



Salt Spring Island Local Trust Committee

Regular Meeting Agenda

Date: Thursday, May 16, 2024
Time: 9:30 a.m.
Location: Meaden Hall
120 Blain Road, Salt Spring Island, BC

			Pages
1.	CALL TO ORDER	9:30 AM - 9:30 AM	
2.	APPROVAL OF AGENDA		
3.	TOWN HALL AND QUESTIONS	9:35 AM - 9:50 AM	
4.	DELEGATIONS	9:50 AM - 10:05 AM	
5.	TRUSTEE REPORTS	10:05 AM - 10:15 AM	
	Verbal Report		
6.	CHAIR'S REPORT	10:15 AM - 10:20 AM	
	Verbal Report		
7.	CRD DIRECTOR'S REPORT	10:20 AM - 10:25 AM	
	Verbal Report		
8.	PREVIOUS MEETINGS	10:25 AM - 10:30 AM	
8.1	Draft Minutes of the Salt Spring Island Local Trust Committee		
8.1.1	<u>Draft Minutes of the April 11, 2024 SSI LTC Regular Meeting</u>		5
	For Adoption		
8.2	Resolutions Without Meeting Report - None		
8.3	Draft Minutes of the Advisory Planning Commissions - None		
8.4	Local Trust Committee Public Hearing Record - None		
9.	CORRESPONDENCE	10:30 AM - 10:35 AM	
	Please visit the Applications and Projects pages on the Islands Trust website for recent public submissions.		

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

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

- 9.1 D. Rapport and L. Maffi to LTC w/ L. Patrick reply - Dated 10 April 2024 - Regarding First Nation consultation and Proposed Bylaw No. 537 18

For Information

- 9.2 Supreme Court of British Columbia - Dated 29 April 2024 - Regarding Canna Northwest Enterprise Inc. v. Salt Spring Island Local Trust Committee 27

For Information

- 9.3 21st Annual Community Award Recipients 48

For consideration of LTC correspondence

10. BUSINESS ARISING FROM MINUTES 10:35 AM - 10:40 AM

- 10.1 Follow-Up Action List 52

Report dated May 2024

- 10.2 Salt Spring Island Local Trust Committee Special Meeting Schedule 62

For Decision

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-2024.1 - M. Ogilvie - Lot 2 Jackson Ave 63

Staff Report

- 13.2 SS-DVP-2023.20 - C. Bowden - 261 Fulford-Ganges Road, SSI 86

Staff Report

- 13.3 SS-SUB-2023.3 - P. Frisch - 784 Vesuvius Bay Road, SSI 103

Staff Report

- 13.4 SS-RZ-2022.1 - M. Gelb - 1172 Musgrave Road 107

Staff Report

- 13.5 SS-RZ-2024.1 - BC Ferry Corporation - Vesuvius Bay Ferry Terminal, SSI 115

Staff Report

14.	LOCAL TRUST COMMITTEE PROJECTS	1:00 PM - 2:00 PM	
14.1	Official Community Plan - Land Use Bylaw Update Project		145
	Staff Report		
15.	NEW BUSINESS	2:00 PM - 3:00 PM	
15.1	Mayne Island Local Trust Committee Draft Bylaw No. 193 Referral		160
	For Response		
16.	REPORTS		
16.1	Policy and Standing Resolutions List		170
	For Information		
16.2	Future Projects Report		179
	Report dated MAY 2024		
16.3	Active Projects List		182
	Report dated MAY 2024		
16.4	Applications with Status Report		186
	Report dated MAY 2024		
16.5	Expense Report		204
	Report dated MARCH 2024		
16.6	Islands Trust Conservancy Board Report		205
	Report dated April 2024		
17.	CLOSED MEETING	3:00 PM - 4:00 PM	
17.1	Motion to Close the Meeting		
	The Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter 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:		
	(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;		
	and that staff be invited to remain.		
17.2	Rise and Report		

18. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on June 6, 2024 at the Legion Meaden Hall, 120 Blain Road, Salt Spring Island.

19. ADJOURNMENT



Salt Spring Island Local Trust Committee Minutes of Regular Meeting

Date: Thursday, April 11, 2024

Location: Meaden Hall
120 Blain Road, Salt Spring Island

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

Staff Present: Chris Hutton, Regional Planning Manager (RPM)
Jason Youmans, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager (BCEM)
Morgana van Niekerk, Communications Specialist (Zoom)
Chris Buchan, Island Planner (Zoom)
Bruce Belcher, Planner 1
Rob Pingle, Legislative Clerk
Sarah Shugar, Recorder

Others Present: Gary Holman, Capital Regional District (CRD) Salt Spring Island Electoral Area Director
Earl Rook, Capital Regional District (CRD) Salt Spring Island Local Community Commission (LCC) Chair
Approximately 10 members of the public

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

1. CALL TO ORDER

Chair Peterson called the meeting to order at 9:30 a.m. He welcomed everyone to a meeting of the Salt Spring Island Local Trust Committee and introduced himself, the Trustees and staff. Chair Peterson humbly stated gratitude to live and work in Coast Salish First Nations territory.

2. APPROVAL OF AGENDA

By general consent, the agenda was adopted.

3. TOWN HALL AND QUESTIONS

There were no speakers in the town hall portion of the meeting.

4. DELEGATIONS

4.1 Robyn Kelln - Regarding the use of a building on common property at 265 Furness Road

Robyn Kelln presented a delegation regarding residential use of a log house on common property at 265 Furness Road. Mr. Kelln requested the LTC to instruct staff to interpret the covenant to mean that the log house can be used as a dwelling. BCEM Dingman reported the covenant may permit the structure to be used as a dwelling although the Land Use Bylaw does not, and recommended the LTC to review the legal opinions prior to taking action.

SS-2024-027

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to prepare a staff report on 265 Furness Road and report back to the Trustees.

CARRIED

5. TRUSTEE REPORTS

Trustee Patrick presented the following report:

- Spoke to a Driftwood newspaper article entitled "Recording limits eyed" regarding a minor discussion at the Lasqueti Island LTC;
- Bowen Island received \$1.6 Million Federal Housing Accelerator Funding and Bowen Island is included in the new legislation to allow secondary suites and accessory dwelling units in every single-family dwelling. On Salt Spring Island, we must take action to expand housing options, tear down barriers and stumbling blocks while at the same time review the OCP to look at sustainable development, to balance density increases with the tangible limits of the ecosystems and social fabric of the communities;
- Requested CRD Director Holman and CRD LCC Chair Rook and the LTC to work cooperatively on the OCP/LUB update project and noted the upcoming CRD stakeholders meeting on housing;
- Requested CRD Director Holman and CRD LCC Chair Rook and the LTC to work cooperatively on Short-Term Vacation Rentals (STVRs) and home-based bed and breakfasts that would include working collaboratively with the CRD Community Economic Development Commission, the Salt Spring Accommodation group, the Southern Gulf Island Tourism Partnership and the Salt Spring Island Chamber of Commerce;
- Attended a Southern Gulf Island Forum meeting regarding issues of mutual interest including housing and marine matters and Parks Canada presented an update regarding a proposed National Marine Conservation Area Reserve in the Salish Sea;
- Attended Trust Council's quarterly meeting in Nanaimo;
- Attended a meeting with the Salt Spring Accommodation Group;
- Attended the monthly Salish Sea Network Trail meeting;
- Attended a Reconciliation Learning Group gathering regarding a pilot project to address the erasure of indigenous history from Burnaby;
- Participated with the Salt Spring Island Farmland Trust working group regarding a grant for emergency preparedness and food security;

- Attended a CRD LCC meeting to support Islands Trust staff presentation on the LTC OCP/LUB Update project;
- Met with LCC Chair Rook regarding coordination opportunities;
- Attended CAO Hiring Committee meetings;
- Visited the Village, a temporary supportive housing site in Duncan;
- Reported that the Salt Spring Island Watershed Protection Alliance (SSIWPA) has shifted to an inter-agency staff to staff model and noted the LTC will continue the role of coordinating the work until there is a replacement.

6. CHAIR'S REPORT

Chair Peterson presented the following report:

- Attended March Trust Council meetings in Nanaimo;
- Attended meetings with the CAO Hiring Committee and noted the Request for Proposals (RFP) for an executive firm to search for a Chief Administrative Officer is in process;
- The Province has read Bill 16, 2024 – the Housing Statutes Amendment Act, 2024 and Chair Peterson is expecting an update regarding the applicability to the Islands Trust Area;
- Trustee Patrick will attend the 2024 Association of Vancouver Island and Coastal Communities (AVICC) Convention April 12 to 14, 2024 in Victoria;
- Planning to attend a CRD stakeholders meeting regarding a collaborative approach on marine issues;
- Planning to attend a meeting on April 29, 2024 with the Ministry of Transportation and Infrastructure (MOTI) regarding establishment of a task force to address transportation issues.

7. CRD DIRECTOR'S REPORT

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

- The CRD Ganges Harbourwalk Steering Committee has been reconstituted and regular meetings are scheduled;
- The CRD Merchant Mews Pathway has received funding and construction is set to begin;
- The CRD is hosting a stakeholders workshop regarding marine and harbour management;
- The LCC has scheduled a stakeholders meeting on May 22, 2024 regarding the LCC's role in the provision of much needed housing on Salt Spring Island;
- The LCC is scheduling a meeting with the LTC on issues of common interest and the meeting is planned for mid-June 2024.

CRD SSI Electoral Area Director Gary Holman presented the following report:

- The CRD has requested inclusion in the Speculation and Vacancy Tax and it would be helpful if the LTC would support inclusion in the Speculation and Vacancy Tax as well;
- Bill 35 – Short Term Rentals Accommodations Act, 2023 will require STVRs to have registration number and expressed support to see how the process rolls out prior to a CRD business license program for STVRs;
- Currently there are nine properties on Salt Spring Island zoned for multi-unit housing development that could provide approximately 50 units of market housing;
- Planning to attend a CRD stakeholders workshop regarding marine and harbour management and noted it will be important to have support from senior levels of government;

- The North Salt Spring Waterworks District (NSSWD) Annual General Meeting will be held on May 2, 2024 and noted NSSWD received \$10 Million provincial funding to raise the weir on St. Mary Lake that could have significant implications on the NSSWD water moratorium and lifting of the moratorium would have significant impacts on housing in NSSWD service area;
- Attended a SSIWPA meeting although there was no consensus on the way forward. CRD Director Holman expressed disappointment that the LTC dropped coordination of SSIWPA and spoke to water as an inter-agency issue.

8. PREVIOUS MEETINGS

8.1.1 Draft Minutes of the February 27, 2024 Special Meeting - For Adoption

By general consent, the minutes of February 27, 2024 Salt Spring Island Local Trust Committee Special meeting were adopted.

SS-2024-028

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee recommend to the Regional Planning Committee that it include quantifying housing to support agriculture within the Housing Needs Assessments.

CARRIED

8.1.2 Draft Minutes of the March 7, 2024 Regular Meeting - For Adoption

The following items were presented for consideration:

- Item 8.1.2 7 - Trustee Reports - Replace "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" with "Regional Planning Committee advanced a Project Charter to Trust Council 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";
- Item 14.1 - OCP-LUB Project Terms of Reference - Replace "A Trustee expressed support for a suitable land analysis;" with "A Trustee expressed support for a suitable land analysis that is customized to Salt Spring Island and developed in a transparent and engaged manner";
- Item 14.3 - Proposed Bylaw No. 537 - Replace " 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." with "Trustee Patrick reported she sent a letter as an individual Trustee 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.";

- Item 14.3 - Proposed Bylaw No. 537 - Replace “RPM Hutton reported the LTC received \$150,000 grant for First Nations relationship building;” with “RPM Hutton reported the Islands Trust received \$150,000 grant for First Nations relationship building”.

By general consent, the minutes of March 7, 2024 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 Federal Court - Dated 9 March 2024 - Regarding Federal Court Decision, File T-1107-23

The correspondence item was received.

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

The correspondence item was received.

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

The correspondence item was received.

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

A Trustee noted the Province has advised that LTC's cannot select specific islands within a Local Trust Area to opt-in to the Short-Term Rental Accommodations Act (STRAA) and that the STRAA would apply to all properties within the LTA including Associated Islands and that would include Piers Island. A Trustee noted there are potential options such as a LTA boundary adjustment to align with the CRD Electoral Area boundary. RPM Hutton advised staff could provide an analysis prior to the next Trust Council.

SS-2024-029

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to provide options to exercise the LTC's authorities regarding correspondence item 9.4 Ministry of Housing - Dated March 20, 2024 - regarding the Short-Term Rental Accommodations Act and potential future legislation.

CARRIED

The correspondence item was received.

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

The correspondence item was received.

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-Up Action List dated April 2024

RPM Hutton reported staff met with the Tsawout First Nations Lands Manager and a meeting is scheduled with Tsawout First Nation Leadership and a Memorandum of Understanding (MOU) could follow that meeting.

In discussion, the following items were noted:

- A Trustee noted in February 2023, the LTC passed a resolution for staff to explore options to enter into interim protocols for meaningful and respectful engagement between the LTC and W̱SÁNEĆ Leadership Council and Cowichan Nation;
- A Trustee expressed concern regarding seeking an MOU with only the Tsawout First Nation;
- A Trustee expressed concern that Tsawout First Nation was opposed to draft Bylaws 530 and 537 during a housing crisis;
- A Trustee expressed support for meetings with First Nation's to be held in public;
- A Trustee expressed support to develop MOU's with 13 First Nation's in the SSI Local Trust Area and this opportunity with Tsawout First Nation has come forward and opportunities to move forward with additional First Nations will be ahead;
- Trustee Harris requested his opposition be recorded to include the reason that he does not want to exclude other First Nations.

