advised me that the Common Property is land in the Agriculture 1 (“**A1**”) zone. ‘Part 9 – Zone Regulations’ of the Salt Spring Island Local Trust Committee Bylaw No. 355 specifies that single-family dwellings are a principal use of land in the A1 zone. As paragraph 3(d) of the Covenant provides that the Covenant does not “*affect or limit any enactment relating to the use or subdivision of the Land*”, single-family dwellings must be a principal use of the Common Property.

As seen in Schedule “A” of the Covenant, the Common Property already had a barn and a cabin at the time the Covenant was signed. The parties to the Covenant anticipated the possibility of additional agricultural buildings and structures on the Common Property as paragraph 2(c) addresses the maximum lot coverage for such additional buildings and structures. Since single-family dwellings are a principal use of the

Common Property and additional agricultural buildings and structures can be built on the Common Property, it is logical to conclude that the parties to the Covenant anticipated the addition of farmworkers' dwelling units. Since Bylaw 355 defines a 'farmworker's dwelling unit' as "*a dwelling unit that is accessory to a commercial farm business on a lot and is used for the residential accommodation of a farmworker [...]*", the Common Property can be occupied by one or more individuals. If the intention of the Covenant was to prohibit farmworkers' dwelling units, then it is expected that the Covenant would have explicitly noted that restriction in the list of restricted buildings found in paragraph 2(b). Paragraph 2(b) restricts the presence of "*dwelling units, seasonal cottages, travel trailers or recreational vehicles, or guest accommodations*" on the Common Property, but it does not restrict the presence of 'farmworkers' dwelling units', which was a defined term at the time the Covenant was drafted and continues to be a defined term today.

In addition to the above, paragraph 3(c) of the Covenant grants the Salt Spring Island Local Trust Committee (the "**Committee**") discretion to enforce the Covenant or not. Therefore, if there is a request to have a type of building found in the list of restricted buildings in paragraph 2(b) on the Common Property, the Committee has the discretion to allow that building type. If, for example, Salt Spring Island was experiencing a housing shortage, one would expect the Committee to use its discretion to allow the types of housing prohibited in paragraph 2(b) on the Common Property.

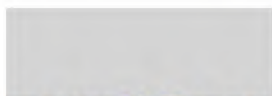
I understand you intend to share this letter with third parties. For any recipient of this letter, please note that in providing you with this letter, my clients are only waiving solicitor-client privilege over this specific letter.

Please do not hesitate to contact me with any questions or comments.

Yours truly,

PEARLMAN ♦ LINDHOLM

Per:

A rectangular grey box redacting the signature of Catriona Chevalier.

CATRIONA CHEVALIER

A handwritten signature in blue ink, appearing to read 'Catriona Chevalier', written over the printed name.

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Sep-10-2020 13:47:05.001

CA8420693 CA8420697

PAGE 1 OF 18 PAGES

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

Sanford Michael
Neil Bartlett
U9F1RM

Digitally signed by Sanford
Michael Neil Bartlett
U9F1RM
Date: 2020.09.10 13:16:06
-07'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

Bartlett & Company Law Corporation

Barristers and Solicitors

225 Vancouver Avenue

Nanaimo

BC V9S 4E9

Document Fees: \$374.35

Telephone: (250) 741-0007

File Number: 11797

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

002-903-130

LOT 9, SECTION 5, RANGE 1, SOUTH SALT SPRING ISLAND, COWICHAN
DISTRICT, PLAN 25293

STC? YES ☐

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

SEE SCHEDULE

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SALT SPRING ISLAND TRUST COMMITTEE

1 - 500 LOWER GANGES ROAD,

SALT SPRING ISLAND

BRITISH COLUMBIA

V8K 2N8

CANADA

7. ADDITIONAL OR MODIFIED TERMS:

N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Officer Signature(s)

SANFORD BARTLETT
LAWYER

225 Vancouver Avenue
Nanaimo, BC V9S 4E9

Execution Date		
Y	M	D
20	09	01

Transferor(s) Signature(s)

0967833 B.C. LTD.,
(Inc. No.: BC 0967833), by its
authorized signatory(ies)

JAMIE JOSEPHINE COLLIGAN

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 2 of 18 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

 Conrad Warkentin
 Barrister & Solicitor
 33832 South Fraser Way
 Abbotsford, BC V2S 2C5

Y	M	D
20	09	02

BRIDGEWATER INVESTMENTS INC.
 (Inc. No. BC0547774), by its authorized
 signatory(ies)

 Name: Douglas Evans

 MICHAEL THAIN
 Barrister & Solicitor
 #211-1015 Austun Avenue
 Coquitlam, B.C. V3K 3N9
 Telephone: 604-939-8321

20	08	25
----	----	----

HALIFAX FINANCIAL CORPORATION,
 (Inc. No. BC1141224), by its authorized
 signatory(ies)

 Name: Chris Bacon

 Caleb J. Klassen
 Barrister & Solicitor
 21254 95A Avenue
 Langley, BC V1M 1N4

20	09	01
----	----	----

 SANDRA MARLENE COSS

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM D

EXECUTIONS CONTINUED

PAGE 3 of 18 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

D. Murphy

20 08 19

SALT SPRING ISLAND LOCAL TRUST
COMMITTEE, by its authorized
signatory(ies)

Commissioner for Taking Affidavits in British Columbia

Islands Trust
1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Commission expires December 31,
2020

Name: LAURA PATRICK, TRUSTEE

Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 4 OF 18 PAGES

NATURE OF INTEREST
Covenant

CHARGE NO.

ADDITIONAL INFORMATION

NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION

Granting the Covenant with one registration number less than this priority agreement priority over Mortgage CA5053358 and Assignment of Rents CA5053359

NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION

Granting the Covenant with two registration number less than this priority agreement priority over Mortgage CA7256020

NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION

Granting the Covenant with three registration number less than this priority agreement priority over Mortgage CA8043960

NATURE OF INTEREST
Priority Agreement

CHARGE NO.

ADDITIONAL INFORMATION

Granting the Covenant with four registration number less than this priority agreement priority over Mortgage CA8258208

NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 5 OF 18 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

PART 5. TRANSFEROR(S):

0967833 B.C. LTD. (Inc. No. BC0967833);

BRIDGEWATER INVESTMENTS INC. (Inc. No. BC0547774), as to the Priority Agreement only

HALIFAX FINANCIAL CORPORATION (Inc. No. BC1141224), as to the Priority Agreement only

SANDRA MARLENE COSS, as to the Priority Agreement only

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the _____ day of August, 2020 is

AMONG:

0967833 B.C. LTD.
2188 North End Road
Salt Spring Island, BC
V8K 1E1
(hereinafter called the "Owner")

OF THE FIRST PART

AND:

BRIDGEWATER INVESTMENTS INC.
(Inc. No. BC0547774)
22779 125A Avenue
Maple Ridge, BC V2Z 0N4
(hereinafter called the "the First Prior Chargee")

OF THE SECOND PART

AND:

HALIFAX FINANCIAL CORPORATION
(Inc. No. BC1141224)
1102 – 550 Pacific Street
Vancouver, BC V6Z 3G2
(herein after called the "Second Prior Chargee" and the "Fourth Prior Chargee")

OF THE THIRD PART

AND:

SANDRA MARLENE COSS, Businesswoman

(herein after called the "Third Prior Chargee")

OF THE FOURTH PART

AND:

SALT SPRING ISLAND LOCAL TRUST COMMITTEE,
a Corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239,
with an office at 1 – 500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8
(the "Local Trust Committee")

OF THE FIFTH PART

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on Salt Spring Island, British Columbia which is legally described as:

Parcel Identification Number: 002-903-130

Legal Description: LOT 9, SECTION 5, RANGE 1, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 25293

(the "Land");

AND WHEREAS the Owner proposes to subdivide the Land, according to a plan of subdivision completed and certified correct on the 5th day of May, 2020 by Grant Butler, B.C.L.S., a copy of which is attached hereto as Schedule "A", into Strata Lots 1 & 2 as indicated on Schedule "A", which Lots are referred to as such in this Agreement.

- B. The Local Trust Committee's Land Use Bylaw No. 355 (the "Land Use Bylaw") requires each lot created by subdivision to have a source of potable water.
- C. The Land will not be connected to a community water system or a well and instead, water will be supplied by Water License 114677 provided on each of Lots 1 & 2 (the "Water Licence") affixed to Schedule B.
- D. The Water License amount of 1,000 gallons/day (3,785 liters/day) allocated to domestic use does not meet the required volumes of 8,160 litres/day for both Strata Lots 1 & 2 calculated as follows per Section 5.5, Table 1 of the Land Use Bylaw:
- Dwelling Unit: 1,600 litres/day
 - Seasonal Cottage: 680 litres/day
 - Bed & Breakfast home-based business (225 L/bedroom x 4 bedrooms): 900 litres/day
 - Commercial Use (Medical/Dental Office): 900 litres/day
 - Total: 4,080 litres/day per Strata Lot
- E. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land.
- F. The Approving Officer and the Local Trust Committee require, as a condition of subdivision, that the Owner grant to the Local Trust Committee (the "Transferee") a covenant under s. 219 of the *Land Title Act* (British Columbia) to regulate the use of the Land in the interests of confirming that groundwater management will be implemented by the Owner and all future owners, tenants, and other occupiers of Strata Lots 1 & 2 in the manner specified in the Reports.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Transferee to the Owner, and other good and valuable

consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Restriction on Use

1. The Owner shall not use the Land including any lots into which the Land may be subdivided, nor occupy any building or structure located on the Land for any residential or domestic purpose, unless the Owner is in full compliance with the terms of this Agreement.

Restrictions on Use of the Lands

2. The Owner covenants and agrees with the Covenant Holder that:
 - (a) The Common Property identified on Schedule B is prohibited from further subdivision;
 - (b) The Common Property identified on Schedule B is prohibited from having any dwelling units, seasonal cottages, travel trailers or recreational vehicles, or guest accommodations;
 - (c) Farm buildings and structures used for a farm operation (excluding greenhouses) cannot exceed 35% of lot coverage or 75% (including greenhouses) of the Common Property zoned Agriculture 1 (A1) identified on Schedule B measuring 1.394-hectares;
 - (d) Disposition of the Common Property separate from the strata lots is prohibited; and
 - (e) The buildings, structures and uses are restricted to the following for Strata Lot 1 & Strata Lot 2: one dwelling unit and one bedroom for a Bed & Breakfast home-based business per strata lot.

No Effect On Laws or Powers

3. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Transferees under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Transferees any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Transferees to enforce this Agreement, which is a policy matter within the sole discretion of the Transferees;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

4. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner, or which the Owner permits or allows, in respect of the Owner's particular lot or lots. The Owner is liable only for the covenants and obligations contained in this Agreement and breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

5. The Owner hereby indemnifies and saves harmless the Transferees, and their respective elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Owner may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

6. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

7. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

8. The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.
9. The Owner shall be entitled to a discharge of this Agreement, upon presentation of a registrable discharge document for execution by the Transferees, in the event that the Owner's application to subdivide the Land in the manner described in Schedule "A" has been refused in writing by the approving officer having jurisdiction and the Owner has provided a copy of the refusal letter to the Transferees, or the Owner has withdrawn the application and the approving officer has confirmed the withdrawal in writing to the Transferees.

Waiver

10. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Transferees of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

11. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

12. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

13. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

14. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Deed and Contract

15. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

Execution Using Form C

16. As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. 0967833 BC Ltd. (the "Owner") is the registered owner of 002-903-130, Lot 9, Section 5, Range 1, South Salt Spring Island, Cowichan District, Plan 25293 (the "Land");
- B. The Owner granted Bridgewater Investments Inc. (the "First Prior Chargee") mortgage and assignment of rents, which was registered against the title to the Land in the Victoria Land Title Office under numbers CA5053358 and CA5053359 (the "Prior Charges");
- C. The Owner granted to the Salt Spring Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land with one registration number less than this priority agreement (the "Subsequent Charge"); and;
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholders to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDERS FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The First Prior Chargee hereby consents to the granting and registration of the Subsequent Charge and the First Prior Chargee hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. The First Prior Chargee hereby grants to the Subsequent Chargeholders priority for the Subsequent Charge over the First Prior Chargee's right, title and interest in and to the Land, and the First Prior Chargees does hereby postpone the Prior Charges and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charges.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the First Prior Chargee has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. 0967833 BC Ltd. (the "Owner") is the registered owner of 002-903-130, Lot 9, Section 5, Range 1, South Salt Spring Island, Cowichan District, Plan 25293 (the "Land");
- B. The Owner granted Halifax Financial Corporation, (the "Second Prior Chargee") mortgage, which was registered against the title to the Land in the Victoria Land Title Office under numbers CA7256020 (the "Prior Charges");
- C. The Owner granted to the Salt Spring Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land with two registration number less than this priority agreement (the "Subsequent Charge"); and;
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholders to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDERS FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The Second Prior Chargee hereby consents to the granting and registration of the Subsequent Charge and the Second Prior Chargee hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. The Second Prior Chargee hereby grants to the Subsequent Chargeholders priority for the Subsequent Charge over the Second Prior Chargee's right, title and interest in and to the Land, and the Second Prior Chargee does hereby postpone the Prior Charges and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charges.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Second Prior Chargee has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. 0967833 BC Ltd. (the "Owner") is the registered owner of 002-903-130, Lot 9, Section 5, Range 1, South Salt Spring Island, Cowichan District, Plan 25293 (the "Land");
- B. The Owner granted Sandra Marlene Coss (the "Third Prior Chargee") mortgage, which was registered against the title to the Land in the Victoria Land Title Office under numbers CA8043960 (the "Prior Charges");
- C. The Owner granted to the Salt Spring Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land with three registration number less than this priority agreement (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholders to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDERS FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The Third Prior Chargee hereby consents to the granting and registration of the Subsequent Charge and the Third Prior Chargee hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. The Third Prior Chargee hereby grants to the Subsequent Chargeholders priority for the Subsequent Charge over the Third Prior Chargee's right, title and interest in and to the Land, and the Third Prior Chargee does hereby postpone the Prior Charges and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charges.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Third Prior Chargee has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

CONSENT AND PRIORITY AGREEMENT

WHEREAS:

- A. 0967833 BC Ltd. (the "Owner") is the registered owner of 002-903-130, Lot 9, Section 5, Range 1, South Salt Spring Island, Cowichan District, Plan 25293 (the "Land");
- B. The Owner granted Halifax Financial Corporation (the "Fourth Prior Chargee") mortgage, which was registered against the title to the Land in the Victoria Land Title Office under numbers CA8258208 (the "Prior Charges");
- C. The Owner granted to the Salt Spring Island Local Trust Committee (the "Subsequent Chargeholder") a Section 219 Covenant which is registered against the title to the Land with three registration number less than this priority agreement (the "Subsequent Charge"); and
- D. Section 207 of the *Land Title Act* permits the Prior Chargeholders to grant priority over a charge to a subsequent chargeholder.

THEREFORE THIS CONSENT AND PRIORITY AGREEMENT WITNESSES THAT IN CONSIDERATION OF \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION RECEIVED BY THE PRIOR CHARGEHOLDERS FROM THE SUBSEQUENT CHARGEHOLDER (THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED):

- 1. The Fourth Prior Chargee hereby consents to the granting and registration of the Subsequent Charge and the Fourth Prior Chargee hereby agrees that the Subsequent Charge shall be binding upon its interest in and to the Land.
- 2. The Fourth Prior Chargee hereby grants to the Subsequent Chargeholders priority for the Subsequent Charge over the Fourth Prior Chargee's right, title and interest in and to the Land, and the Fourth Prior Chargee does hereby postpone the Prior Charges and all of its right, title and interest thereunder to the Subsequent Charge as if the Subsequent Charge had been executed, delivered and registered prior to the execution, delivery and registration of the Prior Charges.

As evidence of its agreement to be bound by the above terms of this Consent and Priority Agreement, the Fourth Prior Chargee has executed and delivered Part 1 of *Land Title Act* Form C which is attached hereto and forms part of this Agreement.

**BARELAND STRATA PLAN OF LOT 9
SECTION 5 RANGE 1 SOUTH SALT SPRING ISLAND
COWICHAN DISTRICT PLAN 25293**

EPS6740
SHEET 1 OF 2 SHEETS

BCGS 928.073

0 50 100
SCALE 1 : 1250 DISTANCES ARE IN METRES
THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm
IN WIDTH BY 260 mm IN HEIGHT (C SIZE) WHEN
PLOTTED AT A SCALE OF 1:1250.

LEGEND

GRID BEARINGS ARE DERIVED FROM PLAN EPP45081 AND
ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10
(123° WEST LONGITUDE)

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES,
UNLESS OTHERWISE SPECIFIED, TO COMPUTE GRID
DISTANCES. HORIZONTAL GROUND-LEVEL DISTANCES BY THE
AVERAGE COMBINED FACTOR OF 0.9999071. THE AVERAGE
COMBINED FACTOR HAS BEEN DETERMINED BASED ON AN
ELLIPSOIDAL ELEVATION OF 60 METRES.

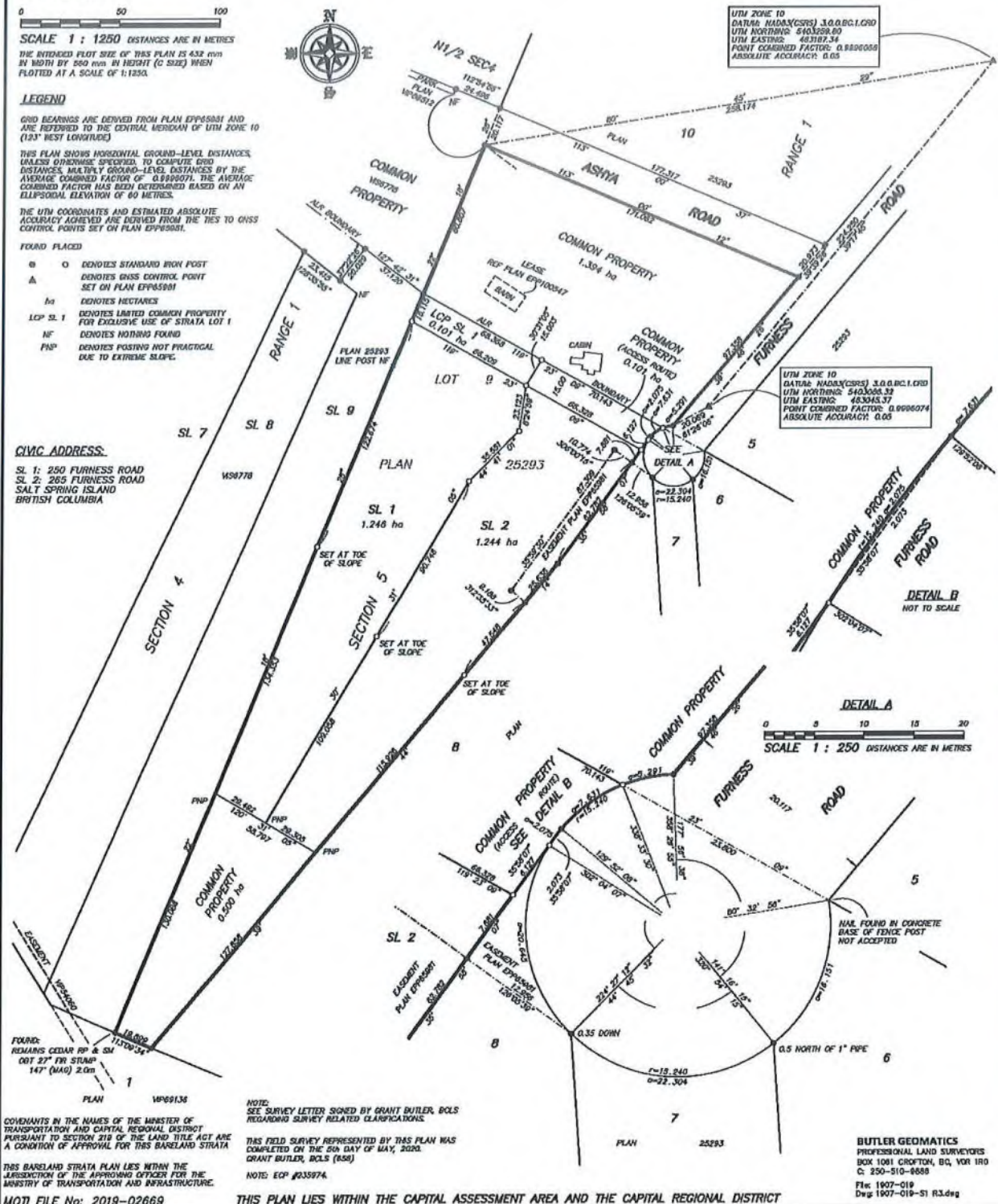
THE UTM COORDINATES AND ESTIMATED ABSOLUTE
ACCURACY ACHIEVED ARE DERIVED FROM THE TIES TO GNSS
CONTROL POINTS SET ON PLAN EPP45081.

FOUND PLACED

- DENOTES STANDARD IRON POST
- △ DENOTES GNSS CONTROL POINT
SET ON PLAN EPP45081
- ha DENOTES HECTARE
- LCP SL 1 DENOTES LIMITED COMMON PROPERTY
FOR EXCLUSIVE USE OF STRATA LOT 1
- NP DENOTES NOTHING FOUND
- PMP DENOTES POSTING NOT PRACTICAL
DUE TO EXTREME SLOPE.

CIVIC ADDRESS:

SL 1: 250 FURNESS ROAD
SL 2: 205 FURNESS ROAD
SALT SPRING ISLAND
BRITISH COLUMBIA

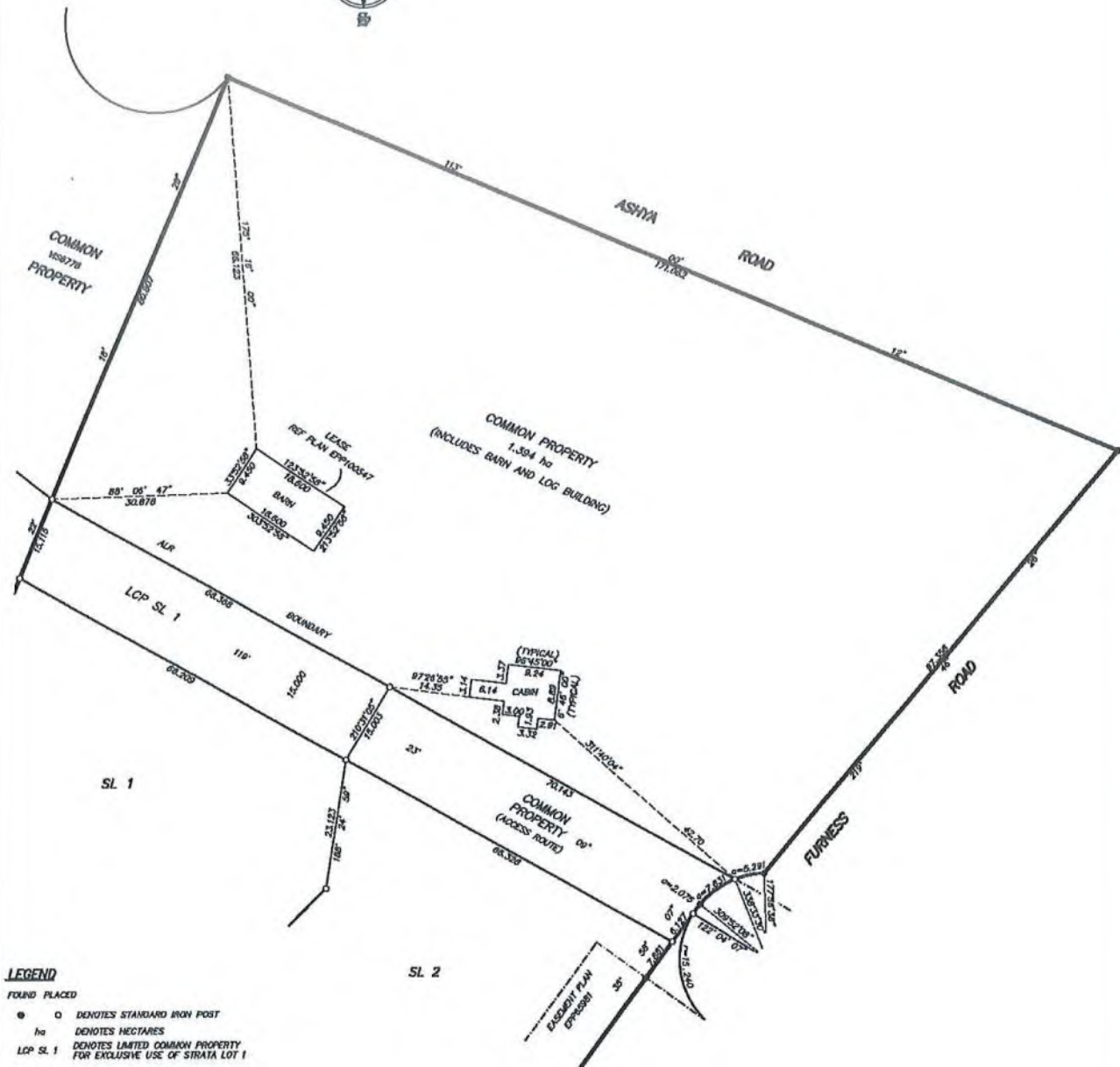


BUILDINGS ON COMMON PROPERTY

EPS6740
SHEET 2 OF 2 SHEETS

0 25 50
SCALE 1 : 500 DISTANCES ARE IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 432 mm
IN WIDTH BY 580 mm IN HEIGHT (C SIZE) WHEN
PLOTTED AT A SCALE OF 1:500.



Schedule B



Water Act

CONDITIONAL WATER LICENCE

The owner of the land to which this licence is appurtenant is hereby authorized to divert and use water as follows:

- (a) The stream on which the rights are granted is Carley Spring and storage is in dugouts.
- (b) The point of diversion is located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 24th June, 1974.
- (d) The purposes for which this licence is issued are storage, domestic and irrigation.
- (e) The maximum quantity of water which may be diverted is for domestic purpose is 1,000 gallons a day, the maximum quantity which may be held in storage is 1.0 acre foot per annum, and the maximum quantity of water which may be diverted for irrigation purpose is 2.1 acre feet per annum.
- (f) The period during which the water may be used for domestic purpose is the whole year, and the period during which the water may be used for irrigation purpose is 1st April to 30th September.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is Lot 9, Section 5, Range 1, South Division, Saltspring Island, Cowichan District, Plan 25293, of which 2.1 acres may be irrigated.
- (h) The works authorized to be constructed are diversion structure, tanks, pipes, dugouts, and sprinkler system, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water beneficially used, on or before the 31st day of December, 2000.
- (j) This licence authorizes the use of water for domestic purpose in two dwellings, located approximately as shown on the attached plan.
- (k) This licence is issued in substitution of Conditional Licence 43728 and, in part, of Conditional Licence 43727, under Section 18 of the Water Act 1996, RS Chap 483.

George Bryden
Assistant Regional Water Manager

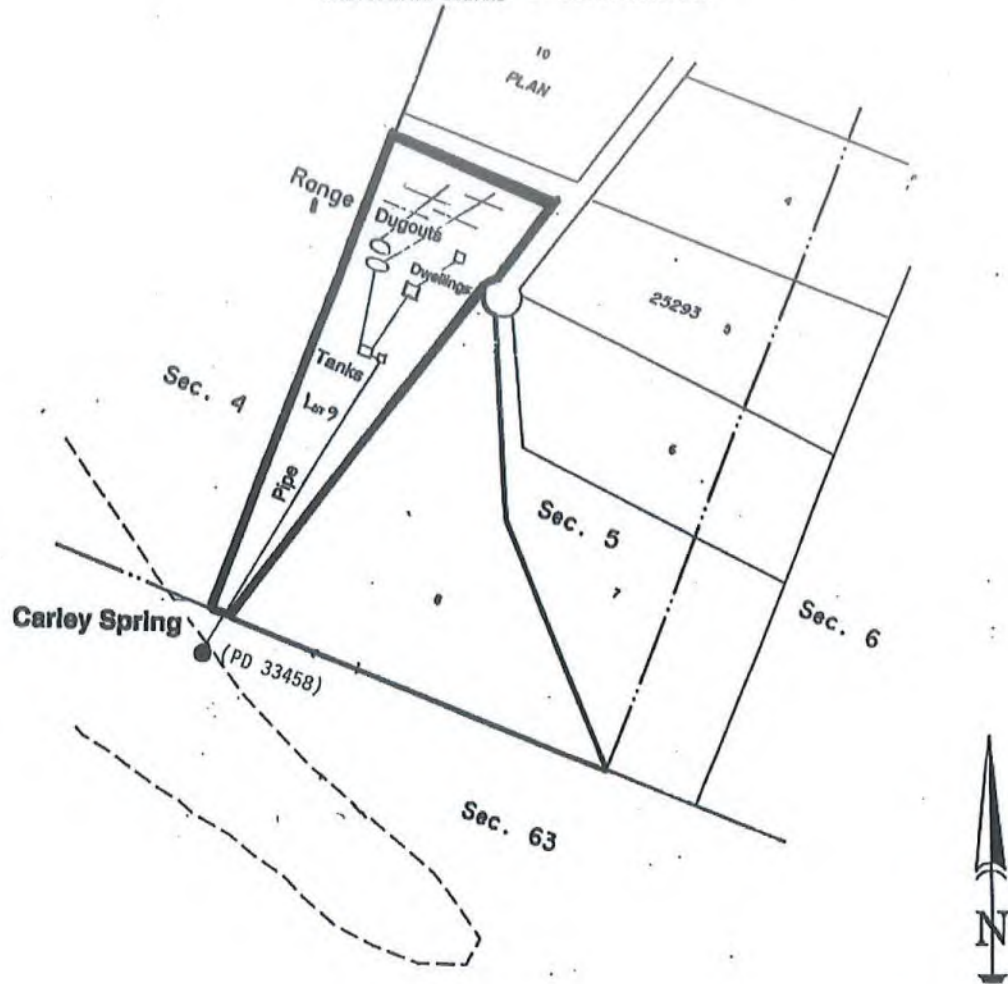
File: 0323270

Issued: September 21, 1999

Conditional Licence: 114677



SALTSPRING ISLAND - SOUTH DIVISION



WATER DISTRICT : VICTORIA
PRECINCT : SHAWNIGAN
LAND DISTRICT : COWICHAN

Signature *Serge Byrd*
Date September 21, 1999

C.L. 114677 for C.L. 43727
File 0323270 & C.L. 43728

The boundaries of the land to which this licence
is appurtenant are shown thus: _____



Salt Spring Island Local Trust Committee Minutes of Special Meeting

Date: Tuesday, February 27, 2024

Location: Electronic Meeting (Zoom)

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

Members Regrets: Jamie Harris, Local Trustee

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

Others Present: Bree Eagle, Agricultural Advisory Planning Committee Chair
Ken Byron, Agricultural Advisory Planning Committee
Conrad Pilon, Agricultural Advisory Planning Committee
Kevin Chipperfield, SSI Farmers Institute and Agricultural Alliance
Sheila Dobie, SSI Farmland Trust and Agricultural Alliance
Lorenz Eppinger, Island Natural Growers and Agricultural Alliance
Marguerite Lee, SSI Farmers Institute and Agricultural Alliance
Anne Macey, Island Natural Growers and Agricultural Alliance
Deborah Miller, Transition Salt Spring and Agricultural Alliance
Anna Pugh, SSI Chamber of Commerce and Agricultural Alliance
One member 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 5:13 p.m. He welcomed everyone to a Special meeting of the Salt Spring Island Local Trust Committee and introduced himself, Trustee Patrick and staff. Chair Peterson humbly stated gratitude to live and work in Coast Salish First Nations territory.

2. APPROVAL OF AGENDA

The following item was presented for inclusion in the agenda:

4. Next Meeting Date

By general consent, the agenda was adopted as amended.

3. DISCUSSION OF AGRICULTURAL PRIORITIES

This meeting is an opportunity for the Salt Spring Island Local Trust Committee (LTC) to have a discussion with the members of the Salt Spring Island Agricultural Advisory Planning Commission (AAPC) and representatives of the Salt Spring Island Agricultural Alliance on agriculture related issues. RPM Hutton reported the LTC is currently working on the Official Community Plan (OCP) and Land Use Bylaw (LUB) update project and highlighted improving the housing situation, improving engagement with First Nations, acknowledging climate change and the Islands Trust Policy Statement changes. The LTC received \$150,000 Complete Communities Funding and staff is in the process of awarding a Complete Community Assessment Request for Proposals (RFP) to provide comprehensive data collection, analysis, and geospatial studies of the Local Trust Area.