SS-2024-030

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee direct staff to work with Tsawout First Nation staff to develop a Memorandum of Understanding and report back to the LTC.

CARRIED

Trustee Harris OPPOSED

The report was received.

10.2 Salt Spring Island Local Trust Committee Special Meeting Schedule

Legislative Clerk Pingle presented a staff report regarding the Salt Spring Island Local Trust Committee Special Meeting Schedule.

SS-2024-031

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to schedule an electronic Special Meeting at 5:00 pm on Thursday May 30, 2024.

CARRIED

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

BCEM Dingman presented a staff report regarding enforcement on Short-Term Vacation Rentals and the option to proceed only on receipt of a written complaint.

In discussion the following items were noted:

- A Trustee noted Bill 35 would expand the scope of what can be rented out and the LTC will need to work together with the CRD and the Salt Spring Accommodations Group. The LTC does not have another option to opt in to the Short-Term Rental Accommodations Act (STRAA) until March 2025 and the time could be used to bring definitions and regulations standards up to date;
- A Trustee noted there will be opportunities to modernize short-term vacation rentals and home based bed and breakfast management within the OCP and LUB Update project.

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee rescind Standing Resolution SS-2019-153.

SS-2024-032

It was MOVED and SECONDED,

To amend the motion as follows: add to the end of the motion “and that staff report back on further considerations regarding proactive management of Short Term Vacation Rental’s by March 1, 2025.”

CARRIED

Trustee Harris OPPOSED

Chair Peterson called the question on the amended motion.

SS-2024-033

That the Salt Spring Island Local Trust Committee rescind Standing Resolution SS-2019-153 and that staff report back on further considerations regarding proactive management of Short Term Vacation Rental’s by March 1, 2025.

CARRIED

11. COMMUNITY INFORMATION MEETING - None

12. PUBLIC HEARING – None

The meeting recessed at 11:08 a.m. for a lunch break and reconvened at 12:00 p.m.

13. APPLICATIONS AND REFERRALS

13.1 SS-TUP-2023.2 - R. Blaney - 805 Vesuvius Bay Road, SSI - Staff Report

Planner Buchan presented a staff report regarding a temporary use permit (TUP) for the operation of five commercial guest accommodation units in the form of individual yurt structures elevated on a wooden platform.

Applicant Robert Blaney and property owner Travis Heide spoke to the application.

In discussion the following items were noted:

- A Trustee noted it is a commercial oriented property considering BC Ferries Vesuvius Terminal upgrades, the location, transit etc. The applicant spoke to commercial zoning in the Vesuvius ferry neighbourhood;
- A Trustee asked if rezoning to Commercial could be expedited. RPM Hutton advised applications are considered in the order they are received;
- There was a question regarding bylaw enforcement. BCEM Dingman reported a bylaw adjudication hearing is scheduled although if the property owner signs a bylaw compliance agreement and submits a development permit application, the adjudication hearing would be cancelled.

SS-2024-034

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend Temporary Use Permit SS-TUP-2023.2 (805 Vesuvius Bay Road) as follows:

- Remove Section 4.2.3. "Prior to the use commencing, the operator must remove the unauthorized structure within the setback area, identified within Schedule 1"; and
- Section 4 Replace "This Permit is valid for a period of 60 days from the date of issuance" with "This Permit is valid for a period of 2 years from the date of issuance."

CARRIED

SS-2024-035

It was MOVED and SECONDED,

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

CARRIED

13.2 SS-DVP-2023.16 - A. Maten - 131 Northern Way, SSI - Staff Report

Planner Belcher presented a staff report regarding a development variance permit for the siting of a proposed single family dwelling in the interior side lot line setback.

Applicant Alan Maten was present and spoke to the application.

A Trustee noted the proposed permit is for a seasonal cottage and asked if the property is permitted to have a main dwelling. Planner Belcher reported the property is permitted to have a main dwelling.

SS-2024-036

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2023.16 (131 Northern Way).

CARRIED

13.3 SS-DVP-2024.4 - E. MacDonald - 541 Anna's Drive, SSI - Staff Report

Planner Belcher presented a staff report regarding a development variance permit to vary the maximum height permitted for a structure.

Applicant Everest MacDonald was present and spoke to the application.

SS-2024-037

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2024.4 (541 Anna's Drive).

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Official Community Plan - Land Use Bylaw Update Project

Planner Youmans presented Appendix 1 - Terms of Reference for the OCP-LUB Update project. A Trustee noted the LTC wants to ensure all voices on SSI feel included in the OCP-LUB Update project. A Trustee expressed concerns that the project timeline is too long.

The meeting recessed at 1:15 p.m. and reconvened at 1:18 p.m.

SS-2024-038

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend the Salt Spring Island OCP-LUB Update Project Terms of Reference as follows:

- Section D. Use Islands Trust Housing Project Toolkit - Add "The data and mapping inputs into the Suitable Land Analysis will be customized to Salt Spring Island and developed in a transparent and engaged manner." following "In particular, this project will use the Suitable Land Analysis that has been developed as part of the Toolkit to identify areas of the island that are more, or less, suitable for residential development.";
- Project Communications Section - Add "the project goals, to the first sub bullet so that it reads "the project goals, boundaries or scope...";
- Community Engagement Section last sentence replace "Engagement with First Nations and Indigenous Island residents will be considered in a separate First Nations engagement approach." with "Engagement with First Nations and Indigenous Island residents will be considered in a separate but linked First Nations engagement approach.";
- Subject-Area Consultant-Led Working Groups - add "short term rentals working group" and "other working groups, as needed".

CARRIED

Trustee Harris OPPOSED

Planner Youmans presented Appendix 2 - Salt Spring Island OCP-LUB Update draft Community Engagement and Communications Strategy. RPM Hutton spoke to the Trustee Roles and Responsibilities.

In discussion the following items were noted:

- A Trustee asked what equity seeking groups would be consulted. Planner Youmans advised the LTC would define the list of groups to be consulted;
- A Trustee expressed concerns that the Community Engagement and Communications Strategy process would take too long considering there is a housing crisis;
- A Trustee thanked staff and noted the importance of the draft Community Engagement and Communications Strategy.

Trustee Harris left the meeting at 1:30 p.m. and the meeting recessed at 1:35 p.m. Trustee Harris returned the meeting and the meeting reconvened at 1:42 p.m.

SS-2024-039

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend the Salt Spring Island OCP-LUB Update Draft Community Engagement and Communications Strategy as follows: Section 7 Key Messages – Add a key message that the LTC is seeking to better represent the true makeup of the island.

CARRIED

Trustee Harris OPPOSED

Planner Youmans presented Appendix 3 - OCP-LUB Advisory Planning Commission Terms of Reference. Planner Youmans is waiting to hear back from legislative services regarding a few outstanding questions.

In discussion the following items were noted:

- A Trustee expressed concern that the APC members would be appointed and not elected as there is a pattern of voting that is not democratic at the LTC level;
- A Trustee expressed support to ask the Province to release Salt Spring Island from the Islands Trust;
- A Trustee expressed concern that the APC terms of reference is not representative enough and suggested that a candidate that represents workforce housing crisis should be included;
- A Trustee expressed concern that 7 appointed members would be making decisions and suggested the Trustees should make the decisions and not have an APC for the project;
- A Trustee expressed support for the Advisory role of the APC;
- A Trustee asked whether APC members would initially be selected through the consultant and staff to avoid political influence;
- A Trustee suggested that the consultant serve as APC Chairperson. RPM Hutton recommended that it would not be appropriate for staff or a consultant to serve as Chair.

SS-2024-040

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee remove the OCP-LUB Advisory Planning Commission from the OCP-LUB Update Project.

DEFEATED

SS-2024-041

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to provide options for Chair position, composition and qualifications for the OCP-LUB Update Project Advisory Planning Commission.

CARRIED

Trustee Harris OPPOSED

Planner Youmans reported staff is working with Sue Hallett on First Nations Engagement for the OCP-LUB Update project. A Trustee expressed support for engagement with First Nations to happen early in the process. A Trustee noted it is important to include the Coast Salish People of Salt Spring Island Society.

SS-2024-042

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee endorse the Terms of Reference for the OCP-LUB Update Project attached as Appendix 1 to the staff report of April 11, 2024 as amended.

CARRIED

Trustee Harris OPPOSED

SS-2024-043

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee endorse the Community Engagement and Communications Strategy attached as Appendix 2 to the staff report of April 11, 2024 as amended.

CARRIED

Trustee Harris OPPOSED

SS-2024-044

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee direct staff to begin preliminary outreach to First Nations with treaty and territorial interests on Salt Spring Island.

CARRIED

15. NEW BUSINESS

15.1 Salt Spring Island Annual Report Request for Decision

Communications Specialist Morgana van Niekerk presented a request for decision regarding the Salt Spring Island section of the 2023/2024 Annual Report.

SS-2024-045

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs as follows:

- Replace “The Salt Spring Island Local Trust Committee (SS LTC) held 10 regular business meetings in the 2023/24 fiscal year, as well as two Community Information Meetings, and one special meeting.” with “The Salt Spring Island Local Trust Committee (SS LTC) held 10 regular business meetings in the 2023/24 fiscal year, as well as two Community Information Meetings, and four special meetings.”;
- Replace “The Salt Spring Island Local Trust Area includes more than 25 associated islands including Salt Spring, Bright, Piers, and Deadman islands.” with “The Salt Spring Island Local Trust Area includes more than 30 associated islands including Salt Spring, Prevost, Piers, and Secret islands”;
- Replace “The Salt Spring LTA is located within the treaty and traditional territory of First Nations whose people have cared for these lands and waters since time immemorial.” with “The Salt Spring LTA is located within the treaty and traditional territory of many First Nations whose people have cared for these lands and waters since time immemorial.”;
- Replace “Work for this period focused on advancing the SS LTC priorities to address the ongoing housing affordability and availability challenge.” with “This period, Salt Spring Island LTC struggled to advance its priorities to address the ongoing housing affordability and availability challenge.”

CARRIED

15.2 Local Trustee Committee Chairperson Travel to Meetings

An email from Chair Peterson dated March 27, 2024 regarding travel to a Ministry of Transportation and Infrastructure meeting on April 29, 2024 and a CRD Collaboration on Marine Issues meeting on April 30, 2024. It was noted Chair Peterson would attend the meetings as a Trustee and not on behalf of the SSILTC.

SS-2024-046

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee authorize a shared portion of Trustee Peterson’s expenses to attend the April 29, 2024 Ministry of Transportation and Infrastructure meeting and the April 30, 2024 CRD meeting.

CARRIED

16. REPORTS

16.1 Policy and Standing Resolutions List

The report was presented.

16.2 Future Projects Report dated April 2024

The report was presented.

16.3 Active Projects List dated April 2024

The report was presented.

16.4 Applications with Status Report dated April 2024

The report was presented.

16.5 Expense Report

16.5.1 Report dated January 2024

The report was presented.

16.5.2 Report dated February 2024

The report was presented.

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 on May 16, 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 3:07 p.m.

Timothy Peterson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder

From: Laura Patrick
Sent: Wednesday, April 10, 2024 12:03 PM
To: David Rapport
Cc: Jamie Harris; Timothy Peterson; Maffi Luisa; davidrapport; SSInfo; Peter Luckham
Subject: Re: Serious concerns regarding Recent Actions of the LTC of Salt Spring Island.
Attachments: Rapport & Maffi.Driftwood 2024.02.14.pdf; Irresponsibility of No Response.pdf

David and Louisa,

I am responding to you as an individual trustee and not speaking on behalf of the local trust committee.

You are asking why the LTC had proceeded with Bylaw 537.

First, I will point out that at the present time, Bylaw 537 has not been adopted. The LTC has requested a meeting with Tsawout First Nation Leadership.

The previous LTC requested staff to conduct additional engagement with First Nations to address concerns raised on Bylaw 530 (Sept 2022).

In March 2023, staff introduced to the LTC a scaled back version of Bylaw 530 that had been shared with First Nations and reviewed by legal counsel.

Because this version was limited to the areas where secondary suites were already permitted and it was clear within the bylaw that the owner had to choose between a secondary suite and an ADU, it was not an increase in density.

In March 2023 staff wrote: *“Tsawout First Nation has indicated opposition to Proposed Bylaw No. 530, citing concerns about the possible environmental impact and that the bylaw as proposed is inconsistent with the living capacity per the SS OCP. Upon consultation with the administration of Tsawout First Nation, the Proposed Bylaw No. 530 has been revised to scale back substantially to address their concerns.”*

Bylaw 537 was scaled even further back so that it only applies to about 369 lots on Salt Spring.

The quality of engagement with the public and First Nations is arguably poor. The LTC has recognized this weakness in public and first nations engagement and have

given explicit direction to improve. These resolutions/actions demonstrate the LTC intentions to improve engagement/relationships.

- The LTC has requested communications material on the various forms of ADUs and the steps necessary to have them become legal (Sept 2022 and asked again in June 2023).
- The LTC requested staff to conduct additional engagement with First Nations to address concerns raised on Bylaw 530 (Sept 2022).
- The LTC has requested staff to explore options to enter into interim protocols for meaningful and respectful engagement between the LTC and the Wsanec Leadership Council (which was believed at the time to include Tsawout), the Cowichan Nation and the local indigenous organization (Feb 2023).
- The LTC allocated OCP/LUB project funding and requested staff to coordinate with a qualified indigenous relations professional to support early dialogue and relationship development, to initiate dialogue, identify preliminary engagement preferences and develop an indigenous relations approach for the LTC projects and housing accelerator fund at the staff to staff and leadership to leadership level (May 2023).
- The LTC took immediate action to move beyond the now outdated practice of simple inclusion in public processes and to begin a proactive of ‘equity in participation’ for all public engagement processes and that this will be accomplished by: directing staff to prepare a terms of reference and request for proposal for LTC approval to source qualified professional s to develop an equity-based public engagement strategy for the organization that adheres to the IAP2 Core Values for the Practice of Public Participation, and subsequently developing and implementing aligned public engagement work plans for the OCP/LUB and Ganges projects (Oct 2023).