In discussion the following items were noted:

- The Agricultural Alliance sent a letter to the LTC dated July 7, 2022 regarding composting regulations in Bylaw 355 and it included a recommendation that Bylaw 355 be revised to include “Composting of agricultural waste, where at least 50 per cent of the compost produced is used on-site, is a permitted use in all zones that permit agriculture”. The composting regulations in Bylaw 355 do not reflect what is actually happening. Concern was expressed that the letter was not acknowledged. RPM Hutton advised there is a need to identify agricultural scale composting;
- Clean water, air and healthy food are essential for life and need to be considered in decision-making. Agriculture must be considered in discussions regarding housing, climate change and water availability;
- There was a question regarding whether there has been uptake of farmworker housing within the Agricultural Land Reserve (ALR) since the AAPC made recommendations to increase farmworker housing as part of the 2020 Salt Spring Island Area Farm Plan Renewal. Trustee Patrick advised farmworker housing recommendations were incorporated into Bylaw 526;
- There was a question regarding the plan to protect farmland from the pressure of non-agricultural uses. RPM Hutton advised farming is a light industrial activity and the LUB needs to keep up with agricultural policy changes;
- Will the Islands Trust provide information to the agricultural sector regarding impacts of housing regulation changes on farmland and the pressures on agricultural land that puts agricultural values at risk;
- Trustee Patrick reported the Province is requiring a Housing Needs Assessment. The Regional Planning Committee has been working on ensuring that the formula for the Housing Needs Assessment will meet the needs of the island communities. Agricultural housing data should be included in the Housing Needs Assessment and the last Housing Needs Assessment was completed by the CRD and did not include agriculture housing as a separate item;
- Bylaw 526 brought several properties into compliance and the uptake is difficult to measure;
- Seasonal housing regulations for farmer worker housing is a challenge as the farming season is year-round;
- There was a comment that there is a need for industrial zones;
- Trustee Patrick reported Former UBC Sauder School of Business Dean Daniel Muzyka has spoken to how industrial zones are necessary for a healthy island community. Trustee Patrick expressed that the LTC needs to do a better job to preserve and protect industrial zoned areas to support the island community;

- There was a comment that it is easier to put commercial, industrial and recreational uses on farmland because it is flat and cautioned against using farmland for other uses. It was noted the Rainbow Road Indoor Pool is located on farmland and the new fire hall property was a dairy farm in the past;
- Low income, workforce housing and farmworker housing need to be accommodated while protecting farmland for food security;
- The 2007 SSI Area Farm Plan included a provision for compensation for any loss of ALR and it is important that land that is added into the ALR is good quality for farming;
- Trustee Patrick asked if there is a benefit to reconcile and do a no-net loss or increase update of farmland on SSI. Support was expressed that there is support in the agricultural community for an assessment of farmland on SSI;
- There is a small agricultural base for the population on SSI. Adding agricultural land should include consideration of access to water and soil fertility;
- The OCP should identify priority areas with greatest to least agricultural potential;
- There was a question regarding whether there is an estimated lifespan for an OCP. RPM Hutton advised there is no set timeline for OCP's although best practice is to include a 20-year timeline and some communities include an action plan to track OCP goals with 5-year reviews;
- Chair Peterson advised a 20-year OCP may not keep up to changes in technologies;
- Will the LTC keep the agricultural community informed through the OCP/LUB project. RMP Hutton advised the OCP/LUB project charter would include a formalized engagement and referral process with the Agricultural community.
- The Complete Communities Assessment report must be completed before the end of August 2024 and preliminary results may be available in May 2024;
- The Provincial government has announced an \$83 Million fund to help farmers dig water retention ponds.

4. NEXT MEETING

By general consent, the Salt Spring Island Local Trust Committee agreed to schedule three meetings per year with the Agriculture Community representatives and schedule the next meeting in late May or early June 2024.

5. ADJOURNMENT

By general consent the meeting adjourned at 6:20 p.m.

Timothy Peterson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



Salt Spring Island Local Trust Committee Minutes of Regular Meeting

Date: Thursday, March 7, 2024

Location: Meaden Hall
120 Blain Road, Salt Spring Island

Members Present: Peter Luckham, Alternate Chair
Jamie Harris, Local Trustee
Laura Patrick, Local Trustee

Staff Present: Chris Hutton, Regional Planning Manager (RPM)
Jason Youmans, Island Planner
Charly Caproff, Planner 1 (Zoom)
Warren Dingman, Bylaw Compliance and Enforcement Manager (BCEM)
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 Salt Spring Island Local Community Commission (LCC) Chair
Approximately 6 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

Alternate Chair Luckham called the meeting to order at 9:38 a.m. He welcomed everyone to a meeting of the Salt Spring Island Local Trust Committee and introduced himself, the Trustees and staff. Chair Luckham 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

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

CRD Southern Gulf Islands (SGI) Electoral Area Alternate Director Robert Fenton advised he represents a client who is being evicted out of a trailer and is planning to move due to lack of available housing. Alternate CRD SGI Director Fenton suggested that trailers are providing

affordable housing during the housing crisis and Trustees should acknowledge trailers are being used as such. CRD SGI Director Fenton strongly urged the LTC to take action and offered support to help with the issue.

Transition Salt Spring Board Chair Bryan Young presented a submission entitled “Transition Salt Spring Position on Staff Report and Appendices being considered by LTC on March 7, 2024 LTC File Number 6500-20: SSI OCP LUB Update Project” and highlighted that Transition Salt Spring commends staff for work done on this complex project, supports an Official Community Plan update rather than a wholesale review, and recommends that housing should be considered interdependent with First Nations interests, ecosystem integrity and climate change resiliency. Transition Salt Spring made several recommendations regarding the consultation and engagement phase and requested the LTC review the submission and ensure that civil society plays an important role in the Official Community Plan / Land Use Bylaw update review project process.

Clean and Safe Harbours Initiative (CASHI) representative Glen Stevens requested the LTC to make clean and safe harbours a priority project as harbours fit within the Islands Trust mandate to preserve the environment and protect amenities. Mr. Stevens reported CASHI made recommendations to the LTC in June 2023, the LTC directed staff to conduct a review and the review has not been completed.

A member of the public asked whether the LTC is aware of bylaw enforcement against bed & breakfast short-term vacation rentals operated out of seasonal cottages despite the fact that the Land Use Bylaw includes a provision for seasonal cottages to be used as home based businesses. The member of the public requested the LTC to provide clarity to bylaw enforcement on how to interpret the bylaws.

4. DELEGATIONS - None

5. TRUSTEE REPORTS

Trustee Patrick presented the following report:

- Trustee Patrick presented a Ruth Bader Ginsburg quote “Women belong in all places where decisions are being made” in honour of International Women’s Day on March 8th;
- Acknowledged the SSI Film Festival Board and screening committee for bringing interesting movies to the island. Trustee Patrick spoke to the **CELÁNENS TTE TETÁCES (WSÁNEĆ** Homelands of the Southern Gulf Islands) film’s message of reconcili-action;
- Reported the LTC directed staff to enter into interim protocol agreements with First Nations for meaningful and respectful engagement and develop an indigenous relations approach for the OCP/LUB update project in March 2023. Trustee Patrick expressed gratitude to staff for work on laying the groundwork for reconciliation within the highly complex jurisdiction of islands. The Province provided \$150,000 to support the entire Islands Trust area in First Nations reconciliation;
- Regional Planning Committee advanced a Project Charter to Executive Committee regarding resolving bylaw enforcement matters efficiently and with minimal conflict by reviewing and amending Islands Trust bylaw enforcement policies and procedures to be administratively fair, reasonable and transparent with the aim of restoring public confidence;
- Attended CAO Hiring Committee meetings regarding CAO Hotsenpiller’s retirement and an RFP for a recruiting consultant to assist with the CAO hiring process;

- Attended Finance Committee meetings regarding draft budget recommendations;
- Attended Governance Committee meetings regarding the Governance Review report;
- Attended an LTC special meeting with the agricultural community and noted the LTC needs to follow up on a letter from the SSI Agricultural Alliance received in July 2022;
- Attended a meeting with SS chapter of the Canadian Federation of University Women;
- Attended a meeting with Earl Rook regarding items of mutual interest;
- Attended a presentation hosted by Culturally Connected on Remembering Keegan: a BC First Nations Case Study Reflection;
- Attended a meeting with the BC Chapter of Tiny Homes that continues to lobby for building codes for tiny homes.

6. CHAIR'S REPORT

Alternate Chair Luckham reported the next Trust Council meeting will be held March 12 to 14, 2024 in Nanaimo.

Trustee Harris left the meeting at 9:58 a.m.

7. CRD DIRECTOR'S REPORT

CRD Salt Spring Island LCC Chair Earl Rook presented the following report:

- The LCC finalized the 2024 draft budget;
- The LCC has adopted a 2024 meeting schedule that includes one evening meeting and one daytime meeting each month;
- The Ganges Harbourwalk Steering Committee has been reconstituted and will have first meeting on March 11, 2024;
- The LCC is working on the Portlock Park Master Plan;
- LCC is hosting an all-stakeholders meeting regarding housing on April 8, 2024;
- Chair Rook thanked the LTC for requesting regular meetings with the LCC;
- The LCC has reached out to the Islands Trust regarding potential office space for the Islands Trust office at the Salt Spring Island Multi Space (SIMS) building.

Trustee Harris returned to the meeting at 10:08 a.m.

CRD Salt Spring Island Electoral Area Director Gary Holman presented the following report:

- There is a CRD service working on improving harbour management;
- Central Saanich decided against entering into a license of occupation for Brentwood Bay/Saanich Inlet area due to liability concerns;
- The CRD 2024 draft budget proposes a 7% tax requisition increase due to inflation and consumer price index, wages and salaries, Salt Spring Island Multi Space (SIMS) building operating costs and services impacted by the COVID pandemic such as Transit and the Rainbow Road Indoor Pool;
- Salt Spring Island's share of CRD regional costs were reduced based on reduced property tax assessment values;
- The LCC directed staff to review co-locating government office space in the SIMS building. The CRD and Islands Trust pay combined commercial rent of approximately \$140,000 annually for their office spaces and the rental costs could offset operating costs for the SIMS building;

- The LCC is planning a stakeholder meeting regarding housing on April 8, 2024;
- The CRD alternate approval process for 85 million dollar Regional Housing First Borrowing Bylaw for affordable housing was approved;
- Ten properties on SSI are designated or zoned for affordable housing that has not yet been built;
- An announcement regarding the Drake Road supported housing project is expected soon;
- ASK Salt Spring will host Director Holman and LCC Chair Rook on March 8, 2024;
- The Province announced 10 million funding to North Salt Spring Waterworks District (NSSWD) to fund raising the St. Mary Lake weir to store more water. Raising the St. Mark Lake weir could impact the NSSWD moratorium on new water connections and the housing issue.

8. PREVIOUS MEETINGS

8.1 Draft Minutes of the Salt Spring Island Local Trust Committee

8.1.1 Draft Minutes of the February 15, 2023 SSI LTC Regular Meeting

The following items were presented for consideration:

- Replace “At the 2023 Union of BC Municipalities (UBCM) Housing Summit, the Province announced plans to improve housing in every community in BC although Salt Spring Island was not included in the new legislation” with “At the 2023 Union of BC Municipalities (UBCM) Housing Summit, the Province announced plans to improve housing in every community in BC”;
- Replace “Trustees expressed support to include Salt Spring Island in Bill 44” with “Trustees expressed support to include Salt Spring Island in the density provisions in Bill 44”;
- Remove “It was noted that the CRD and Islands Trust presented.”;
- Replace “LOCAL TRUST COMMITTEE” with “Local Trust Committee”.

By general consent, the minutes of February 15, 2023 Salt Spring Island Local Trust Committee Regular meeting were adopted as amended.

8.2 Resolutions Without Meeting Report – None

8.3 Draft Minutes of the Advisory Planning Commissions - None

9. CORRESPONDENCE

9.1 M. Chandler to LTC - Dated 8 Feb 2024 - Regarding affordable housing grant

9.2 B. Houser to LTC - Dated 9 Feb 2024 - Regarding potential rezoning of 130 Blackburn Road

9.3 A. Water to LTC - Dated 14 Feb 2024 - Regarding Cannabis Cultivation and Processing License Submission Notice

9.4 Transition Salt Spring Native Plant Stewardship Group to CRD - Dated 14 Feb 2024 - Regarding the future of Invasive Plant Drop-Offs

The correspondence items were received.

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-Up Action List dated February 2024

In discussion the following items were noted:

- RPM Hutton reported the Islands Trust office will be closed on Wednesdays due to staff shortages and preparations for the upcoming move of the Islands Trust office;
- A Trustee expressed concerns that motions with incomplete actions have dropped off the Follow Up Action List (FUAL). RPM Hutton reported the FUAL report has a 6-month timeline and a full FUAL report is due to be presented to the LTC;
- A Trustee spoke to issues in Centennial Park including loose dogs and drinking in the park and expressed support to make Ganges Harbour a priority;
- A Trustee expressed concern that the Proof of Water – Subdivision Project should not be a priority when there is a housing crisis and a crisis in Ganges Harbour;
- Trustees expressed a collaborative inter-agency approach to harbour management as vessels move to new areas.

The report was received.

The meeting moved in camera at 10:43 a.m. and returned to the regular meeting at 11:20 a.m. See item 17. The meeting recessed for a lunch break at 11:23 a.m. and reconvened at 12:00 p.m.

11. COMMUNITY INFORMATION MEETING - None

12. PUBLIC HEARING – None

13. APPLICATIONS AND REFERRALS

13.1 SS-DVP-2023.18 - B. Reeve - 103 Tantramar Drive, SSI

Planner Caproff presented a staff report dated March 7, 2024 regarding a development variance permit application to reduce the minimum front lot line setback of 7.5 meters to permit an existing garage, stairs, and a rock wall extension within 0.0 m meters of the front lot line; reduce the natural boundary of the sea setback to permit existing deck, stairs, and bench; and reduce the natural boundary of the sea setback to permit an existing septic field replacement.

Applicant Bryan Reeve spoke to the application.

SS-2024-016

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.18 (103 Tantramar Drive).

CARRIED

13.2 SS-SUB-2024.1 - K. Ferguson - 1001 Fulford-Ganges Road, SSI

Planner Caproff presented a staff report dated March 7, 2024 regarding a partial discharge of S. 219 Restrictive Covenant and S. 218 Statutory Right of Way Agreement FA101951 for 457.8 m2 of land adjacent to Fulford-Ganges Road for the purposes of land acquisition and road dedication by the Ministry of Transportation and Infrastructure.

SS-2024-017

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee support partial discharge of S. 219 Conservation Covenant and S. 218 Statutory Right of Way Agreement FA101951 and designate a Trustee of the Salt Spring Island Local Trust Committee to attend to the execution of the Application to Deposit Plan EPP134116 (1001 Fulford-Ganges Road).

CARRIED

SS-2024-018

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request that the applicant provide Salt Spring Island Local Trust Committee with the final plan of subdivision once received (1001 Fulford-Ganges Road).

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Official Community Plan - Land Use Bylaw: Project Terms of Reference

Planner Youmans presented a staff report dated February 27, 2024 regarding the Terms of Reference for the project.

In discussion the following items were presented:

- Increasing Housing and housing equity is the priority and will be within the context of Indigenous reconciliation, ecosystem integrity and climate change resiliency;
- The project will build on the content of the existing Official Community Plan (OCP) and Land Use Bylaw (LUB);
- A Trustee expressed support to prioritize amending the housing section of the OCP to provide housing as soon as possible;
- A Trustee noted one of the goals is to provide confidence in the process and the LTC has the opportunity to ensure the full community is represented;
- A Trustee expressed concerns that updating existing development permit areas and considering new development permit areas should not be included in the project scope as it would potentially make it more difficult to increase housing;
- A Trustee expressed support for a project-based Advisory Planning Commission to build confidence in the project;
- A Trustee expressed support for staff to do the work and not have an advisory body for the OCP/LUB project update as an Advisory Body would slow the process down;

- There was discussion regarding First Nations advisory to coordinate First Nations engagement. A Trustee spoke to a past resolution that allocated project funding to develop an indigenous relations approach. Planner Youmans reported the Ministry of Municipal Affairs and Housing response on First Nations engagement is to engage early, and throughout the process and demonstrate to the Province that the LTC has addressed the issues or demonstrate that the LTC engaged to address the issues. The Province suggested that timelines should accommodate the needs the First Nations. RPM Hutton added that staff would engage the Ministry early in the project process regarding First Nations engagement strategy. A Trustee noted First Nations coordination is important to set the project up to succeed. For example, the letter received from Cowichan Nation Alliance dated May 11, 2021 regarding Ganges Village Planning is important to consider early in the project;
- A Trustee noted a procurement schedule is missing from the project timeline;
- A Trustee noted the public engagement plan needs to be communicated early;
- A Trustee expressed support for a suitable land analysis;
- A Trustee thanked staff for the level of detail in the staff report.

SS-2024-019

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee create a new special Advisory Planning Commission for the OCP-LUB Update Project.

CARRIED

Trustee Harris Opposed

SS-2024-020

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee direct staff to provide a draft Project Charter based on the discussions on the Terms of Reference in Appendix 1.

CARRIED

Trustee Harris Opposed

SS-2024-021

It was MOVED and SECONDED,

That the Salt Spring Island Trust Committee direct staff to provide a draft scope of services for review and comment for a planning consultant to undertake the work specified in the Terms of Reference in Appendix 1 as discussed and the OCP-LUB Update Project Business Case.

CARRIED

Trustee Harris Opposed

SS-2024-022

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee direct staff to provide a draft community engagement strategy for the OCP-LUB Update Project.

CARRIED

Trustee Harris Opposed

14.2 Official Community Plan - Land Use Bylaw: Complete Communities Assessment

Planner Youmans presented a memorandum dated February 27, 2024 regarding Complete Communities Assessment Project Engagement.

In discussion the following items were noted:

- A Trustee noted the Complete Communities Assessment is the beginning of the OCP/LUB project update and needs to be communicated clearly;
- A Trustee expressed support to define what is a complete community within an island context;
- A Trustee expressed support to use community groups, possibly a survey and for language that fits our island community.

The meeting recessed at 2:09 p.m. and reconvened at 2:13 p.m.

14.3 Proposed Bylaw No. 537 - Accessory Dwelling Units

RPM Hutton presented a staff report dated February 28, 2024 regarding Proposed Bylaw No. 537 – Accessory Dwelling Units.

In discussion the following items were noted:

- A Trustee asked for clarification regarding a letter sent to the Tsawout First Nation dated July 12, 2023. Trustee Patrick reported she sent a letter to Tsawout First Nation to congratulate Chief Pelkey and attended a meeting where there was a suggestion to host a feast with all thirteen First Nations that have interests in the Local Trust Area. RPM Hutton reported the LTC received \$150,000 grant for First Nations relationship building;
- Trustee Harris requested that it be recorded that he did not participate in the letter sent to the Tsawout First Nation dated July 12, 2023 and did not approve for the LTC to host a potlatch. Chair Luckham advised he will set the record straight with the Tsawout First Nation;
- Trustees expressed support to schedule a meeting with Tsawout Chief and Council prior to adoption of Bylaw 537;
- A Trustee expressed support to defeat Bylaw 537 as it does not go far enough to increase housing and bring back Bylaw 530 with a new Bylaw number.

SS-2024-023

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to schedule a meeting with the LTC and Tsawout First Nation Leadership.

CARRIED
Trustee Harris Opposed

15. NEW BUSINESS - None

16. REPORTS

16.1 Policy and Standing Resolutions List

SS-2024-024

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to draft a revision to the standing resolution on Unlawful Dwellings on page 133 of the agenda package.

CARRIED

The report was received.

16.2 Future Projects Report dated March 2024

The report was received.

16.3 Active Projects Report dated March 2024

The report was received.

16.4 Applications with Status Report dated March 2024

The report was received.

16.5 Expense Report dated January 2024

The reports were received.

16.6 Islands Trust Conservancy Board Report – None

17. CLOSED MEETING

17.1 Motion to Close the Meeting

SS-2024-025

At 10:43 a.m., **It was MOVED and SECONDED**, the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Section 90 (1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following: (j) information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act; and that staff be invited to remain.

CARRIED

SS-2024-026

At 11:22 a.m., **It was MOVED and SECONDED** that the Salt Spring Island Local Trust Committee re-open this meeting to the public subject to Section 89 of the Community Charter.

CARRIED

17.2 Rise and Report

The draft minutes of November 16, 2023 and December 14, 2023 were adopted and bylaw enforcement files SS-BE-2021.110 and SS-BE-2021.96 were closed.

18. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled on April 11, 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 3:00 p.m.

Peter Luckham, Acting Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder

Federal Court



Cour fédérale

Date: 20240308

Docket: T-1107-23

Citation: 2024 FC 395

Ottawa, Ontario, March 8, 2024

PRESENT: The Honourable Mr. Justice Fothergill

BETWEEN:

JULIAN CLARK

Applicant

and

ATTORNEY GENERAL OF CANADA, ISLANDS TRUST SALT SPRING ISLAND
LOCAL TRUST COMMITTEE, ROGERS COMMUNICATIONS INC, CAPITAL
REGION EMERGENCY SERVICE TELECOMMUNICATIONS, AND CYPRESS
LAND SERVICES

Respondents

JUDGMENT AND REASONS

I. Overview

[1] Julian Clark is a resident of Salt Spring Island, British Columbia. He lives within 120 metres of a telecommunication tower [Tower] constructed by Rogers Communications Inc [Rogers] in 2023.

[2] Construction of the Tower was approved by the Minister of Innovation, Science and Economic Development [Minister or ISED] with the concurrence of the Salt Spring Island Local Trust Committee [Local Committee]. In response to pressure from members of the community, including Mr. Clark, the Local Committee purported to rescind its concurrence on March 22, 2022.

[3] ISED rejected the Local Committee's attempt to rescind its concurrence on the ground that Rogers had successfully completed the necessary public consultation preceding the Minister's approval. The Local Committee asked ISED to engage in dispute resolution to resolve the "impasse", but this was rejected on similar grounds.

[4] Mr. Clark seeks judicial review of ISED's refusal to engage in dispute resolution. The Local Committee filed a Notice of Appearance in this proceeding indicating that it intended to oppose the application. Shortly before this matter was scheduled to be heard, counsel for the Local Committee informed the Court and the parties that it would take no position on the application for judicial review.

[5] For the reasons that follow, Mr. Clark lacks standing to challenge ISED's refusal to engage in dispute resolution. Furthermore, ISED's refusal to engage in dispute resolution was reasonable. The application for judicial review is dismissed.

II. Background

A. *The Parties*

[6] For the past few years, Mr. Clark has been at the forefront of community opposition to construction of the Tower near his home on Salt Spring Island. His opposition has consisted of community organizing, lobbying of the Minister, Local Committee and Rogers, and direct action, including protests to block construction of the Tower.

[7] The Minister is responsible for the administration of the *Radiocommunication Act*, RSC 1985, c R-2 [Act]. Under s 5 of the Act, the Minister may approve sites on which radio apparatus, including antenna systems, may be located, and the erection of all masts, towers and other antenna-supporting structures:

5 (1) Subject to any regulations made under section 6, the Minister may, taking into account all matters that the Minister considers relevant for ensuring the orderly establishment or modification of radio stations and the orderly development and efficient operation of radiocommunication in Canada,
...

(f) approve each site on which radio apparatus, including antenna systems, may be located, and approve the erection of all masts, towers and other antenna-supporting structures; ...

5 (1) Sous réserve de tout règlement pris en application de l'article 6, le ministre peut, compte tenu des questions qu'il juge pertinentes afin d'assurer la constitution ou les modifications ordonnées de stations de radiocommunication ainsi que le développement ordonné et l'exploitation efficace de la radiocommunication au Canada :

...

f) approuver l'emplacement d'appareils radio, y compris de systèmes d'antennes, ainsi que la construction de pylônes, tours et autres structures porteuses d'antennes; ...

[8] The Local Committee was established in 1974 under the British Columbia *Islands Trust Act*, RSBC 1996, c 239. The Islands Trust Area encompasses the islands and waters between the BC mainland and southern Vancouver Island, including Howe Sound and north to Comox.

[9] Rogers is a federally regulated national cellular telephone network provider. It holds a number of spectrum licences for the use of frequencies on Salt Spring Island.

[10] Capital Region Emergency Service Telecommunications Inc [CREST] is an emergency communications network for the Capital Region of British Columbia, which includes Salt Spring Island. CREST's network is used by the Royal Canadian Mounted Police, the British Columbia Ambulance Service, British Columbia Conservation Officer Services, and local fire and emergency coordinators to ensure effective communications in urgent situations.

[11] Cypress Land Services Inc [Cypress] was retained by Rogers to assist with the process preceding the Minister's approval of its application to construct the Tower on Salt Spring Island.

B. *The Antenna Siting Policy*

[12] A proponent who wishes to construct a telecommunication tower must ordinarily comply with ISED's Client Procedures Circular CPC-2-0-03 [Circular]. The Circular requires that the proponent complete a public consultation process, unless one of the exclusions applies.

[13] Public consultation is conducted through the local Land Use Authority [LUA]. If the LUA has a consultation procedure, then that will be followed. Otherwise, the Circular provides a default procedure.

[14] Under s 4.3 of the Circular, public consultation is considered to be complete when the proponent has: (a) concluded its consultation with the LUA; (b) engaged in public consultation in accordance with the LUA's procedure or the Circular's default procedure; and (c) addressed "all reasonable and relevant concerns".

[15] According to s 4.2 of the Circular:

Examples of concerns that proponents are to address may include:

- Why is the use of an existing antenna system or structure not possible?
- Why is an alternate site not possible?
- What is the proponent doing to ensure that the antenna system is not accessible to the general public?
- How is the proponent trying to integrate the antenna into the local surroundings?
- What options are available to satisfy aeronautical obstruction marking requirements at this site?
- What are the steps the proponent took to ensure compliance with the general requirements of this document, including the *Impact Assessment Act*, Safety Code 6, etc.?

Concerns that are not relevant include:

- disputes with members of the public relating to the proponent's service, but unrelated to antenna installations
- potential effects that a proposed antenna system will have on property values or municipal taxes

- questions whether the *Radiocommunication Act*, this document, Safety Code 6, locally established by-laws, other legislation, procedures or processes are valid or should be reformed in some manner

[16] Dispute resolution is addressed in s 5 of the Circular:

The dispute resolution process is a formal process intended to bring about the timely resolution where the parties have reached an impasse.

Upon receipt of a written request from a stakeholder other than the general public asking for ISED intervention concerning a reasonable and relevant concern, ISED may request that all involved parties provide and share all relevant information. ISED may also gather or obtain other relevant information and request that parties provide any further submissions if applicable. ISED will, based on the information provided, either:

- make a final decision on the issue(s) in question, and advise the parties of its decision or
- suggest the parties enter into an alternate dispute resolution process in order to come to a final decision; should the parties be unable to reach a mutually agreeable solution, either party may request that ISED make a final decision

Upon resolution of the issue under dispute, the proponent is to continue with the process contained within this document as required.

C. *The Tower Project*

[17] In or around 2015, Rogers identified an opportunity to improve cellular coverage on Salt Spring Island and the surrounding area. TELUS, another cellular telephone network provider, had previously constructed a telecommunication tower on the island. However, Rogers considered the existing tower to be incapable of supporting the latest hardware to improve network quality.

[18] At the same time, CREST was seeking to remedy a gap in its coverage on the northwest side of Salt Spring Island. This gap hampered the effective response of emergency services in the area. CREST also considered co-location with the TELUS tower, but found this to be inadequate.

[19] In 2020, Rogers and CREST began planning the construction of the new Tower beside the existing TELUS tower. The Tower would be taller and capable of supporting Rogers' new hardware.

D. *The Consultation and Approval Process*

[20] On May 6, 2020, Cypress enquired whether the Local Committee had a consultation process that might replace the default procedure provided by the Circular. The Local Committee responded on May 11, 2020:

[...] the short answer to your question is no, the [Local Committee] has not adopted a telecommunication policy that would replace the consultation methods as outlined in the CPC. However, there are some guideline documents that have been produced that may be of use to you [...]

[21] According to an information package prepared by Cypress on November 19, 2020, titled "ROGERS Telecommunications Facility Proposal":

The Islands Trust does not have an adopted telecommunications policy applicable to privately owned land, although they do have a draft Model Public Consultation Protocol for Local Trust Areas and have recommended that the draft protocol and additional consultation be followed. Please consider this Information Package the Pre-consultation stage with Islands Trust. Once comments from Island Trust are received, an Application Submission will be

required. As we understand it, the Public Consultation process will include all property owners and residents with a notification distance of 10 metres for every one metre in height for the structure (those within 40 metres), 1000 metre notification to neighbouring land-use jurisdictions, emergency service providers, school districts and a Newspaper notice in at least two editions of a local newspaper. A public Information Meeting may be required, which may be augmented with an online forum.

[22] The default procedure is set out in s 4.2 of the Circular, and contemplates that a proponent:

1. provides written notification to the public, the land-use authority and Industry Canada of the proposed antenna system installation or modification (i.e. public notification);
2. engages the public and the land-use authority in order to address relevant questions, comments and concerns regarding the proposal (i.e. responding to the public); and
3. provides an opportunity to the public and the land-use authority to formally respond in writing to the proponent regarding measures taken to address reasonable and relevant concerns (i.e. public reply comment).

[23] Rogers determined that it should notify property owners within a distance of ten times the tower height. This exceeded the requirements of both the Circular's default procedure and the Local Committee's draft procedure. Rogers allocated approximately five weeks for public comment, which exceeded the minimum time period of 30 days.

[24] Information was sent to property owners on March 5, 2021, and a notice of public consultation was placed in a local newspaper. More than 400 pieces of correspondence, including initial comments and questions, as well as responses to the answers provided, were submitted during the consultation process. All input was anonymized when submitted to the

Court, so it is unclear whether Mr. Clark participated. However, it appears he had an opportunity to do so.

[25] Rogers sought the Local Committee's concurrence on May 31, 2021. The request for concurrence stated that Rogers and CREST had completed the public consultation process following the Local Committee's draft procedure, but both parties now maintain this was an error. In fact, Rogers followed the Circular's default procedure with additional elements taken from the Local Committee's draft procedure, as confirmed by the Local Committee at the time.

[26] The request for the Local Committee's concurrence included a description of the steps Rogers had taken to notify and consult members of the public; a summary of the comments received and Rogers' responses; and CREST's statement of support for the project.

[27] A staff report prepared for the Local Committee dated July 27, 2021 stated that: "[...] the proponent has undertaken an enhanced consultation, using the default ISED CPC-2-0-03 protocol as well as guidelines extracted from the Model Strategy for Antenna Systems [...]". The Local Committee granted concurrence at a meeting on July 27, 2021, and confirmed this in writing to Rogers and the Minister by letter dated August 19, 2021.

E. *Concerned Residents of Canvasback*

[28] In the summer of 2021, a group calling themselves "Concerned Residents of Canvasback" [Concerned Residents], named for the road on which the Tower was to be built,

joined together to express opposition to the project. Mr. Clark was an active member of the group.

[29] On December 13, 2021, the law firm Beddoes Litigation sent a letter to ISED asking that its approval of the Tower site be delayed pending further steps and investigations by the Concerned Residents, “which may include seeking a public law remedy via judicial review”. The Concerned Residents claimed that their reasonable and relevant concerns about the Tower were not properly addressed by the Local Committee and Rogers; there were serious deficiencies in the process; and Rogers had made materially false assertions to the Local Committee in order to obtain its concurrence.

[30] In correspondence dated February 8, 2022, ISED informed Beddoes Litigation that it had reviewed the public consultation process and was satisfied that all necessary regulatory requirements had been met. The Concerned Residents did not seek judicial review of this determination.

[31] On April 6, 2022 the Local Committee informed ISED and Rogers that it had voted to rescind its support for the Tower on March 22, 2022. ISED conducted another review of the consultation process and met with the Local Committee a number of times.

[32] By letter dated May 17, 2022, ISED responded to the Local Committee as follows:

Please be informed that our office does not support your decision to rescind the concurrence.

Since the issuance of concurrence, by the Salt Spring Island Local Trust Committee (SS LTC), the only change in circumstances is the SS LTC's November 9, 2021 adoption of a new antenna siting protocol. Given the date of the policy adoption, it is not to be retroactively applied.

Our review of the conduct of the consultation process also found that Rogers was in compliance with Innovation Science and Economic Development's default process. SS LTC's July 27, 2021 concurrence also implied its satisfaction with how the process was conducted and its conclusion.

[33] The Local Committee did not seek judicial review of ISED's determination that Rogers had complied with the default process prescribed by the Circular.

[34] On July 7, 2022, Rogers hosted a virtual town hall and attempted to answer residents' outstanding questions regarding the Tower. Rogers hoped to begin construction of the Tower on July 25 and finish by September 20, 2022. However, in July and August some of the Concerned Residents protested at the intersection leading to the proposed site and blocked construction. Rogers postponed construction to March 2023.

F. *The Request for Dispute Resolution*

[35] On November 8, 2022, the Local Committee informed ISED and Rogers that it had passed a resolution rescinding its concurrence with the construction of the Tower. The Local Committee requested dispute resolution in accordance with the Circular.

[36] Following an election and change in the composition of the Local Committee, the new Chair wrote to ISED and Rogers on February 14, 2023 confirming the resolution to rescind concurrence. The Local Committee continued to object to Rogers' adherence to the default procedure for public consultation, rather than the draft procedure prepared by the Local Committee.

[37] On April 4, 2023, the Local Committee formally requested dispute resolution under s 5 of the Circular regarding its decision to rescind its concurrence with the Tower proposal.

III. Decision Under Review

[38] ISED's decision was communicated to the Local Committee on April 27, 2023, and reads in relevant part:

After reviewing your request, ISED has determined that a dispute resolution process is not warranted for the proposed tower. In making this decision, ISED relied on information provided by both the proponent and LUA to address the concerns identified in your recent letter:

- In May 2020, the LUA confirmed that it had not adopted a relevant telecommunications tower public consultation process and that the default public consultation process in the CPC should be used.
- In early 2021, at the request of the LUA, Rogers agreed to go beyond the minimum requirements of the CPC by increasing the notification area and including additional stakeholders.

In May 2021, after the consultation, Rogers sent a request for concurrence to the LUA which the LUA provided via a written letter dated August 19, 2021. In light of the above, ISED has determined that Rogers successfully completed the consultation

process for this site proposal, by satisfying ISED's Default Public Consultation Process pursuant to Section 4 of the CPC.

The Dispute Resolution Process under Section 5 of CPC-2-0-03 is only applicable when Land-Use Authorities and tower proponents have reached an impasse regarding an ongoing public consultation. Since the relevant consultation process was successfully completed in the summer of 2021, ISED will not take steps to commence a Dispute Resolution Process in accordance with your request.

IV. Issues

[39] This application for judicial review raises the following issues:

- A. Does Mr. Clark have standing to bring this application?
- B. Was ISED's decision reasonable?
- C. Was ISED's decision procedurally fair?

V. Analysis

A. *Does Mr. Clark have Standing to Bring this Application?*

[40] Subsection 18.1(1) of the *Federal Courts Act*, RSC 1985, c F-7 provides as follows:

An application for judicial review may be made by the Attorney General of Canada or by anyone directly affected by the matter in respect of which relief is sought.

Une demande de contrôle judiciaire peut être présentée par le procureur général du Canada ou par quiconque est directement touché par l'objet de la demande.

[41] Mr. Clark claims to have standing to bring this application as someone “directly affected” by any decision the Court may make. In the alternative, he says he has public interest standing.

[42] For a party to be “directly affected” by an application for judicial review, the matter must be one that has the potential to adversely affect the party’s legal rights, to impose legal obligations on the party, or to prejudicially affect the party directly (*Soprema Inc v Canada (Attorney General)*, 2021 FC 732 at para 28).

[43] The Circular limits the ability to request dispute resolution to “a stakeholder other than the general public”. Mr. Clark is not a “stakeholder” as defined in the Circular, but a member of the general public.

[44] If the application for judicial review were to succeed, then the result would ordinarily be an order requiring ISED to reconsider the refusal to engage in dispute resolution. If ISED were to initiate dispute resolution, then the affected parties would be Rogers, CREST and the Local Committee. Mr. Clark would have no right to participate in the dispute resolution, except to the limited extent that he and other members of the public could prevail on the Local Committee to advance their interests. The process would not adversely affect his legal rights, impose legal obligations on him, or prejudicially affect him directly.

[45] The Circular provides in s 5 that, as an alternative to dispute resolution process, the Minister or ISED may “make a final decision on the issue(s) in question, and advise the parties of its decision”. Again, this would not affect Mr. Clark’s legal rights, impose legal obligations on

him or prejudicially affect him directly in the legal sense. His interest is limited to his role as a member of the public. Like other members of the public, his interests are represented in this matter by the Local Committee.

[46] Mr. Clark notes that in *Petukhov v Canada (Attorney General)*, 2020 FC 580 [*Petukhov*], no question was raised regarding the standing of members of the public to challenge the Minister's approval of an application by a cable television and telecommunications company to construct an antenna tower. Justice Richard Bell did not directly address the question of standing in that decision, which concerned an allegation of inadequate public consultation.

[47] ISED and Rogers say this application for judicial review is distinct from the one contemplated in the correspondence from Beddoes Litigation. That application, if it had been commenced, would have more closely resembled the one in *Petukhov*, and might not have raised the same concern about standing. I agree.

[48] Mr. Clark also claims to have public interest standing. The test to determine whether a party has public interest standing is the following (*Canada (Attorney General) v Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45 [*Downtown Eastside*] at para 37):

In exercising the discretion to grant public interest standing, the court must consider three factors: (1) whether there is a serious justiciable issue raised; (2) whether the plaintiff has a real stake or a genuine interest in it; and (3) whether, in all the circumstances, the proposed suit is a reasonable and effective way to bring the issue before the courts. [...] The plaintiff seeking public interest standing must persuade the court that these factors, applied purposively and flexibly, favour granting standing. All of the other

relevant considerations being equal, a plaintiff with standing as of right will generally be preferred. [Citations omitted]

[49] In *Downtown Eastside*, the Supreme Court of Canada acknowledged the concern for conserving scarce judicial resources and the need to screen out “the mere busybody”. In *Forest Ethics Advocacy Association v Canada (National Energy Board)*, 2014 FCA 245, the Federal Court of Appeal said the following (at para 33):

Indeed, in this application and on this record, Forest Ethics is a classic “busybody”, as that term is understood in the jurisprudence. Forest Ethics asks this Court to review an administrative decision it had nothing to do with. It did not ask for any relief from the Board. It did not seek any status from the Board. It did not make any representations on any issue before the Board. In particular, it did not make any representations to the Board concerning the three interlocutory decisions.

[50] Without intending any disrespect towards Mr. Clark, he too is a “busybody” as that term is understood in the jurisprudence. He seeks to intervene in a dispute between the Local Committee, Rogers and CREST that none of these parties has any further interest in pursuing.

[51] One of the considerations that informs the Court’s assessment of whether a party has public interest standing is whether, in all the circumstances, “the proposed suit is a reasonable and effective way to bring the issue before the courts”. All other relevant considerations being equal, a party with standing as of right will generally be preferred. Here, the party with a right to challenge the Minister’s refusal to engage in dispute resolution is the Local Committee. The Local Committee initially indicated in its Notice of Appearance that it intended to oppose Mr. Clark’s application for judicial review. Ultimately, it took no position.

[52] In all of the circumstances, I conclude that Mr. Clark has neither personal standing nor public interest standing to bring this application for judicial review. The proper Applicant is the Local Committee, which has declined to participate.

[53] The application for judicial review must be dismissed on this ground alone. However, as the merits of ISED's decision were fully argued, I will comment briefly on whether the decision was reasonable and procedurally fair.

B. *Was ISED's Decision Reasonable?*

[54] Reasonableness is the presumptive standard of review for administrative decisions (*Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov] at paras 23, 25). The Court will intervene only where "there are sufficiently serious shortcomings in the decision such that it cannot be said to exhibit the requisite degree of justification, intelligibility and transparency" (Vavilov at para 100).

[55] The criteria of "justification, intelligibility and transparency" are met if the reasons allow the Court to understand why the decision was made, and determine whether the decision falls within the range of acceptable outcomes defensible in respect of the facts and law (Vavilov at paras 85-86, citing *Dunsmuir v New Brunswick*, 2008 SCC 9 at para 47).

[56] ISED declined to engage in dispute resolution primarily on the ground that an “impasse”, as that term is used in the Circular, can occur only in a consultation that is ongoing. There can be no “impasse” in a consultation that has been successfully completed.

[57] While the Circular does not define “impasse”, the ordinary meaning of the word implies a situation where progress can no longer be made. Once a consultation has been completed in accordance with the applicable policy, it is reasonable to conclude that an impasse is no longer possible. This is the position advocated by ISED, Rogers and CREST.

[58] ISED and Rogers both emphasize the importance of timely consultation and construction of telecommunication towers. According to s 1.3 of the Circular: “If the requirements of this document are satisfied and the proposal proceeds, then, under step 5, construction of the antenna system must be completed within **three years** of conclusion of consultation” [emphasis original]. An interpretation of “impasse” that applies to public consultations after they have been completed and to construction projects after they have been approved would clearly frustrate this objective.

[59] Mr. Clark argues that the Local Committee’s concurrence was obtained through deception, and it was therefore unreasonable for ISED to find that public consultation had been completed in a satisfactory manner. Mr. Clark maintains that Rogers agreed to abide by the Local Committee’s draft procedure, but followed the Circular’s default procedure instead.

[60] In fact, Rogers agreed to follow the Circular's default procedure with additional elements taken from the Local Committee's draft procedure. CREST notes that these additional elements were unspecified, but appear to have concerned the geographical area of consultation (ten times the height of the Tower) and the consultation period (five weeks rather than the minimum 30 days).

[61] The Circular is a policy instrument that establishes the procedure for obtaining ministerial approval of telecommunication towers under s 5(1)(f) of the Act. The language of that provision confirms Parliament's grant of discretion to the Minister. Deference is owed to ISED's interpretation of its own policy instrument.

[62] ISED's refusal to engage in dispute resolution concerning a public consultation process that had already been completed in accordance with the Circular, and a project that had previously been approved, was reasonable. In all of the circumstances, it was open to ISED to find there was no "impasse" within the meaning of the Circular that required the Minister's intervention.

C. *Was ISED's Decision Procedurally Fair?*

[63] Procedural fairness is subject to a reviewing exercise best reflected in the correctness standard, although strictly speaking no standard of review is being applied (*Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at para 54). The ultimate

question is whether an applicant had a full and fair chance to be heard (*Siffort v Canada (Citizenship and Immigration)*, 2020 FC 351 at para 18).

[64] Mr. Clark claims that ISED's decision was tainted by bias because a former Director of Coastal Offices for ISED, who held this title as recently as January 2021, now works as the Director of Government Relations, Real Estate and Municipal Affairs at Rogers.

[65] ISED asserts that the threshold for establishing bias is high, given the seriousness of the allegation. The mere fact that a Rogers employee previously worked for ISED is insufficient to meet this threshold. Mr. Clark has "not articulated any specific bias grounded in fact upon which to justify a concern about the decisions made".

[66] Rogers notes that "mere suspicion of bias is not enough"; moreover, public servants are presumed to be impartial and independent (citing *Sagkeeng First Nation v Canada (Attorney General)*, 2015 FC 1113 at paras 104-105).

[67] The classic test for a reasonable apprehension of bias is that stated by the Supreme Court of Canada (*per de Grandpré J*) in *Committee for Justice and Liberty et al v National Energy Board et al*, [1978] 1 SCR 369, at page 394:

[...] the apprehension of bias must be a reasonable one, held by reasonable and right minded persons, applying themselves to the question and obtaining thereon the required information. In the words of the Court of Appeal, that test is "what would an informed person, viewing the matter realistically and practically -- and having thought the matter through -- conclude. Would he think that it is more likely than not that [the decision maker], whether consciously or unconsciously, would not decide fairly".

[68] The Supreme Court also held that the grounds for the apprehension of bias must be “substantial” (at page 395).

[69] From the limited evidence adduced in this proceeding, it appears that the ISED employee in question was extensively involved in the consultation process. However, Mr. Clark has not explained the role this person may have played in the decision under review. Nor has he demonstrated how a reasonable person might conclude that the ISED official who made the decision did not decide the matter fairly.

[70] Mr. Clark’s allegation of bias falls far short of the necessary threshold.

VI. Conclusion

[71] The application for judicial review is dismissed.

[72] The Minister asks that he be substituted in the style of cause with the Attorney General of Canada (citing Rule 303 of the *Federal Courts Rules*, SOR/98-106). The style of cause will be amended accordingly.

VII. Costs

[73] ISED and Rogers seek costs. CREST does not.

[74] Mr. Clark was unrepresented in this proceeding. He demonstrated an impressive command of the facts and evidence, and his arguments were well considered.

[75] Nevertheless, Mr. Clark caused the Respondents to incur considerable expense in their defence of ISED's decision. This Court has found that he lacked standing to challenge the decision, and the decision itself was reasonable.

[76] ISED and Rogers each seek costs in the all-inclusive lump sum of \$3,000. This is a modest contribution to the costs these Respondents have actually incurred, and is reasonable in the circumstances. Accordingly, ISED and Rogers are each entitled to costs in the amount of \$3,000, for a total costs award of \$6,000.

JUDGMENT

THIS COURT’S JUDGMENT is that:

1. The application for judicial review is dismissed.
2. The Minister of Innovation, Science and Economic Development is substituted in the style of cause with the Attorney General of Canada, with immediate effect.
3. Costs are awarded to the Respondents Attorney General of Canada and Rogers Communications Inc in the amount of \$3,000 each, for a total costs award of \$6,000.

“Simon Fothergill”
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-1107-23

STYLE OF CAUSE: JULIAN CLARK v ATTORNEY GENERAL OF CANADA, ISLANDS TRUST SALT SPRING ISLAND LOCAL TRUST COMMITTEE, ROGERS COMMUNICATIONS INC, CAPITAL REGION EMERGENCY SERVICE TELECOMMUNICATIONS, AND CYPRESS LAND SERVICES

PLACE OF HEARING: VANCOUVER, BRITISH COLUMBIA AND BY VIDEOCONFERENCE

DATE OF HEARING: FEBRUARY 1, 2024

JUDGMENT AND REASONS: FOTHERGILL J.

DATED: MARCH 8, 2024

APPEARANCES:

Julian Clark (on his own behalf)	FOR THE APPLICANT
Marshall Jeske	FOR THE RESPONDENT, ATTORNEY GENERAL OF CANADA
No appearance	FOR THE RESPONDENT, ISLANDS TRUST SALT SPRING ISLAND LOCAL TRUST COMMITTEE
Gavin Cameron Julia Kindrachuk	FOR THE RESPONDENT, ROGERS COMMUNICATION INC
Joshua Krusell	FOR THE RESPONDENT, CAPITAL REGION EMERGENCY SERVICE TELECOMMUNICATIONS

SOLICITORS OF RECORD:

Attorney General of Canada
Vancouver, British Columbia

FOR THE RESPONDENT,
ATTORNEY GENERAL OF CANADA

Young Anderson
Barristers and Solicitors
Vancouver, British Columbia

FOR THE RESPONDENT,
ISLANDS TRUST SALT SPRING ISLAND LOCAL
TRUST COMMITTEE

Fasken Martineau Dumoulin LLP
Barristers and Solicitors
Vancouver, British Columbia

FOR THE RESPONDENT,
ROGERS COMMUNICATION INC

Stewart McDannold Stuart
Barristers and Solicitors
Victoria, British Columbia

FOR THE RESPONDENT,
CAPITAL REGION EMERGENCY SERVICE
TELECOMMUNICATIONS



Making a difference...together

Parks & Environmental Services
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3078
F: 250.360.3079
www.crd.bc.ca

March 14, 2024

File: 5220-20
Abandoned Boats
File: 0220-20
General Correspondence

Timothy Peterson
Galiano Island & Salt Spring Chair
Islands Trust
Via email: tpeterson@islandstrust.bc.ca

Dear Timothy Peterson:

RE: REGIONAL WORKSHOP INVITE: COLLABORATIVE ACTION TO RESOLVE BOAT-RELATED ISSUES IN THE CAPITAL REGION

At its February 14, 2024 meeting, the Capital Regional District (CRD) Board directed staff to host a regional workshop to discuss the increase in derelict and abandoned boats and the proliferation of private mooring buoys and long-term moored boats in our marine waters. The workshop will review local government options for managing boat-related issues and identify collaborative actions to resolve these issues. Staff and elected officials from local, provincial and federal governments and First Nations partners are invited to participate.

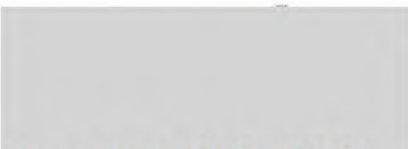
These issues have a complex and multi-jurisdictional regulatory framework that includes both provincial and federal regulations and policies. While local governments have options to manage boat-related use of lands within their metes and bounds through zoning, land use and structure bylaws, there are implications across our region as action to resolve ongoing boat issues in one area could transfer or increase boat issues in other areas. Therefore, a regional conversation is needed, along with input from provincial and federal agencies with jurisdiction and oversight.

The CRD will host a regional workshop with staff and elected officials from local, provincial and federal agencies and First Nations on:

Date: Tuesday, April 30, 2024
Time: 9:00 am - 12:00 pm
Location: CRD Headquarters, 625 Fisgard Street (virtual option available)

Please [register](#) by April 16, 2024, specifying your attendance preference—whether in person or virtually. Following registration, you will receive a calendar invite and an agenda package.

If you have any questions, please contact Jody Watson, Supervisor, Environmental Stewardship and Initiatives at jwatson@crd.bc.ca or 250.360.3307.



Glehn Harris, Ph.D., R.P.Bio
Senior Manager, Environmental Protection

From: Glenn Stevens [REDACTED]
Sent: Tuesday, March 19, 2024 4:47 PM
To: Laura Patrick
Cc: Jamie Harris; SSIInfo; Timothy Peterson; Warren Dingman
Subject: Re: Gary re sunken tug and the state of our harbour

Trustee Laura, thank for partially responding.

Please tell me what vessels TC is tagging and what is the plan following such tagging or please refer me to someone who may address my questions.

Please respond fully to my email.

Thx

GHS

On Tue, Mar 19, 2024 at 8:26 AM Laura Patrick <lpatrick@islandstrust.bc.ca> wrote:

I understand that Transport Canada is going through the harbour with the RCMP tagging vessels and proceeding with their enforcement efforts.

On Mar 18, 2024, at 5:45 PM, Glenn Stevens [REDACTED] wrote:

Trustees, please see the below pictures taken within the last week.

Please particularly note the sunken tug and its 44 gallon drums which we have reason to believe may contain oil.

Please also note the other examples of the disgrace that two of you have allowed to continue in our harbours.

Trustee Peterson, you responded a few days ago to my email to all SGI Trustees. Thank you for responding. This said, your response, once again, clearly confirms that nothing will be done to ensure that our valuable and unique SSI harbours and adjacent shorelines are clean and safe.

As bad, today's public announcement of this year's SGI Trust priorities does not include anything to do with protecting any of the SGI harbours, including SSI harbours. As appalling, the only actions for dealing with the recognized and urgent **SSI housing crisis** are:

- Housing Needs Assessments (for all local trust committees)
- Housing Strategy Action Plan Implementation Project (includes updating the Housing Options Toolkit)

Regarding the former, why is another assessment necessary before you act? Will this even include SSI? It seems it is another excuse to do nothing within the next year instead of doing something practical to at least give a shot at providing affordable housing, i.e., like adopting proposed bylaw 530 (not the "silly" 537).

Regarding the latter, working on a strategy action plan does not mean any action will be taken based on that plan. Indeed, the Housing Options Toolkit already exists - - all 167 pages of it - - why does it have to be updated before you take any action?

The SGI stated and announced priorities solely for SSI are:

- Salt Spring Island Official Community Plan and Land Use Bylaw Major Review Project
- Salt Spring Island Ganges (Shiya'hwt/SYOW T) Village Area Plan Project
- Salt Spring Island Groundwater Sustainability Strategy Implementation Project
- Salt Spring Island Proof of Water at time of Subdivision Project

Unless I am missing something, what do the above 4 priorities have to do with ensuring our harbours and adjacent shorelines are clean and safe? Or taking steps now for affordable housing. If the OCP and Land Use Bylaws have to be amended to address these urgent and pressing needs, just amend those sections. A review of the entire OCP and Land Bylaws is just another excuse to not take any immediate action to address the aforementioned two priorities.

CASHI has provided the SSI Trust Committee with a proposed land use bylaw that amends sections of Bylaw 355. Why won't you simply direct the staff to finish their review of the CASHI proposal, as you directed them to do last June, so that they and you can then immediately focus on amending the requisite land use bylaws to ensure our harbours are safe and clean instead of waiting until the entire bylaw is reviewed - - who knows how long that will take? Focus on what is important now instead of making meaningless grand gestures that only serve to delay practical, timely and effective action.

As you already know, the Trust already has the authority through its land use bylaw powers to regulate use of our harbours and adjacent seashores. There are already laws on the books that prevent illegal disposal of trash and waste from vessels and prevent dangerous conditions to exist in our harbours that impede navigation (congestion of vessels and sunken boats) or harm the environment, including marine life. We have cried for enforcement - - yet, what I have heard from you, Trustee Peterson, (publicly at the recent Marine Roundtable and in your recent email respond to me) is that you do not have the necessary funds to do so based on your chief enforcement officer statement that it would cost "hundreds of thousands of dollars." To do what? To place citations on boats that are unsafe. or in environmentally sensitive areas, or work with the Coast Guard or Transport Canada to remove sunken vessels that may contain dangerous contaminants? Did you request backup data to support that statement?

The bottom line is that unless clean and safe harbours are a priority, nothing will be done. We have repeatedly asked you to support this initiative but you have turned us down on the basis that there are other more important issues. I will remind you that your prime directive is to preserve and protect our unique amenities and environment. Very few things are both an amenity and an environment. Our SSI harbours are both: to live on an Island, you need water to surround it; to walk by the seashore, you need a sea; to play, fish or boat in the sea, you need a sea. Our harbours and sea within your area of responsibility are amenities that other areas do not offer. Certainly, our harbours and seas are an environment.

Be advised that we are not quitting this effort.

Thank you for your time. I hope you do something meaningful instead of just more studies, conferences and talk.

GHS

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

From: **Gary** [REDACTED]
Date: Sun, Mar 17, 2024 at 3:44 PM
Subject: Gary re sunken tug and the state of our harbour
To: Glenn Stevens [REDACTED]

Hi Glenn

Just a few of the photos I took this afternoon

It's just unbelievable.....I've travelled the world and in 70 years this easily tops the list

No other harbour comes close to the state of this garbage tip

You can see the 44 gallon drums on the sunken tugthey must have something in them otherwise they would have floated off

Sent from my iPhone

































From: Stefan Cermak
Sent: Wednesday, March 20, 2024 1:20 PM
To: SSInfo
Subject: FW: Question on the Short-Term Rental Accommodation Act

The correspondence between Trustee Patrick and MAH should be in the next Ltc agenda package.
Take Care,

Stefan Cermak
Director, Planning Service
Islands Trust | T 250-405-5178

From: Laura Patrick <lpatrik@islandstrust.bc.ca>
Sent: Wednesday, March 20, 2024 12:01 PM
To: Stefan Cermak <scermak@islandstrust.bc.ca>
Cc: Clare Frater <cfrater@islandstrust.bc.ca>; Chris Hutton <chutton@islandstrust.bc.ca>
Subject: Re: Question on the Short-Term Rental Accommodation Act

Thanks Stefan and yes this should be in the agenda package.

On Mar 20, 2024, at 11:51 AM, Stefan Cermak <scermak@islandstrust.bc.ca> wrote:

Thanks.
I assume you will want this on the next SS LTC agenda?
Take Care,

Stefan Cermak
Director, Planning Service
Islands Trust | T 250-405-5178

From: Laura Patrick <lpatrik@islandstrust.bc.ca>
Sent: Wednesday, March 20, 2024 10:36 AM
To: Stefan Cermak <scermak@islandstrust.bc.ca>; Clare Frater <cfrater@islandstrust.bc.ca>
Cc: Chris Hutton <chutton@islandstrust.bc.ca>
Subject: Fwd: Question on the Short-Term Rental Accommodation Act

Here is the formal response from Ministry of housing staff on my question.

Begin forwarded message:

From: "HOUS Housing Policy Branch HOUS:EX"
<Housing.Policy@gov.bc.ca>
Subject: RE: Question on the Short-Term Rental
Accommodation Act
Date: March 20, 2024 at 10:31:04 AM PDT
To: Laura Patrick <lpatrik@islandstrust.bc.ca>

Laura Patrick
Local Trustee
Salt Spring Local Trust Committee
lpatrik@islandstrust.bc.ca

Dear Laura Patrick:

Thank you for your email of March 1, 2024, addressed to the Ministry of Housing, Housing Policy Branch, regarding the application of the principal residence requirement if the Saltspring Island Local Trust “opted in” to the terms of the *Short-Term Rental Accommodations Act*, (STRAA). As Acting Executive Director of the Housing Policy Branch, I am pleased to respond.

As you are aware, Islands Trust communities are among the areas exempted from the provincewide principal residence (PR) requirement under the STRAA, along with Regional district electoral areas, mountain resort municipalities, and municipalities with a population under 10,000 that are not adjacent (<15KM) to larger municipalities where the PR requirement applies.

I appreciate your writing for clarification of the STRAA and regulation as it relates to the associated islands within local Trust Areas of the Islands Trust. As you framed the question: Can a local trust committee choose what islands within a local trust area are to be included within a request to “opt in”?

Note that the principal residence requirement applies to an entire jurisdiction and is not zone-specific (with the exception of farm land, ski resorts or other property or accommodation exemptions outlined in the regulations):

https://www.bclaws.gov.bc.ca/civix/document/id/oic/oic_cur/0679_2023
).

This means that in communities where it applies, it will apply to properties across the entire jurisdiction, in your case across the trust committee jurisdiction.

For this reason, a decision by the Trust Committee for Salt Spring Island to opt-in to the STRAA would apply to all properties within the local Trust Area, including the associated islands within the Area.

The STRAA governs what property hosts (owners or renters) can do with their properties in relation to short-term rental accommodation services. I'll note the STRAA does not apply to vehicles or tents or other temporary shelters. If the local trust committee were to opt-in to the principal residence requirement, property owners on outlying islands would face no restrictions in renting tents, yurts or RVs to the public under the STRAA.

I've outlined the process for opting in to the PR requirement in more detail below:

1. Eligible local governments may submit a written request, accompanied by a local government resolution, requesting to be removed from the exempt land list in the *Short-Term Rental Accommodations Regulation* and to opt-in to the principal residence requirement.
2. Written requests should include background information that describes the area and jurisdiction.
3. The request must be submitted to the Minister of Housing by March 31 of each year (starting in 2024) to take effect November 1 of the same year (starting in 2024).
4. 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.

Written requests and resolutions may be sent to the Minister of Housing, the Honourable Ravi Kahlon, at HOUS.minister@gov.bc.ca by March 31, 2024. Eligible requests will be implemented by November 1, 2024.

Please also cc Deputy Minister of Housing Teri Collins at HOUS.DMO@gov.bc.ca, Doug Page, Director of Housing Policy, at doug.page@gov.bc.ca and Hannah Rabinovitch, Director of Housing Policy, at hannah.rabinovitch@gov.bc.ca in the request email.

I hope this information is of some assistance. Many thanks,

Hannah Rabinovitch
Acting Executive Director
Housing Policy Branch
Ministry of Housing

Cliff: 65268

From: Laura Patrick <lpattick@islandstrust.bc.ca>
Sent: Friday, March 1, 2024 1:58 PM
To: HOUS Housing Policy Branch HOUS:EX <Housing.Policy@gov.bc.ca>
Cc: Olsen.MLA, Adam LASS:EX <Adam.Olsen.MLA@leg.bc.ca>
Subject: Question on the Short-Term Rental Accommodation Act

You don't often get email from lpattick@islandstrust.bc.ca. [Learn why this is important](#)

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

Within the Islands Trust “Trust Area”, a local trust committee may “opt in” to the principal residence requirement of the Short Term Rental Accommodation Act. Each local trust area consists of a main island along with several associated islands.

My question: Can a local trust committee choose what islands within a local trust area are to be included within a request to “opt in”?

For example, could the Salt Spring Island Local Trust Committee choose to only opt in Salt Spring Island, but leave Acland, Bright, Burial, Channel, Clive, Deadman, Eleanor Rock, First Sister, Goat, Grace, Grappler Rock, Hall, Hawkins, Idol, Isabella, Jackscrew, Jackson Rocks, Mowgli, Musgrave Rock, Norway, Owl, Patey Rock, Patrol, Powder, Piers, Prevost, Red, Russell, Second Sister, Secret, Secretary, Shoal, Third Sister, and Wallace Islands as opted out?

Laura Patrick
Local Trustee
Salt Spring Local Trust Committee

Ottawa

Room 349, Confederation Building
Ottawa, Ontario K1A 0A6
Tel.: 613-996-1119
Fax: 613-996-0850



HOUSE OF COMMONS
CHAMBRE DES COMMUNES
CANADA

Ottawa

Pièce 349, Édifice de la Confédération
Ottawa (Ontario) K1A 0A6
Tél. : 613-996-1119
Téléc. : 613-996-0850

Constituency

9711 Fourth Street Suite 1
Sidney, British Columbia V8L 2Y8
Tel.: 250-657-2000
Fax: 250-657-2004

Elizabeth May

Member of Parliament / Député(e)
Saanich — Gulf Islands

Circonscription

9711, rue Fourth suite 1
Sidney (Colombie-Britannique) V8L 2Y8
Tél. : 250-657-2000
Téléc. : 250-657-2004

The Honourable Pablo Rodriguez
The Minister of Transport
330 Sparks Street
Ottawa, ON
K1A 0N5

The Honourable Diane Lebouthillier
The Minister of Fisheries, Oceans, and the Canadian Coast Guard
200 Kent Street
Ottawa, ON
K1A 0E6

The Honourable Steven Guilbeault
The Minister of the Environment and Climate Change
200, boule. Sacré-Coeur
Gatineau, QC
K1A 0H3

March 26th, 2024

Dear Ministers,

I am writing on the state of marine matters on the Salish Sea. The Saanich-Gulf Islands constituency encompasses a diverse coastal marine ecosystem and island archipelago with multiple harbours and communities. The entire area is on the territory of a number of Coast Salish Indigenous nations. For these reasons it is host to many cross-jurisdictional marine matters of concern to residents and the environment.

As I have outlined in previous correspondence to you, marine issues continue to worsen. They have grown beyond the scope of municipal and Local Trust Committees (LTC) bodies as well as the provincial government.

Following a well attended full day round table on our region's marine issues, attended by federal, provincial, First Nations, municipal, Islands Trustees, CRD representation, industry stakeholders and community organizations, this letter sets out our shared requests for action from the federal government to respect Indigenous rights and prioritize ecosystem health.



The largest elephant in the room is the Vancouver Fraser Port Authority. We submit to you that the Vancouver Fraser Port Authority should have no role in marine matters beyond its borders - from Roberts Bank and the Fraser River up to and including Burrard Inlet. In our waters we hope to eventually see a port authority for the Salish Sea.

Our agenda primarily focused on mooring buoys, derelict vessels, freighter anchorages and liveaboards in our harbours. The overarching goal is to ensure that our Salish Sea, including its harbours and adjacent shorelines, are clean and safe for all stakeholders. These are widely perceived as some of the thorniest issues for governance in the region. They are frequently the subject of concerns raised with me as federal MP, as well as provincial, municipal and LTC offices.

On mooring buoys, the situation, historically well managed became an unregulated mess in 2012 with the passage of Harper's omnibus budget bill C-45. That massive piece of legislation made substantial changes to the Navigable Waters Protection Act, including moving the placement of private mooring buoys to the category of "minor works". Since that time there has been a proliferation of such buoys creating a major crisis in some harbours. I raise Ganges Harbour on Salt Spring Island in particular. The current situation is a crisis that touches on social issues of housing and serious social and pollution problems. Due to the acute lack of housing people are living in dangerous conditions on unsafe non-vessels made possible by these buoys.

We urge the government to revisit and reverse the changes made in 2012 in C-45. The creation and placement of mooring buoys urgently requires a regulatory framework, as in the past.

Specific to the matter of derelict vessels, we would appreciate being kept abreast of plans for the Derelict Vessel Implementation Fund. It is urgently needed and we are very committed to seeing it operational and successful as soon as possible.

I would be grateful for the opportunity to discuss these urgent requests for action with you.

Sincerely,



Elizabeth May, O.C.
Member of Parliament, Saanich-Gulf Islands

In collaboration with,

Adam Olsen
Member of the Legislative Assembly of British Columbia, Saanich North and the Islands

Gary Holman
Capital Regional District Electoral Area Director, Salt Spring Island



Paul Brent
Capital Regional District Electoral Area Director, Southern Gulf Islands

Cliff McNeil-Smith
Mayor, Town of Sidney

David Maude
Mayne Island Local Trustee, Vice-Chair of Executive Committee, Islands Trust

Laura Patrick
Salt Spring Island Local Trustee, Islands Trust

Timothy Peterson
Lasqueti Island Local Trustee, Vice-Chair of Executive Committee, Islands Trust

Chris Hutton, RPP, MCIP
Regional Planning Manager, Islands Trust

Kyle Armstrong, CERP, M.Sc.
Executive Director, Peninsula Streams Society

Michael Simmons
Vice President, Saanich Inlet Protection Society (SIPS)

Frances Pugh
Secretary, Treasurer, Saanich Inlet Protection Society (SIPS)

Sarah Cook
Executive Director, SeaChange Marine Conservation Society

Bob Peart
Chair, Friends of Shoal Harbour Society

Ian Cameron, Ed.D.
Adjunct Assistant Professor, Education Psychology and Leadership Studies (EPLS), University of Victoria

Malcolm Falconer
Tsehum Harbour Stakeholder Group

Jocelyn Gifford
Chair, Roberts Bay Residents Association

John R. Harper, P.Geo., Ph.D.
Coastal Habitat Geomorphologist

Glenn H. Stevens
Coordinator, Clean and Safe Harbour Initiative (CASHI) on Salt Spring Island

Ling Zhang
Anglers Anchorage Marina





Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
1 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		Completed

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.			
2 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.	Chris Buchan Jason Youmans		Completed

Follow Up Action Report

Salt Spring Island

14-Dec-2023

Activity	Responsibility	Dates	Status
3 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		Completed
4 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 Jason Youmans		Completed

15-Feb-2024

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

Follow Up Action Report

Salt Spring Island

15-Feb-2024

Activity	Responsibility	Dates	Status
1 Minister of Housing to Chair LTC - Dated 8 Jan 2024 - Regarding Housing Statues (Residential Development) Amendment Act, 2023 (Bill 44) That the Salt Spring Island Local Trust Committee request Chair Peterson to respond to Minister of Housing letter dated January 8, 2024 regarding Housing Statues Amendment Act, 2023 (Bill 44).	Chris Hutton Jess Jack	Target: 07-Mar-2024	In Progress
2 Capital Regional District Board/Local Trust Committee Protocol Agreement That the Salt Spring Island Local Trust Committee request staff to schedule a meeting with the Capital Regional District Board Chair, Electoral Area Directors for Salt Spring and the Southern Gulf Islands, and the Salt Spring Island Local Trust Committee in accordance with the 1999 Capital Regional District Board/Local Trust Committee Protocol Agreement to discuss opportunities to improve cooperation in community planning and legislative advocacy initiatives. March 19, 2024 - Planning Underway	Chris Hutton	Target: 11-Apr-2024	In Progress

Follow Up Action Report

Salt Spring Island

15-Feb-2024

Activity	Responsibility	Dates	Status
3 Salt Spring Island Local Trust Committee Special Meeting Schedule That the Salt Spring Island Local Trust Committee request staff to schedule an electronic Special Meeting at 5:00 p.m. on Tuesday February 27, 2024.	Jess Jack Rob Pingle	Target: 27-Feb-2024	Completed
4 SS-DVP-2023.5 - B. Taylor - 250 Collins Road, SSI That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.5 (250 Collins Road).	Rob Pingle		Completed
5 SS-DVP-2023.19 - D. Fox - 118 Peregrine Way, SSI Staff Report That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.19 (118 Peregrine Way).	Rob Pingle		Completed
6 Thetis Island Local Trust Committee Draft Bylaw Nos. 113 & 114 Referral That the Salt Spring Island Local Trust Committee respond to the Thetis Island Local Trust Committee to indicate interests are unaffected by draft Bylaw Nos. 113 and 114.	Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

15-Feb-2024

Activity	Responsibility	Dates	Status
7 Island Pathways Letter Regarding the Salish Sea Trail That the Salt Spring Island Local Trust Committee request Chair Peterson to send a letter of support for Island Pathways grant application to PacifiCan's Tourism Growth Program for the Salish Sea Trail project.	Chris Hutton Jess Jack	Target: 20-Feb-2024	Completed

27-Feb-2024

Activity	Responsibility	Dates	Status
1 By general consent, the Salt Spring Island Local Trust Committee agreed to schedule three meetings per year with the Agriculture Community representatives and schedule the next meeting in late May or early June 2024.			In Progress

07-Mar-2024

Activity	Responsibility	Dates	Status
1 SS-DVP-2023.18 - B. Reeve - 103 Tantramar Drive, SSI That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.18 (103 Tantramar Drive).			Completed

Follow Up Action Report

Salt Spring Island

07-Mar-2024

Activity	Responsibility	Dates	Status
2 SS-SUB-2024.1 - K. Ferguson - 1001 Fulford-Ganges Road, SSI That the Salt Spring Island Local Trust Committee support partial discharge of S. 219 Conservation Covenant and S. 218 Statutory Right of Way Agreement FA101951 and designate a Trustee of the Salt Spring Island Local Trust Committee to attend to the execution of the Application to Deposit Plan EPP134116 (1001 Fulford-Ganges Road). That the Salt Spring Island Local Trust Committee request that the applicant provide Salt Spring Island Local Trust Committee with the final plan of subdivision once received (1001 Fulford-Ganges Road).	Rob Pingle		In Progress
3 Official Community Plan - Land Use Bylaw: Project Terms of Reference That the Salt Spring Island Local Trust Committee create a new special Advisory Planning Commission for the OCP-LUB Update Project.	Jason Youmans		In Progress
4 Official Community Plan - Land Use Bylaw: Project Terms of Reference That the Salt Spring Island Local Trust Committee direct staff to provide a draft Project Charter based on the discussions on the Terms of Reference in Appendix 1.	Jason Youmans		In Progress
5 Official Community Plan - Land Use Bylaw: Project Terms of Reference That the Salt Spring Island Trust Committee direct staff to provide a draft scope of services for review and comment for a planning consultant to undertake the work specified in the Terms of Reference in Appendix 1 as discussed and the OCP-LUB Update Project Business Case.	Jason Youmans		In Progress

Follow Up Action Report

Salt Spring Island

07-Mar-2024

Activity	Responsibility	Dates	Status
6 Official Community Plan - Land Use Bylaw: Project Terms of Reference That the Salt Spring Island Local Trust Committee direct staff to provide a draft community engagement strategy for the OCP-LUB Update Project.	Jason Youmans		In Progress
7 Proposed Bylaw No. 537 - Accessory Dwelling Units That the Salt Spring Island Local Trust Committee request staff to schedule a meeting with the LTC and Tsawout First Nation Leadership.	Chris Hutton		In Progress
8 Policy and Standing Resolutions List That the Salt Spring Island Local Trust Committee request staff to draft a revision to the standing resolution on Unlawful Dwellings on page 133 of the agenda package.	Chris Hutton Warren Dingman		In Progress



STAFF MEMORANDUM

DATE OF MEETING: April 11, 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

- 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.