Reconciliation is a journey. We are currently working within a colonial based legal structure. The Islands Trust Act came into being without any consideration of Indigenous Rights and Title, history, culture, or heritage. In fact, erasure of Indigenous culture was still actively occurring in the 1970s with a residential school still operating in the Gulf Islands.

The Local Trust Committee is not the only colonial-based governance body on this journey of Reconciliation. Recently the Provincial government had to pause the proposed amendments to the B.C. Land Act. Minister Cullen reportedly said, “I worried greatly...this misinformation was dividing people, pitting neighbour against neighbour, First Nations against non-First Nations and that’s not good for anybody.”

I will make more mistakes as I continue my journey of learning and building relationships. Chief John Jack says that I will make mistakes. It's about learning and keeping at it that matters.

Laura

On Apr 10, 2024, at 12:32 AM, David Rapport [REDACTED] wrote:

Dear LTC Trustees,

In the following letter addressed to the Trust Council, we have raised specific concerns about the current direction of the Trust Council, and the lack of response to our concerns recently published in the Driftwood. That letter will be distributed to all members of the Trust Council, as these concerns relate to the entire Trust Area.

However we are writing to you separately as we have one additional question that applies specifically to Salt Spring -- and that concerns the following:

In the area of Reconciliation with First Nations, how does our LTC I justify its position to have proposed to proceed with Bylaw 537 against the expressed objections of the Tsawout and several other First Nations?

We ask that you reply directly to this specific question, and make your views known to all Salt Spring Islanders.

Sincerely,

David J. Rapport and Luisa Maffi.

Below, a copy of the Letter Sent To Trust Council on April 09 2024.:

Dear Mr. Luckham,

We are writing to you in your capacity as Chair of the Islands Trust Council to urge you and the Council to address the issues raised in two articles that we recently published in the Gulf Islands Driftwood: "Islands Trust 'runs rogue' with object and policy statement moves," (February 14, 2024) and "Irresponsibility of no response," (March 13, 2024). Both articles are attached here for your reference.

In those articles, we voiced serious concerns about actions of Trust Council (and our local LTC, to whom we are addressing a similar request) that appear to significantly water down the Trust's "Preserve and Protect" mandate—if they don't in fact

undermine that mandate altogether by moving it in the opposite direction, from “Preserve and Protect” to “Disturb and Neglect,” particularly through the untenable redefinition of the meaning of “amenities” in the Trust Act as including issues such as housing, tourism, and infrastructure that were never intended to be a part of the Trust’s remit.

It's disappointing that our concerns, thus far, have not elicited a response from Trust Council. Perhaps this is because the Council, despite its mandate, is largely operating in a vacuum, being unaware of the extent to which its actions (or lack thereof) have contributed to ongoing deterioration in the health of the islands’ ecosystems, with serious consequences for the health and the social, economic, and psychological wellbeing of our communities? Perhaps it is also because the Council fails to realize that the survival and thriving of people are inextricably and inexorably dependent on the vitality and resilience of our ecosystems?

As our professional Bionotes chronicle, we have been at the forefront of assessing the health of ecosystems and communities across the globe for many decades. And as we write, we are completing a comprehensive report on the health status of Salt Spring Island’s ecosystems. As our report will show, all of Salt Spring’s ecosystems are now in failing condition, and undoubtedly the same applies to the other main Southern Gulf Islands, given the prevalence of similar anthropogenic pressures throughout the Trust Area. Should degradation continue unabated, the health and the economic, ecological, and social wellbeing of our communities are also more than likely to rapidly decline. Ironically, it appears that the Trust has yet to recognize this threat, and to catch up to our Provincial Government, which has affirmed the urgency of not only “preserving and protecting” but also “revitalizing and restoring” biodiversity and ecosystem health throughout the Province.

If there is to be a viable future for the islands in the Trust Area, there must be a swift and decisive change of the current woefully misguided course and a return to adhering to the original intent of the Trust Act and its Policy Statement as elaborated in the 1986 Review by Trust Council. The current effort to redefine the term “amenity” in the Act--to the point of absurdity--and to pursue a course of action well outside of the Trust Mandate will only serve to hasten the demise of our life-support systems. Carrying out actions that are not consistent with the Trust Act and the Trust Policy Statement cannot be condoned. Trustees must be, and must be held, accountable to the public.

As Trust Council has not seen fit to reply to the above-mentioned highly critical articles in the Driftwood, we rephrase the key questions here and ask for the considered views of Trust Council on each of the following:

1. Under the Trust Act, what authority does Trust Council have in re. to “fostering tourism, building infrastructure, or solving the affordable housing crisis”? And how does that square with the Preserve and Protect mandate, when clearly those activities will impart additional anthropogenic stress on already much ailing island ecosystems?

2. Does Trust Council recognize that our islands' life-support systems are already in massive failure, and thus that the health and wellbeing of our communities are at increasingly grave risk—especially so with ongoing and intensifying global warming, as we have already seen on our islands in recent years?
3. Does Trust Council realize that allowing open-ended development on the islands would bring further devastation to our already much-weakened ecosystems and thus to the health and social, economic, and psychological wellbeing of our communities?
4. What does Trust Council propose to do to meet this supreme existential challenge? How does it intend to bolster the health of our islands' ecosystems that sustain all of us? What policies has it put on the table to counter these threats and head off a calamitous future for all residents in the Trust Area?

We respectfully ask for a timely and detailed public response to each of the above points.

Sincerely,

David J. Rapport (PhD) and Luisa Maffi (PhD)
Co-directors, Salt Spring Island's Healthy Ecosystems Healthy Community Initiative

Bionotes:

David J Rapport holds an undergraduate degree in Engineering and Business Administration from the University of Michigan (Ann Arbor) and a PhD in Economics from the University of Michigan (Ann Arbor). Subsequently he was awarded a postdoctoral fellowship in Ecology at the University of Toronto, followed by two successive Canada Council I.W. Killam Senior Scholar Awards (each for two years) for innovative scholarship at the intersection of economics and ecology.

David was subsequently recruited by Statistics Canada to guide the development of the agency's fledgling environmental statistics program. At Stats Canada, he established the now universally adopted statistical framework for evaluating the relationships between human activities, the health of ecosystems, and the health of communities, and co-developed the agency's path-breaking Stress-Response Environmental Statistical System (now better known as DPSIR). This system underpinned Canada's 1st national Report on the State of the Environment (1986), co-directed and co-authored by Rapport with Peter Bird (of Health Canada). Their report, strongly endorsed by the then Minister of Environment, as well as a Committee of Senior Scientists of Canada, resulting in Parliament mandating follow-up national State of Environment Reports on a 5-year cycle.

In 1989, Rapport co-founded the Institute for Research on Environment and Economy at the University of Ottawa. In 1994, he was awarded a Tri-council Eco-Research Chair at the University of Guelph, co-funded by all three national Science Councils of Canada. This was the world's first Research Chair in the field of Ecosystem Health. At the University of Guelph, he spearheaded a program in Ecosystem Health and Veterinary Health in the College of Veterinary Medicine, which rapidly expanded across Canada, involving all five of the country's veterinary schools. In 1999 he

co-developed the very first program in Ecosystem Health within a major Faculty of Medicine at the University of Western Ontario.

Rapport has held honorary professorships at universities and research institutes in Australia, Canada, China, Finland, and Japan, and has served as a senior consultant to numerous national and international organizations, including the World Water Assessment Program of the United Nations Scientific and Cultural Organization (UNESCO), the United Nations Environment Programme (UNEP), the United Nations Development Programme, (UNDP), the United States Environmental Protection Agency (US EPA), the Helsinki Commission, and the World Bank, among others. He was an official Canadian Delegate to the Organization for the Economic Cooperation and Development's Environmental Secretariat (OECD) and the Economic Commission for Europe (ECE)'s Water Quality Programme. He has also been a consultant to the Office of the Auditor General of Canada, Fisheries and Oceans Canada (on Indicators of the Health of Marine Ecosystems), the International Joint Commission on Boundary Waters (IJC), and various Canadian Provincial and Federal Bodies. Rapport was founding President of the International Society for Ecosystem Health and Editor-in-Chief of its peer-reviewed international journal, *Ecosystem Health* (Blackwell Science 1995-2001, today published by Springer under the title: "*EcoHealth*").

David has conducted fieldwork in Australia, Canada, China, Finland, Japan, Mexico, Sweden, and the USA, supported by Governments, Foundations, and Research Councils, and chaired or co-chaired advanced research workshops and symposia under the auspices of NATO, the Chinese Academy of Sciences' Institute for Applied Ecology, the International Congress of Ecology, the American Association for the Advancement of Science, and the Ecological Society of America, among others. He was co-founder of the International Society for Ecological Economics (ISEE), and for over a decade served as Chair of the Kenneth E. Boulding Memorial Award – ISEE's most prestigious award.

The author or co-author of nine books and over 100 peer-reviewed research papers published in scientific journals, including the *Biological Journal of the Linnean Society*, *BioScience*, *Trends in Ecology and Evolution*, *EcoHealth*, *Ecology*, *Ecological Economics*, *Ecological Indicators*, *Environmental Management*, *Perspectives in Biology and Medicine*, and *Science*, his current work focuses on eco-cultural health—the interconnection of the health of the world's ecosystems and the health and wellbeing of human communities.

In 1988, Rapport was elected a Fellow of the Linnean Society of London and in 2011 an International Fellow of the Explorers Club.

Luisa Maffi holds a BA in Linguistics from the University of Rome and a PhD in Anthropology from the University of California, Berkeley. Drawing from her background in linguistics, anthropology, and ethnobiology, Luisa pioneered the concept of biocultural diversity – the interconnected and interdependent diversity of life in nature, cultures, and languages. She is co-founder (1996) and Director of Terralingua, an international NGO devoted to sustaining biocultural diversity, and plays a leading role in this integrative field of knowledge and action. She spearheads Terralingua's multifaceted program of work, which spans research, policy, education and outreach, and field work, and is editor of Terralingua's flagship publication, *Langscape Magazine*.

Luisa held a US National Science Foundation postdoctoral fellowship at the University of California, Berkeley (1994-1997) and a National Research Service Award fellowship from the US National Institutes for Health at Northwestern University in Evanston, Illinois (1997-2000). She was a Research Associate in the Anthropology Department at the Field Museum of Natural History in Chicago, Illinois (1998-2003) and in the Anthropology Department at the Smithsonian Institution's National Museum of Natural History in Washington, D.C. (1999-2004).

She is currently a member of the International Union for the Conservation of Nature (IUCN), the International Society of Ethnobiology, and the Institute for Environmental Learning at Simon Fraser University (SFU); an Adjunct Professor at SFU; and an International Fellow of the Explorers Club. She has been a visiting researcher and lecturer at dozens of universities in North America, Europe, Asia, and Australia, an invited speaker in both academic and policy settings worldwide, and a consultant for international organizations such as IUCN, WWF, UNESCO, UNEP, the Convention on Biological Diversity (CBD), The World Bank, and the National Geographic Society, among others, and has collaborated with academic institutions and museums internationally. She has conducted fieldwork in Somalia, Mexico, China, and Japan, and has worked with First Nations in British Columbia. Both her work and that of Terralingua have been supported by dozens of grants from research councils and philanthropic foundations from North America and Europe.

The author of six books and nearly 100 articles published in journals, books, and encyclopedias as well as in popular magazines, Luisa has written extensively on the topic of biocultural diversity, including the foundational texts *On Biocultural Diversity: Linking Language, Knowledge, and the Environment* (L. Maffi, ed., Smithsonian Institution Press, 2001), *Ethnobotany and Conservation of Biocultural Diversity* (T. Carlson and L. Maffi, eds., Advances in Economic Botany Series Vol. 15. Bronx, N.Y.: New York Botanical Garden Press, 2004), and *Biocultural Diversity Conservation: A Global Sourcebook* (L. Maffi and E. Woodley, Earthscan, 2010).



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- 3 Enjoy being recognized** in the Driftwood and the satisfaction of knowing you have helped make Salt Spring a cleaner and healthier place to live.

It's time for the Driftwood's annual island-wide clean-up campaign! Join your friends and neighbours in clearing litter and other debris from island roadsides and beaches.

*Recipient of the 2021 & 2022 BC Media Industry Community Service Award

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Irresponsibility of no response

BY DAVID RAPPORT
AND LUISA MAFFI

If someone publicly charged you with "running rogue" for not adhering to your mandate, more likely than not you would feel compelled to respond and justify your actions, wouldn't you? Not so, it seems, in the case of our Local Trust Committee (LTC) and the Islands Trust Council (ITC). In the face of a scathing critique ("Islands Trust 'runs rogue' with object and policy statement moves," Driftwood, Feb. 14) that asserts their actions undermine the mandate they were elected to uphold, they choose to remain silent.

Why this would be one can only guess. But if, as the adage goes, "Silence speaks volumes," then lack of response may suggest that, at the very least, trustees have nothing valid to say in response.

Both the LTC and the ITC well know that their "preserve and protect" mandate has nothing to do with taking on responsibility for fostering tourism, building infrastructure, or solving the affordable housing crisis. Their mandate is, unequivocally, to ensure that our life-supporting ecosystems remain viable and are able to sustain present and future generations of islanders. Accomplishing that means doing everything possible to reduce anthropogenic stress on the island's ecosystems. For quite a while now, the LTC and ITC have been doing the exact opposite. Encouraging more tourism and further development increases, rather than diminishes, anthropogenic stress, and puts our ecosystems, and therefore our lives and livelihoods, at increasing risk. Far from staying the course of "preserve and protect," the LTC and ITC are now veering toward "disturb and neglect."

Whether the LTC and the ITC have set this course because they don't know enough or don't care is a matter for debate. What is certain is that any attempt to claim the Trust today is giving priority to preserving and protecting the natural environment that sustains us all is ludicrous. Trustees are making decisions, largely without public consultation, that blatantly conflict with the Trust Act and the Trust Policy Statement (and, on Salt Spring, with our official community plan). In so doing, they are acting against the expressed wishes of the large majority of respondents to the Trust's own 2019 survey "Islands 2050: The Future of the Trust Area," who stated that the natural environment and the preserve and protect mandate are what they value most and that environmental change and environmental protection are their top concerns.

Even more shockingly, the Trust is also acting against the expressed, and repeated, wishes of the First Nations who have been the long-term stewards of these lands. Witness most recently the Feb. 2 letter by Tsawout Chief Abraham Pelkey to the Trust's Executive Committee, reiterating the First Nation's opposition to Bylaw 537 and expressing deep frustration for the Trust's lack of consultation on and consideration of their positions. That First Nations' views are so persistently ignored casts a dark shadow on the Trust's commitment to reconciliation and poses disturbing questions as to whether colonialist

thinking remains alive and well within the Trust.

The failure to uphold "preserve and protect" by opening the door to "disturb and neglect" is furthering the degradation of our life-support systems, and in so doing it is compromising the health and wellbeing of our island communities. Are our trustees blind to the fact we already have insufficient water to accommodate our existing population on the islands, let alone accommodate more tourists? Are they forgetting that, in recent summer droughts, the Trust was asking visitors to "BYO" — and they weren't talking about beer? Is it not apparent that, should the health of our island ecosystems continue to degrade, we are all at risk — not only for our health, but for our livelihoods and economic and social wellbeing?

Even more shockingly, the Trust is also acting against the expressed, and repeated, wishes of the First Nations who have been the long-term stewards of these lands.

Have the ITC and the Salt Spring LTC in particular embraced unrestrained development on islands that are not only intrinsically fragile, but also highly vulnerable to the impacts of climate change, as we have witnessed with increasingly severe episodes of drought and atmospheric rivers? Having an LTC and a majority of the ITC show little interest in adhering to the Trust's mandate and to reconciliation, and rather act in ways that undermine what they committed themselves to uphold is akin to having pyromaniacs as fire board trustees or proponents of fake news as school trustees.

As we see it, those trustees who have taken this course are betraying the mandate they pledged to honour. In our view, they should either recognize their unsuitability for the job and resign en masse or go back to serving the remit they were given with commitment and competence. The people of the Gulf Islands should expect and demand no less.

David J. Rapport holds a doctorate in economic development and international trade. He spearheaded Statistics Canada's statistical system for reporting on the state of the environment in relation to human activities, which has been widely adopted by national and international bodies.

Luisa Maffi holds a doctorate in anthropology and has spearheaded the field of biocultural diversity, which focuses on the vital interdependence of people and the natural world globally.

Both live on Salt Spring Island.

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NORTH SALT SPRING WATERWORKS DISTRICT NOTICE FLUSHING OF WATERMAINS

**FLUSHING OF WATERMAINS WILL BE
CARRIED OUT IN THE DISTRICT ON
TUESDAYS, WEDNESDAYS, THURSDAYS
AND FRIDAYS -
MARCH 4 - APRIL 30, 2024**

Short periods of low pressure and discolouration of water can be expected between these dates. Consumers are warned to be on alert for discoloured water, especially before using washing machines, dishwashers and other appliances.

Commercial establishments such as laundromats, restaurants and beauty salons will receive advance warning of flushing in their vicinity if a request for such notification is received by the District.

Please contact the NSSWD at 250-537-9902.

In no case can the District accept responsibility for any claims arising out of the use of discoloured water.

ISLAND VOICES

LETTERS to the editor

Ganges fire hall project updated

Salt Spring's upcoming fire hall project is proceeding smoothly, staying on track both in terms of schedule and budget, as reported by CAO Rodney Dieleman and the Salt Spring Island Fire Protection District board of trustees.

The recently received Schedule-B cost estimates, a crucial construction milestone offering up to 90 per cent cost certainty, validate the meticulous planning and estimation efforts, resulting in a project likely to meet or even surpass the original budget. Board chair Rollie Cook expressed confidence that the approved \$9.7 million borrowing from ratepayers is adequate for project completion.

The owner's representative on the project, Hans Hazenboom, pointed out that "the project is now entering the active tendering and construction phase, including inviting local contractors to get involved."

Hans added that while installing solar panels was beyond the original budget, "provisions are being made to accommodate a future installation."

Building permits are in progress, and water hookup negotiations have been successful. Action on the site is expected this spring as tenders for various project aspects are anticipated to be awarded in the next four to six weeks.

Chief Jamie Holmes highlighted key enhancements in disaster resilience, stating that the new fire hall, in contrast to its predecessor, will adhere to significantly higher disaster-proof standards.

Additional features, such as water storage and reclamation, have been incorporated into the plans.

CAO Dieleman mentioned the inclusion of extra space for CRD Emergency Management Salt Spring Island operations in the new fire hall, reinforcing community resilience against natural disasters for generations to come.

For more information and updates on the project, visit our website page at saltspringfire.com/new-firehall or call 250-537-2531 and speak with CAO Rodney Dieleman.

**SALT SPRING ISLAND FIRE PROTECTION DISTRICT
BOARD OF TRUSTEES**

Letters to the editor are welcome, but writers are requested to keep their submissions to 350 words or less. For details about deadlines, and word limits for the Viewpoint and other longer opinion pieces, contact the editor at the email address below, or phone 250-537-9933. All submissions may be edited for brevity, legality and taste. Writers are asked to provide a telephone number where they may be reached during the day, and to sign letters with their full name. Letters published do not necessarily reflect the views of Driftwood Publishing Ltd., its staff or advertisers. Send letters to: news@gulfislandsdriftwood.com

Rants + ROSES



Roses

We would like to thank paramedics Mike and Martin who ploughed through the snow on Jan. 17 to access my husband, who had fallen and was hurt. He has recovered well and our thanks go to them for their quick response.

H & T

The Salt Spring Island Public Library sends roses to all who helped create and launch the new ITOTELNEW HÁUTW / Tatul' utew't-hw Indigenous Learning Area, including Rose Spahan, Myrna Crossley Elliot, Chazz Elliott, James Jimmy, Maynard Johnny Jr, Angela Marston, Dr. John Elliot, Cosiniye Elliot, Rae Anne Claxton, Bill Jamison, Phil Vernon, Chris Marshall, Province of British Columbia through the Ministry of Municipal Affairs, The Salt Spring Island Foundation, The Philip and Muriel Berman Foundation, Salt Spring Books, Library donors, Library board, Christine Hunt, Anne Zeller, Library volunteers and staff, Caroline Dick, Maya Rosborough, Rob Bartram, Bobbi Ruckle, Alex Hasenfratz, Matt Tong, Calum O'Neill, Library Reconciliation Reading Circle members, CRD, Gulf Islands Driftwood, CBC Radio, Hungry Bubba's catering, and everyone else who contributed in any way. Huy ch q'u! HÍSWKE!

Rants

I would like to rant about the 80-km/hour speed limit sign posted on the Fulford-Ganges Road just north of Cusheon Lake Road by the Ministry of Transportation and Infrastructure. The signage as seen in the photo above is very confusing. It is only 33 metres in front of a 40-km/hr dangerous curve sign. Roses to the people of the island who have worked so hard to get the speed reduced in Ganges. We all need to slow down our traffic to protect our islanders and island environment. *Heather Neville*

QUOTE OF THE WEEK:

"I've seen when they're super hungry, they'll actually eat the bark off the tree. But typically they'll eat down to the mid-rib of a leaf."

DAVE HOLDEN, CANADIAN FOOD INSPECTION AGENCY BIOLIST, ON SPONGY MOTH BEHAVIOUR

Islands Trust 'runs rogue' with object and policy statement moves

BY DAVID J. RAPPORT AND
LUISA MAFFI

One often hears that being an Islands Trust trustee is a thankless job — one of the classic "damned if you do [uphold the Trust's "preserve and protect" mandate], damned if you don't" sort. Confronted with that uneasy dilemma, the current Salt Spring Local Trust Committee (LTC) and a majority within Trust Council (TC) at large seem to have chosen to overcome the impasse by simply ignoring, and indeed undermining, the Trust's mandate. To put it succinctly, in our view the Trust is now running rogue.

We do not say that lightly. It is hard to imagine that fellow islanders would vie for the opportunity to serve as trustees and then deliberately turn their backs on the Trust's core mission. But how else might one interpret recent events in what we can only describe as the Trust's "Theatre of the Absurd"?

First, the TC has taken it upon itself to redefine the "object" of the Trust, turning it into a vehicle to

preserve and protect such "unique amenities" as housing, livelihoods, infrastructure, and tourism — seemingly without a hint of recognition that none of the above really qualify as being "amenities," let alone being "unique."

Second, it appears to us that the TC is seeking to reformulate the all-important Trust Policy Statement (TPS) in ways that align with their twisted concept of "amenities." That will prove to be difficult. The concept of "unique amenities," as defined and approved by the TC in 1986, clearly refers to the benefits of our natural environment, its rural character, and its cultural history for our island communities and people in British Columbia and beyond.

Third, the TC is so keen to promote its new "vision" for the TPS (apparently one of unrestrained economic growth and development — precisely the circumstances that the Trust Act was established to curb in our beautiful and fragile islands) — that it seems unwilling to wait for the required

INDEPTH

input from First Nations before going ahead and formulating its public relations strategy, complete with "talking points," "speaking notes" and "frequently asked questions" (as detailed in the Jan. 31 Driftwood's "Draft Policy Plan Delayed" story).

Fourth, our LTC recently attempted an "end-run" around public opposition to their proposal to open the floodgates on more ADUs by requesting Salt Spring's inclusion under the provisions of provincial Bill 44 — which was designed for municipalities, outlawing public hearings on housing matters provided that relevant decisions don't conflict with official community plans. That effort was thwarted by the Ministry of Housing, eliciting a sharp rebuke from Minister Ravi Kahlon, who reminded the LTC of our "existing infrastructure capacity issues" (particularly around water and waste

disposal), the interests of local First Nations and the LTC's obligations under the Trust's "preserve and protect" mandate.

Rather than focusing on "talking points," our LTC and the TC might be better advised to reflect on the limits of their authority. Much as some of them may fancy otherwise, they were not elected as politicians — that is, as authorities entrusted with "all-purpose" governance over the islands. Quite to the contrary, islands trustees — much like trustees for the fire board, school district or North Salt Spring Waterworks District — are elected for special purpose governance: to carry out a specific and limited, if crucial, mandate. Issues beyond their given remit are not within their purview.

Ironically, this is happening just as our provincial government is owning up its failure to ensure the health of ecosystems across the province. If the Minister for Land, Water, and Resource Stewardship has done so, it is more than high time for the Trust to follow suit.

Under all accounts, our island ecosystems are in dire straits. Yet, the LTC and the TC appear to be oblivious to this fact, blissfully pursuing an agenda that conflicts with their own mandate, at an increasing cost for our island ecosystems and, as a result, for the health and well-being of island residents.

The draft of the Province's flagship Biodiversity and Ecosystem Health Framework program (November 2023) should be mandatory reading for all Islands Trust trustees, as well as for island residents. It sets a new course on the stewardship of the environment, addressing head-on the life-essential need to restore health to our life-support systems. The draft document is available on the B.C. government's website.

David J. Rapport is an economist and ecologist who pioneered the field of ecosystem health. Luisa Maffi is a linguist and anthropologist who pioneered the field of biocultural diversity. They live on Salt Spring Island.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Canna Northwest Enterprise Inc. v. Salt
Spring Island Local Trust Committee*,
2024 BCSC 706

Date: 20240429
Docket: S238111
Registry: Vancouver

In the matter of the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241

Between:

Canna Northwest Enterprise Inc.

Petitioner

And:

Salt Spring Island Local Trust Committee

Respondent

Before: The Honourable Mr. Justice A. Saunders

Reasons for Judgment

Counsel for the Petitioner:

N. Baker

Counsel for the Respondent:

A. Bradley

Place and Date of Hearing:

Vancouver, B.C.
March 13-14, 2024

Place and Date of Judgment:

Vancouver, B.C.
April 29, 2024

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Introduction

[1] In October 2022 the petitioner applied to the Liquor and Cannabis Regulation Branch (the “LCRB”) for a license to operate a retail cannabis store in the Village of Ganges on Salt Spring Island. Pursuant to s. 33(1) of the *Cannabis Control and Licensing Act*, S.B.C. 2018, c. 29 [CCLA], such licenses cannot be issued without the recommendation of the local government authority for the proposed area of operation.

[2] Accordingly, in December 2022 the petitioner applied to the respondent (the “LTC”) for land use approval (the “Application”). The LTC is the local trust committee for the Salt Spring Island Local Trust Area, and is constituted as a corporation pursuant to the *Islands Trust Act*, R.S.B.C. 1996, c. 239 [ITA]. At the material times, the LTC consisted of three trustees.

[3] Following a process of public consultation and internal review, the Application came before the LTC for consideration at a regular meeting held on June 22, 2023 (the “Meeting”). The LTC rejected the Application, under the following resolution:

That the Salt Spring Island Local Trust Committee deny application SS-LCB-2023.1 (109 McPhillips Avenue) for the following reason: the location is not appropriate due to the proximity to schools, the library and a public park.

(the “Resolution”)

[4] The petitioner seeks judicial review, on the grounds that the rejection of the Application by the LTC was unreasonable, and that the LTC breached the rules of procedural fairness and natural justice in arriving at the Resolution. The petitioner seeks an order quashing the Resolution, and remitting the Application to the LTC for reconsideration.