RECOMMENDATION:

THAT the Salt Spring Island Local Trust Committee request staff to schedule an electronic Special Meeting at 5pm on Thursday May 30, 2024.

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	April 2, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	April 2, 2024

STAFF REPORT

DATE OF MEETING: April 11, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Warren Dingman, Bylaw Compliance and Enforcement Manager
Local Planning Services
SUBJECT: Short-Term Vacation Rental Enforcement on Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee rescind the standing resolution SS-2019-153.

REPORT SUMMARY

The staff recommendation is that proactive enforcement on short-term vacation rentals (STVR) cease and that enforcement should proceed only on receipt of a written complaint. The proactive campaigns take considerable resources away from regular enforcement work that is pursued due to public concern and receipt of written complaints. STVRs actually generate very little concern from the neighbours and written complaints regarding them are infrequent. Staff resources should be expended on those operations that are of concern to immediate neighbours.

BACKGROUND

Previous local trust committees adopted proactive enforcement policies and this resulted in the investigation of hundreds of properties advertising on Airbnb and VRBO. The first standing resolution (SS-164-07) was adopted in 2007, and then rescinded with the adoption of a new policy in 2017 (SS-2017-120), which was then rescinded with the adoption of the current policy in 2019. The current records show 229 closed files since 2007, and there are 83 open files. There has been an extensive review of all Airbnb and VRBO advertising platforms, and the maximum number of total advertisements has never been documented at more than 250. While the number of open compliance and enforcement files has exceeded 100 at times, the number of confirmed unlawful operations has always been less than 100.

In late 2023, more than 50 STVR files were closed and the remaining operations identified as unlawful were issued violation notices. As a result of the latest enforcement actions, in the first three months of 2024, seven compliance agreements have been signed by STVR operators. This indicates that the great majority of operators are willing to comply with the regulations in the Land Use Bylaw when the evidence is provided that they are unlawful.

ISSUES

There is considerable confusion regarding what constitutes a short-term vacation rental and what is required for a bed and breakfast operation. While STVRs are considered prohibited on Salt Spring, there is no outright prohibition stated in the Land Use Bylaw and there is no definition for it. Any future Land Use Bylaw amendments should have clear and definitive definitions for these all vacation rental uses, including what is a bed and breakfast operation.

The business model for guest accommodations on private property has also changed: the Airbnb model, where there is limited interaction with guests, and no morning meal is served, has become the standard instead of the exception. Guests seek privacy and business operators serving no meals have fewer operating expenses and commit less labour to the business. Given the prevalence of this new business model, future Land Use Bylaw regulations amendments should only occur after careful consideration of this fact.

Rationale for Recommendation

Proactive enforcement for STVRs has greatly reduced the number of operations on Salt Spring, and also established that there are fewer than 100 operations that are of concern to staff. The number of current unlawful operations may be fewer than 50, and most, if not all, have an open bylaw compliance and enforcement file and staff can continue to monitor their activities.

At the beginning of the proactive campaign, there were concerns that hundreds of unlawful STVRs were on the island. While there are certainly well over 200 advertised operations, approximately half can be defined as a bed and breakfast operation and are not unlawful. They may not be complying with all Land Use Bylaw regulations, but some of the contraventions are too numerous and minor to pursue. The use of staff resources to pursue STVRs has been at the cost of enforcement on other files, especially development permit contraventions, and staff resources should be directed back to regular enforcement files and the environmentally focused development permit areas.

ALTERNATIVES

The following alternative resolution is available to the Local Trust Committee.

That the Salt Spring Island Local Trust Committee adopt the following policy for short-term vacation rentals. Investigations will be commenced and prioritized in the following manner:

- 1. They are advertised on the Internet, newspapers or other media;
- 2. There are operations by persons who have not established a residential use on the same lot;
- 3. Accessory buildings (other than a lawful seasonal cottage) or structures are being used as an STVR.
- 4. There are issues related to health and safety on the property;
- 5. There are concerns that sewage disposal systems are being used in excess of capacity or ability;
- 6. There are written complaints regarding nuisance issues such as noise or parking congestion related to the operation;

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 or re-direct enforcement activities at any time.

Submitted By:	Warren Dingman , Bylaw Compliance and Enforcement Manager	April 2, 2024
---------------	---	---------------

File No.: SS-TUP-2023.2

DATE OF MEETING: April 11, 2024

TO: Salt Spring Island Local Trust Committee

FROM: Chris Buchan, A/Island Planner
Salt Spring Island Team

SUBJECT: Temporary Use Permit for Five Commercial Guest Accommodation Units on a Residential Zoned Parcel

Applicant: Robert Blaney – Robert Blaney Design

Location: 805 Vesuvius Bay Road, Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee deny issuance of Temporary Use Permit SS-TUP-2023.2 (805 Vesuvius Bay Road).

REPORT SUMMARY

This report concerns an application for a Temporary Use Permit (TUP) for the operation of five (5) *Commercial Guest Accommodation Units* in the form of individual yurt structures elevated on a wooden platform, proposed at 805 Vesuvius Bay Road. Pursuant to Section 3.8 (a) of the Salt Spring Island Official Community Plan No. 434 ([OCP](#)), a Temporary Use Permit may be issued to allow temporary commercial uses on lands designated as Residential Neighbourhoods (RN).

Historically, Short Term Vacation Rentals (STVR) have generated bylaw enforcement action on the Island due to present zoning restrictions. This application is in response to an open bylaw enforcement file after the property owner constructed a single STVR unit on a raised platform within DPA 6 prior to confirming the building, zoning, and development permitting regulations. The property owner is now seeking to bring the use into compliance, while expanding the operation to bring on four new units. While historical site zoning has supported the proposed STVR use, the current zoning does not. Due to non-supporting policy found in the OCP, Staff have provided a recommendation for denial. It has been communicated to the applicant that an OCP Amendment and Rezoning application is a more appropriate approach due to the larger scale and long term operations proposed. With this in mind, the applicant wants to move forward with this application to gain permissions to operate prior to a rezoning application taking place. To address the building permanence concern, yurt structures have been proposed. The applicant has indicated interest to operate five permanent commercial cabin units instead of the yurt structures; however, Staff have advised that the permanence of five cabins would not meet the merits of a TUP. According to the CRD building inspector, either option would need to go through the CRD building approvals as both structure types are considered permanent structures.

BACKGROUND

The subject property is approximately 0.81 hectares (2.01-acres) in area, and is located at 805 Vesuvius Bay Road, which is zoned Residential 8 (R8). The lot contains a single family dwelling (previously occupied as a commercial pub) which is permitted per 9.9.1 of Land Use Bylaw No. 355 ([LUB](#)). See the site context (Attachment 1) for further information on the subject property.

The applicant proposes to operate a *Commercial Guest Accommodation* operation in five separate yurt structures. Initially, the proposal was amended by the applicant to include five permanent cabin structures; however, the five permanent cabin units did not meet the merits of a temporary structure or use. The applicant amended the plans again to propose yurt structures. Through a rezoning application, the applicant may propose *Commercial Guest Accommodation* units in the form of new permanent cabin buildings.

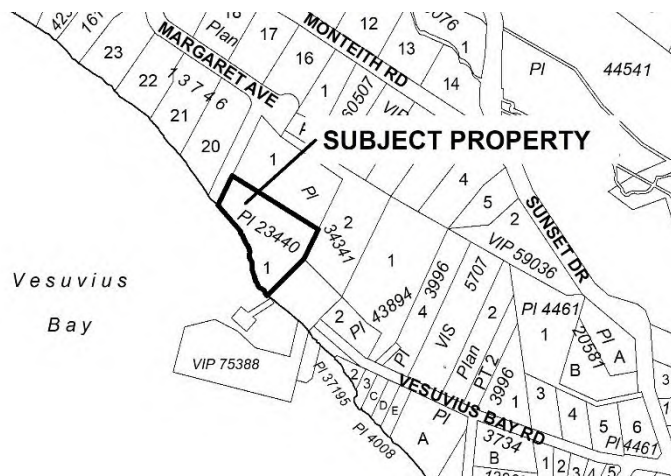


Figure 1. Subject Property



Figure 2. Subject STVR form

The LTC may issue a TUP that permits commercial activities to take place under the conditions specified in the permit, including the posting of a security to ensure compliance with the terms of the permit. Under a TUP, the specified uses may be carried out for a period of up to two (2) years, and may be renewed a further two years. Staff note that issuance of a TUP should not be interpreted as support for permanent zoning should a future application for an amendment to applicable bylaws be made. However, the impacts of a use carried out under a TUP may assist the LTC in making a decision on a rezoning application, should one be made in future to permanently allow the use.

The subject property was previously zoned Commercial Accommodation 2 (CA2). In 2016, the owner initiated an application to rezone from CA2 to R8, proposing a total of 6 strata-titled dwelling units. While Staff initially supported the proposal due to its consistency with the residential designation under the OCP. However, due to the applicants uncertainty around sufficient quantity of water for 6 dwelling units, the applicant at the time reduced the scope to rezone from 6 units to 1 unit.

ANALYSIS

Policy/Regulatory

Official Community Plan:

Subject to Section G.1.1 *Areas where Temporary Commercial or Industrial Use Permits can be issued*, TUPs may only be issued for specific OCP designations which includes the subject property as it is designated Residential Neighbourhoods (RN) in the OCP. Additionally the subject property is sited within Development Permit Area 6 – High Slope Instability and Soil Erosion Hazard Area mapping (Map 13, 14, 23 & 24). A geotechnical assessment by a geotechnical engineer was carried out in 2023 to assess the proposal in line with a 15-unit yurt campground. The applicant only proposes 5 of the 15 units at this time, until a rezoning can be secured. Given that the nature of the TUP is to create new structures within the hazard area, geotechnical recommendations have been included as conditions for the proposed permit. Future works on the property may trigger further requirements under this DPA and the building permitting process.

Section G.1.3 of the OCP provides guidelines to be used when considering issuance of a TUP. See Attachment 3 for staff's assessment of the application's consistency with each TUP Guideline.

Commercial Guest Accommodation Units are referenced in the OCP with policies and objectives not supportive of this use in residential zones at time of adoption in 2008. Particularly, relevant objectives support compatibility of non-residential uses in medium density areas and require sufficient potable water to development. Additionally, relevant policies are clear that transient accommodation units will not be supported in residential zones, outside of the scope of a home based business. There have been no updates to OCP policies or bylaw regulations to reflect these changes to the local tourism-hospitality accommodations industry on Salt Spring Island. While the LTC does not possess the authority to issue business licenses, TUP's can stipulate certain requirements that mirror that tool. Ultimately, the intent of a TUP is to permit a use temporary in nature, which does not compromise future uses on the property. If LTC wishes to move forward with this proposal, they should determine if the proposal meets the merits of being a temporary development.

Land Use Bylaw:

The subject property is zoned Residential 8 (R8) in the LUB. A Commercial Guest Accommodation Unit is not a permitted use in the Residential 8 zone, however, Bed and Breakfasts, are permitted as a Home-Based Business per Section 3.13.6.(a) of the LUB. Seasonal cottage are permitted in the R8 zone only where parcel size is greater than 1.2 ha (imperial measure) (Section 3.14.1).

Issues and Opportunities***Comparison of Bed and Breakfasts to Commercial Guest Accommodation Units***

The proposed TUP provides few similarities to the context of the permitted Home-Based-Business Bed and Breakfast bylaw regulations, however there are differences between a Bed and Breakfast and the proposed *Commercial Accommodation Units* for this subject property;

- Separate buildings;
- Visible from outside
- Proposed density (regulations state max 3 brdms)
- Proposed floor area (70 sq m max)
- At the proposed scale, the *Commercial Accommodation Unit* would be a principal commercial use whereas a Bed and Breakfast is an accessory use to a principal residential use;

Draft Permit Duration

TUP Policy restricts a temporary use permit duration to 60 days, stating “*Permits should not be issued for uses in excess of 60 days unless it is a new venture that does not directly compete with an existing business in a legal zone and there is a demonstrated need or market for the proposed use.*”. The Advisory Planning Commission (APC) may have additional comment on anticipated competition with existing legal commercial accommodation units. If the LTC wishes to approve the draft permit at the April 11, 2024 meeting, LTC resolution should be clear on the permitted duration.

Building Code Compliance

Through discussions with the CRD building inspector, any commercial accommodation unit, including a yurt, would require a building permit. Further, the CRD recognizes a yurt as a permanent structure. At this time, no building permit has been applied for nor is there an active building enforcement file. As one of the conditions of the draft TUP, a building permit through the CRD would be required prior to the proposed use commencing.

Water

There are concerns related to *Commercial Guest Accommodation Units* and the increased pressure on water resources that may occur from this use. Generally, *Commercial Guest Accommodation Units* may result in an increased use of water to service guest needs. This application proposes to construct five new commercial accommodation units, each with their own sink and washroom facility. These units would trigger LUB Section 5.5.5. Currently the subject property is located within the North Salt Spring Waterworks District, and additionally utilizes a groundwater well for its potable water source. The applicant has not submitted a water potability or quantity test, nor proof of approval from the Water District. Based on the proposal for one signal family dwelling (existing) and five commercial accommodation units (proposed), the total water volume required for the proposed operation would amount to 3,850 litres per day (450 litres per accommodation unit, 1600 litres per principal dwelling).

Staff note that the BC *Water Sustainability Act* (WSA), introduced in 2016, brought in new licensing requirements for use of groundwater for non-domestic purposes, and that these requirements would likely apply to this proposal. Due to the WSA being relatively new legislation, groundwater licensing requirements are still being confirmed; however, it is staff’s understanding that property owners with *Commercial Guest Accommodation Units* are required to apply for a commercial groundwater license.

Septic

Island health would need to approve a safe sewage disposal method would be required for each accommodation unit. Staff recommend that, as a condition of permit approval, that the landowner shall supply the Islands Trust with a professional report certifying that onsite wastewater management is sufficient for the five *Commercial Guest Accommodation Units*.

Location

The property is directly adjacent to the Vesuvius Bay BC Ferries Terminal. Situating the commercial accommodation units in close proximity to this transportation node allows both pedestrian and vehicle traffic easy

accessibility to the facility from the ferry terminal; however, walk on passengers may have difficulty with access to the remainder of the island.

Consultation

For TUP applications, Section 494 of the *Local Government Act* requires public notification in the form of a newspaper advertisement, and the Salt Spring Island Trust Committee Development Procedures [Bylaw No. 304](#) requires that notice be mailed or otherwise delivered to all properties within 100 metres of the subject property. A copy of the notification is included as Attachment 4.

The required notification has taken place and at the time of finalization of this report, no correspondence has been received regarding this application. Comments received subsequent to finalization of the staff report will be forwarded to the LTC prior to the April 11, 2024 LTC meeting.

Referrals

This application does not trigger the requirement for agency or First Nations referrals; however, the LTC may refer to agencies or First Nations if it is determined that any may have interest.

If LTC wishes to move forward with this application, Staff are recommending a referral to the APC for review of this application in order to obtain community perspectives of Short-Term Vacation Rentals and the use of TUPs for applications of this nature.

Rationale for Recommendation

Staff consider the proposal clearly meets 7/12 (58%) of the TUP guidelines outlined in Section G.1.3 of the OCP (Attachment 2). While it is not in direct conflict with applicable policy under the Residential Neighborhoods OCP designation (Section B.2.4.2), it is contrary to Tourism OCP policy B.3.1.2.3 which states that the LTC will not support the operation of transient accommodation units in residential zones, unless they operate as a home based business. Even though the historical use for this site has supported commercial accommodation rentals, current policy and regulation does not support the proposed use. Further, based on the scale of construction and the longevity of the proposed commercial use, staff do not believe that a temporary use permit is an appropriate approach.

If LTC does not wish to deny the application at this time, despite OCP Section B.3.1.2.3., Staff encourage that the application be forwarded to the APC for comment. Further, conditions attached to the permit are intended to ensure water potability/sufficient quantity, sufficient sewage discharge, safety of occupation, and reduced impact to the neighbourhood.

ALTERNATIVES

1. Refer the application to the APC

If the LTC proceeds to move forward with the application, they may wish to refer the application to the Advisory Planning Committee for feedback regarding TUP policy.

Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee refer SS-TUP-2023.2 (805 Vesuvius Bay Road) to the Advisory Planning Commission for review and comment on:

- a) whether form of Commercial Guest Accommodation Units is appropriate through a temporary use permit;*
- b) whether the permit conditions are satisfactory in addressing the proposed use and its impacts;*
- c) the appropriate quantity of Commercial Guest Accommodation units for the subject property; and*
- d) the recommended term of the duration of the Temporary Use Permit (ie. 60-days, 1-year, 2-years).*

2. Approve the permit as drafted

Pursuant to OCP TUP Guideline G.1.3.6, the issuance of a TUP would be restricted to a 60 day term if it would be in competition with an existing STVR use in a legal zone. As current Commercial Accommodation zones permit these STVR units, Staff consider the 60 day term applicable. Recommended wording for a resolution as follows:

That the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit SS-TUP-2023.2 (805 Vesuvius Bay Road) for a Commercial Guest Accommodation Units for a period of 60 days from the date of issuance.

3. Approve issuance of Temporary Use Permit for a two-year Period

Pursuant to OCP TUP guideline G.1.3.6, a TUP could be issued for 60 days for new commercial ventures. This nature of this application being the first TUP for an STVR could be considered a new venture. Recommended wording for a Resolution:

That the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit SS-TUP-2023.2 (805 Vesuvius Bay Road) for five Commercial Guest Accommodation Units for a period of two years from the date of issuance.

NEXT STEPS

If the LTC accepts staff's recommendation, the file will be closed. The applicant would be required to remove the illegal non-conforming unit currently existing onsite, or secure a rezoning for the permanent operations.

Submitted By:	Chris Buchan, A/Island Planner	April 2, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	April 3, 2024

ATTACHMENTS

1. Site Context
2. TUP Guideline analysis
3. OCP Policy Checklist
4. Notice
5. Draft Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 1, Section 10, Range 3 West, North Salt Spring Island, Cowichan District, Plan 23440
PID	003-105-661
Civic Address	805 Vesuvius Bay Road

LAND USE

Current Land Use	The property currently contains the building that housed the former Vesuvius Pub. The building has been occupied for residential use by the owner. 2018 BP on record for residential occupancy, 2022 BP on record to alter SFD. The property also contains various developed walking trails and benches. An illegal STVR within a yurt structure is currently being operated with active enforcement by Bylaw. Applicant is requesting to legalize use and expand.
Surrounding Land Use	Adjacent properties are generally residential in use and vary in size from 0.87 hectares (2.14 acres) to 0.29 hectares (0.72 acres). The subject property is also adjacent to the Vesuvius Bay Ferry Terminal, which provides access to Crofton.

HISTORICAL ACTIVITY

File No.	Purpose
SS-RZ-2016.1	To Rezone the property from CA2 (Commercial Accommodation) to R8 (Residential)
SS-DVP-2017.5	Application to allow a corner of a proposed patio to encroach into the 10 metre setback from the natural boundary of the sea; Application is currently in process.
SS-DVP-2007.9	Application to allow a corner of the deck to encroach in the 10 metre setback area from the natural boundary of the sea; variance was issued.

POLICY/REGULATORY

Official Community Plan Designations	Residential Neighbourhoods The RN designation is intended “to provide for a range of medium density residential uses consistent with the community's rural character.” Development Permit Area 2 – Non-Village Commercial and Industrial DPA 2 is designated to “identify objectives for the form and character of commercial and industrial development outside Village Designations [and] ...for the protection of farming on adjacent lands. The previous proposal to remove the DPA 2 designation from the subject property was successful
--------------------------------------	--

	alongside the Re-zoning in 2016. If the applicant would like to resume a commercial use on the property, albeit under a temporary use permit, the LTC may wish to consider the DPA 2 guidelines in line with the proposal.
Land Use Bylaw	The subject property is was previously zoned Commercial Accommodation 2 (CA2) prior to 2016, which would have permitted the proposed use provided a building permit, development permit, and servicing permissions were obtained from the appropriate authorities. The CA2 zone permits the following principal uses, buildings and structures: commercial guest accommodation units in hotels, motels, and/or cabins; liquor-primary establishments; restaurants; marina administration and services, including washrooms, showers and laundry facilities; boat rentals; campgrounds; public service uses; and accessory residential and retail sales. Since 2016, the property owner initiated an application to rezone the property from CA2 to R8. As the rezoning was successful, the property is now permitted to operate the following principal uses, buildings and structures: Single Family Dwellings, Dental and medical office services (restricted to a maximum of 2 practitioners), Elementary schools/pre-schools and child day care centres, Hospitals and public health care facilities, Community halls, Non-commercial outdoor active recreation, Churches, Agriculture (excluding intensive agriculture), and Public service uses.

SITE INFLUENCES

Hazard Areas	The subject property is included in Maps 14 and 24 for inclusion in Development Permit Area 6 for High Slope Stability Hazard. A Development Permit may be required depending on the total area of soil proposed to be disturbed or the siting of a septic field. A Geotechnical engineers report has been submitted as part of this TUP application.
Archaeological Sites	The subject property contains small areas of potential archaeological potential. As the office has issued a change find protocol with the application, the applicant should be aware of their responsibilities under the Heritage Conservation Act and has provided confirmation of communication with staff at the Archaeological Branch.
Climate Change Adaptation and Mitigation	The proposal may be expected to result in a net increase to greenhouse gas emissions, as it constitutes an increase in the intensity of potential use. Islands Trust mapping indicates an elevation of 4 to 6 metres above sea level for the existing building. As such, it may be subject to sea level rise.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	A 20 metre extent of eel grass is indicated on the waterfront adjacent to the former Vesuvius Pub building and the Harbour Authority of Salt Spring Island dock accessed from the ferry terminal parking lot.

ATTACHMENT 2 – TEMPORARY USE PERMIT GUIDELINES

OFFICIAL COMMUNITY PLAN No. 434

OCP Objective/Policy	Complies	Planner Comments
G.1.3.1 Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.	Yes	Proposed two year term
G.1.3.2 Permit conditions should be generally consistent with applicable Development Permit Area guidelines, while recognizing the temporary nature of structures and site development.	Yes	Conditions consistent with Geotechnical Report under DPA 6
G.1.3.3 Permit conditions should ensure that temporary commercial and industrial uses are compatible with adjacent land uses. Noise, traffic, parking, general activity levels and any disturbance that may be apparent beyond the property's boundaries should be considered.	Yes	Proposed STVR is of a minor scale, noise levels/off-site impacts estimated to be negligible. LTC may wish to consult BC ferries regarding the slight increase to vehicle traffic through their terminal.
G.1.3.4 Permit conditions should ensure that off-street parking is provided in a way that is consistent with local bylaws.	Yes	Confirmed to comply
G.1.3.5 Permits applications should include evidence that suitable alternate sites with appropriate zoning are not available.	Partial	Applicant has not submitted. While STVR's are available throughout Salt Spring Island, the proximity to the terminal serves some benefit to foot-traffic passengers.
G.1.3.6 Permits should not be issued for uses in excess of 60 days unless it is a new venture that does not directly compete with an existing business in a legal zone and there is a demonstrated need or market for the proposed use. Consideration could also be given to the temporary relocation of an existing business in emergency or hardship situations.	To Determine	LTC to determine competition with local business.
G.1.3.7 Permitted uses should be consistent with the objectives of this Plan.	Partial	Not consistent with Residential Neighborhoods Objective B.2.4.1.2 Generally consistent with Section B.3.1.1 Tourism - Accommodation and Facilities - OBJECTIVES
G.1.3.8 Permitted uses should not preclude or compromise future permitted uses on the land parcel affected.	Potential	Depending on the proposed units, removable Yurt structures would not likely compromise future permitted uses. However, proposing permanent units could compromise future permitted uses.
G.1.3.9 Uses should not be allowed if they conflict with any ongoing or intended planning policies or programs.	Yes	Complies
G.1.3.10 Where appropriate, permit conditions should outline operational plans, including hours and days of operation and	Yes	Staffing includes onsite residents, in addition to an off-site cleaner. Hours of operation are, by nature, 24/7 usage.

staffing to ensure compatibility with neighbouring land uses.		
G.1.3.11 Permits can include, as a condition, the provision of an undertaking by the owner of the affected land to remove buildings and restore land to a condition specified in the permit by a date specified in the permit.	Yes	Stated as a permit condition
G.1.3.12 Permits can include, as a condition, the provision of security to guarantee the performance of the terms of the permit.	To be determined	LTC to determine if security deposit should be required.

ATTACHMENT 3 – OFFICIAL COMMUNITY PLAN OBJECTIVES AND POLICIES

OFFICIAL COMMUNITY PLAN No. 434

	<i>Guideline Not Met</i>		<i>Unclear Whether Guideline Met</i>		<i>Guideline Met</i>
--	--------------------------	--	--------------------------------------	--	----------------------

OCP Objectives	Complies	Planner Comments
A.4.1 General Objectives		
A.4.1.1 To recognize and protect the fragility and significance of our natural environment as one of our community's greatest and irreplaceable assets		No elements raising environmental concern
A.4.1.2 To recognize and protect our unique nature as an island - a remote place, unconnected to other land masses, which exists at a smaller scale; a place where boundaries are absolute, resources are finite, and biophysical and socioeconomic impacts can be concentrated due to containment and proximity		Not specific to this proposal
A.4.1.3 To retain our island's rural character and peaceful and quiet atmosphere; to guide development so that it complements the outstanding natural beauty that surrounds us and reflects our unique community character. To ensure that the predominant feature of Salt Spring Island remains the natural environment, rather than manmade structures.		Proposed development visible from water, complimented by site topography, small units create little impact to site profile.
A.4.1.4 To adopt the precautionary principle in the decision-making of the Local Trust Committee. The precautionary principle asserts that, when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically. In this context, the essential elements of a precautionary approach to decision-making include:		LTC should adopt a precautionary approach – require licensing of septic, well, and a finalized building permit as conditions of proposed permit.

a. a duty to take anticipatory action to prevent harm; b. the right for the community to know complete and accurate information on potential human health and environmental impacts as best it can be determined; c. requiring the proponent to supply this information to the public; d. an obligation to consider alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of no change; e. a duty to consider broader short-term and long-term costs and benefits to the community when evaluating potential alternatives; and f. a responsibility to make decisions in a transparent, participatory manner, relying on the best available information.		
A.4.1.5 To identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles.		No archaeological sites identified. Potential for archaeological findings present
A.4.1.6 To work cooperatively with other agencies, groups and the community in achieving the objectives of this Plan.		Not specific to this proposal
A.4.2 Sustainability		
A.4.2.1 To recognize the importance of sustainability in all community decisions. To avoid land use decisions that threaten the integrity or sustainability of natural ecosystems.		No identified threats to natural ecosystems.
A.4.2.2 To maintain and restore the community's natural capital represented by such items as our agricultural and forest land base, our potable water supplies, and primary value of our natural and unspoiled rural character.		Not specific to this proposal
A.4.2.3 To recognize our local responsibility to contribute to global sustainability, particularly in relation to mitigation of and adaptation to climate change.		Not specific to this proposal

A.4.2.4 To recognize that long-term social and economic well being requires living within the limits of ecological sustainability, which is the maintenance of ecological processes so that the biological productivity of the Earth endures without dependence on non-renewable resources.		Applicant to receive appropriate licensing for servicing systems as conditions of the proposed TUP.
A.4.3 Limits to Growth		
A.4.3.1 To continue to focus attention on the finite nature of all of our island's resources, especially those that are drawn from our natural environment.		Applicable
A.4.3.2 To provide direction for the conservation and stewardship of natural resources, especially our surface and groundwater supply.		Not specific to this proposal.
A.4.3.3 To reflect the finite nature of islands by identifying limits to residential, commercial and institutional growth tailored to the community's land base and ecological carrying capacity. Special attention should be paid to ensuring that the human use of potable water can be sustained without negative impact on other values and uses for natural water bodies.		If the applicant moves forward with onsite water source, LTC may wish to require a hydrology study assessing impacts.
A.4.3.4 To accommodate and direct appropriate development so that its location, appearance and impact are in harmony with the natural environment, community resources, character and existing land uses. To ensure that clustered settlements are well designed so that they become and remain acceptable and compatible with existing development.		Units are not determined to be considered a settlement, they are a temporary proposed STVR use.
A.4.4 Our Sense of Community		
A.4.4.1 To ensure that our community continues to function as an authentic, resident-centred community in the face of internal and external pressures to change and grow; to ensure that growth, including the growth of tourism, is managed in a way that does not displace or detract from our community's important function as a home for its residents.		Proposed STVR's are not anticipated to detract or displace the communities function as a home for residents. Temporary in nature and addition to the housing present on the island.

A.4.4.2 To recognize the importance of our island community's traditional sense of cohesiveness, self reliance and interconnectedness. To enhance and celebrate these values through the support of community-building events, activities and land uses.		Proposed use not considered to be community building. Not Applicable.
A.4.4.3 To recognize the strength and exceptional value of the community's diverse human population - a population characterized by people of many ages and backgrounds who, through choice or circumstance, have a rich variety of lifestyles and livelihoods. To recognize the very real, if intangible, loss that is felt in the community when this diversity is diminished by external pressures and changes.		LTC to consider through decision making process
A.4.4.4 To preserve and protect human diversity in our community by ensuring that the island's people are accommodated by a broad spectrum of appropriate and accessible housing and facilities, transportation choices, service opportunities and choices of livelihood, with a local focus to minimize transportation needs.		Applicable - supported
A.4.4.5 To recognize the importance of broad community consultation, economic security, coordinated and efficient infrastructure development and established land use policies to the maintenance of a healthy community.		Consultation measures taken
A.4.4.6 To ensure the continued development of land use opportunities for non-traditional residential settlement. Opportunities that are based on the communal stewardship of land, conservation of resources and alternative forms of infrastructure are of special importance.		Not considered residential settlement.
A.4.4.7 To recognize that development should be managed to protect our sense of community and maintain our ability to absorb changes.		LTC to determine applicability.
A.4.4.8 To identify creative and proactive ways through which a diverse, liveable and		LTC to determine applicability.

vibrant community can be created within the confines of our island's finite land base and resources.		
A.4.4.9 To remain an island community without a bridge or tunnel to other land masses.		Not applicable
A.4.5 Community Health and Safety		
A.4.5.1 To accommodate the community's need to be safe, secure and healthy - physically, mentally and spiritually.		Not applicable
A.4.5.2 To encourage multiple modes of healthy, active transportation among residents of all ages, such as walking and bicycling.		Applicable – Location supports both vehicle or walk on ferry passengers.
A.4.5.3 To foster improved air quality through strategies to reduce reliance on single-occupancy automobile use, eliminate idling, and encourage fuel-efficient and zero-pollution vehicles.		Not applicable
A.4.5.4 To designate land for appropriate and accessible social and recreational opportunities for all residents.		Not Applicable
A.4.6 Island Livelihoods and Economies		
A.4.6.1 To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character.		LTC to determine applicability
A.4.6.2 To maintain and encourage a diverse and creative community by providing a wide range of opportunities and locations for earning a living that are compatible with and can take advantage of the protection and preservation of the island's beauty and character. In particular, to encourage small, locally owned businesses whose revenues remain on the island, especially those which expand local production and consumption to meet the needs of islanders.		LTC to determine applicability.
A.4.6.3 To encourage living-wage, meaningful, year-round employment and income-generating opportunities that especially enable young people and families to remain on the island.		Slight increase to on-island employment.