Statutory and Bylaw Requirements

[5] As stated above, it is a precondition to the issuance of a cannabis retail license that the local government authority recommends such issuance to the LCRB. Section 33(3) of the CCLA provides as follows:

(3) If a local government or Indigenous nation that receives notice under subsection (2) decides to give comments and recommendations, the local government or Indigenous nation must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents of an area determined by the local government or Indigenous nation in respect of the application by one or more of the following methods:

- (a) by receiving written comments in response to a public notice of the application;
- (b) by conducting a public hearing in respect of the application;
- (c) by holding a referendum;
- (d) by using another method the local government or Indigenous nation considers appropriate.

[Emphasis added.]

[6] The “prescribed criteria” and “prescribed circumstances” are those prescribed by s. 13 of the *Cannabis Licensing Regulation*, B.C. Reg. 202/2018:

- (3) The prescribed criterion for the purposes of section 33 (3) of the Act is the location of a proposed retail store.
- (4) The prescribed circumstances for the purposes of section 33 (3) of the Act are that the issuance of the licence may affect nearby residents.

[7] In 2018 the LTC had adopted Standing Resolution SS-2018-178 (“SR 178”), setting out a process for consideration and approval of cannabis retail licensing applications: receipt by the LTC of an application; and, a public consultation process, to be determined following initial review of the proposal, including at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. SR 178 set minimum requirements for the content of notices to neighbours, and required, at a minimum, notification to all owners and residents within a 500-metre radius.

[8] The site at which the petitioner proposed to operate (the “Property”) was zoned for indoor retail sales, under Salt Spring Island, Bylaw No. 355, *Land Use*

Bylaw (1999). Retail cannabis sales at that location did not conflict with Salt Spring's Official Community Plan (the "OCP").

The Review and Consultation Process

The LTC's Previous Approvals of Retail Cannabis Sales

[9] The Property had previously been occupied by an unlicensed retail cannabis store, and in 2019 the operator, an entity known as Leaf Compassion Cannabis ("Leaf"), applied to the LCRB and the LTC for a license. This was the first such application to go through the LTC's process required by SR 178. No opposition to the Leaf application was expressed during the public consultation process, either in the public meeting or in correspondence received. The LTC also has an Advisory Planning Commission (the "APC"), established pursuant to Part 14, Division 2 of the *Local Government Act*, R.S.B.C. 2015, c. 1 and Salt Spring Island, *Bylaw No. 467, Advisory Planning Commission Bylaw* (2013) to advise the LTC on matters respecting land use and community planning; the APC was consulted and recommended that the LTC support Leaf's application. A staff report dated June 25, 2019 noted the absence both of any concerns expressed by the community and of any evidence of significant detrimental impact, and recommended the LTC support the application. The LTC subsequently passed a resolution, which was forwarded to the LCRB, stating that the LTC had considered the location of the proposed operation; that the potential impacts of the noise in the immediate vicinity of the establishment would be minimal; that the impacts on the community would be negligible; and, that the LTC recommended the application be approved.

[10] Ultimately, however, notwithstanding the recommendation of the LTC, the LCRB did not approve Leaf's license.

[11] The petitioner's principal Mr. Chouinard came to learn of the denial of Leaf's license application. In September 2022 he entered into discussions with the Property's owner around leasing the Property for the same purpose, and began making inquiries of LTC staff as to the process for obtaining approval. Staff advised him that notwithstanding the LTC's previous approval of the Property as a location

for the retail sale of cannabis, he would have to re-apply. Mr. Chouinard received assurance from a staff planner that there should not be any difficulty in obtaining the required approval.

[12] In or about April 2020, the LTC approved an application for what came to be Salt Spring Island's first licensed cannabis retail store, operated by an entity known as Harvest Moon. The Harvest Moon store is located more than one kilometre away from the Property.

The Petitioner Applies

[13] In October 2022 the petitioner applied to the LCRB for a retail license. By way of a letter dated December 22, 2022, the LCRB advised it had determined that the petitioner was "fit and proper for the purposes of the Act", and confirmed that a positive recommendation from the local government authority would be required. On or about December 27, 2022 the petitioner submitted the Application to the LTC.

The April 2023 Staff Report

[14] By way of a report dated April 13, 2023 (the "April Staff Report"), Islands Trust staff recommended that the LTC refer the Application to the APC for review and comment; that a public open house be held to gather community input; and that staff be directed to bring forward a second report following the public consultation period. The April Staff Report quoted SR 178 under which the LTC had approved the Leaf application in 2019.

[15] The April Staff Report went on to confirm the petitioner's proposed use would comply with Salt Spring's OCP and Land Use Bylaw. It noted that the proposed storefront use might present some neighbourhood impact in respect of pedestrian access and on-street parking. The Report further commented:

Staff are aware of the previous storefront approvals; however, each application should be considered on its own merits. Staff are also aware that other concerns may be raised by residents as their views are collected by Islands Trust staff.

Staff expect that further impacts on community and neighbours may be discovered as a result of the notification to neighbours, a public open house, posting of public notices and advertisement in a local periodical.

[Emphasis added.]

Consultation, and the June Staff Report

[16] The LTC followed the staff's recommendation, and the Application proceeded through the consultation process. The process is summarized in a staff report, prepared June 8, 2023 (the "June Staff Report"):

- a) the APC raised no concerns and recommended that the application "proceed as proposed";
- b) letters were mailed out to all neighbours within 500 metres, and, to the date of this staff report, no letters of support or opposition were received;
- c) a two-hour long public open house was held remotely, but only one person attended, and no questions were asked.

As there had been no neighbourhood impacts or concerns revealed through the public consultation process, the June Staff Report recommended that the LTC forward a resolution of support to the LCRB.

Correspondence Received from the Community

[17] Between June 19 and June 21, 2022, after the June Staff Report had been prepared and just prior to the LTC meeting at which the Application was voted on, the LTC received a slew of letters and emails (the "June Correspondence") respecting the petitioner's application.

[18] There were two emails from individuals who supported the Application, 28 opposed. Of the 28 opposed, it appears that at least two or three were employees of Harvest Moon, or supporters of Harvest Moon having a monopoly. Many of the emails simply stated the writers were opposed, without explanation. Many stated that one retail cannabis operation was enough, or raised other concerns related to

what could be termed market saturation. Some of the emails raised generalized social concerns, e.g., that a retail cannabis operation was not a good fit for the village. Eight of them raised concerns about the proximity of the proposed location to schools, parks, and other public spaces, including a youth centre. One email was from the director of the local public library; she stated,

I don't know the details of the application but I do know that during the time that there was a previous shop selling cannabis on McPhillips that most of the businesses and organizations on McPhillips saw an increase in vandalism, partying, littering, and noise.

Most mornings before we opened the Library, we were cleaning up cigarettes and cans, and often filling boxes with empty beer cans.

Based on this previous experience, I do not think McPhillips is a good location for this business.

[19] There was also one letter from the Retail Cannabis Council of B.C. (the "RCCBC"), which, while it did not expressly state a position on the Application, set out several factors it said had a bearing on the potential for success or failure of another retail cannabis store in Salt Spring, that it asked the LTC to take into account. Those factors included the inability of regulated retailers to differentiate themselves through pricing or marketing; the problem of excess concentration of retail operations in given locations; and "exceptionally low" profit margins.

[20] On June 20, 2023, Mr. Chouinard was advised by the staff planner who had authored the June Staff Report, Mr. Buchan, that the Application would be considered by the LTC on June 22; Mr. Buchan suggested he should attend. Mr. Buchan also noted that the LTC had received some public opposition, which had been posted to the website, and which he described as appearing to have been "coordinated".

[21] Mr. Chouinard reviewed the June Correspondence on the website, and in response submitted to the LTC a petition in support bearing 75 signatures. Prior to the June 22 meeting, Mr. Chouinard obtained another 15 signatures, which he filed with the LTC before the meeting.

The June 22, 2023 Meeting and Resolution

[22] The Meeting commenced at 9:30 a.m. The Agenda, posted in advance, provided for a 15-minute “Town Hall and Questions” beginning at 9:35 a.m. (the “Town Hall”). “Applications and Referrals” were scheduled to commence at 12:00 p.m., with the Application being the second of six items up for consideration.

[23] The minutes of the Meeting record that 25 members of the public spoke during the Town Hall session, on various issues including the Application. Eight persons spoke in opposition to the Application or raised concerns; none spoke in favour. Of those eight, some expressed concern with market saturation, or the impact on the Harvest Moon store. Three raised issues with the location; two of those three specifically mentioned proximity to schools or to the public library. Mr. Chouinard did not attend the Town Hall session.

[24] The transcript is in evidence and shows what transpired during the afternoon session, when the Application came up for consideration. The Planner Mr. Buchan spoke first. He reviewed the history and the consultation process. He noted that correspondence both supporting and opposed to the Application had recently been received; he described the Correspondence as identifying “issues such as market oversaturation, concerns over the proposed location, parking, impact to the existing black markets, and safety concerns in the Ganges area”. Mr. Buchan mentioned the previous approval of the Leaf application. He noted an issue with off-street parking compliance, and said his recommendation of support was based on the petitioner bringing the parking layout into compliance or successfully applying for variation. He noted the Application complied with the OCP – the Official Community Plan – and the land use bylaw.

[25] Mr. Chouinard was in attendance remotely. He was invited to speak. He introduced himself, noted that the LTC had his application materials, mentioned that his company felt welcome after having received 90 signatures in support, and said he was ready to answer questions. One Trustee asked if he was the same applicant

who had applied the previous year, and Mr. Chouinard said no, this was a different operation altogether.

[26] The Trustees then had a brief discussion. Trustee Patrick asked staff if the LTC had a policy on issues regarding competition; an unidentified speaker (“U.S. 1”), whom the petitioner identifies as LTC staff, replied that it was typically a local government function to regulate competition like this, and that competition was in the OCP, but “might be a bit of a different circumstance.”

[27] Trustee Harris then spoke. He began:

I’m not – you know, I’m happy to kind of wrap this up and, hopefully, send a letter off, you know, saying the we definitely – or I don’t support this. The stuff we heard from the RCCBC, the letters that came out spell out some very clear rationale for not having another cannabis store in town. We also heard from some folks in here today regarding not just the competition aspect of it, but of the location aspect, which is kind of more in my mind.

[28] Trustee Harris then moved that the Application be denied for the reasons of “location and competition”. In response to a question from the Chair, U.S. 1 advised that a rationale be provided, describing that as a “challenge”; they noted that there were no policy directions around cannabis use or retail. Trustee Harris suggested his motion wording be changed to “location and market saturation”. U.S. 1 noted that concerns around competition were “highly subjective” and suggested it would not be advisable. Trustee Harris referred to the RCCBC letter as providing a clear rationale. Mr. Buchan spoke up, suggesting the LCRB was more concerned with impact on the community, hours of operation, and location, and that these should be the focus. The Chair suggested that location was a valid rationale. Trustee Harris agreed, and the motion was amended to read, “...for the following reason: location”. Trustee Patrick suggested some elaboration; the Chair mentioned the library and school, Trustee Harris added, “public park”.

[29] At that point, Mr. Chouinard raised his hand to speak. U.S. 1 suggested that the motion be made, and seconded, and they could then go into a discussion. A second unidentified speaker then framed the motion in what became its final form, as quoted above.

[30] Mr. Chouinard was then invited to ask any clarifying questions. He began by remarking,

...Well, I suppose the decision has been concluded. That's just the way it's going to be.

Mr. Chouinard mentioned that in only four hours the previous day, he had obtained 90 signatures. He said he had learned from a member of the community that there were some “legacy stores” operating in proximity to the proposed location, and he argued that a licensed, regulated cannabis store would provide a clean supply, and would provide tax revenue.

[31] The motion was then put to a vote, and carried unanimously.

Analysis

Reasonableness Review under *Vavilov*

[32] It is common ground that the standard for review is reasonableness – both as to the reasons, and the outcome: *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at paras. 83, 86–87. Expanding on what reasonableness requires, the SCC noted the following in *Vavilov*:

[99] A reviewing court must develop an understanding of the decision maker's reasoning process in order to determine whether the decision as a whole is reasonable. To make this determination, the reviewing court asks whether the decision bears the hallmarks of reasonableness — justification, transparency and intelligibility — and whether it is justified in relation to the relevant factual and legal constraints that bear on the decision: *Dunsmuir v. New Brunswick*, 2008 SCC 9], at paras. 47 and 74; *Catalyst [Paper Corp. v. North Cowichan (District)]*, 2012 SCC 2], at para. 13.

[33] *Vavilov* further points to the importance of understanding the constraints imposed by the relevant statutory scheme on the exercise of discretion by an administrative body:

[68] Reasonableness review does not give administrative decision makers free rein in interpreting their enabling statutes, and therefore does not give them licence to enlarge their powers beyond what the legislature intended. Instead, it confirms that the governing statutory scheme will always operate as a constraint on administrative decision makers and as a limit on their authority. Even where the reasonableness standard is applied in reviewing a

decision maker's interpretation of its authority, precise or narrow statutory language will necessarily limit the number of reasonable interpretations open to the decision maker — perhaps limiting it to one. Conversely, where the legislature has afforded a decision maker broad powers in general terms — and has provided no right of appeal to a court — the legislature's intention that the decision maker have greater leeway in interpreting its enabling statute should be given effect.