A.5.1 – THE ISLAND ENVIRONMENT - OBJECTIVES		
A.5.1.1 To recognize the intrinsic value of our ecosystems and that the health of our ecosystems is inextricably linked to human health.		LTC to determine applicability.
A.5.1.2 To maintain and improve the quality of the island's natural environment. To give particular attention to the quality of fresh water to sustain healthy fish and wildlife habitat and for human supplies.		LTC to determine applicability.
A.5.1.3 To identify and encourage protection of those parts of the island that are especially sensitive to development, including those Environmentally Sensitive Areas shown on Maps 9 through 12.		Herbaceous sensitive ecosystem adjacent to property. No sensitive ecosystem present on property.
A.5.1.4 To protect areas of high biodiversity. To recognize and protect the island's native plant, animal and bird life. To give particular attention to the streams, wetlands and shorelines of Salt Spring Island.		Shoreline present on property; however, proposal seeks to develop on the adjacent side of the property – a minimum 30 metres from the shoreline.
A.5.1.5 To identify and encourage the creation of a network of protected areas that preserve representative ecosystems.		Not applicable
A.5.1.6 To encourage sustainable land use practices and adopt best management practices.		LTC to determine applicability.
A.5.1.7 To secure at least 30% of the island land base for conservation. To develop a Community Greenways system of private and public greenways, some of which may also be associated with the island's trail network.		Not applicable
A.5.1.8 To integrate the spirit and intent of federal and provincial environmental legislation and the Agricultural Land Commission Act and the Farm Practices Protection ("Right to Farm") Act into local environmental policies and bylaws.		Not applicable
A.5.1.9 To support and participate in the implementation of the Regional Green/Blue Spaces Strategy prepared by the Capital Regional District.		Not applicable
A.6.1 – CLIMATE CHANGE AND ENERGY EFFICIENCY - OBJECTIVES		

A.6.1.1 To consider the impacts of climate change as a central factor in land use decision-making.		No anticipated
A.6.1.2 To establish the importance of energy efficiency, energy security, greenhouse gas emissions reduction, and carbon cycling in land use, site planning, building design and transportation.		Not proposed
A.6.1.3 To promote the use of renewable energy and the development of renewable energy sources.		Now renewable energy sources proposed
A.6.1.4 To work with other agencies, stakeholders and the community to achieve energy conservation and emissions reduction goals.		Not applicable
A.6.1.5 To support actions to minimize greenhouse gas emissions and to adapt to the impacts of climate change in land use decision-making.		Not applicable
A.6.1.6 To recognize the importance of our forested lands in removing carbon dioxide from the atmosphere.		Not applicable
A.6.1.7 To support a reduction of at least 15% in Greenhouse Gas emissions by 2015; at least 40% by 2020 and at least 85% by 2050 based upon 2007 data. Within the local trust area this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.		Not applicable
A.7.1 – NATURAL HAZARD AREAS - OBJECTIVES		
A.7.1.1 To identify and guide development away from areas known to have natural hazards, such as unstable slopes, highly erodible soils, wildfire, or the potential for flooding.		Applicable – geotech report includes recommendations, as conditions of TUP.
A.7.1.2 To avoid the creation of new flooding hazards or the aggravating of existing flood hazards that could result from changes to stormwater drainage patterns.		Not applicable
A.7.1.3 To support efforts to educate residents and to coordinate emergency preparedness.		Not applicable

A.8.1 – ISLAND HERITAGE - OBJECTIVES		
A.8.1.1 To encourage protection of the island's archaeological sites and other sites of significance to First Nations peoples,		Not applicable
A.8.1.2 To identify and protect buildings, structures, roads, heritage trees, and other features that are part of the community's cultural heritage.		Not applicable
B.2.1.1 - RESIDENTIAL LAND USE OBJECTIVES		
B.2.1.1.1 To support a mix of housing types in appropriate locations without compromising protection of the natural environment.		Not applicable
B.2.1.1.2 To develop zoning that allows many different types of housing and accommodates a diverse population.		Not applicable
B.2.1.1.3 To acknowledge that a framework that limits growth may restrict housing choices as supply is limited; to respond to the challenge of fostering socioeconomic diversity within such a framework.		Not applicable
B.2.4.1 Residential Neighbourhoods Designation - OBJECTIVES		
B.2.4.1.1 To continue to provide for a range of medium density residential uses consistent with the community's rural character.		Applicable – LTC to determine Rural consistency
B.2.4.1.2 To continue to accommodate non-residential uses that are compatible with medium density residential use.		Applicable – density of STVR's increase dwelling density – however, temporary units.
B.3.1.1 Tourism - Accommodation and Facilities - OBJECTIVES		
B.3.1.1.1 To recognize and welcome the economic value to our community of tourism that is compatible with preserving and protecting the island's natural environment, authentic resident-based sense of community, and the aesthetic values that attract visitors.		Applicable – economic benefit while retaining a unique site character
B.3.1.1.2 To allow visitor accommodation to develop in a way that will best retain and distribute the resulting economic benefits		Applicable – expands to new location on island.

and reduce any negative impacts; to avoid concentrating benefits and impacts in only a few locations.		
B.3.1.1.3 To retain and maximize the economic benefits of tourism to the community.		Applicable - complies
B.3.1.1.4 To make land use decisions that would encourage tourism in the shoulder and off-seasons and discourage any significant increase in the peak period.		Not specific to shoulder/off-seasons. Adds increased STVR stock to the island.
B.3.1.1.5 To encourage tourism that blends well with the community and complements the rural, peaceful nature of the island, and to avoid the development of tourist attractions that are unrelated to the island's natural environment, social base or cultural heritage.		Applicable – proposal blends in with the natural environment – visible from ferry traffic.
B.3.1.1.6 To provide for facilities necessary to mitigate the impacts of tourism on the island's natural or social environment. Examples are: sani-dump facilities for boats or recreational vehicles, and tour bus parking areas outside Ganges Village Core.		No facilities/services proposed.
B.9.1.1 SHORELINE AND AQUATIC USE OBJECTIVES		
B.9.1.1.1 To protect our marine and freshwater shorelines.		No anticipated impact
B.9.1.1.2 To protect the most significant ecological and physical processes of marine and freshwater shorelines.		No anticipated impact
B.9.1.1.3 To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation.		Not applicable
B.9.1.1.4 To avoid conflicts between shoreline uses and uses allowed on the adjacent upland.		Not applicable
B.9.1.1.5 To avoid shoreline uses that impede public access to and along the shoreline.		Not applicable
C.3.2.1 – COMMUNITY WATER SYSTEMS - OBJECTIVES		

C.3.2.1.1 To ensure that the potential water demand of development within community water systems does not exceed the licensed capacity, or the amount of water that can be safely withdrawn from each system's water source.		Applicable – condition of TUP is to require District or licensed onsite water.
C.3.2.1.2 To reduce, delay or avoid the impacts of withdrawing additional water from surface water bodies		Not applicable
C.3.2.1.3 To ensure that zoning changes in the North Salt Spring Waterworks District do not result in such a level of development that water cannot be supplied to needed public facilities or would not be available for firefighting purposes. In particular, to ensure that water remains available for hospital and school expansion, and affordable housing.		LTC may wish to require Water District approval for use change.
C.3.2.1.4 To encourage a variety of conservation methods in all community water systems		Not applicable
C.3.2.1.5 To ensure that zoning changes within the boundaries of water systems do not result in such a level of demand on island water sources that agricultural activities cannot obtain water.		LTC may wish to require Water District approval for use change.

OCP Policy	Complies	Planner Comments
A.5.2 – THE ISLAND ENVIRONMENT - POLICIES		
A.5.2.1 The Local Trust Committee will promote public education and the encouragement of private stewardship to achieve the objectives of this section. The Committee should make information about the natural environment widely available and continue to provide assistance and encouragement to those who protect it through mechanisms such as private covenants.		Applicable - LTC to make a precautionary approach: – prevent anticipated harm - broader short-term and long-term costs and benefits to the community - responsibility to make decisions in a transparent, participatory manner, relying on the best available information.
A.5.2.2 The Local Trust Committee should consider rezoning applications from property owners who wish to transfer their development potential from areas		Not applicable

identified as Environmentally Sensitive Areas or High Biodiversity Areas on Maps 9 through 12. Additional Environmentally Sensitive Areas or High Biodiversity Areas could be identified by further study. Such specific areas should be considered "Development Potential Donor Areas", even if they are in a Designation that is identified as a Development Potential Receiving Area. Applications should meet the guidelines in Appendix 4.		
A.5.2.3 The protection of Environmentally Sensitive Areas or High Biodiversity Areas is an eligible community amenity, which could be exchanged for a higher density of development as outlined in Appendix 3.		Not applicable – mapping indicates no environmentally sensitive areas onsite.
A.5.2.4 Maps 9 through 12 are intended to encourage environmental stewardship. These maps show general areas that could be considered Environmentally Sensitive and High Biodiversity Areas. If the Local Trust Committee receives a rezoning application to transfer development or to protect an Environmentally Sensitive Area or a High Biodiversity Area in exchange for additional density, further study could more clearly identify boundaries.		Not applicable – mapping indicates no environmentally sensitive areas onsite.
A.5.2.5 The Local Trust Committee should not make zoning changes that would result in more development or greater impacts on areas identified as Environmentally Sensitive.		Not applicable – mapping indicates no environmentally sensitive areas onsite.
A.5.2.6 The Local Trust Committee may work with the Capital Regional District to develop property tax exemptions as an incentive for the protection of riparian habitat should this be considered feasible.		Not applicable – mapping indicates no riparian areas onsite.
A.5.2.8 The Local Trust Committee will encourage protection of Crown foreshore, wetland, stream and riparian corridor habitats, other sensitive ecosystems, and wildlife habitat through the development permit process: a. The Local Trust Committee will update watercourse mapping and development permit area designations and guidelines to comply with provincial Riparian Area Regulations. b. The		Not applicable – mapping indicates no environmentally sensitive DP areas onsite. Geotech DP area present – engineers report attached on file.

Local Trust Committee will undertake updated sensitive ecosystem mapping and should designate sensitive areas as development permit areas for protection of the natural environment. c. The Local Trust Committee will support efforts to map the locations of heron and raptor nests and will review regulations and standards for a protective buffer. The Local Trust Committee should designate development permit areas for the protection of sensitive nest trees. d. The Local Trust Committee will support efforts to map the habitat of threatened or endangered species and will consider designating development permit areas for the protection of such habitat.		
A.5.2.9 The Local Trust Committee will continue to use Development Permit Area designations for protection of the natural environment to protect watersheds used for community surface water supplies or within the capture zone of community water supply wells. Zoning changes should not be made so that more development would be located in these areas. Development permit area guidelines should encourage subdivision layouts that avoid impacts on these areas. Stewardship on the part of property owners and other agencies will also be encouraged.		Not applicable
A.5.2.10 The Local Trust Committee should develop improved methods of determining and assessing environmental impacts and encouraging protection of the natural environment when it is processing land use applications and referrals. The Local Trust Committee should obtain comprehensive development approval information as designated and specified in s. G.1.4.		Not applicable
A.5.2.11 The Local Trust Committee should provide advice and education to the public about environmental issues and should continue to encourage and promote private stewardship. The Committee should retain the Environmental Advisory Committee to provide assistance in these initiatives. The Local Trust Committee should also support and seek advice and		Not applicable

input from other non-governmental organizations which support the Object of the Islands Trust and the objectives of this Plan		
A.5.2.12 The Local Trust Committee encourages landowners and others to avoid the use of pesticides, herbicides and fungicides. If used, pesticides, herbicides and fungicides should be applied in a manner that avoids damage to adjoining lands and drainage areas.		Not applicable
A.5.2.13 The Local Trust Committee encourages landowners and others to utilize current best practices and guidelines in undertaking an ecosystem-based approach to site planning and development. An example is the guidelines in the manual <i>Develop With Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2006</i>, prepared by the B.C Ministry of Environment. Landowners and developers are encouraged to utilize the following principles in new development: a. identify environmental values prior to site clearing and design. b. locate development away from areas with high environmental values, and place natural buffers between the development site and sensitive features. c. concentrate development in areas with low environmental values. d. develop and implement site plans that protect biodiversity, clean air, and clean water. e. locate developments away from areas that may be subject to erosion, flooding, wildfires, and wildlife conflicts. f. locate developments away from areas of agricultural potential and establish buffers between the development site and farmland. g. minimize impacts of roads and driveways and reduce fragmentation of habitat. h. maintain water quality. i. maintain air quality and reduce greenhouse gas emissions.		May be applicable, no sensitive ecosystems highlighted, appears to follow guidelines on structure siting.

j. design energy- and water-efficient developments that conserve natural resources. k. minimize wastes, and manage wastes in an environmentally sound manner. l. work with the local community to maximize the benefits of good environmental planning at the community and site level. The Local Trust Committee should continue to ensure that these principles are reflected in its regulations and development permit area guidelines.		
A.5.2.14 The Local Trust Committee should retain existing regulations to control, surface run-off and to manage stormwater. The LTC should consider adopting regulations to manage soil removal and deposit in order to protect productive or sensitive soils, wetlands, environmentally sensitive areas, and residential neighbourhoods.		Drainage requirements established in Geotechnical report, secured as permit conditions.
A.5.2.15 The Local Trust Committee should develop ways to encourage sustainable building techniques through support for implementation of energy efficient building design and building practices as demonstrated through recognized building certification programs such as R-2000, BuiltGreen Platinum, and LEED		Not applicable
A.5.2.16 The Local Trust Committee should develop policies and strategies, in cooperation with the Trust Fund Board, to link the community's parklands, conservation lands and other open space into a network of protected areas. The development of community greenways that serve both a recreational and conservation function should be encouraged.		Not applicable
A.5.2.17 The Local Trust Committee will recognize the needs of the local farming community, the Farm Practices Protection ("Right to Farm") Act, the Agricultural Land Commission Act and regulations, and the recommendations of the Area Farm Plan when developing policies or bylaws about environmental protection. The Agricultural Advisory Committee and the Ministry of		Not applicable

Environment will be consulted as part of this process to develop mutually acceptable management solutions which protect sensitive environments but do not prohibit or unreasonably restrict farming.		
A.5.2.18 The Local Trust Committee should support efforts to restore and enhance environmentally sensitive areas and habitat, including the restoration of streams and other watercourses that have been modified (culverted, ditched, diverted, etc.).		Not applicable
A.5.2.19 When the Local Trust Committee considers rezoning applications, particularly those in the Ganges Village Area, it should discuss with the Capital Regional District what measures could be taken, or local infrastructure required, to maximize the potential environmental benefits that might result from the project, such as the use of reclaimed waste water or waste energy.		Not applicable
A.6.2 – CLIMATE CHANGE AND ENERGY EFFICIENCY - POLICIES		
A.6.2.1 The Local Trust Committee will develop improved methods of determining and assessing the energy efficiency and climate change impacts of proposed development when it is processing land use applications. The Committee should consider utilizing a Development Approval Information Bylaw, as authorized in G.1.4, to ensure that consistent information about the energy efficiency and anticipated impacts of development is obtained when the proposal includes significant new development, increase in density, or change of use. Application checklists should be revised to include climate change mitigation and adaptation criteria, such as energy efficiency, energy security, renewable energy and carbon sequestration impacts.		Not relevant to project
A.6.2.2 The Local Trust Committee will consider the energy efficiency attributes and climate change adaptation and mitigation impacts in all rezoning		Not applicable

applications that propose an increase in density or significant change of use.		
A.6.2.3 Rezoning applications proposing a significant increase in density or significant change of use may be requested to include a calculation of the projected carbon budget, or demonstrate conformity with LEED Neighbourhood Design criteria, or the equivalent.		Not applicable
A.6.2.4 The Local Trust Committee shall consider giving priority to rezoning and other applications that meet energy efficiency criteria adopted by the Local Trust Committee.		Not applicable
A.6.2.5 The Local Trust Committee will consider supporting rezoning applications for affordable housing that incorporate climate change mitigation and adaptation measures such as energy efficient features and shared facilities, such as co-housing.		Not applicable
A.6.2.6 The Local Trust Committee will review its zoning regulations and development permit area objectives and guidelines to ensure that existing provisions encourage and do not discourage the implementation of energy efficiency standards in new construction.		Not applicable
A.6.2.7 If amendments are made to the Development Permit Area authority of the Local Government Act to establish energy efficient design requirements, the Local Trust Committee should review and amend its Development Permit Area provisions to include new objectives and guidelines for energy efficient systems and design.		Not applicable
A.6.2.8 If amendments are made to legislation, the Local Trust Committee should consider making amendments to administrative and procedural bylaws to charge differential fees to encourage energy efficient building design.		Not applicable
A.6.2.9 The Local Trust Committee will work with the Capital Regional District and other stakeholders on the development and implementation of climate change mitigation and adaptation strategies, including energy efficiency strategies.		Not applicable

A.6.2.10 The Local Trust Committee will consider energy efficient building design features exceeding the BC Building Code as a community amenity.		Not applicable
A.6.2.11 The Local Trust Committee will incorporate energy efficiency and climate change impact criteria in assessing applications for the transfer of development potential.		Not applicable
A.6.2.12 The Local Trust Committee will continue to support implementation of the Salt Spring Community Energy Strategy and regional community energy plans on Salt Spring Island.		Not applicable
A.6.2.13 The Local Trust Committee will undertake or support mapping and analysis to anticipate the potential impacts of climate change on land use and siting.		Not applicable
A.6.2.14 The Local Trust Committee should support federal and provincial initiatives to reduce greenhouse gas emissions.		Not applicable
A.6.2.15 The Local Trust Committee should support local food production as a significant factor in reducing food transportation costs and greenhouse gas emissions.		Not applicable
A.6.2.16 The Local Trust Committee should review zoning to relax height restrictions for solar and wind power generation on residential lots.		Not applicable
A.6.2.17 The Local Trust Committee should consider supporting small-scale, locally generated, zerocarbon, renewable power for new and existing development. Such facilities should be located on the same, or an adjacent site, as the user.		Not applicable
A.6.2.18 The Local Trust Committee should work with the Trust Fund Board and other conservation organizations to promote the conservation of forested land as a cost effective and important climate change mitigation strategy.		Not applicable
A.7.2 – NATURAL HAZARD AREAS - POLICIES		
A.7.2.1 Zoning will continue to include the setbacks from water bodies requested by the Ministry of Environment to protect		Not applicable

development from flooding. If applicable, the Committee will ensure that required setbacks do not conflict with the Code of Agricultural Practice for Waste Management or the standards for normal farm practices established under the Farm Practices Protection (Right to Farm) Act. The Local Trust Committee may consider changes to zoning to establish a new elevation above areas potentially subject to flooding.		
A.7.2.2 The Local Trust Committee will continue to require applicants for large new commercial, general employment or multifamily developments in village areas to ensure their development does not increase flooding of downslope properties. Such effects will be managed through the Development Permit process or through Land Use Bylaw regulations.		Not applicable
A.7.2.3 The Local Trust Committee should consider rezoning applications from property owners who wish to transfer their development potential from areas identified on Maps 13 and 14 as subject to natural hazards. Specific areas should be considered "Development Potential Donor Areas", even if they are in a Designation that is a Development Potential Receiving Area. Applications should meet the guidelines in Appendix 4. The LTC should consider preparing new mapping of areas subject to natural hazards and refine "Development Potential Donor Areas."		Not applicable
A.7.2.4 The Local Trust Committee should not approve applications for rezoning that would increase development in areas with natural hazards.		Not applicable
A.7.2.5 The Local Trust Committee will support programs to respond to community emergencies and disasters and will participate in emergency measures planning and related initiatives.		Not applicable
A.7.2.6 The Local Trust Committee will continue to share information it has acquired about natural hazards with other		Not applicable

agencies concerned with land development on Salt Spring Island.		
A.7.2.7 The Local Trust Committee will undertake initiatives to update its mapping of areas on Salt Spring Island that are potentially hazardous to development due to geo-technical conditions and will consider amendments to development permit area designations and guidelines for the protection of development from hazardous conditions.		Not applicable
A.7.2.8 The Local Trust Committee will support efforts to reduce and mitigate wildfire hazards, including supporting Fire Smart education initiatives and will give consideration to designation of development permit areas for wildfire hazard.		Not applicable
A.7.2.9 The Local Trust Committee will consider climate change mitigation in the review and update of zoning regulations and development permit area objectives and guidelines.		Not applicable
A.7.2.10 The Local Trust Committee should develop improved methods of determining and assessing the impact potential hazards to development when considering relevant applications, including requiring development approval information as designated and specified in s. G.1.4.		Not applicable to this project
A.8.2 – ISLAND HERITAGE - POLICIES		
A.8.2.1 The Local Trust Committee will focus on public education and the encouragement of private stewardship to achieve the objectives of this section. The Committee should make information about the island's heritage widely available and provide assistance and encouragement to those who protect it.		Not applicable
A.8.2.2 The Local Trust Committee may create a Community Heritage Commission to provide community advice and assistance for protecting the community's heritage.		Not applicable
A.8.2.3 The Local Trust Committee should support efforts to update its Community		Not applicable

Heritage Registry to identify island heritage buildings, heritage trees, and other heritage features that the community believes are worth conserving.		
A.8.2.4 The Local Trust Committee will encourage the designation and protection of eligible heritage sites under the Heritage Conservation Act.		Not applicable
A.8.2.5 The Local Trust Committee should consider rezoning applications from property owners who wish to transfer their development potential from land that contains heritage buildings or other heritage features. Such specific land should be considered a Development Potential Donor Area even if it is in a Designation that is a Development Potential Receiving Area. Such applications should meet the guidelines in Appendix 4.		Not applicable
A.8.2.6 The restoration and heritage designation of buildings is an eligible community amenity, which could be exchanged for a higher density of development as outlined in Appendix 3.		Not applicable
A.8.2.7 An updated inventory of archaeological resources will be supported through: a. Provision of updated archaeological site location information to the Archaeological Branch. b. Using archaeological potential mapping to identify areas having significant potential to contain unrecorded, protected archaeological sites.		Arch. Potential onsite. Chance-find protocol active.
A.8.2.8 The Local Trust Committee should support applications to change or vary zoning, setbacks or parking requirements that would encourage the maintenance or restoration of a heritage structure, archaeological site, or other First Nations cultural site.		Not applicable
A.8.2.9 When it considers rezoning applications that concern land with a known heritage feature, archaeological site, or other First Nations cultural site, the Local Trust Committee should ensure that		Not applicable

the heritage features would not be damaged as the result of a zoning change.		
A.8.2.10 Heritage features in the Ganges Village Core will continue to be protected through the heritage alteration permit process. The Local Trust Committee could also consider protecting heritage features, including First Nations archaeological sites or other First Nations cultural sites, in other parts of the island in this way		Not applicable
A.8.2.11 The Local Trust Committee should develop a heritage management plan in consultation with community members to identify other ways to protect the community's heritage.		Not applicable
A.8.2.12 All development applications shall be reviewed for the presence of known and recorded archaeological sites, and for having significant potential to contain unrecorded archaeological sites in cases where archaeological potential mapping is available. Applicants will be notified if the application is within a known, protected archaeological site, or an area with significant potential to contain an unrecorded, protected archaeological site in cases where archaeological potential mapping is available. Notification may include direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities. The Local Trust Committee will avoid making zoning changes that would result in significant disturbance to an archaeological site. Should there be unavoidable conflicts with significant archaeological sites or trails, rezoning should not proceed unless measures are required to manage the impacts.		Arch. Potential onsite. Chance-find protocol active.

A.8.2.13 The Local Trust Committee will continue to work with the Ministry of Transportation and Infrastructure to identify and develop guidelines for designating and protecting the scenic and heritage value of island roads. Those sections identified by the community as having particularly high scenic and heritage values are shown on Map 15.		Not Applicable
A.8.2.14 The Local Trust Committee should, in cooperation with First Nations and other agencies, develop improved methods of determining and assessing impacts on potential archaeological sites, or other First Nations cultural sites, when it is considering land use applications and referrals. The Local Trust Committee should obtain comprehensive development approval information as provided for in s. G.1.4.		Not Applicable
A.8.2.15 To increase awareness of First Nations heritage, the Local Trust Committee should support the use of First Nations place names that have been recognized by all First Nations with interests in the related area.		Not Applicable
A.8.2.16 The permanent formal protection of an archaeological site or other site of significance to First Nations peoples is an eligible community amenity, which could be exchanged for higher density of development as outlined in Appendix 3.		Not Applicable
B.2.1.2 RESIDENTIAL LAND USE - POLICIES		
B.2.1.2.1 Zoning changes should be avoided if they would likely result in a larger island population than is expected under the development potential zoned in 2008. Exceptions to this policy are to be few and minor and only to achieve affordable housing and other objectives of this Plan.		Not Applicable
B.2.4.2 Residential Neighbourhoods Designation - POLICIES		
B.2.4.2.1 The areas designated for Residential Neighbourhoods are shown on Map 1.		Designated Residential Neighbourhood.

B.2.4.2.2 Zones within the Residential Neighbourhoods Designation will continue to accommodate the medium density residential uses and the other compatible land uses allowed in the existing bylaw. Existing commercial, general employment and multi-family zones will also remain, but zoning changes should not be made to locate more of these zones on additional lands in this Designation, with the exception of multiple-family affordable housing projects.		STVR's are not considered residential density; however, does increase the number of available commercial dwelling units.
B.2.4.2.3 The minimum size of lots that can be created by subdivision will remain the same as indicated in the existing Land Use Bylaw. However, the Local Trust Committee could consider rezoning applications that allow a slightly higher density (smaller minimum average lot sizes) as part of a proposal that provided a community amenity (see Appendix 3) or as part of a proposal to transfer development potential (see Policy B.2.3.2.1 and Appendix 4).		Not Applicable
B.2.4.2.4 Rezoning applications could be considered to rezone commercial and general employment property to residential use at a density similar to that allowed on neighbouring properties.		Not Applicable
B.3.1.2 Tourism - Accommodation and Facilities - POLICIES		
B.3.1.2.1 The Local Trust Committee will support the development of informational materials and programs that encourage low-impact tourism on Salt Spring Island.		Not Applicable
B.3.1.2.2 Bed and Breakfast operations will continue to be allowed as home based businesses in residential areas.		Applicable – proposal does not encompass a bed and breakfast. Surpasses the allowable size/units.
B.3.1.2.3 The Local Trust Committee will not support the operation of transient accommodation units in residential zones unless they are operated as home based businesses.		Does not comply
B.3.1.2.4 The Local Trust Committee could consider applications to rezone properties for Guest House use, where operations larger than a permitted bed and breakfast		Not Applicable

are proposed. In considering such applications, the Committee will evaluate the impacts of the proposal on the local neighbourhood and the accommodations industry.		
B.3.1.2.5 Campgrounds are permitted by zoning in some Agriculture-zoned locations. The Local Trust Committee should consider rezoning applications from property owners wishing to develop small, low impact campgrounds on larger properties in the following Designations: • Rural Neighbourhoods • Agriculture (subject to approval of the Agricultural Land Commission) • Forestry • Uplands Applications for such a zoning change should demonstrate an adequate water supply, appropriate sewage disposal capability, and a site plan that would be uncrowded and well buffered by natural vegetation from neighbouring properties. If the Local Trust Committee considers such rezoning applications, preference should be given to those where services can be easily reached by walking, bicycle or public transit. Rezoning applications for the development of campgrounds meant primarily for large Recreational Vehicles should not be considered.		Not Applicable
B.3.1.2.6 The Local Trust Committee should consider an application within the Rural Neighbourhood Designation to allow hostel accommodation.		Not Applicable
B.3.1.2.7 No additional properties on Salt Spring Island should be zoned for resorts, hotels or motels until the percentage of built units has reached at least 80 per cent of the current (2008) development potential. Future levels of development around lakes and streams should be restricted if there would be negative impacts on the supply or quality of freshwater resources.		2008 zoning for this property allowed for accommodation units. LTC may consider retaining the 2008 allocated units would not be

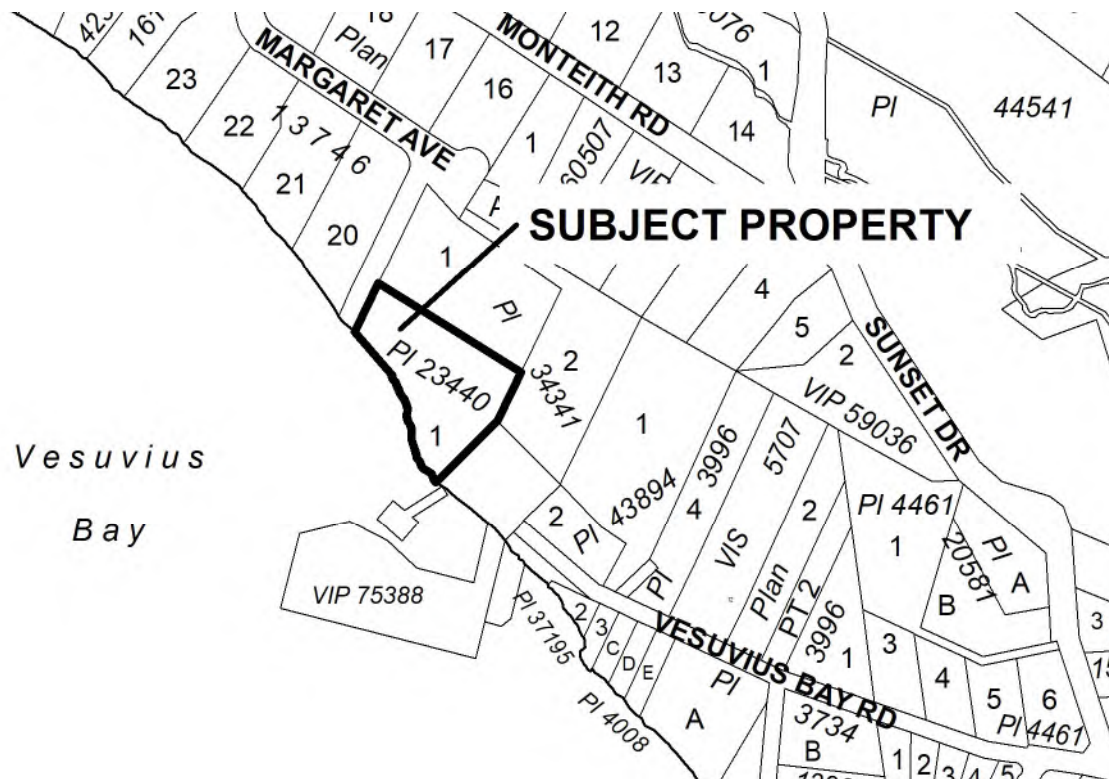
B.3.1.2.8 To manage the impact of commercial tourist accommodation zones located in residential areas, the Local Trust Committee could consider retaining zoning to: a. limit the maximum number of tourist accommodation units in any one operation to 50 units. b. establish an appropriate total floor area for tourist operations and for the accessory uses currently allowed in commercial tourism accommodation zones. c. establish standards for vegetation screening next to residential property. d. establish density and standards for campgrounds.		Not applicable; however – while not currently zoned for units, previous commercial zoning was not retained.
B.3.1.2.9 The Local Trust Committee will not consider rezoning applications that would allow the development of large new destination resorts, large convention centres, water slides, theme parks, casinos, and mini golf courses.		Not applicable
B.3.1.2.10 The development of time-shared resorts will not be supported.		Not applicable
B.3.1.2.11 The Local Trust Committee should not approve applications to strata-title existing resorts if the level of neighbourhood impacts is expected to be greater than that of an owner-managed resort.		Not applicable
B.3.1.2.12 The Local Trust Committee should consider changing zoning to allow for mobile marketing on or near the Long Harbour ferry terminal.		Not applicable
B.3.1.2.13 The Local Trust Committee should consider changing zoning that would assist in the marketing of local products, whether in public markets or commercial outlets.		Not applicable
B.9.1.2 SHORELINE AND AQUATIC USE POLICIES		
B.9.1.2.1 Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine.		Proposal for area outside of shoreline/foreshore.

B.9.1.2.2 The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government.		Proposal for area outside of shoreline/foreshore.
B.9.1.2.3 The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat.		Proposal for area outside of shoreline/foreshore.

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of Temporary Use Permit. The proposed permit would permit five (5) short term vacation rental units on the property as part of a commercial operation.

The property is located at **805 Vesuvius Bay Road, Salt Spring Island** and is legally described as LOT 1, SECTION 10, RANGE 3 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 23440 (PID: 003-105-661).

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 Road, Salt Spring Island BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday, Tuesday, Thursday and Friday, excluding statutory holidays, and on the Islands Trust website <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/>, commencing **March 26, 2024** and continuing up to and including **April 10, 2024**.

For the convenience of the public only, and not to satisfy Section 494 (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 Chris Buchan, Planner 2 at (250) 537-9144, 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: ssiinfo@islandstrust.bc.ca before 4:30 pm, **April 10, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **April 11, 2024** starting at 9:30 a.m. 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
TEMPORARY USE PERMIT SS-TUP-2023.2

To: 1073962 B.C. LTD.

1. This Permit applies to land described below:

PID: 003-105-661

LOT 1, SECTION 10, RANGE 3 WEST, NORTH SALT SPRING ISLAND, COWICHAN
DISTRICT, PLAN 23440

2. This Permit is authorized in accordance with the following plans and reports attached to and forming part of this Permit as signed and dated by the Deputy Secretary of Islands Trust:

Schedule No. 1 Site Plan
Schedule No. 2 Floor Plan
Schedule No. 3 Geotechnical Assessment

3. This Permit is issued to allow the following use:

- Five Temporary Short Term Vacation Rental Units (Units 1 – 5), as depicted in Schedules 1 and 2.

4. This Permit is valid for a period of 60 days from the date of issuance. The use may be carried out subject to the following conditions:

4.1 Site Layout, Parking, and Grading

- 4.1.1 The buildings, structures, parking, and general site layout shall be in substantial accordance with Plan No. 1.

4.2 Buildings and Structures

- 4.2.1 Prior to the use commencing use, the operator must receive final occupancy through the CRD building permit process for each rental unit.
- 4.2.2 Prior to Temporary Use Permit is expiry, all buildings and structures which would not conform to the Salt Spring Island Land Use Bylaw No. 355 must be removed from the site.
- 4.2.3 Prior to the use commencing, the operator must remove the unauthorized structure within the setback area, identified within Schedule 1.

4.3 Water and Sewage

- 4.3.1 All water produced for the rental units must be connected to a provincially licensed water system or community water district.
- 4.3.2 In compliance with the Salt Spring Island Land Use Bylaw No. 355, Section 5.5.5, each commercial accommodation unit must be supplied a minimum of 450 litres of potable water per day.



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT SS-TUP-2023.2

- 4.3.3 All sewage produced by the rental units must be connected to an approved sewage disposal facility as per the Sewerage System and/or Island Health regulations.

4.4 Geotechnical Requirements:

- 4.4.1 All development must be in accordance with the geotechnical assessment included as Schedule 3.
- 4.4.2 Supporting elements for structures are to be extended to bear atop competent mineral soils or bedrock. Bearing areas must be benched to prepare for footing elements.
- 4.4.3 Structures located within 5 metres of the steep slope adjacent to the foreshore must have its support elements extended to non-weathered bedrock.
- 4.4.4 All drainage resulting from rental units 1-5 must be directed to adjacent hard surface structures within stable areas, or directed to the foreshore to discharge atop a non-erodible surface.
- 4.4.5 All proposed septic systems must be located in stable areas.
5. Islands Trust staff may enter the subject property at any time between 8:00 a.m. and 4:30 p.m. to ensure compliance with the Temporary Use Permit.
6. This Permit does not relieve the Permittee from the need to secure all other approvals necessary for the proposed use.
7. This is NOT a Building Permit, nor does it remove any obligation on the Permittee to obtain other approvals necessary for the lawful completion of the development.

**AUTHORIZING RESOLUTION FOR THE ISSUANCE OF THIS TEMPORARY USE PERMIT PASSED BY THE
SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 20__.**

DEPUTY SECRETARY, ISLANDS TRUST

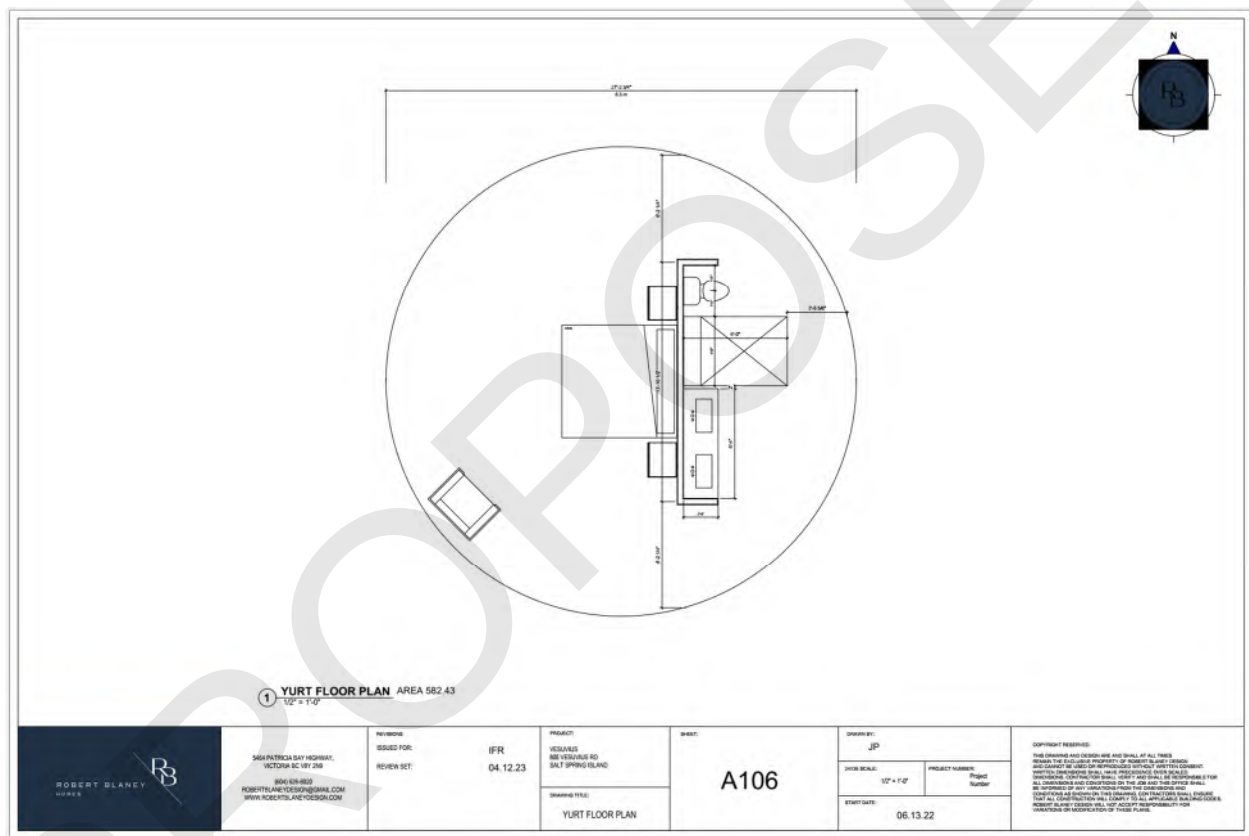
DATE OF ISSUANCE

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT SS-TUP-2023.2

SCHEDULE NO. 2 – Floor Plan





PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT SS-TUP-2023.2

SCHEDULE NO. 3 – Geotechnical Report (Attached)



RYZUK GEOTECHNICAL

Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

February 10, 2023

File No. 9189-3

1073962 BC Ltd
805 Vesuvius Bay Rd
Salt Spring Island, BC
V8K1L6

Attn: Travis Heide (travisheide@gmail.com)

Re: Geotechnical Assessment
805 Vesuvius Bay Road – Salt Spring Island, BC

As requested, we visited the referenced site on January 30, 2023, to carry out a reconnaissance of the existing geotechnical conditions as such relates to the proposed construction of temporary structures and support buildings associated with commercial/recreational use. There are moderately steep to steep slopes present within the site which is designated as Development Permit Area 6 (DPA-6) within the Salt Spring Island Official Community Plan (OCP), Bylaw 434. Pursuant to Section E.6.1.3 (e) of the bylaw, a permit exemption may be granted provided that the work is conformant with recommendations provided by a qualified professional. Our associated observations, comments, and recommendations in this regard are contained herein. Our work has been carried out in accordance with, and is subject to, the accepted Terms of Engagement.

The site is located adjacent to the Vesuvius Bay BC Ferry Terminal, generally bounded by residential properties to the north and northeast, Margret Avenue Right-of-Way to the northwest, BC Ferries parking lot to the southeast, and the foreshore of Vesuvius Bay to the west. The site slopes up from the shoreline at approximately 30 to 40 degrees from horizontal, leading up to a series of benched areas, becoming less steep within the upper portions to approximately 15 to 25 degrees. The slopes continue at a gentle to moderate inclination above the site leading up to a ridge line at geodetic elevation of about 65 m. The overall relief within the site is in the order of 32 m.

The site currently hosts an existing two storey building located within the southeast surrounded by a gravel parking area and landscaping, including a beach access, local retaining walls, and sheds/trailers. A relatively steep roughed in driveway rises to the north from the northwest of the

parking area leading up to the location of a recently constructed geodesic dome structure supported by a wooden deck atop shallow cast concrete pads. We noted that underground servicing appeared to have been installed recently, presumably in support of the proposed usage. The current site conditions are shown on the attached photo log.

We understand that the proposed construction would consist of 15 temporary camping cabin domes along with access trails and recreation areas within the central to upper areas of the site, and new support buildings adjacent to the existing building. The conceptual site plan produced by Robert Blaney Homes is attached for reference.

The terrain is generally bedrock controlled, mapped as the Cedar District of the Cretaceous Nanaimo Group within the site, with Decourcy Formation present along the ridgeline above. Bedrock consisting of laminated to medium thick bedded sandstone/mudstone/shale throughout the shoreline and within local cut benches in the central areas. The bedding planes dip to the northeast at approximately 70 degrees. An orthogonal joint set to, and at the scale of, the bedding was also noted. Massive sandstone was observed within the distal ridgeline areas upslope of the site.

Soils were noted to comprise a veneer of organics along with local fills, colluvium, and potential pockets of stiff glaciomarine clays or dense silty gravelly sand glacial till. No drainage courses or areas of significant seepage were observed. Vegetation consisted of intermittent small trees and grasses/brush within the southern areas and forested areas within the northern portions.

We consider the slopes within the area to be globally stable, however, local instability was noted along the shoreline whereby long term erosion at the toe of the slope results in steepening and support removal of bedrock material above the orthogonal joints. Local soils present at the slope toe were also noted to be subject to surficial instability. Given the proposed structures would be generally supported by shallow footings and the terrain alterations for access would be limited to shallow excavations/fills we consider that such would not affect the overall existing stability conditions or result in undue risk of instability.

We recommend that all supporting elements for structures be extended to bear atop competent mineral soils or bedrock. The bearing areas should be benched to prepare for footing elements. Where structures are located close to (within 5 m of) the steep slope adjacent to the foreshore we recommend that the support elements be exclusively extended to nonweathered bedrock. If permanent buildings are proposed, we recommend that the foundations preparations be reviewed by a qualified professional, and such foundations can be designed with an assumed bearing resistance of 150 kPa SLS, 225 kPa ULS, and seismic Site Classification 'B'. Additional geotechnical design recommendations can be provided upon request.

Trail preparations should be completed such that organics are removed prior to placement of select granular fills compacted suitably to build up design grades. All altered unsupported soil slopes should be shaped at 2H:1V (Horizontal: Vertical) or flatter. Bedrock cuts can be sloped at 1/4H:1V, though if such exceed 1.5 m then professional review of the permanent configurations is recommended at the time of exposure to assess stability conditions and whether stabilization measures would be necessary.

Collected drainage can potentially be directed to local dispersal areas adjacent to hard surface structures within stable areas, or directed to the foreshore to discharge atop a non-erodible surface, and further recommendations in this regard can be provided if required. We presume that a septic system would be situated in a stable area and the design and approval of such overseen by others.

In summary, we consider that the proposed development as described above would be feasible from a geotechnical perspective in accordance with the DPA guidelines, and we support a permit exemption in this regard provided the work is completed in accordance with our recommendations.

We trust the preceding is suitable for your purposes at present. Please don't hesitate to contact our office if we can be of further assistance.

Sincerely,



Andrew Jackson, P.Geo., P.L.Eng
Lead Geoscientist / Engineering Licensee
PN:1002996

Attachment – Photo Log and Site Plan

Cc: Shannon Lamontagne, Project Manager (shannon@robertblaneydesign.com)



1. View northwest from site entrance at southeast



2. View southeast toward existing building



3. View southeast along shoreline



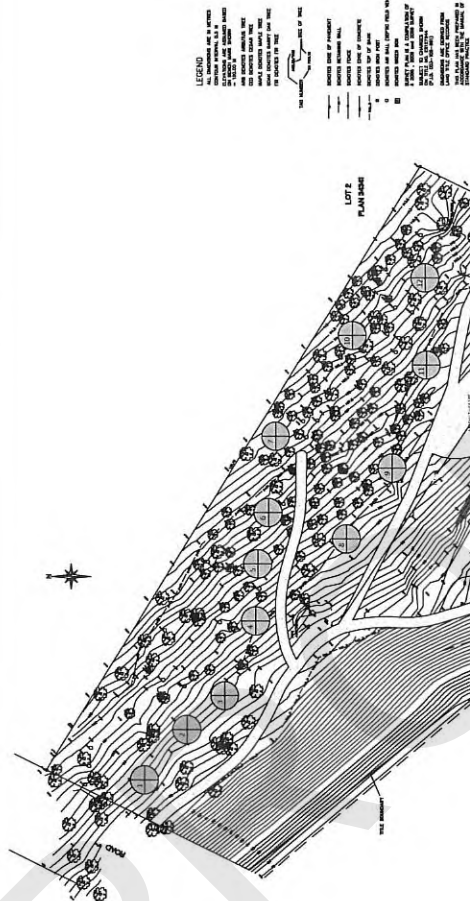
4. View south of upper areas



5. view northwest toward existing camping dome



6. view to northeast upslope

[illegible]

Copyright Reserved.

This drawing and design are and shall at all times remain the exclusive property of Robert Blaney Design and cannot be used or reproduced without written consent. Written dimensions shall have precedence over scaled dimensions. Contractor shall verify and shall be responsible for all dimensions and conditions on the job and this office shall be informed of any variations from the dimensions and conditions shown on this drawing. Contractors shall ensure that all construction will comply to all applicable building code. Robert Blaney Design will not accept responsibility for variations or modification of these plans.

JP

12"x18" SCALE:

$\frac{1}{32}'' = 1'$

START DATE: 06/10/22

SHEET:

A-01

PROJECT: SALT SPRING

REVIEW
6/10/2022

REVISION:	
ISSUED FOR:	
REVIEW SET:	

5464 PATRICIA BAY HIGHWAY,
VICTORIA BC V8Y 2N9
(604) 626-6020
ROBERTBLANEYDESIGN@GMAIL.COM
WWW.ROBERTBLANEYDESIGN.COM

ROBERT HUNTER

DATE OF MEETING: April 11, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Bruce Belcher, Planner 1
Local Planning Services
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: SS-DVP-2023.16
Applicant: Alan Maten
Location: 131 Northern Way, Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2023.16 (Maten)

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the siting of a proposed single family dwelling in the interior side lot line setback.

BACKGROUND

The specific variance is to **the interior side lot line** provisions of the **Rural variant e – R(e)** zone in the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB).

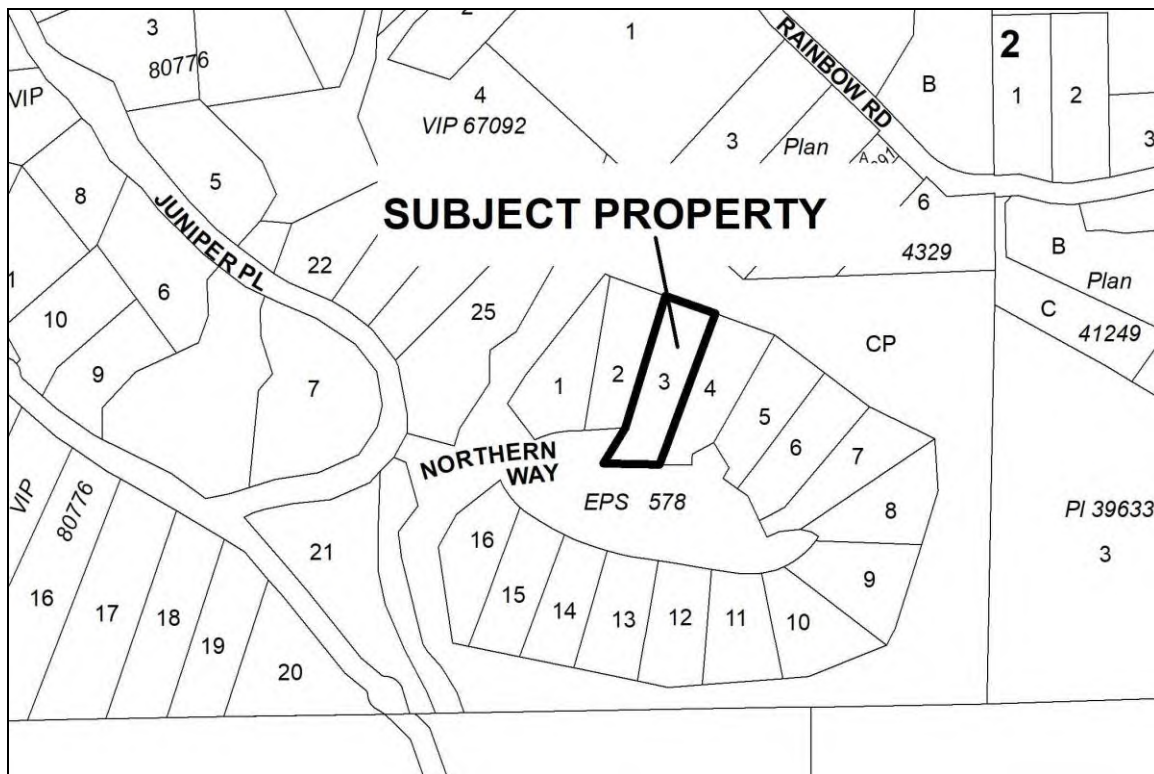
- Section 4.3.1 which states that no building or structure except a fence, pumphouse, public utility structure or underground utility may be constructed within **3.0 metres** from the interior side lot line is varied to permit a proposed single family dwelling shown as “Cottage”, shown in Figure 2, within 1.5 metres of the interior side lot line.

The 0.71 ha (1.754 ac) subject property is a strata lot located at 131 Northern Way on Mount Erskine, facing north onto Booth Bay. The common property access route through the strata creates a hooked lot on the subject property. The southern section of the property is bound by the roadway to the north and common property strata land to the south, west, and east.

The proposed 55.7 sq m (600 sq ft) dwelling would not require any tree cutting. The design shown in Attachment 2 is a one storey single family residence. The house does not make use of the common property land to the south. No eaves, overhangs, or exterior door access would project into the strata common property. The setback variance request is proposed to reduce the proximity to the rock face hazard, increasing the ability for a deck and use of the outdoor space to the north.

A copy of the notice and proposed permit SS-DVP-2023.16 (Maten) are attached as Attachment 4 and 5. Staff conducted a site visit on March 6th, 2023. Staff observed the proposed building site and confirmed that the proposal appears adequate to facilitate the development. Photos of the property are included as Attachment 2.

Figure 1 – Subject Property Map



ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, a variance to siting regulations is being sought.

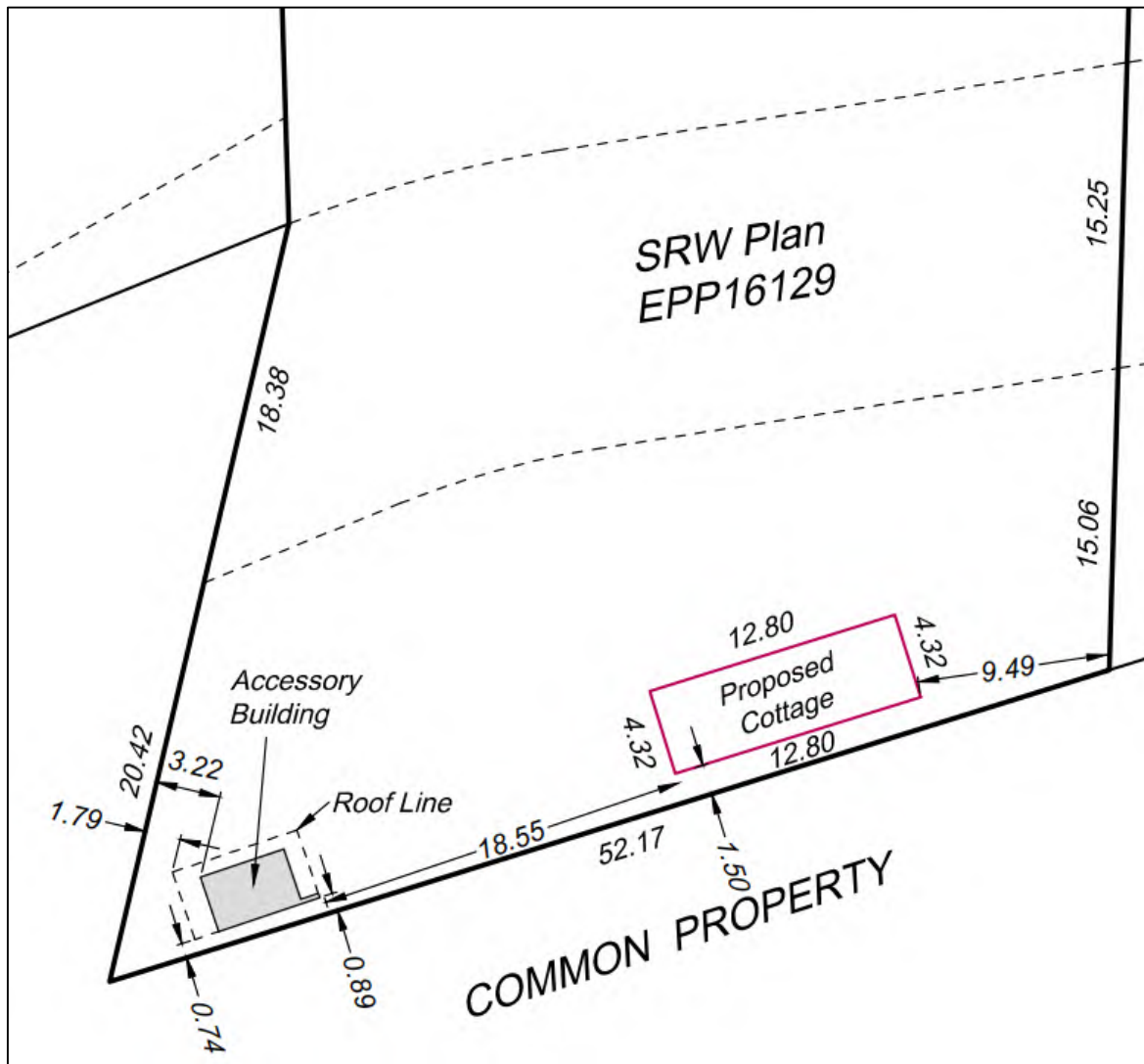
Official Community Plan (OCP)

The property is designated Rural Neighbourhoods (RL) in the Salt Spring Island OCP. There are no development permit areas on the property.

Land Use Bylaw

The property is zoned **Rural variant e – R(e)** in the Salt Spring Island Land Use Bylaw No. 355, 1999. The proposed use is permitted and approval of the variance will bring the property into compliance with the LUB.

Figure 2 – Site Plan



Issues and Opportunities

Rational for Variance

The applicant's rationale for the variances are:

- Increase the distance of the dwelling from the rock face hazard to the north.
- Minimize development on the north section of the property.
- Reduce ground and vegetation disturbance and avoid mature tree removal.

Intent of Regulations being varied

The overall purpose of interior side yard siting is to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.

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

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.

Impact on Neighbouring Properties

The most impacted neighbours by the proposed variance would be lot SL 4 neighbouring the subject property to the east, and the strata lots south of the common property. The common property to the south is densely forested meaning the visual impact of a single storey dwelling would likely be minimal.

Circulation

DVP Notices were circulated to surrounding property owners and residents on March 27, 2024. The notification period will end on April 10, 2024.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC meeting will be forwarded to the LTC and reported at the meeting.

First Nations

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

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

- The rationale for the variance is reasonable.
- Impacts on neighbouring properties from approval of the variance would not be significant.
- The application is being made prior to construction.
- The proposed variance would not challenge the intent of the regulation.
- At the time of writing, there has been no response to the notification.

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. Amend and Approve

The LTC may opt to make amendments to the permit as circulated provided the amendments *do not* allow further encroachments. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee amend application SS-DVP-2023.16 (Maten) as follows:
_____ ; and,*

That the Salt Spring Island Local Trust Committee approve application SS-DVP-2023.16 (Maten) as amended.

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee refuse application SS-DVP-2023.16 (Maten).

Submitted By:	Bruce Belcher, Planner 1	March 27, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	April 3, 2024

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	STRATA LOT 3 SECTION 1 NORTH SALT SPRING ISLAND RANGE 1E COWICHAN DISTRICT STRATA PLAN EPS578 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
PID	028-882-601
Civic Address	131 NORTHERN WAY SALT SPRING ISLAND BC V8K 2Y1
Lot Size	0.71 ha (1.754 ac)

LAND USE

Current Land Use	Rural Neighbourhoods
Surrounding Land Use	Rural Neighbourhoods

HISTORICAL ACTIVITY

File No.	Purpose
SS-BP-2021.174	Building Permit for new SFD
SS-SUB-2002.7	25 lot subdivision, Juniper Place
SS-RZ-2000.2	Transfer development rezoning from property at Erskine Point to property at Wilkie Way to allow 'rec

POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw #434, 2008 – Rural Neighbourhoods
Land Use Bylaw	Salt Spring Island Land Use Bylaw #355, 1999 – Rural variant e
Other Regulations	N/A
Covenants	EM39623, ET100495, FA41421, FA41423, CA2684996
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Species at Risk	N/A
Sensitive Ecosystems	Mature Forest
Hazard Areas	Moderate, Low risk steep slopes
Archaeological Sites	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

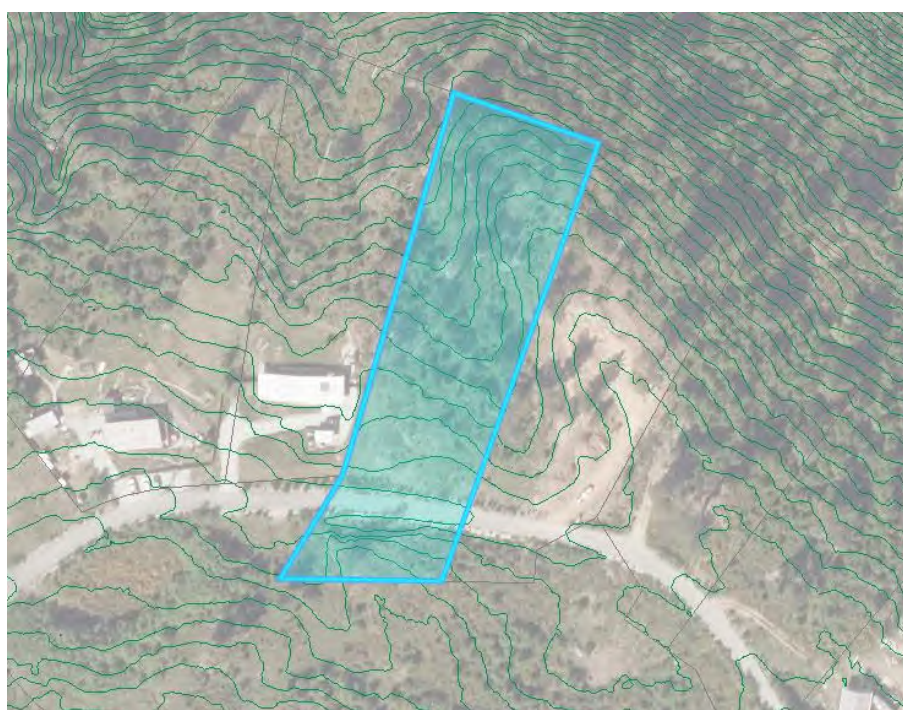
	needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

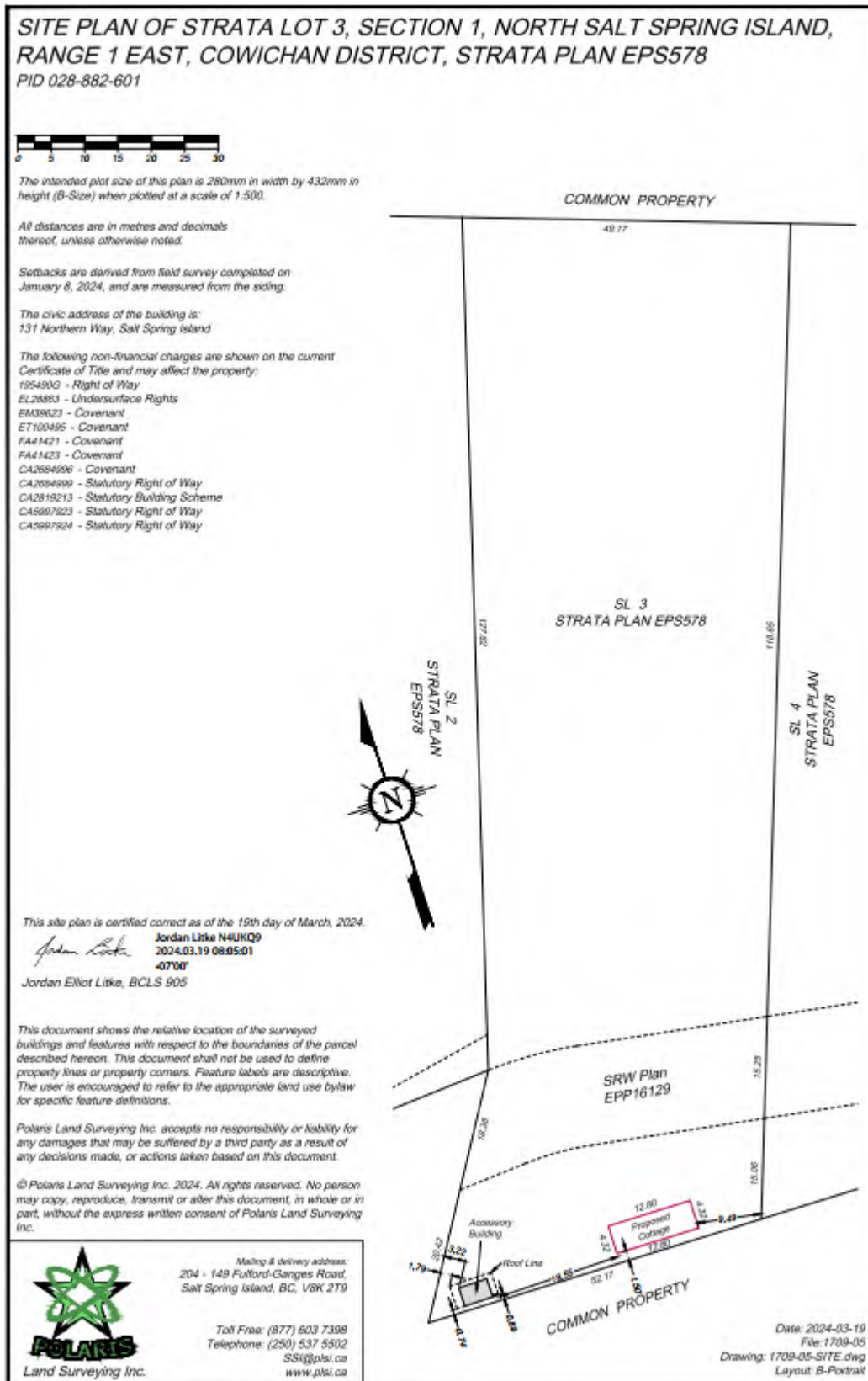
2.1 ORTHOZONING

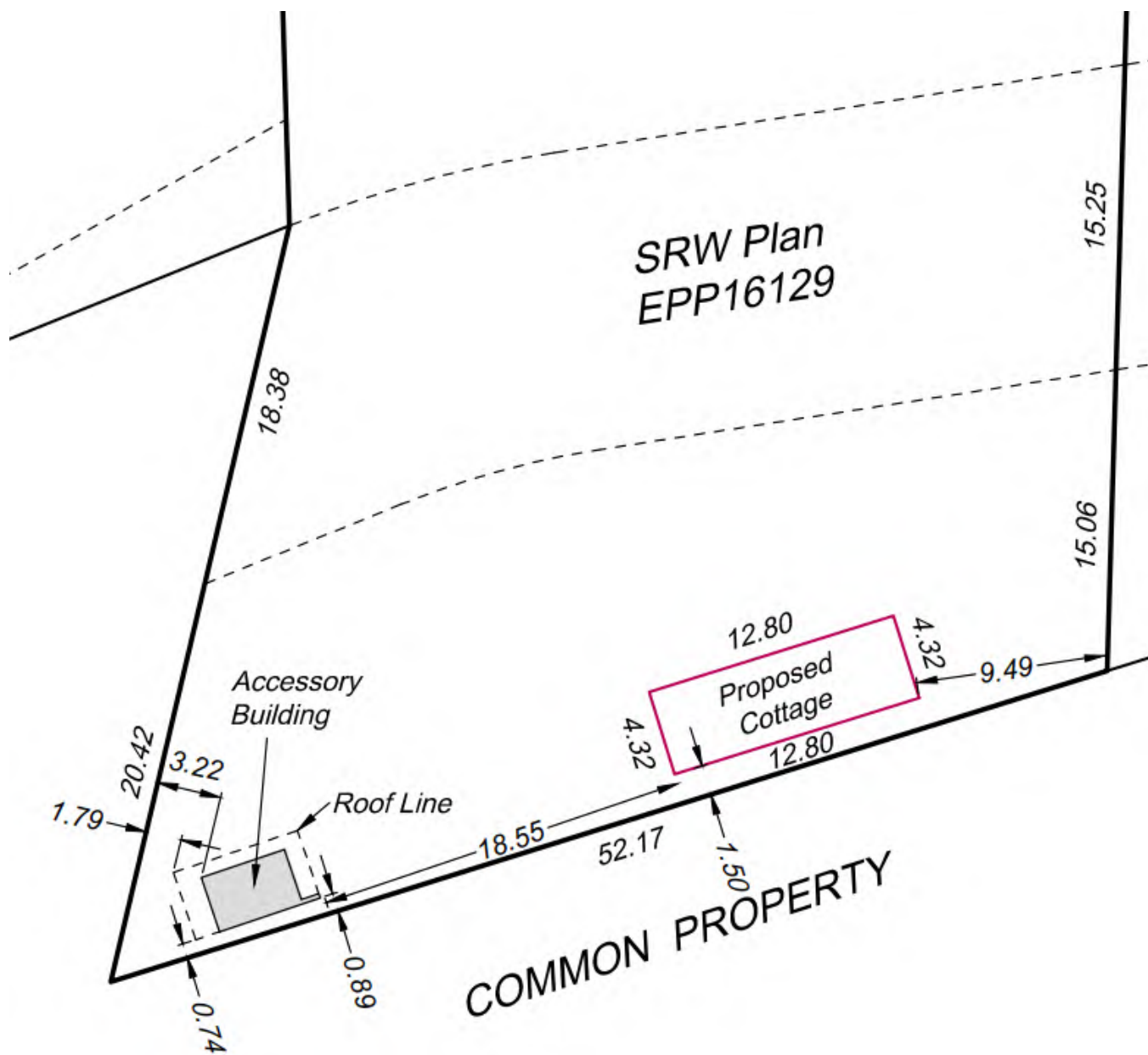


2.2 TWO METRE CONTOURS

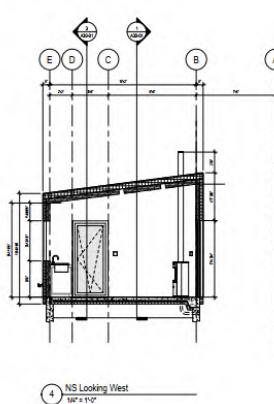
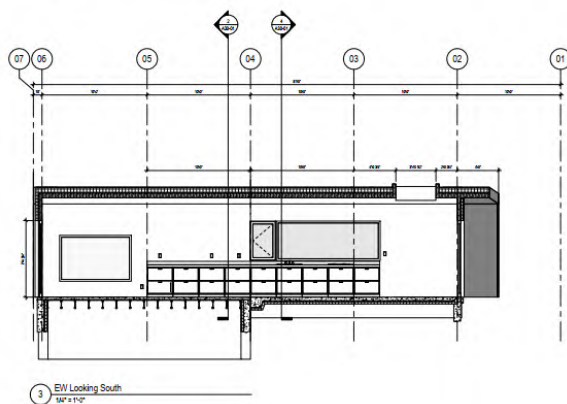
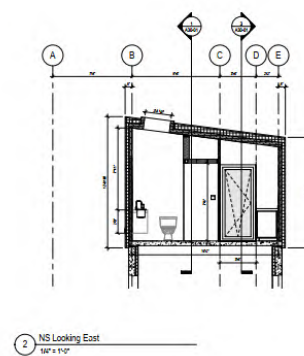
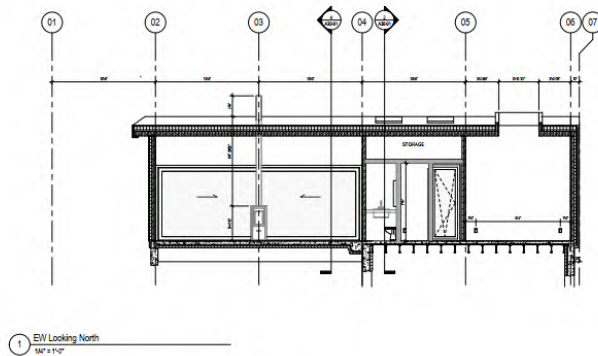
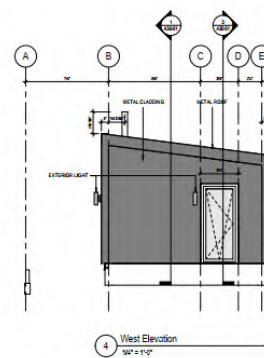
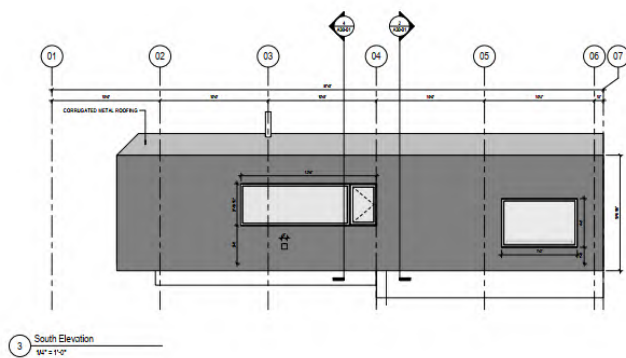
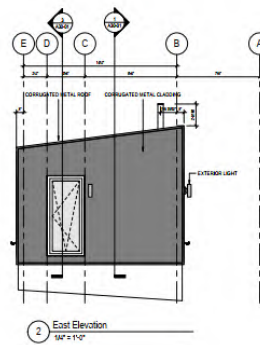
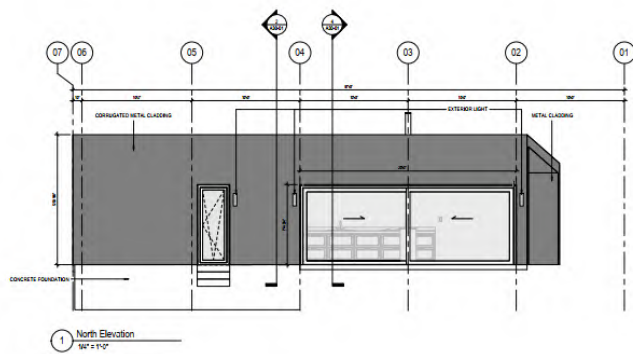