[34] Where the nature of the decision-making process does not entail production of a single set of reasons, the whole of the record is to be reviewed in search of the decision's rationale:

[137] Admittedly, applying an approach to judicial review that prioritizes the decision maker's justification for its decisions can be challenging in cases in which formal reasons have not been provided. This will often occur where the decision-making process does not easily lend itself to producing a single set of reasons, for example, where a municipality passes a bylaw or a law society renders a decision by holding a vote... [citations omitted]. However, even in such circumstances, the reasoning process that underlies the decision will not usually be opaque. It is important to recall that a reviewing court must look to the record as a whole to understand the decision, and that in doing so, the court will often uncover a clear rationale for the decision: *Baker [v. Canada (Minister of Citizenship and Immigration)]*, [1999] 2 SCR 817, at para. 44. For example, as McLachlin C.J. noted in *Catalyst*, "[t]he reasons for a municipal bylaw are traditionally deduced from the debate, deliberations and the statements of policy that give rise to the bylaw": para. 29. In that case, not only were "the reasons [in the sense of rationale] for the bylaw . . . clear to everyone", they had also been laid out in a five-year plan: para. 33. Conversely, even without reasons, it is possible for the record and the context to reveal that a decision was made on the basis of an improper motive or for another impermissible reason, as, for example, in *Roncarelli [v. Duplessis]*, [1959] S.C.R. 121].

[35] Although articulated in reference to a municipality's enactment of a bylaw, the same process described in *Vavilov* of scrutinizing the record as a whole applies equally to reviewing a local government's approval of an application.

Discussion

Was the Decision Unreasonable?

[36] The petitioner submits that the decision of the LTC was unreasonable on a number of grounds.

[37] The petitioner submits that Trustee Harris proposed that the Application be rejected based on “location and competition”, or “location and market saturation”, despite the fact that on concerns about the location generally, nor proximity to schools, parks, or the library, had been raised by the April or June Staff Reports, the APC, or the public submissions at the Open House. It is submitted that only once staff advised the Trustees that competition and market saturation were not legitimate concerns, did the Trustees began to “fine tune” and “reverse engineer” their rationale, “manufacturing” the justification of supposed location issues. The petitioner submits that the primacy of market concerns as the driving factor behind the LTC’s decision is evident from the fact that the only difference between the prevailing circumstances in 2019, when the Leaf application was approved by the Trustees, and those present in 2023, was that the Harvest Moon license had been approved in the interim. Thus, it is submitted, the Application must be seen as having been denied “because existing cannabis stores did not want any more competition”.

[38] This submission does not accord with the record, in several respects. First, the fact the Harvest Moon license had been issued in the interim was not the only change in circumstance. Another, critical distinction is that in the case of both the Leaf and the Harvest Moon application, there had been no location-based public opposition – nor, for that matter, opposition of any kind, at least as revealed by the record. There was such opposition in the present case. The fact that no opposition had been voiced during the Open House is of little weight, given that only one person attended. While it is a fact that the staff reports had not identified concerns with location, the June Staff Report was written before receipt of the June Correspondence, in which nearly one-third of the emails that stated opposition to the Application had identified location-related concerns. Further, the issue of location was cited by three of the eight persons who voiced their opposition to the Application during the Town Hall portion of the Meeting. It was entirely appropriate for the Trustees to have taken that public opposition into account.

[39] Second, the record does not reveal the Trustees in any sense having “reverse engineered” or “manufactured” their rationale. Trustee Harris had, in his initial remarks, cited location as one of two concerns. Having been advised that competition and market saturation were not appropriate considerations, he then proposed to limit the stated rationale for his motion to location only. This was not unreasonable; it was entirely transparent and intelligible.

[40] Third, to say that market concerns were the real, hidden motive for the LTC’s decision, is to ignore the record of what the Trustees actually said and did during the Meeting. Trustee Patrick inquired of staff as to the existence of policies relevant to market concerns, and was told there were none. Trustee Harris then suggested that market concerns could be provided as a rationale, when he offered his initial wording of the motion, but he explicitly stated that location was “kind of more in my mind”. The record does not disclose either Trustee Patrick or the Chair as having said their decision was based on competition issues. The resolution that the Trustees unanimously approved itself states that the Application was being denied because the “location is not appropriate due to the proximity to schools, the library and a public park”. This decision was justifiable, as reflecting concerns that had been communicated to the LTC by members of the public.

[41] Furthermore, it must be said that it is far from clear that competition/market saturation factors were or would have been inappropriate for the LTC to base its decision on, in any event. “Location” is a sufficiently broad concept that it could reasonably have been considered by the LTC to encompass concerns that the village’s business area only be populated by viable operations.

[42] Next, the petitioner submits that the decision was unreasonable, in that there was no evidence placed before the Trustees as to the actual proximity of the proposed location to schools, parks, and the library. There are two answers to this argument. First, Ganges is a small community, and it is reasonable to presume that the Trustees would have been fully aware of the geography, without the need for such evidence to be formally submitted. Second, it is the petitioner who, on judicial

review, bears the onus of proving that proximity was not a justifiable basis for refusing the Applications – that the decision was based on irrelevant considerations or erroneous assumptions. The petitioner must show that there was evidence before the LTC, or that could have been placed before the LTC, that could have or would have negated the location concerns that had been raised by members of the public, leaving the Trustees with no rational basis to deny the application. The petitioner does not point to any such evidence.

[43] The petitioner cites *Beedie (Keefer Street) Holdings Ltd. v. Vancouver (City)*, 2022 BCSC 2150, for the proposition that the LTC’s prior approval of the Leaf application, for the very same location, placed the LTC under a heightened obligation to explain and justify its position. *Beedie* is, however, an example of what was referred to in *Vavilov*, at para. 131, of an administrative decision maker being constrained by “longstanding practices or established internal authority”. In *Beedie*, it was held that the outright refusal of the applicant’s development permit application had defeated reasonable expectations created through the Board never having refused an application outright, and having approved, at least conditionally, 110 other applications over the previous six years. In contrast, the present case, with only one prior approval, is akin to the facts in *1909988 Ontario Ltd. v. North Cowichan (Municipality)*, 2021 BCCA 414. Mr. Justice Fitch, for the majority, disposed of the issue as follows:

[74] Third, in what I understand to be an alternative submission, the appellant says that one prior decision—the 2015 decision to grant the first development permit to the respondent—cannot, in any event, constitute the sort of longstanding practice the Court had in mind in *Vavilov* as triggering application of the explanatory principle. In support of its alternative position, the Municipality relies on *Bank of Montreal v. Canada (AG)*, 2020 FC 1014 at para. 155, in which it was held that “[o]ne prior decision does not constitute a practice.”

...

[82] In the context of this case, I am unable to identify any longstanding practice on the part of the Municipality or any established internal authority on the question of whether a circuit for the testing of vehicles is a permitted use of lands in the I2 Zone. There are no internal Municipal directives or statements of policy on point. The Municipality had only made one prior decision inconsistent with the decision made by Mr. Conway—the decision made by Mr. Mack in 2015. Indeed, Council was considering the matter on

reconsideration for the first time. While I appreciate that the Municipality held to Mr. Mack's position in the course of the 2018 litigation, this does not change the fact that only one prior permitting decision had been made. I agree with the conclusion reached in *Bank of Montreal* that it is an unacceptable overreach to conclude that the language in *Vavilov* supports invocation of a justificatory burden in the absence of a demonstrated deviation from historical practices or decisions.

[44] There is no established pattern of longstanding practice in the present case that could have given rise to a justificatory burden.

[45] The petitioner further says the decision is unreasonable, in that the LTC did not articulate the standard by which they were judging the location to be too proximate to schools, the park, and the library, citing *Yearsley v. White Rock (City of)*, 2009 BCSC 719, and a more recent decision in which *Yearsley* was cited approvingly, *Hammer Head Equities Inc. v. Rossland (City)*, 2023 BCSC 73. In *Yearsley*, the petitioners had been refused a development permit on a vote of city council. Although the application met all of the city's zoning requirements and was within the guidelines of the city's official community plan, several of the councillors voted against the permit on the grounds of aesthetic considerations, i.e. the project being out of character for the neighbourhood. In granting the petition, and ordering that the development permit be issued, Madam Justice Dillon said, at para. 28:

... Because a landowner is entitled to know what the requirements to obtain a development permit are, these requirements cannot be based upon the likes or dislikes of individual council members who are elected from time to time (*Westfair Foods Ltd. v. Saanich (District)* (1997), 30 B.C.L.R. (3d) 305 at paras. 34 and 39, 38 M.P.L.R. (2d) 202 (B.C.S.C.), citing *Re Doman Industries and District of North Cowichan* (1980), 116 D.L.R. (3d) 358 (B.C.S.C.); *Westfair Foods* at paras. 24 and 26). Nor is council bound by the views of neighbours or members of the public, especially if those views are not consistent with applicable zoning bylaws and the OCP guidelines (*511784 BC Ltd. [v. Salmon Arm]*, 2001 BCSC 245] at paras. 68-69).

[46] In *Hammer Head*, the petitioner had applied for both a development permit and a tree removal permit, in order to harvest trees on its land. It was clear from the minutes of the council's debate that the councillors were opposed to the properties being clear-cut, notwithstanding the fact that the application complied with both the official community plan and the tree removal bylaw. Madam Justice Lyster found the

city's interpretation of its official community plan, that it put forward to justify the decision, unreasonable to the point of absurdity (paras. 197-198), and held that the city had acted unreasonably in adopting that interpretation in order to advance their own subjective views of the desirability of the petitioner's plans. Justice Lyster referred to a comment in para. 121 of *Vavilov*, that a decision maker is not permitted to "reverse-engineer a desired outcome", and wrote:

[212] A review of Council's deliberations makes clear that Council fell into this very error. Members of Council were appalled by the petitioners' plans to clear cut the Lands, and despite knowing that the petitioners' plans complied with the OCP, set about reverse engineering to achieve their desired outcome of preventing the petitioners from doing so. Members of Council were entitled to their personal views about the petitioners' plans. What they were not entitled to do was to adopt an inferior, if marginally plausible, interpretation of the OCP in order to impose their personal views upon the petitioners, and deny their development permit applications.

[47] Here, the petitioner says that the LTC fell into the same error, importing its own subjective views of how proximate the location of a cannabis retailer should be to public facilities.

[48] As a pre-*Vavilov* decision, the issues in *Yearsley* were framed as matters of jurisdiction: did the municipality have the jurisdiction to act outside the guidelines set out in the official community plan. As such, the case was decided under the correctness standard. *Vavilov*, however, abolished "true questions of jurisdiction" as a separate category of judicial review, subject to the correctness standard (para. 65). Instead, an administrative decision maker's interpretation of its enabling statute is, as with all other aspects of its decision, subject to review on the reasonableness standard. The explanation is that set out in para. 68, quoted above.

[49] Viewed through the lens of *Vavilov*, the respondent municipalities in *Yearsley* and *Hammer Head* are seen as having acted unreasonably, because their own guidelines, procedures, or bylaws called for a different outcome. To adopt the language of para. 99 of *Vavilov*, their decisions could not be "justified in relation to the relevant factual and legal constraints" (emphasis added).

[50] In contrast, in the present case neither the *CCLA* nor the *Cannabis Licensing Regulation* constrain a local government in making a recommendation based on the prescribed criterion of the location of a retail store. To the contrary, “location” is not defined, and the *Cannabis Licensing Regulation* provides that where a local government has gathered the views of residents under s. 33(3) and provides comment, the comments must include the views of residents. The legislative scheme appears designed with the intention to grant discretion to local governments to account for public opinion and to vote accordingly.

[51] Furthermore, *Yearsley* and *Hammer Head* are distinguishable, in that here the LTC had not fettered its discretion by having set out, in the form of a bylaw or other binding instrument, criteria by which a cannabis retail license application would have to be judged. As such, the LTC was free to exercise its discretion in giving heed to the concerns that members of the public had raised. In one of the decisions relied on by the petitioner, *L.P. Management Corp. v. Abbotsford (City)*, 2006 BCSC 1426, Mr. Justice Joyce noted that a purely political decision cannot be justified if made through a political body having exceeded its jurisdiction:

[67] Considering the remarks of the council members in that way, I am satisfied that they did not put their minds to the merits of the objections that could be said to fall within the matters for consideration under s. 12 of the Bylaw, nor did they weigh those objections in light of the mitigation measures proposed and come to a conclusion as to whether in fact there would be an adverse effect. They made what was essentially a political decision to deny this application because the land came within a neighbourhood where the residents wanted no further gravel pits, even though the proposed operation was in an area where gravel extraction was permissible subject to obtaining a Soil Removal Permit. They acceded to the wishes of the opponents on the basis that as democratically elected officials they should do what the majority of their constituents wanted. In doing so they acted outside of the provisions of the bylaw and in excess of their jurisdiction.

[52] Here, however, while the Trustees made a political decision, there was, in pre-*Vavilov* terms, no excess of jurisdiction. The Trustees were free to exercise their discretion in a matter of political concern, and did so entirely within the framework of the legislation. They appear to have done what would have been expected of them as elected officials: they heard their constituents’ concerns, and acted on them as

they saw fit. That decision is deserving of the highest level of deference. While there were more signatures on the petition in favour than emails opposed, there was no legal requirement for the Trustees to follow the wishes of the majority of those who had made their opinions known. If there are to be consequences to the LTC having given effect to what may have been a minority view, that will have to be expressed through the ballot box, not through this Court second-guessing their decision.

Was the Petitioner Deprived of Procedural Fairness?

[53] The petitioner submits that it was deprived of the opportunity to respond to concerns about the proximity of the proposed location to parks, schools, and the public library. It is submitted that this unfairness was manifest in three ways:

- a) The petitioner was not made aware of concerns regarding location prior to the Meeting;
- b) The petitioner was not given notice that the Application would be discussed during the Town Hall; and
- c) Mr. Chouinard was not given a meaningful opportunity during the Meeting to address the issue of location.