2.3 SURVEY PLAN





2.4 BUILDING PLANS



2.5 PHOTOGRAPHS



PROPOSED BUILDING SITE LOOKING WEST AND NORTH





PROPERTY LINE LOOKING WEST AND SOUTH





SHED/PARKING AREA AND COMMON PROPERTY LOOKING SOUTH





COMMON PROPERTY LOOKING SOUTH





BUILDING SITE LOOKING NORTH, AND EAST





ROCK HAZARD ALONG HIGHWAY BOUNDARY





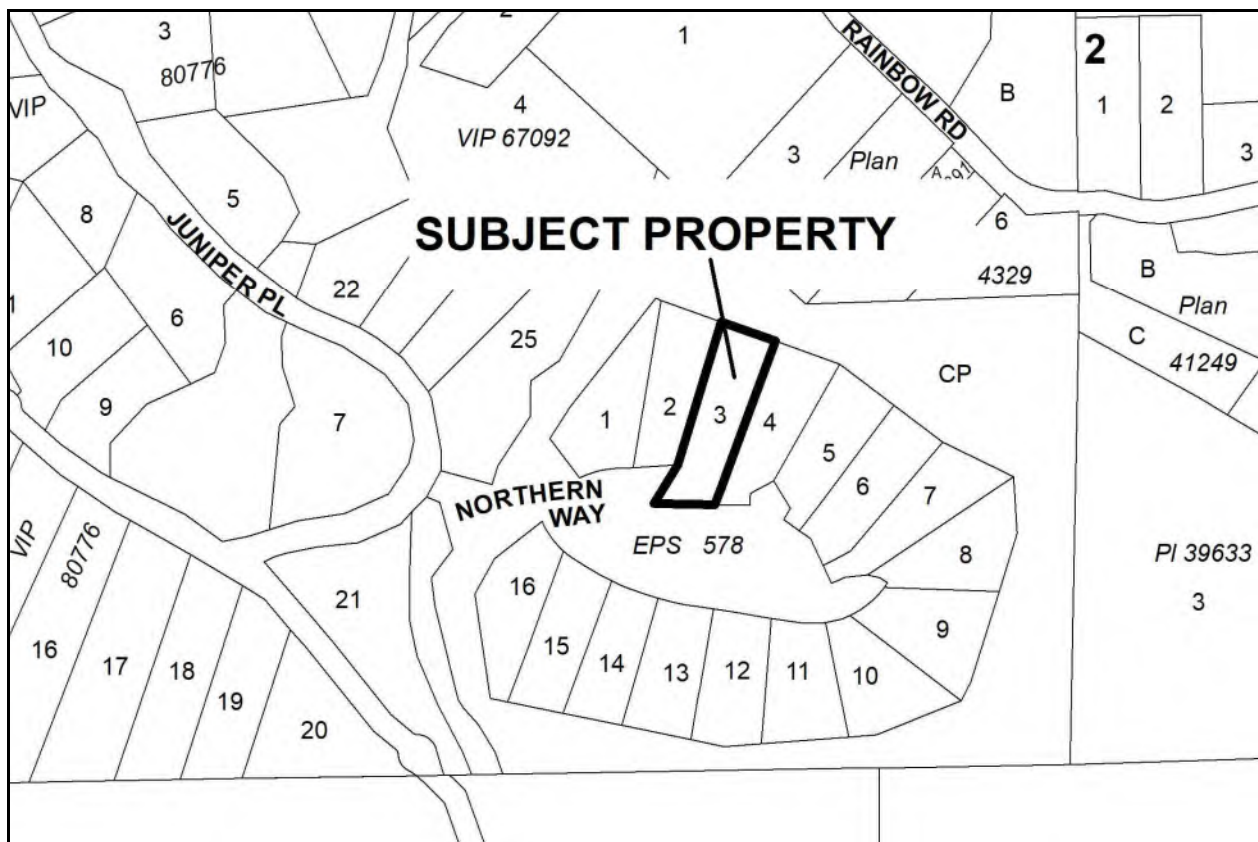
NOTICE
SS-DVP-2023.16
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender 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:

- A variance to reduce the 3 m setback from the interior side lot to permit the siting of a proposed single family dwelling within 1.5 m of the interior side lot line.

The property is located at **131 Northern Way** and is legally described as STRATA LOT 3 SECTION 1 NORTH SALT SPRING ISLAND RANGE 1E COWICHAN DISTRICT STRATA PLAN EPS578 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 028-882-601).

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 Road, Salt Spring Island, BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 26, 2024** and continuing up to and including **April 10, 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 Bruce Belcher, Planner 1 at (250) 405-5179, 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: ssiinfo@islandstrust.bc.ca before 4:30 pm, **April 10, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **April 11, 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



PROPOSED

ATTACHMENT 4

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2023.16**

To: Qing Zhong
c/o Alan Maten

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

STRATA LOT 3 SECTION 1 NORTH SALT SPRING ISLAND RANGE 1E COWICHAN DISTRICT STRATA PLAN EPS578 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 028-882-601)

2. Salt Spring Island Land Use Bylaw 355, 1999 is varied as follows:

- a) Subsection 4.3.1 which states that *no building or structure except a fence, pumphouse, public utility structure or underground utility may be constructed within 3.0 m from the interior side lot line* is varied to permit a proposed siting of a single family dwelling ("Cottage") to be sited 1.5 m from the interior lot line.

The development shall be consistent with Schedule 'A' which is attached to and form 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-2023.16

SCHEDULE 'A'

**SITE PLAN OF STRATA LOT 3, SECTION 1, NORTH SALT SPRING ISLAND,
RANGE 1 EAST, COWICHAN DISTRICT, STRATA PLAN EPS578**
PID 028-882-601



The intended plot size of this plan is 280mm in width by 432mm in height (B-Size) when plotted at a scale of 1:500.

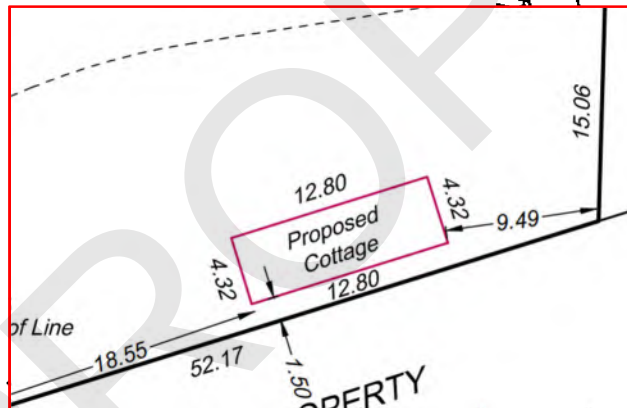
All distances are in metres and decimals thereof, unless otherwise noted.

Setbacks are derived from field survey completed on January 8, 2024, and are measured from the siding.

The civic address of the building is:
131 Northern Way, Salt Spring Island

The following non-financial charges are shown on the current Certificate of Title and may affect the property:

1964903 - Right of Way
EL28863 - Undersurface Rights
EM39823 - Covenant
ET100485 - Covenant
FA41421 - Covenant
FA41423 - Covenant
CA2884986 - Covenant
CA2884989 - Statutory Right of Way
CA2818213 - Statutory Building Scheme
CA8997823 - Statutory Right of Way
CA8997824 - Statutory Right of Way



This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described hereon. This document shall not be used to define property lines or property corners. Feature labels are descriptive. The user is encouraged to refer to the appropriate land use bylaw for specific feature definitions.

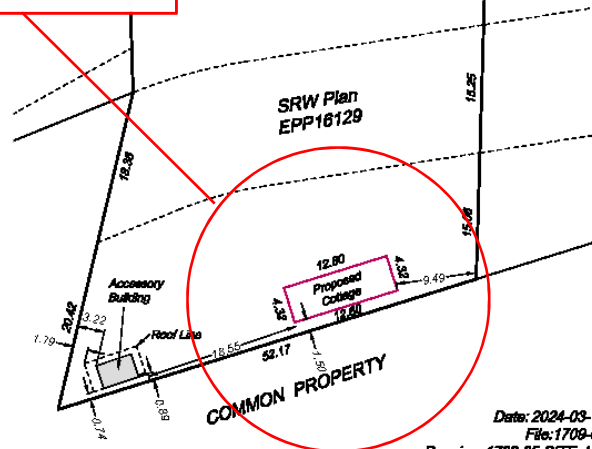
Polaris Land Surveying Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

©Polaris Land Surveying Inc. 2024. All rights reserved. No person may copy, reproduce, transmit or alter this document, in whole or in part, without the express written consent of Polaris Land Surveying Inc.



Mailing & delivery address:
204 - 149 Fulford-Ganges Road,
Salt Spring Island, BC, V8K 2T9

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



Date: 2024-03-19
File: 1709-05
Drawing: 1709-05-SITE.dwg
Layout: B-Portrait

DATE OF MEETING: April 11, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Bruce Belcher, Planner 1
Salt Spring Island Team
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: SS-DVP-2024.4
Applicant: Everest MacDonald
Location: 541 Anna's Drive, Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-202.4.4 (MacDonald)

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to vary the maximum height permitted for a structure.

BACKGROUND

The specific variance is to the maximum permitted height in the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB).

- Section 3.8.1 which states that unless otherwise specified, the maximum height for structures is **7.6 metres**, provided that not more than two storeys are permitted in any structure is varied to permit a proposed single family dwelling to be built with a maximum height of 9.8 metres.

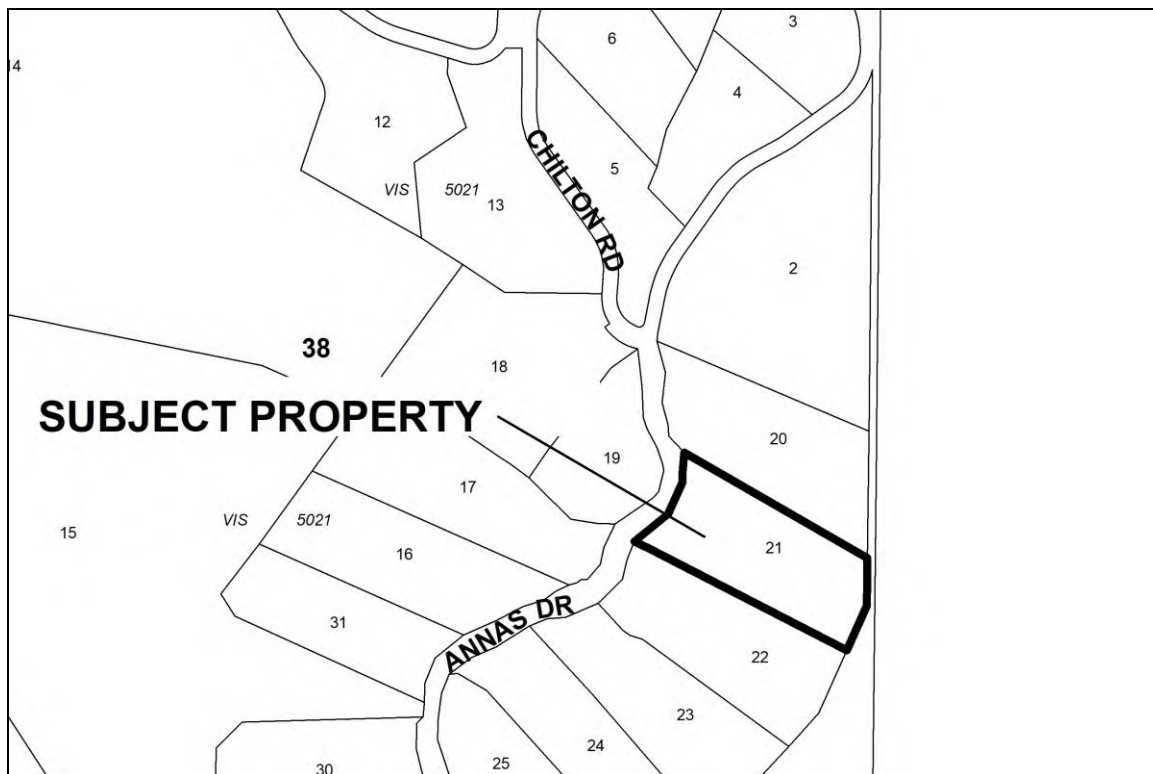
The 3.69 ha (9.12 ac) in area subject property is a strata lot located at 541 Anna's Drive on the south end of Salt Spring Island, facing south east onto Satellite Channel. The property is steep and has roughly 90 metres (295 feet) of vertical elevation gain from the rear lot line to the front lot line.

The proposed 362.3 sq m (3,900 sq ft) dwelling construction would be sited roughly in the centre of the lot at the end of the constructed driveway. Previous modifications were made to the selected building site by the previous owner, who removed three trees and began to level the ground. Locating the dwelling elsewhere on the property would likely require more roadwork and extensive modifications to the building site. The location of the dwelling is not visible from the road or the two neighbouring lots as there is significant forest coverage on either side.

A copy of the notice and proposed permit SS-DVP-2024.4 (MacDonald) are attached as Attachment 4 and 5. Staff conducted a site visit on March 14th, 2024. Staff observed the proposed building site and given the large

elevation changes through the property the proposal appears adequate to facilitate the development. Photos of the property are included as Attachment 2.

Figure 1 – Subject Property Map



ANALYSIS

Policy/Regulatory

Section 498 of the *Local Government Act* enables the Local Trust Committee to approve a DVP in order to vary a siting regulation in the LUB. A DVP may not be used to vary density or land use. In this case, a variance to siting regulations is being sought.

Official Community Plan (OCP)

The property is designated Uplands (U) in the Salt Spring Island OCP. The property is not located in any development permit area.

Land Use Bylaw

The property is zoned **Rural Uplands 1 – RU1** in the LUB. The proposed building construction does meet the two storey maximum requirement within Section 3.8.1 of the LUB, as the average natural grade calculation allows the lowest level of the building to be defined as a basement. The remaining two levels are defined as storeys. The proposed use of a 2 storey single family dwelling with a basement is permitted and approval of the variance will bring the property into compliance with the LUB.

Figure 2 – Site Plan

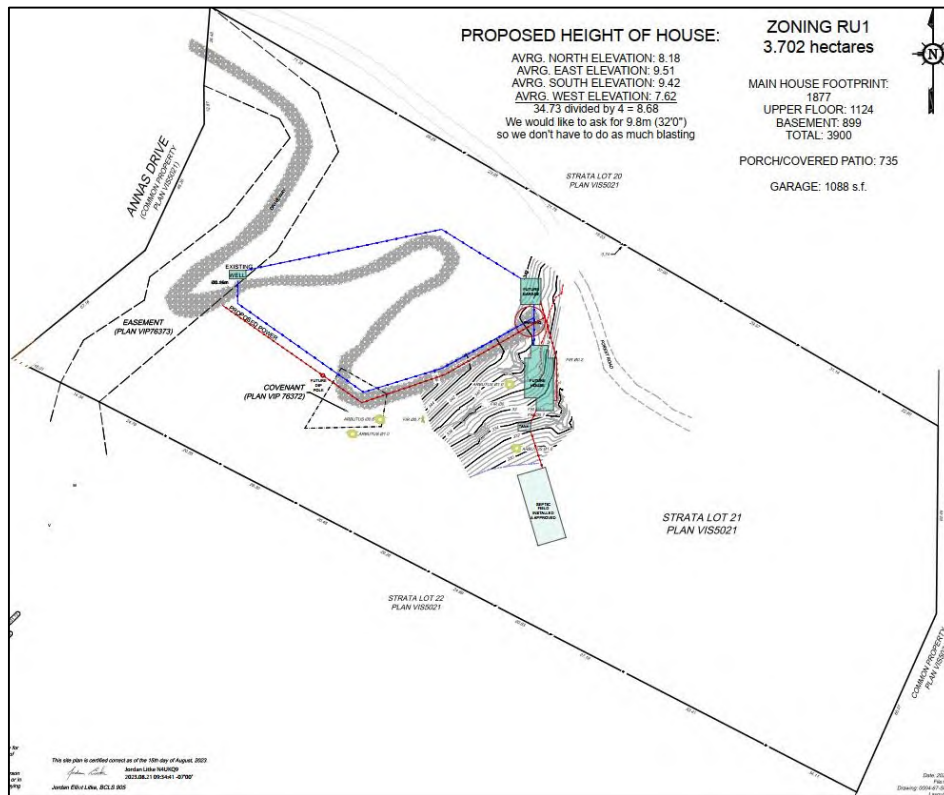
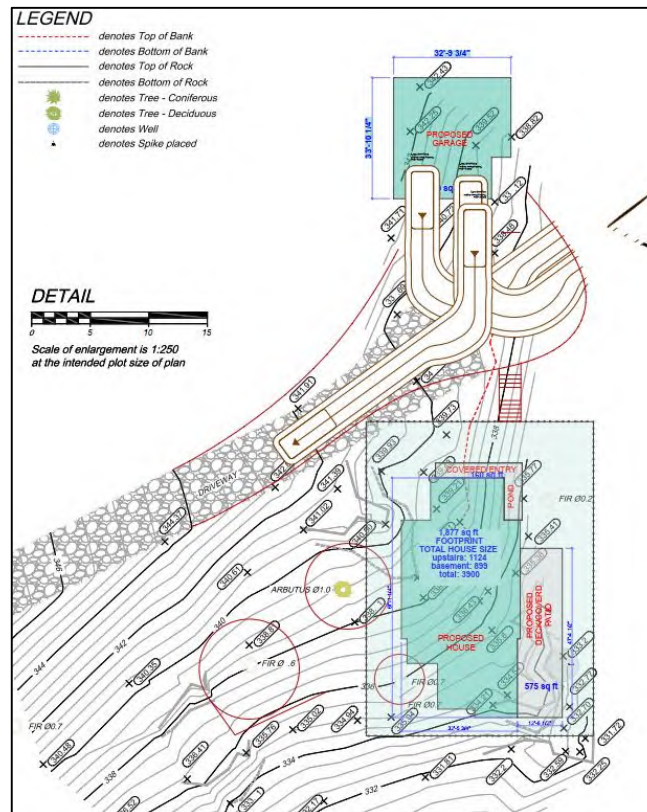


Figure 3 – Site Plan Detail



Issues and Opportunities

Rationale for Variance

The applicant's rationale for the variances are:

- Building site was chosen to capitalize on previous owners land alterations through tree removal and ground levelling.
- Selected building site would minimize blasting required for dwelling construction.
- The site is located at the bottom of the property and no other homes are visible from the site.
- Selected site enables the protection of an Arbutus tree to the south.

Intent of Regulations being varied

The overall purpose of interior side yard siting is to minimize impacts on adjacent properties related to:

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

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.

Impact on Neighbouring Properties

The most impacted neighbours by the proposed variance would be the neighbouring property to the north, strata lot 20, as the neighbouring property to the south has not been developed. Due to the proposed building site being about 50 metres below the road elevation and the property having sufficient tree coverage, the increase in height would have a negligible impact on the neighbouring properties views. The property also shares an east border with Mount Tuam Ecological Reserve.

Circulation

DVP Notices were circulated to surrounding property owners and residents on March 27, 2024. The notification period will end on April 10, 2024.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC meeting will be forwarded to the LTC and reported at the meeting.

First Nations

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

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

- The rationale for the variance is reasonable.
- Impacts on neighbouring properties from approval of the variance would not be significant.
- The application precedes construction.
- The proposed variance would not challenge the intent of the regulation.
- At the time of writing, there has been no response to the notification.

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. Amend and Approve

The LTC may opt to make amendments to the permit as circulated provided the amendments *do not* allow further encroachments. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee amend application SS-DVP-2024.4 (MacDonald) as follows: _____; and,

That the Salt Spring Island Local Trust Committee approve application SS-DVP-2024.4 (MacDonald) as amended.

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee refuse application SS-DVP-2024.4 (MacDonald).

Submitted By:	Bruce Belcher, Planner 1	March 27, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	April 3, 2024

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	STRATA LOT 21 SECTION 38 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT STRATA PLAN VIS5021 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V
PID	025-844-172
Civic Address	541 ANNA'S DR SALT SPRING ISLAND BC
Lot Size	3.69 ha (9.12 ac)

LAND USE

Current Land Use	Uplands
Surrounding Land Use	Uplands and Ecological Reserve

HISTORICAL ACTIVITY

File No.	Purpose
SS-DVP-2002.2	Related to Subdivision

POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw #434, 2008 – Uplands (U)
Land Use Bylaw	Salt Spring Island Land Use Bylaw #355, 1999 – Rural Uplands 1
Other Regulations	N/A
Covenants	EW6133, EW60582
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Species at Risk	N/A
Sensitive Ecosystems	N/A
Hazard Areas	High, Moderate, Low risk steep slopes
Archaeological Sites	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	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOZONING



2.2 TWO METRE CONTOURS



2.3 SURVEY PLAN

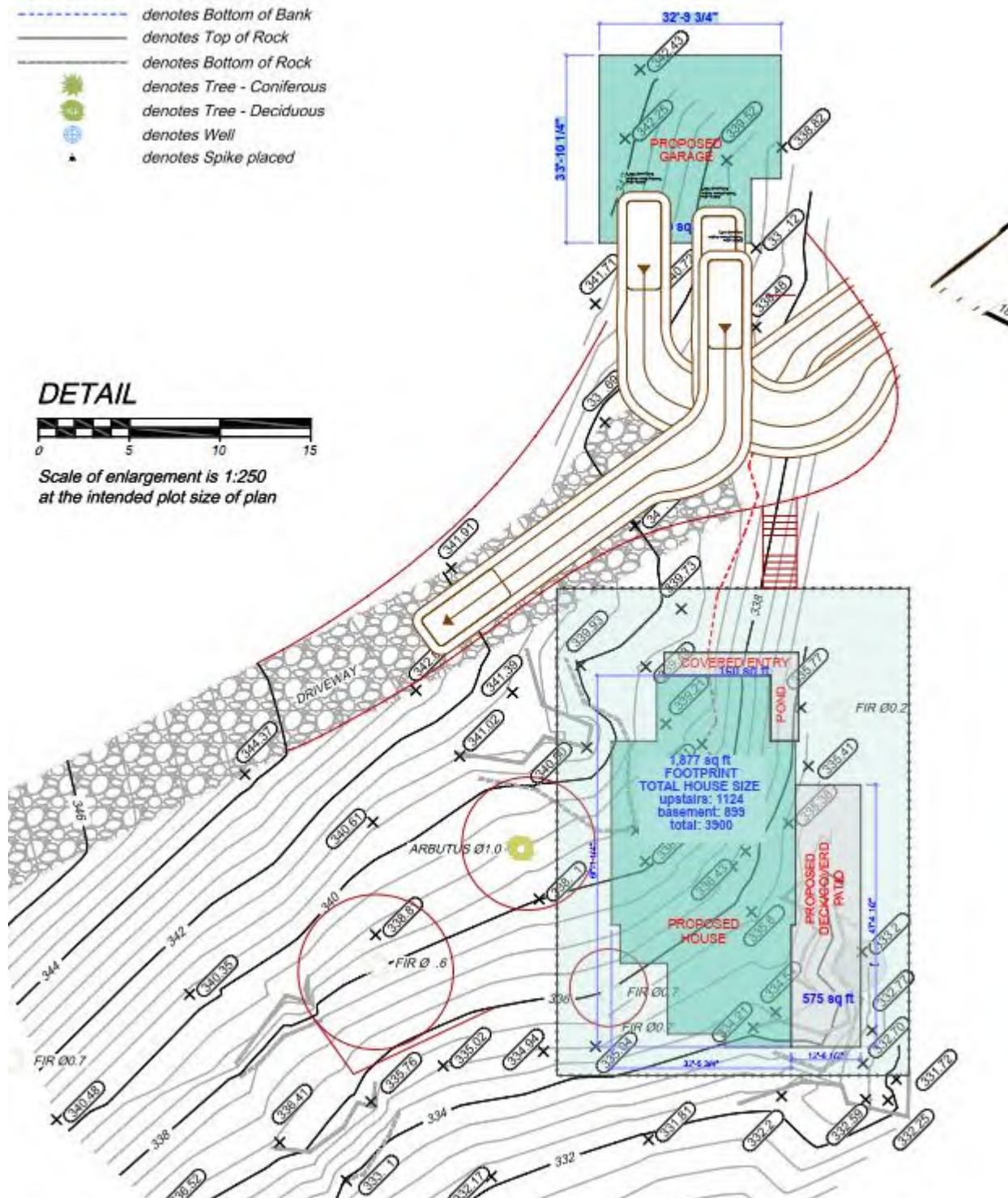
LEGEND

-  denotes Top of Bank
 denotes Bottom of Bank
 denotes Top of Rock
 denotes Bottom of Rock
 denotes Tree - Coniferous
 denotes Tree - Deciduous
 denotes Well
 denotes Spike placed

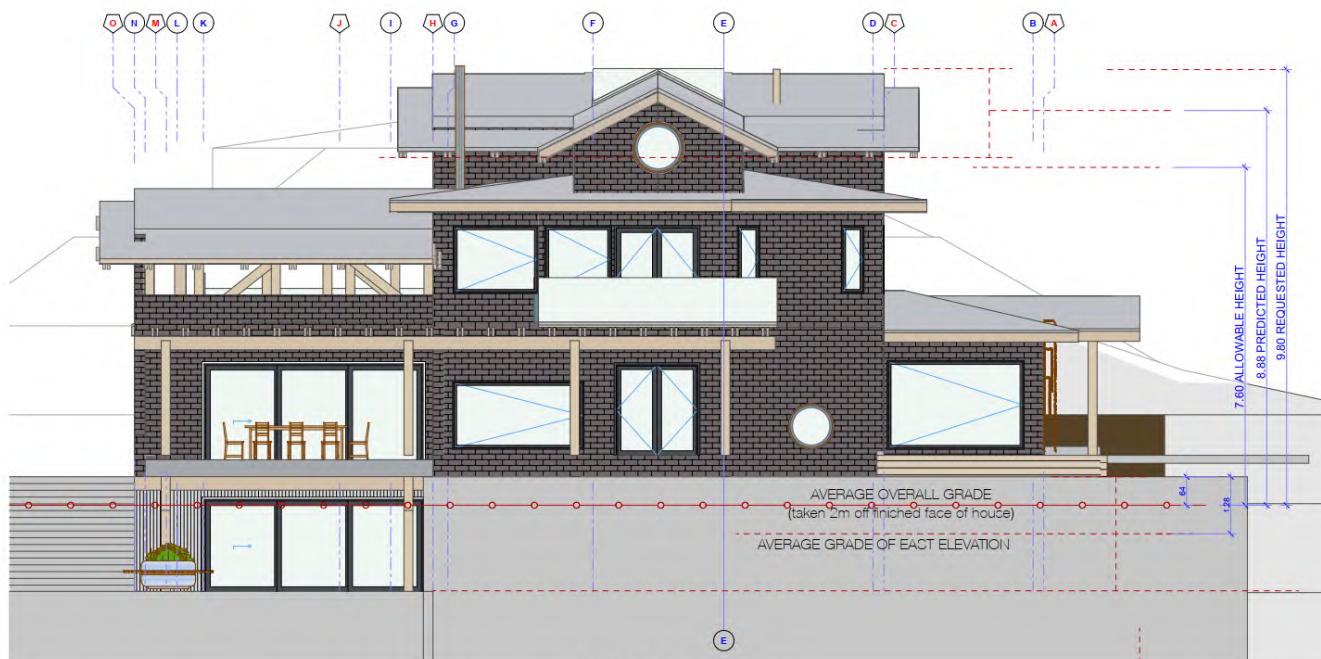
DETAIL



Scale of enlargement is 1:250
at the intended plot size of plan



2.4 BUILDING PLANS



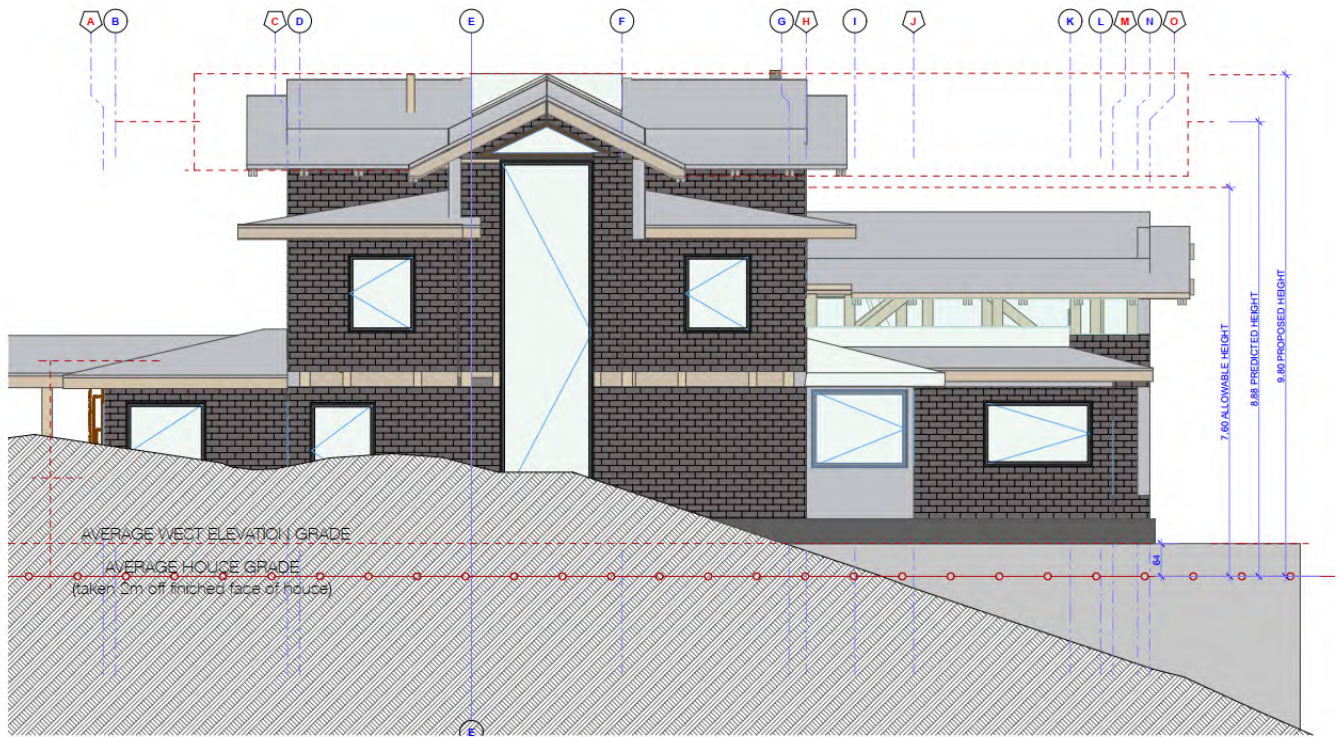
EAST ELEVATION (1)

SCALE: 1/4" = 1'-0"



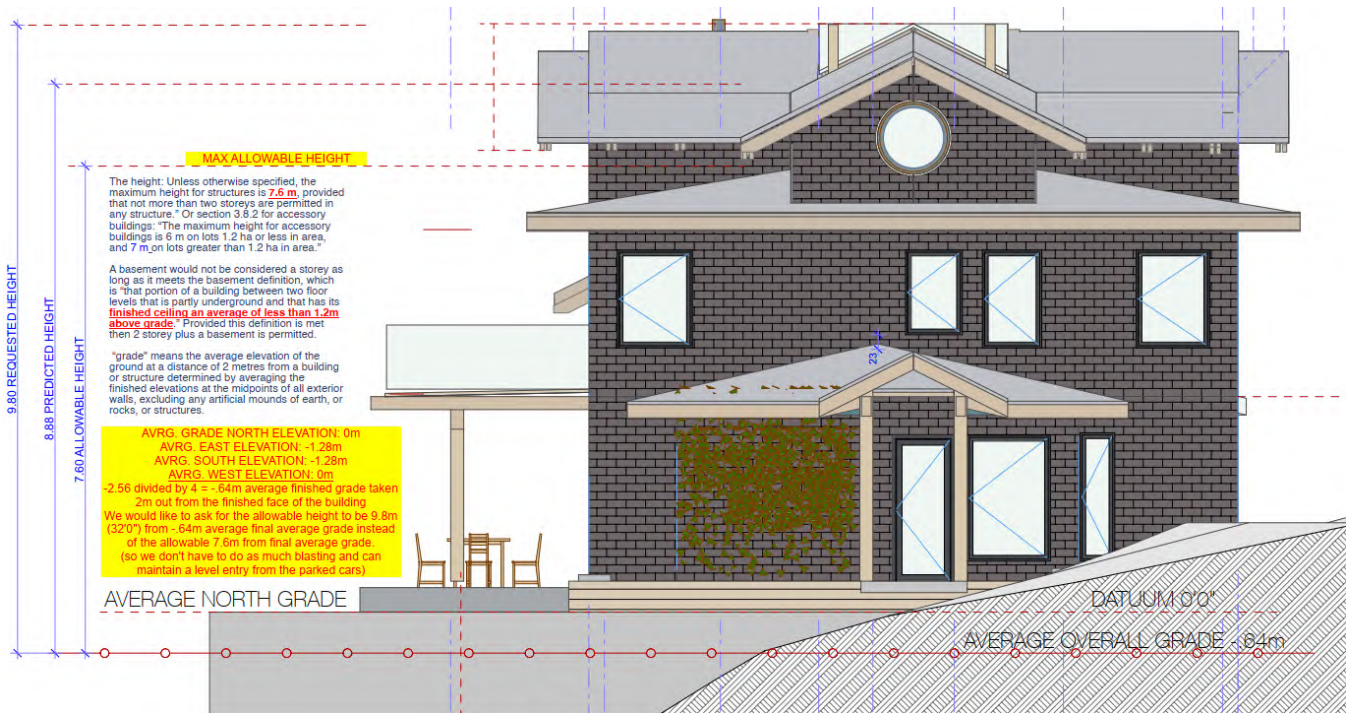
SOUTH ELEVATION (1)

SCALE: 1/4" = 1'-0"



WEST ELEVATION (2)

SCALE: 1/4" = 1'-0"



NORTH ELEVATION (1)

SCALE: 1/4" = 1'-0"

2.5 PHOTOGRAPHS



PROPOSED BUILDING SITE LOOKING SOUTHEAST





BUILDING SITE LOOKING SOUTH AND WEST





UNDEVELOPED LAND LOOKING SOUTH, LOOKING DOWN ON PROPOSED BUILDING SITE





NOTICE
SS-DVP-2024.4
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

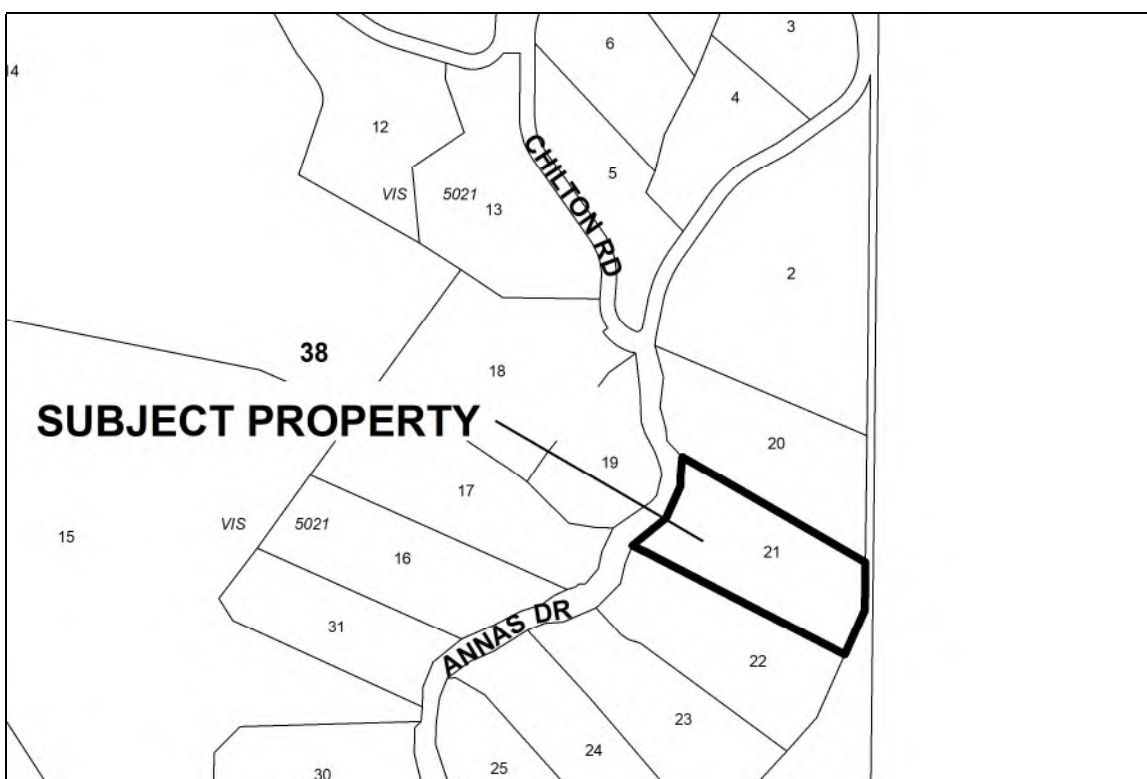
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355, 1999 by:

- A variance to the 7.6 m maximum building height to permit a new single family dwelling with a proposed maximum height of 9.8 m.

The property is located at **541 Anna's Drive** and is legally described as STRATA LOT 21 SECTION 38 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT STRATA PLAN VIS5021 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

(PID: 025-844-172).

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 Road, Salt Spring Island, BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 26, 2024** and continuing up to and including **April 10, 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 Bruce Belcher, Planner 1 at (250) 405-5179, 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: ssiinfo@islandstrust.bc.ca before 4:30 pm, **April 10, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **April 11, 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



PROPOSED

ATTACHMENT 4

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2024.4**

To: Vincent Argiro & Margaret Cowhig
c/o Everest MacDonald

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

STRATA LOT 21 SECTION 38 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT STRATA PLAN VIS5021 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (PID: 025-844-172)

2. Salt Spring Island Land Use Bylaw 355, 1999 is varied as follows:

- a) Subsection 3.8.1 which states that *unless otherwise specified, the maximum height for structures is 7.6 m, provided that not more than two storeys are permitted in any structure* is varied to permit the construction of a single family dwelling with a maximum height of 9.8 m.

The development shall be consistent with Schedule 'A' which is attached to and form 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].

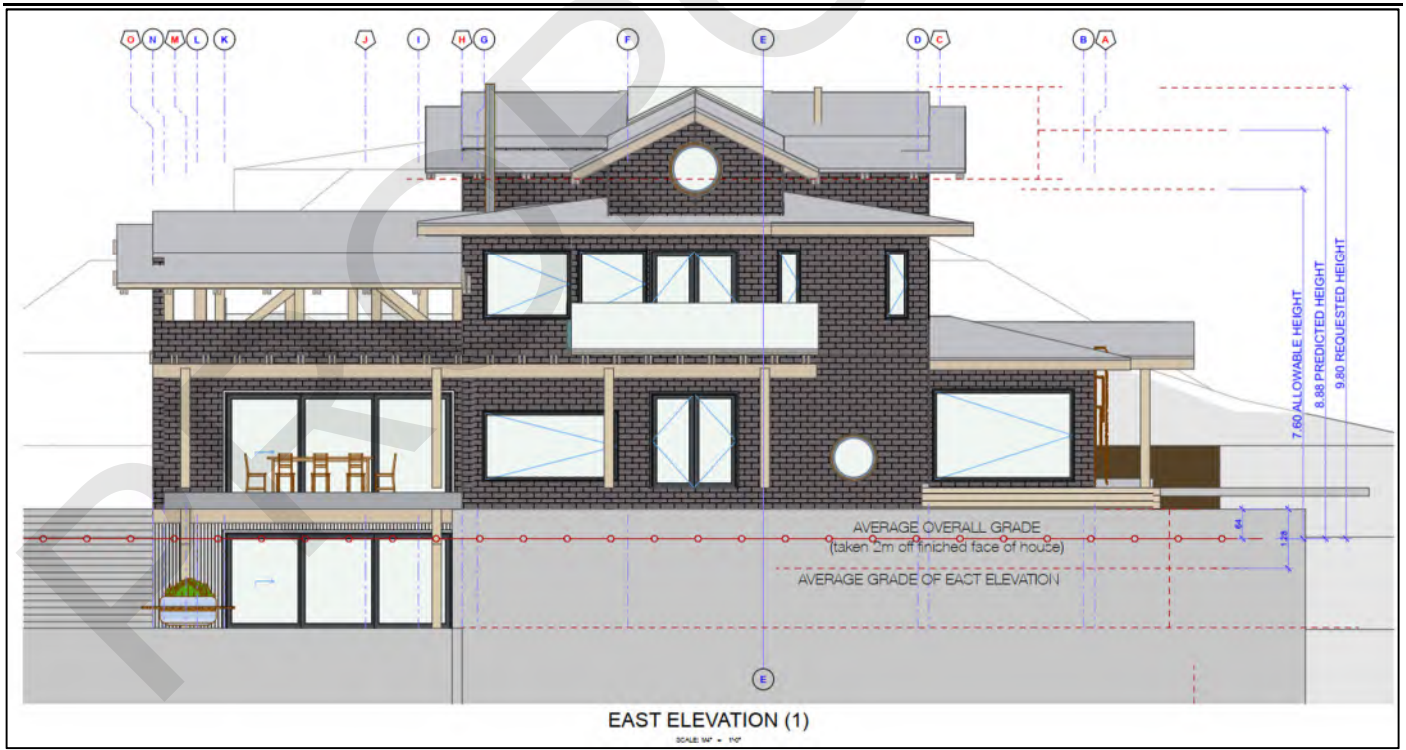
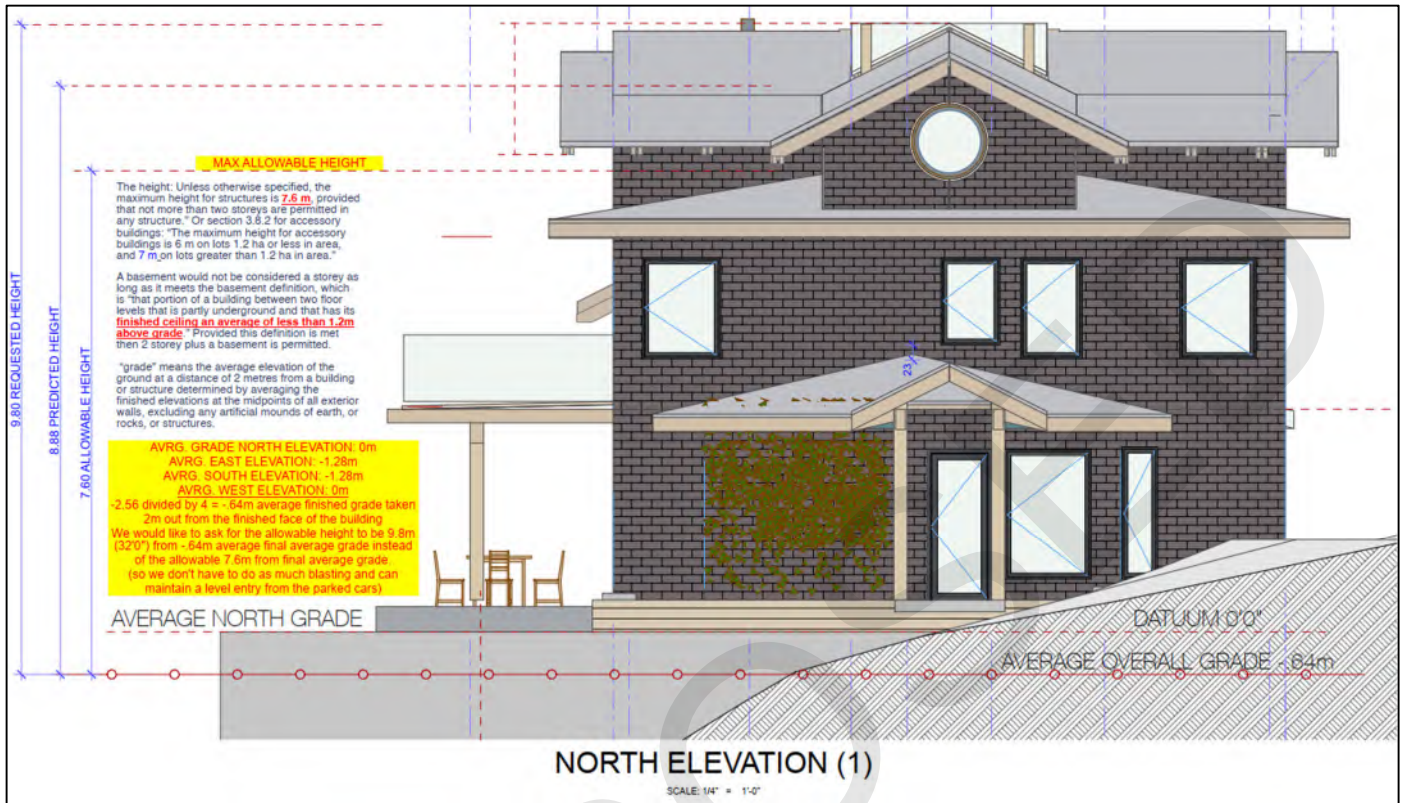
Deputy Secretary, Islands Trust

Date of Issuance

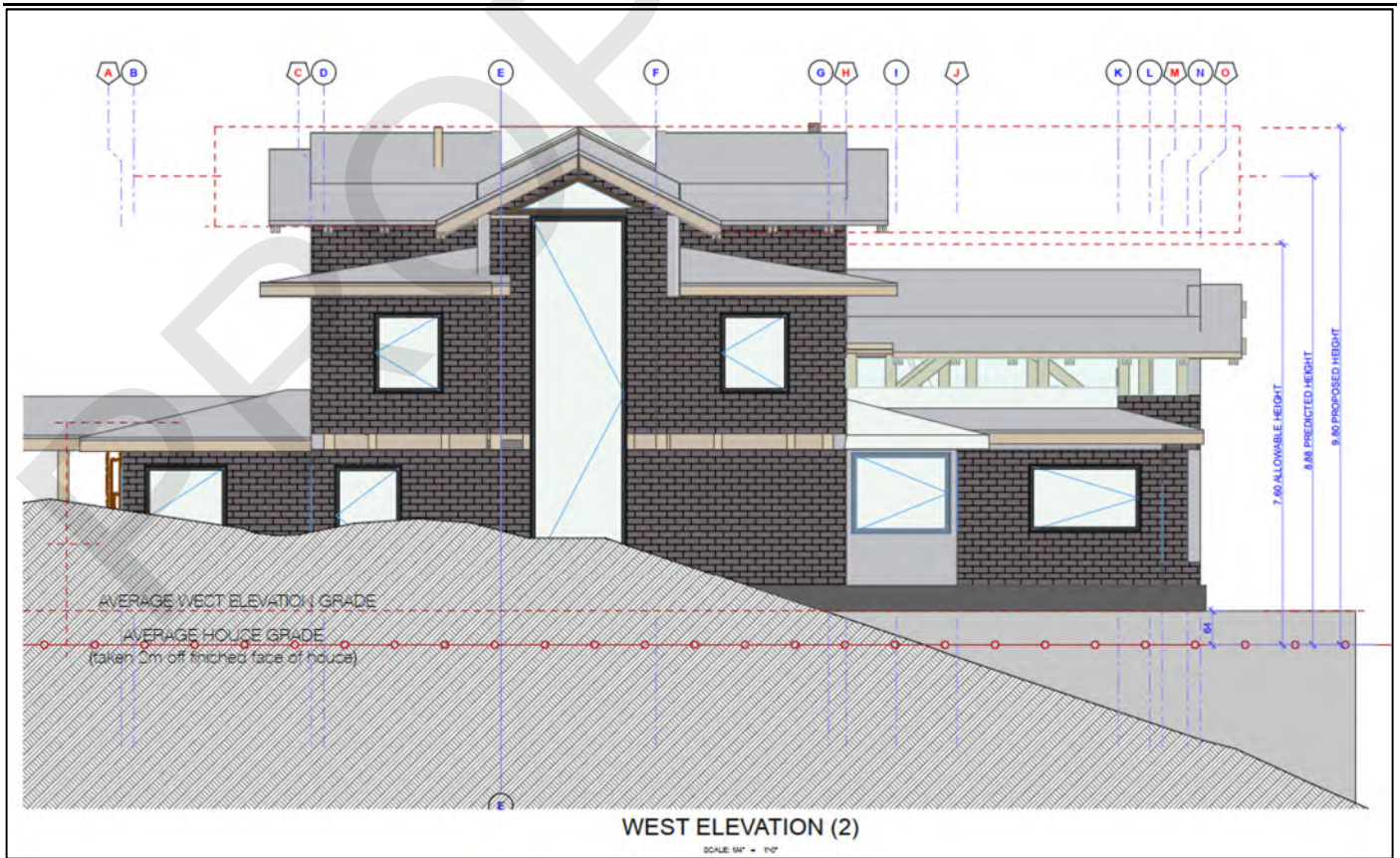
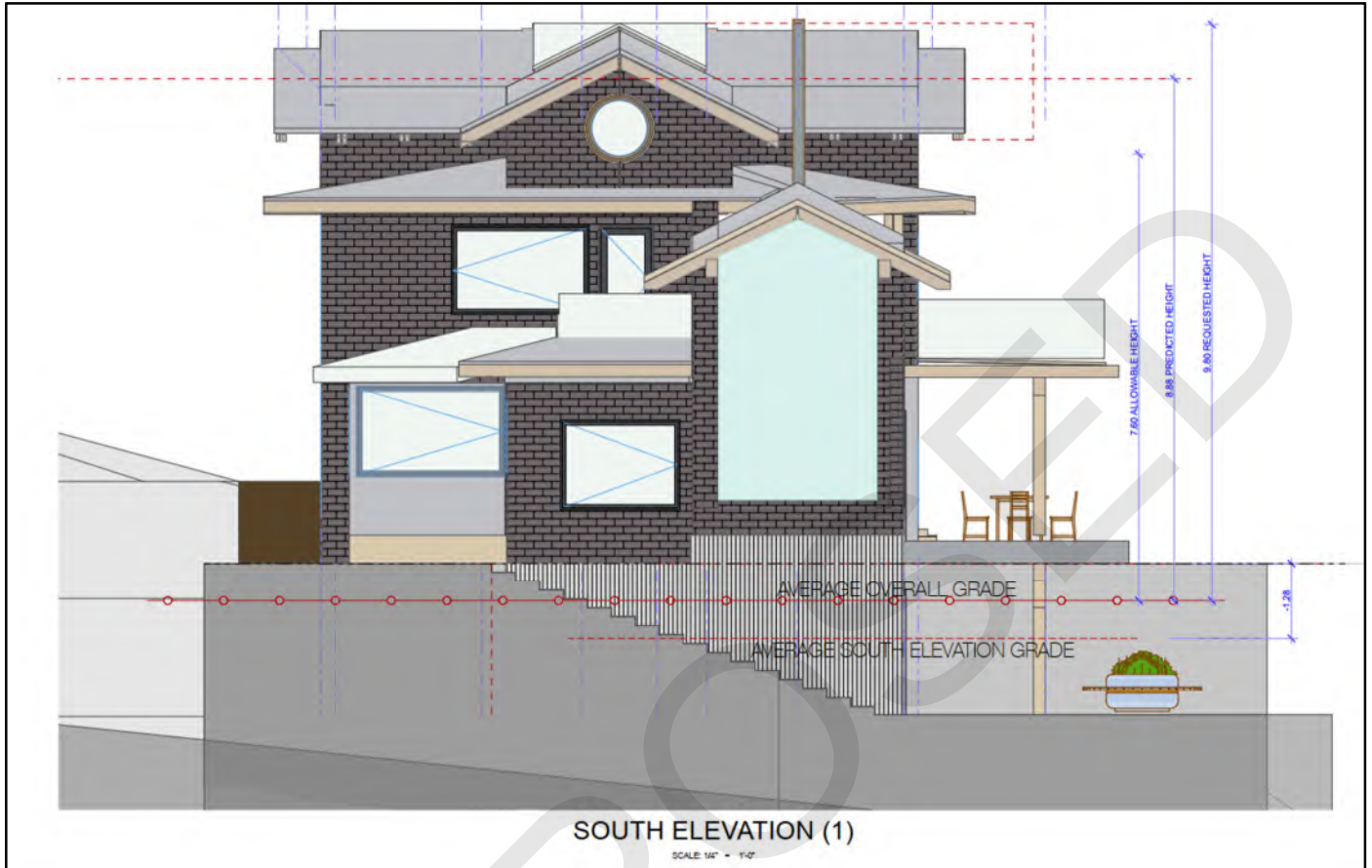
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR] (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
SS-DVP-2024.4

SCHEDULE 'A'



SALT SPRING ISLAND LOCAL TRUST COMMITTEE
SS-DVP-2024.4



From: Timothy Peterson
Sent: Wednesday, March 27, 2024 12:04 PM
To: Salt Spring Island Local Trust Committee
Subject: Agenda Item for April 11

Please add the following item for the meeting.

I have been advised at Executive Committee meeting that funding the attendance of these meetings is a decision of Local Trust Committees.

I can provide additional information about the utility of having representation at these meetings, if desired.

Request for Decision regarding funding Chair Peterson's attendance at:

1. Meeting with Ministry of Transportation and Infrastructure, April 29th, in Victoria
2. Collaboration on Marine Issues CRD Meeting, April 30, in Victoria

Chair Peterson will be attending on behalf of both Salt Spring and Galiano for both of these meetings.

Staff advice on how expenses would be shared between LTCs might be useful.

Regards,

Tim



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

06-Oct-2020

- Bylaw Enforcement Policies (Feb. 2015)
- Short Term Vacation Rentals (STVRs) (May 2017)

4. *Administrative Processes and Procedures*

Responsible

Date Received

Future Projects Report

Salt Spring Island

·Land Use Contracts (Feb. 2015)

06-Oct-2020

·Soil Removal Bylaw update (Feb. 2015)

·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

Chris Hutton
Chris Buchan
Jason Youmans

Dates

Rec'd: 01-Apr-2023
Target: 12-Dec-2025

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: April 3, 2024

Follow Up Action List

Active Projects Report

Salt Spring Island

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: Bruce Belcher

Planning Status

Status Date: 08-Mar-2024

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: 14-Oct-2022

Applicant hiring Dave Gooding to undertake Geotechnical and RAPR reporting in early 2023.

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: Bruce Belcher

Planning Status

Status Date: 08-Mar-2024

Planner Garbo completed DP, requires review and then can be sent to RPM and Director

Status Date: 13-Feb-2024

File assigned to Planner Caproff

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: Bruce Belcher

Planning Status

Status Date: 21-Feb-2024

A final letter would need to be received from Ryzuk confirming all conditions have been met in order to close the file. Staff have contacted Ryzuk and the applicant.

Status Date: 13-Feb-2024

Email and update received from Ryzuk. Staff to review.

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.

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-2023.7	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

Applications

Development Permit

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: 22-Feb-2024

Delegated DP report under preparation. DVP will be required.

Status Date: 24-Aug-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DP-2024.1	Damis, Andrew	13-Feb-2024	Delegated DP - Construction of SFD in DPA6 - 1205 Mountain Road, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 22-Feb-2024

File assigned to Planner Belcher

File Number	Applicant Name	Date Received	Purpose
SS-DP-2024.2	Juengst, Patricia	08-Feb-2024	Delegated DPA5 - Septic Field for Subdivision - Lot 28 Welbury Drive, SSI

Planner: Chris Buchan

Planning Status

Status Date: 22-Feb-2024

Delegated DP report under preparation.

Status Date: 12-Feb-2024

File assigned to Planner Buchan

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2024.3	Aurora Professional Group Inc. Planner: Bruce Belcher	19-Mar-2024	Development Permit to stabilize shoreline on multiple properties - Baker/Quarry Drive
Planning Status			
<u>Status Date:</u>			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.17	Nagel, Uta Planner: Bruce Belcher	13-Sep-2021	Carport and Shed within the setback - 770 Beaver Point Road
Planning Status			
<u>Status Date:</u> 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.			
<u>Status Date:</u> 23-Oct-2023			
File reassigned to Planner Caproff			
<u>Status Date:</u> 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: 22-Feb-2024

Chris to review and determine if any outstanding information received.

Status Date: 10-Aug-2023

File reassigned to Planner Buchan

Status Date: 02-Feb-2023

Planner waiting for information from applicant.

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: Bruce Belcher

Planning Status

Status Date: 08-Mar-2024

Applicant informed will need to get client to modify the covenant registered so that LTC can sign form C

Status Date: 21-Feb-2024

Covenant received from applicant. Planner has forwarded to Leg Clerk to issue the DVP. Asked for clarity whether the covenant needs to be signed by LTC as it is already registered on title (dated Jan 17 2024).

Status Date: 19-Dec-2023

Still awaiting covenant from applicant.

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: 22-Feb-2024

Applicant working with property owners to determine next steps.

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

Applications

Development Variance Permit

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:

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: 05-Mar-2024

Site visit conducted - Mar 5th

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-2023.20	Salt Spring SAR Society	22-Feb-2024	To allow for three vehicle shelters within the rear lot line setbacks - 261 Fulford Ganges Road

Planner: Bruce Belcher

Planning Status

Status Date: 14-Mar-2024

Conducted site visit - Mar 14th

Status Date: 22-Feb-2024

JJ forwarded files to planner Belcher

Status Date: 22-Feb-2024

JJ sent applicant Open LTR

Applications

Development Variance Permit

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: 22-Feb-2024

Chris to bring DVP to LTC regarding siting issues. RZ still required for cottage floor area.

Status Date: 25-May-2023

File Assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2024.1	Johnston Davidson Architecture	22-Feb-2024	To construct a new Firehall - 455 Lower Ganges Rd

Planner: Chris Buchan

Planning Status

Status Date: 22-Feb-2024

Assigned to Buchan. In queue for review

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2024.2	Foul Bay Properties Ltd.	13-Feb-2024	To construct a retaining wall - 127 Valhalla Rd

Planner: Bruce Belcher

Planning Status

Status Date:

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2024.4	Elevation Design Studio	29-Feb-2024	Height Variance
Planner: Bruce Belcher			
Planning Status			
Status Date: 14-Mar-2024			
Site visit conducted - Mar 14th			

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2017.2	Fernando & Tammy Dos Santos	15-Feb-2017	Proposal to permit 30 affordable housing dwelling units and common building - 221 Drake Road, SSI.
Planner: Chris Buchan			
Planning Status			
Status Date: 13-Feb-2024			
File reassigned to Planner Buchan			
Status Date: 31-Aug-2022			
File reassigned to Planner Fotino			
Status Date: 19-Jul-2022			
File transferred to Planner Youmans			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.1	Pilot Yellow Adventures Inc	26-Oct-2022	Rezoning property to allow for four SFD - Sec 50 Musgrave Road, SSI
Planner: Anthony Fotino			
Planning Status			
Status Date: 12-Oct-2023			
Bylaw given first and second reading			
Status Date: 02-Nov-2022			
File assigned to Planner Fotino			
File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.2	Gulf of Georgia Land & Timber LTD	29-Nov-2022	To address issues arising from the Temporary Use Permit - 151 Lower Ganges Road, SSI
Planner: Chris Buchan			
Planning Status			
Status Date: 22-Feb-2024			
Planner Buchan required to review to determine next steps.			
Status Date: 13-Feb-2024			
File reassigned to Planner Buchan			
Status Date: 10-Jan-2023			
File assigned to Planner Fotino			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2023.1	GIVERYN GARDENS LTD	27-Sep-2023	Rezoning to retire Land use contract - 104 Atkins Road

Planner: Chris Buchan

Planning Status

Status Date: 22-Feb-2024

Requires Prelim report to Itc

Status Date: 13-Feb-2024

File reassigned to Planner Buchan

Status Date: 28-Sep-2023

File assigned to Planner Fotino

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2024.1	British Columbia Ferry Corporation Inc.	08-Jan-2024	RZ - To amend the OCP and Land Use Bylaws to permit the redevelopment of the existing ferry terminal area and wharf.

Planner: Chris Buchan

Planning Status

Status Date: 06-Mar-2024

Draft report complete, correspondence up to date. Email sent to planner assigned. CC

Status Date: 28-Feb-2024

File assigned to Planer Buchan

Status Date: 08-Jan-2024

Please note the owner authorization as follows : Evan Peterson, evan@barefootplanning.com, 250-216-8402 | Jesse Garlick, jgarlick@studio531.ca, 250-384-2131

Applications

Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.2	Kerrigan, Neil	27-Jun-2022	Pond construction - 155 Alexander BLVD, SSI
Planner: Chris Buchan			
Planning Status			
Status Date: 14-Nov-2023			
Applicant contacted regarding next steps			
Status Date: 27-Mar-2023			
Chris B to contact applicant in May regarding next steps / application options			
Status Date: 27-Jan-2023			
Planner contacted applicant, site visit conducted.			

Subdivision

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: Bruce Belcher			
Planning Status			
Status Date: 21-Feb-2024			
Once the DVP is issued and a final plan of subdivision is received, staff will issue a final letter to MOTI			
Status Date: 10-Aug-2023			
File re-assigned to Planner Caproff			
Status Date: 03-Oct-2022			
Applicant working on PLR conditions.			

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: Bruce Belcher

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-2022.4	Polaris Land Surveying Inc	14-Nov-2022	Proposed 2 lot conventional Subdivision, 373 Wright Road, Salt Spring Island

Planner: Bruce Belcher

Planning Status

Status Date: 08-Mar-2024

Planner Garbo completed DP review for DPA 7, requires review before being sent to RPM and Director

Status Date: 19-Dec-2023

Applicant working on sub conditions

Status Date: 25-Jul-2023

PLR letter received from MOTI

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.2	Miller, Denis	15-Feb-2023	Proposed 3 Lot Bare Land Strata, 2101 Fulford-Ganges Road, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 19-Jun-2023

Received PLR

Status Date: 19-Apr-2023

Referral Response sent to MoTI

Status Date: 23-Feb-2023

File re-assigned to Planner Belcher

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

Applications

Subdivision

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: Bruce Belcher			
Planning Status			
Status Date: 08-Mar-2024			
SUB conditions sent to MoTI. Applicant has revised sub plan so that a variance is not required for proposed lot 3 frontage width.			
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.			
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: Bruce Belcher			
Planning Status			
Status Date: 21-Feb-2024			
site visit February 22			
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.			

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2024.1	Cassady & Company	03-Jan-2024	Road Dedication - 1001 Fulford-Ganges Road

Planner: Rob Pingle

Planning Status

Status Date: 07-Mar-2024

Resolution changed from SSI LTC Chair to SSI LTC trustee to attend to the execution for the application to deposit plan EPP134116. Approved by LTC at the March 7 LTC. Staff have informed the applicant.

Status Date: 23-Feb-2024

Uploaded to escribe for March 7 LTC

Status Date: 21-Feb-2024

Staff report for partial discharge of the covenant on title to allow for road dedication and subsequent public road works to be presented at March 7 LTC. Draft staff report submitted to RPM for review.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2024.2	OTG Developments LTd.	11-Mar-2024	To subdivide the Subject Property to create a total of two (2) lots - 178 Seymour HTS

Planner: Bruce Belcher

Planning Status

Status Date: 26-Mar-2024

JJ forwarded files to Planner Belcher

Applications

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: 22-Feb-2024

All documentation received. Preparing recommendation for denial to April LTC.

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

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: Chris Buchan

Planning Status

Status Date: 22-Feb-2024

Chris to review. Tentative schedule to bring this to May LTC.

Status Date: 22-Feb-2024

TUP must also include retail/office space use allowance.

Status Date: 13-Feb-2024

File Reassigned to Planner Buchan

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending January 2024

655 Salt Spring	Invoices posted to Month ending January 2024	<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	9,123.91	-6,930.91
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>9,568.36</u>	<u>-3,485.36</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 February 2024

655 Salt Spring	Invoices posted to Month ending February 2024	<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	10,475.01	-8,282.01
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>10,919.46</u>	<u>-4,836.46</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>