[54] As to the first point, Mr. Chouinard acknowledges having been told by Mr. Buchan on June 20, 2023 that the LTC had received some expression of opposition to the Application. The June Correspondence was posted on the LTC's website, and Mr. Chouinard says that he read it. Mr. Chouinard clearly would have understood that concerns were being raised with regard to location. He ought to have known that the Trustees, as elected officials, might feel an obligation to respond to those concerns. If there were things to be said about location in response to those concerns, the petitioner had ample notice, and ample opportunity to prepare a response.

[55] Second, concerns regarding location were also voiced by members of the public during the Town Hall. Mr. Chouinard did not attend the Town Hall. He says in

his affidavit that he did not attend this part of the meeting as he had not been advised that the Application would be discussed.

[56] A town hall is commonly understood as an opportunity for elected officials to hear directly from their constituents. The Merriam-Webster Online Dictionary defines a “Town Hall” as:

2: an event at which a public official or political candidate addresses an audience by answering questions posed by individual members.

The Collins English Dictionary similarly defines it as:

...a meeting at which a public or company official addresses and answers questions from members of the public or staff.

A town hall, by definition, is not a meeting with a set agenda. There would have been no way for the LTC or its staff to anticipate what questions or concerns would be raised by those in attendance. Mr. Buchan had advised Mr. Chouinard to attend the Meeting; he did not advise Mr. Chouinard to attend only the portion of the Meeting where the Application was scheduled for consideration. Mr. Chouinard may not have understood what the Town Hall discussion would entail, but that does not mean that the process was unfair.

[57] Concerning the petitioner’s third point, as noted above, later on in the Meeting when the Application came up for discussion, Mr. Buchan made specific mention of issues that had been identified in correspondence. Mr. Chouinard was then invited to address the LTC. He did not say anything in response to any of the concerns Mr. Buchan had mentioned, or any other issues raised in the June Correspondence. He now provides no explanation for his failure to do so.

[58] After the motion addressing the Application was made and seconded, Mr. Chouinard was given another opportunity to speak, before the vote was taken. As noted, Mr. Chouinard began by saying,

Well, I suppose the decision has been concluded. That’s just the way it’s going to be.

Mr. Chouinard now says in his affidavit,

I understood that the Trustees had already voted to deny my application and noted that it now appeared to be too late because the decision had been made but I did make very brief submissions and advised that in the short time I had to respond to the objection letter, I had managed to get 90 signatures in support.

[59] The petitioner submits that given Mr. Chouinard's evident confusion, more should have been done to provide him with a meaningful opportunity to speak and to persuade the Trustees to support the Application. Nothing however had been said or done to indicate that a vote had been taken. In context, Mr. Chouinard's remark that he supposed "the decision had been concluded", could reasonably have been understood as expressing resignation – not a belief that a vote had been taken, or that it was procedurally "too late", but rather a belief that given the comments made by the Trustees, the outcome of the vote was a foregone conclusion. That Mr. Chouinard nevertheless went on to mention all the signatures he had obtained in support would have served as further indicating he did not believe the matter had been formally decided. If there was any confusion in Mr. Chouinard's mind that restrained him from substantively responding to the issue of location, that confusion did not arise out of any unfairness in the procedures followed.

Conclusion

[60] The LTC's denial of application SS-LCB-2023.1 (109 McPhillips Avenue) was not unreasonable.

[61] The petitioner was not deprived of procedural fairness.

[62] The petition is dismissed, with costs.

"A. Saunders J."

From: Chris Hutton
Sent: Wednesday, April 24, 2024 2:18 PM
To: SSInfo
Subject: FW: 21st Annual Community Award recipients named!

For consideration of LTC correspondence agenda.

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

From: Clare Frater <cfrater@islandstrust.bc.ca>
Sent: Wednesday, April 24, 2024 1:16 PM
To: Laura Patrick <lpattick@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>
Cc: Chris Hutton <chutton@islandstrust.bc.ca>
Subject: FW: 21st Annual Community Award recipients named!

Hello Laura and Jamie,

I'm pleased to let you know that Doreen and Wayne Hewitt of Salt Spring Island have won a BC Community Achievement Award in case you would like to reach out to them or mention the award at the next LTC meeting.

<https://www.bcachievement.com/awardee/doreen-wayne-hewitt/>

Best,

Clare Frater (she, her, hers)
Director, Trust Area Services
Islands Trust | T 250-405-5192

From: BC Achievement Foundation <info@bcachievement.com>
Sent: Wednesday, April 24, 2024 9:14 AM
To: Clare Frater <cfrater@islandstrust.bc.ca>
Subject: 21st Annual Community Award recipients named!

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21st Annual Community Award recipients named!

Premier David Eby and Walter Pela, Chair of the BC Achievement Foundation, today announced the recipients of the 21st annual **Community Award**.

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extraordinary British Columbians who build better, stronger, more resilient communities through volunteer or work efforts, dedication and service. Read the full press release [here](#). This year's recipients include:

Troy MacBeth Abromaitis, Richmond
Prof. Nemkumar Banthia, Vancouver
Devon Black, Victoria
Earl Blacklock, Parksville
Robin Dawes, Williams Lake
Jane Devji, Delta
Doreen & Wayne Hewitt, Salt Spring Island
Christopher Lee, Vancouver
Siân Lewis, Kamloops
K. Brian McConaghy, Delta
Connally McDougall, Vancouver
Marcus Mosely, North Vancouver
Coralie Nairn, Vernon
Alison O'Toole, Prince Rupert
Jazz Pabla, West Kelowna
Len Pierre, Surrey
Rishika Selvakumar, Richmond
Wendy Toyer, Richmond
Mary Trentadue, New Westminster
Janna Wale, Gitanmaax/Hazelton

Congratulations to each of the recipients and the communities they serve. For more information about the Community Award program and bios on each of the awardees, visit bcachievement.com

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**BC Achievement
Foundation**

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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 Kalyaan Selvakumar	Target: 30-May-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 Rob Pingle	Target: 11-Apr-2024	Completed

27-Feb-2024

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Salt Spring Island

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.	Chris Hutton Rob Pingle		Completed

07-Mar-2024

Activity	Responsibility	Dates	Status
1 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		Completed
2 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	Target: 06-Jun-2024	In Progress

Follow Up Action Report

Salt Spring Island

07-Mar-2024

Activity	Responsibility	Dates	Status
3 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	Target: 16-May-2024	In Progress
4 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	Target: 06-Jun-2024	In Progress
5 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		Completed
6 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		Completed
7 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.	Warren Dingman		In Progress

Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
1 Ministry of Housing - Dated 20 March 2024 - Regarding Short-Term Rental Accommodations Act That the Salt Spring Island Local Trust Committee request staff to provide options to exercise the LTC's authorities regarding correspondence item 9.4 Ministry of Housing - Dated March 20, 2024 - regarding the Short-Term Rental Accommodations Act and potential future legislation.	Chris Hutton		In Progress
2 Follow-Up Action List dated April 2024 That the Salt Spring Island Local Trust Committee direct staff to work with Tsawout First Nation staff to develop a Memorandum of Understanding and report back to the LTC.	Chris Hutton		In Progress
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 pm on Thursday May 30, 2024.	Kalyaan Selvakumar Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
4 Standing Resolution SS-2019-153 regarding Short Term Vacation Rentals That the Salt Spring Island Local Trust Committee rescind Standing Resolution SS-2019-153 and that staff report back on further considerations regarding proactive management of Short Term Vacation Rental's by March 1, 2025.	Warren Dingman		In Progress
5 SS-TUP-2023.2 - R. Blaney - 805 Vesuvius Bay Road, SSI - Staff Report That the Salt Spring Island Local Trust Committee amend Temporary Use Permit SS-TUP-2023.2 (805 Vesuvius Bay Road) as follows: - Remove Section 4.2.3. "Prior to the use commencing, the operator must remove the unauthorized structure within the setback area, identified within Schedule 1"; and - Section 4 Replace "This Permit is valid for a period of 60 days from the date of issuance" with "This Permit is valid for a period of 2 years from the date of issuance." That the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit SS-TUP-2023.2 (805 Vesuvius Bay Road) as amended for five Commercial Guest Accommodation Units for a period of two years from the date of issuance.	Chris Buchan Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
6 SS-DVP-2023.16 - A. Maten - 131 Northern Way, SSI - Staff Report That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2023.16 (Maten).	Bruce Belcher Rob Pingle		Completed
7 SS-DVP-2024.4 - E. MacDonald - 541 Anna's Drive, SSI - Staff Report That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-202.4.4 (MacDonald).	Bruce Belcher Rob Pingle		Completed

Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
8 Official Community Plan - Land Use Bylaw Update Project That the Salt Spring Island Local Trust Committee amend the Salt Spring Island OCP-LUB Update Project Terms of Reference as follows: - Section D. Use Islands Trust Housing Project Toolkit - Add "The data and mapping inputs into the Suitable Land Analysis will be customized to Salt Spring Island and developed in a transparent and engaged manor." - following "In particular, this project will use the Suitable Land Analysis that has been developed as part of the Toolkit to identify areas of the island that are more, or less, suitable for residential development."; - Project Communications Section - Add "the project goals, to the first sub bullet so that it reads "the project goals, boundaries or scope..."; - Community Engagement Section last sentence replace "Engagement with First Nations and Indigenous Island residents will be considered in a separate First Nations engagement approach." with "Engagement with First Nations and Indigenous Island residents will be considered in a separate but linked First Nations engagement approach."; - Subject-Area Consultant-Led Working Groups - add "short term rentals working group" and "other working groups, as needed". That the Salt Spring Island Local Trust Committee amend the Salt Spring Island OCP-LUB Update Draft Community Engagement and	Chris Hutton Jason Youmans	Target: 16-May-2024	Completed

Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
Communications Strategy as follows: Section 7 Key Messages - Add a key message that the LTC is seeking to better represent the true makeup of the island. That the Salt Spring Island Local Trust Committee request staff to provide options for Chair position, composition and qualifications for the OCP-LUB Update Project Advisory Planning Commission. That the Salt Spring Island Local Trust Committee endorse the Terms of Reference for the OCP-LUB Update Project attached as Appendix 1 to the staff report of April 11, 2024 as amended. That the Salt Spring Island Local Trust Committee endorse the Community Engagement and Communications Strategy attached as Appendix 2 to the staff report of April 11, 2024 as amended. That the Salt Spring Island Local Trust Committee direct staff to begin preliminary outreach to First Nations with treaty and territorial interests on Salt Spring Island.			

Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
9 Salt Spring Island Annual Report Request for Decision That the Salt Spring Island Local Trust Committee amend the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs as follows: - Replace "The Salt Spring Island Local Trust Committee (SS LTC) held 10 regular business meetings in the 2023/24 fiscal year, as well as two Community Information Meetings, and one special meeting." with "The Salt Spring Island Local Trust Committee (SS LTC) held 10 regular business meetings in the 2023/24 fiscal year, as well as two Community Information Meetings, and four special meetings."; - Replace "The Salt Spring Island Local Trust Area includes more than 25 associated islands including Salt Spring, Bright, Piers, and Deadman islands." with "The Salt Spring Island Local Trust Area includes more than 30 associated islands including Salt Spring, Prevost, Piers, and Secret islands"; - Replace "The Salt Spring LTA is located within the treaty and traditional territory of First Nations whose people have cared for these lands and waters since time immemorial." with "The Salt Spring LTA is located within the treaty and traditional territory of many First Nations whose people have cared for these lands and waters since time immemorial."; - Replace "Work for this period focused on advancing the SS LTC priorities to address the ongoing housing affordability and availability challenge."	Chris Hutton Morgana van Niekerk		Completed

Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
with "This period, Salt Spring Island LTC struggled to advance its priorities to address the ongoing housing affordability and availability challenge.			
10 Local Trustee Committee Chairperson Travel to Meetings That the Salt Spring Island Local Trust Committee authorize a shared portion of Trustee Peterson's expenses to attend the April 29, 2024 Ministry of Transportation and Infrastructure meeting and the April 30, 2024 CRD meeting.	Chris Hutton		Completed
11 That the Salt Spring Island Local Trust Committee request staff to prepare a staff report on 265 Furness Road and report back to the Trustees.	Chris Buchan	Target: 06-Jun-2024	In Progress

STAFF MEMORANDUM

DATE OF MEETING: May 16, 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 requested 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.

RECOMMENDATION:

THAT the Salt Spring Island Local Trust Committee request staff to schedule an in person Special Meeting at 3pm on Monday June 17, 2024 at the Legion Meaden Hall, 120 Blain Road, Salt Spring Island.

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	May 3, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	

File No.: SS-TUP-2024.1

DATE OF MEETING: May 16, 2024

TO: Salt Spring Island Local Trust Committee

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

SUBJECT: Temporary Use Permit for Food Truck and Retail/Office uses within the Ganges Village Core on a Residential Zoned Parcel

Applicant: Martin O’Gilvie

Location: Rem. Block D Jackson Avenue (PID: 031-451-977), Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit SS-TUP-2024.1 (Jackson Avenue).

REPORT SUMMARY

This report concerns an application for a Temporary Use Permit (TUP) for the operation of one (1) food truck (restaurant use) and two (2) retail/office spaces. The applicant proposes the retail units within retrofitted shipping containers on Jackson Avenue, within the Ganges Village Area. Pursuant to Section 3.8 (a) of the Salt Spring Island Official Community Plan No. 434 ([OCP](#)), a TUP may be issued to allow temporary commercial uses on lands designated as Ganges Village Core.

The property owner secured a Development Permit (DPA 1) in 2023 to remove vegetation within the setback areas, and has proceeded to prepare the land for the proposed venture. The property owner is now seeking to temporarily operate the commercial activities proposed above, which are out of the scope of the current Residential 6 Zone use provisions. Due to supporting policy found in the OCP, specifically the General Village & Ganges Village Area Policy (Sections B.5.1, B.5.2), staff have provided a recommendation for approval to operate for a 60 day term (see OCP Policy G.1.3.6). If the Local Trust Committee (LTC) considers Policy G.1.3.6 non-applicable, alternate permit durations may be applied through LTC resolution.

BACKGROUND

The subject property is approximately 0.08 hectares (0.209-acres) in area, and is located on Jackson Avenue, which is zoned Residential 6 (R6) and Residential 6 variant B (R6(b)). The lot was recently subdivided, and sits vacant with recent land alterations (permitted under SS-DP-2023.9) visible from the MOTI controlled transportation corridor. See the site context (Attachment 1) for further information on the subject property.

The applicant does not propose any permanent structures at this time. The site plan below indicates conceptual siting of the operations.



Figure 1: Property Location

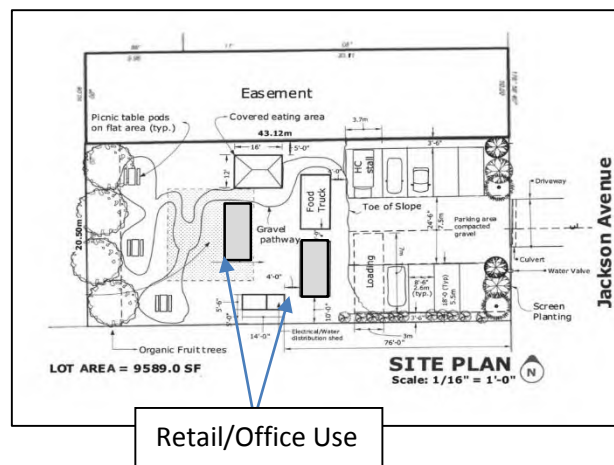


Figure 2: Conceptual Site Plan

Under a TUP, the specified uses may be carried out for a period of up to two (2) years (as per LTC Policy G.1.3.1), 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.

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject property is designated Ganges Village Core in the OCP. Select objectives for this designation are “to accommodate those land uses that allow Ganges to remain the commercial, social, cultural, and institutional centre for residents of Salt Spring Island”; “to maintain the economic viability of Ganges Village by guiding development into a compact, pedestrian-friendly form within a defined containment boundary with a broad variety of complementary uses”; and “to ensure that development respects the small-town feel and heritage aspects that make the village attractive to visitors and residents alike”.

Section G.1.3 of the OCP provides guidelines to be used when considering issuance of a TUP. See Attachment 2 for staff’s assessment of the application’s consistency with each TUP Guideline.

An OCP policy analysis has been included as Attachment 3. General commercial uses including retail and restaurant uses are referenced in the OCP with policies and objectives supporting this use in residential zones within the village core area at time of adoption in 2008. Particularly, relevant objectives support a wide mix of residential and non-residential uses in areas within the Ganges Village Core while maintaining a public oriented and walkable area. Additionally, relevant policies are specific to rezoning applications; however, the intent of the policy is to allow a wide range of commercial, residential, general employment, and institutional uses while allowing greater flexibility in the form and siting of these operations. 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 split-zoned Residential 6 and Residential 6 variant B (R6 & R6(b)) in the LUB. While the proposed uses are not permitted under current zoning, the applicant has proposed setback and parking requirements that comply with the the R6 zoning.

The R6 zone permits the following uses, as defined in the LUB:

- 1) Single family Dwellings;
- 2) Duplexes;
- 3) Dental/Medical Offices
- 4) Elementary Schools/Childcare Centres;
- 5) Hospitals/Public Health Offices;
- 6) Community Halls
- 7) Non-commercial Active Recreation;
- 8) Churches; and
- 9) Public Service Uses

Additionally, the R6(b) variant permits a funeral home use.

Issues and Opportunities

Similar Commercial Opportunities in Proximity

There are several existing commercial establishments in proximity to the subject property. These include cafes, restaurants, retail shops, and professional services. While food truck competition may exist on at least two nearby properties in the Ganges Village area, a diversity of offerings in the area can attract a different clientele and contribute to the commercial portfolio in the area.

Temporary Structures

The proposed temporary use involves the installation of retrofitted shipping containers to house the retail/office spaces. These structures offer flexibility and mobility, aligning with the temporary nature of the permit. However, considerations should be given to the aesthetic compatibility of these structures with the surrounding built environment and any potential impacts on neighboring properties. Staff have observed similar shipping container retail developments nearby within the village area, and anticipate the form to be compatible with the unique character of the village area.

DP Guideline Compatibility

While a development permit is not triggered for the proposed use on the residential zoned property, an analysis has been carried out regarding consistency with the permit area objectives and guidelines. Overall, the proposal demonstrates alignment with several key objectives of the Development Permit for the village core area, contributing positively to the vibrancy, diversity, and accessibility of Ganges Village. One area lacking in information falls under Section E.1.10 (Stormwater Management). As the proposal is temporary in nature with small units, and does not contemplate any permanent structures, staff have not required a stormwater management plan. If LTC determines that a stormwater management plan is required to move forward with the

proposal, further information should be required prior to a final LTC decision. If the LTC proceeds under the current recommendation, future site development that would trigger development permit requirements may require a stormwater management plan. Any future plan should consider impacts of all development on a site, including any longstanding site changes which would result from the current proposal. The approval of this TUP does not preclude any requirement for stormwater works under this or any future development proposal that may be imposed.

Water

The availability of water for the proposed temporary use, particularly for food truck operations, should be ensured. The applicant must demonstrate compliance with any water usage restrictions or regulations imposed by the North Salt Spring Waterworks District to prevent undue strain on the local water supply, or provide an alternative method of utilizing potable water onsite. As the structures are temporary and mobile, permit provisions provide an option for offsite water sources to be utilized.

Sewage

Sewage disposal arrangements are included in the draft permit. Ensuring adequate disposal in Island Health approved facilities would negate any harmful effects to the public attended environment.

Location

The location of the proposed temporary use within the Ganges Village Core presents both opportunities and challenges. On one hand, it offers visibility and accessibility to potential customers, contributing to the vibrancy of the village. The proposal is also supported by the majority of the Village Area OCP Policy. On the other hand, considerations should be given to traffic flow, pedestrian safety, and any potential impacts on neighboring properties.

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 May 16, 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 the proposed commercial uses and form for the Jackson Avenue property.

Rationale for Recommendation

Staff consider the proposal in line with TUP objectives while clearly meeting applicable TUP guidelines outlined in Section G.1.3 of the OCP. One uncertainty remains around Guideline G.1.3.6 regarding the restriction to the 60 day term.

As the units proposed do not clearly compromise future uses on the lot, staff agree that the temporary proposal meets the merits of OCP Schedule G.

If LTC wishes to gain further community input, staff encourage that the application be forwarded to the APC for comment. Further, conditions attached to the permit are intended to ensure proper waste discharge, 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-2024.1 (Jackson Avenue) to the Advisory Planning Commission for review and comment on:

- a) whether forms of the proposed commercial Units are appropriate through a temporary use permit;*
- b) whether the permit conditions are satisfactory in addressing the proposed use and its impacts;*
- c) the recommended term of the duration of the Temporary Use Permit (ie. 60-days, 1-year, 2-years).*

2. 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.

Recommended wording for a Resolution:

That the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit SS-TUP-2024.1 (Jackson Avenue) for a period of two years from the date of issuance.

3. Deny the permit

That the Salt Spring Island Local Trust Committee deny issuance of Temporary Use Permit SS-TUP-2024.1 (Jackson Avenue) and direct staff to close the file.

NEXT STEPS

If the LTC accepts staff's recommendation, the applicant may proceed with the proposed uses described in the draft permit for a period of 60 days from issuance.

Submitted By:	Chris Buchan, A/Island Planner	April 23, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	April

ATTACHMENTS

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

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 2, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan EPP99513
PID	031-451-977
Civic Address	Jackson Avenue, Salt Spring Island

LAND USE

Current Land Use	Vacant
Surrounding Land Use	North – Commercial (Gas Station), Residential Zoned East – Commercial South – Residential West – Residential, Agricultural

HISTORICAL ACTIVITY

File No.	Purpose
SS-SUB-2019.1	3 Lot Subdivision
SS-DP-2023.9	Vegetation clearing within setback area

POLICY/REGULATORY

Official Community Plan Designations	Ganges Village Core DPA 1
Land Use Bylaw	Residential 6 (b) / Residential 6
Other Regulations	N/A
Covenants	CA8813681 – Requirement for Sidewalk design/deposit prior to construction - satisfied
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Conservancy	No referral/process requirements: Per Policy 3.3.ii
Regional Conservation Strategy	 Rated low priority.
Species at Risk	N/A
Sensitive Ecosystems	None mapped.
Hazard Areas	None Mapped.

Archaeological Sites	Potential indicated within 100 metres of the property. The owners and applicant should be aware that there is 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	Potential impacts on proposed development from anticipated or possible climate change induced hazards, eg sea level rise unknown.
Shoreline Classification	Not Applicable.
Shoreline Data in TAPIS	Not Applicable.

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.	TBD	For LTC Input
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.	Complies	
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.	Complies	
G.1.3.4 Permit conditions should ensure that off-street parking is provided in a way that is consistent with local bylaws.	Complies	
G.1.3.5 Permits applications should include evidence that suitable alternate sites with appropriate zoning are not available.	Not included, similar zoning exists	
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.	Complies	
G.1.3.7 Permitted uses should be consistent with the objectives of this Plan.	Complies	
G.1.3.8 Permitted uses should not preclude or compromise future permitted uses on the land parcel affected.	Complies	
G.1.3.9 Uses should not be allowed if they conflict with any ongoing or intended planning policies or programs.	Complies	
G.1.3.10 Where appropriate, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with neighbouring land uses.	Complies	

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.	N/A	
G.1.3.12 Permits can include, as a condition, the provision of security to guarantee the performance of the terms of the permit.	N/A	

APPENDIX 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>
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OCP Objectives	Complies	Planner Comments
A.4.1 General Objectives		
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: 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.		LTC should adopt a precautionary approach – permit conditions intended to ensure reduced impact from development to site.
A.4.1.5 To identify and protect important components of our island's heritage,		No archaeological sites identified. Potential for archaeological findings present

including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles.		
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.		Proposal does not appear to detract from the community's function as a home to its residents. Future duplex planned for the site, applicant proposing temporary removable uses at this time.
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.		Proposal could serve as a commercial space interconnected with the Ganges area.
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.		Community Consultation measures taken

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 vibrant community can be created within the confines of our island's finite land base and resources.		A variety of commercial options within the Ganges core
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 accessible in the Ganges core
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		Slight increase to on-island employment.

income-generating opportunities that especially enable young people and families to remain on the island.		
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 and reduce any negative impacts; to avoid concentrating benefits and impacts in only a few locations.		Applicable – expands to new location on island.
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		No facilities/services proposed.

or recreational vehicles, and tour bus parking areas outside Ganges Village Core.		
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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:
A.5.2.2 The Local Trust Committee should consider rezoning applications from property owners who wish to transfer their development potential from areas 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.		Not applicable
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		Not applicable – mapping indicates no environmentally sensitive areas onsite.

additional density, further study could more clearly identify boundaries.		
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 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.		Not applicable – mapping indicates no environmentally sensitive DP areas onsite.
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		Not applicable

encourage subdivision layouts that avoid impacts on these areas. Stewardship on the part of property owners and other agencies will also be encouraged.		
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 input from other non-governmental organizations which support the Object of the Islands Trust and the objectives of this Plan		Not applicable
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.		May be applicable, no sensitive ecosystems highlighted, appears to follow guidelines on structure siting.

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. 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.		Culvert created by applicant downslope, connecting into existing drainage system.
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		Not applicable

certification programs such as R-2000, BuiltGreen Platinum, and LEED		
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 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.		Not applicable
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
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		Not Applicable

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.		
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.		Proposal to allow mix of commercial and residential (future) uses on parcel.
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



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT SS-TUP-2024.1

TO: Martin Robert Ogilvie

1. This Permit applies to the land described below:

Legal Description: LOT 2, SECTION 1, RANGE 3 EAST, NORTH SALT SPRING ISLAND,
COWICHAN DISTRICT, PLAN EPP9513

PID: 031-451-977

2. This Permit is issued to allow the following:

Commercial uses consisting of:

- a) Indoor retail sales;
- b) Indoor retail services;
- c) Offices;
- d) Food Truck;

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

3.1 Site Layout

- 3.1.1 The buildings, landscaping, parking, and general site layout shall be in accordance with Schedule No. 1.
- 3.1.2 If the siting of the proposed structures is amended by the owner, any change must remain in compliance with the Salt Spring Island Land Use Bylaw No. 355.

3.2 Buildings and Structures

- 3.2.1 Prior to expiry of this Permit, all buildings and structures which would not conform to the Salt Spring Island Land Use Bylaw No. 355 must be removed from the site.
- 3.2.2 The requested indoor sales/services and office spaces may only be operated in up to two (2) structures as identified on the site plan.

3.3 Hours of Operation

- 3.3.1 The uses permitted under Section 2 of this permit are restricted to the operating hours between 8:00 AM to 8:00 PM.



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT SS-TUP-2024.1

3.4 Temporary Seating

- 3.4.1 Temporary outdoor seating may be provided in the area as indicated within Schedule No. 1.

3.5 Recycling and Waste

- 3.5.1 There shall be no exterior indication of waste, recycling or compost associated with the food and drink trailer.

3.6 Grey water and effluent

- 3.6.1 All grey water and effluent produced by the food and drink trailer shall be collected and stored in a holding tank and routinely disposed of in an Island Health approved manner or at an approved sewage disposal facility as per the Sewerage System and/or Island Health regulations.

3.7 Signs

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

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

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

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

**AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE
THIS ____ DAY OF _____, 2024.**

Deputy Secretary

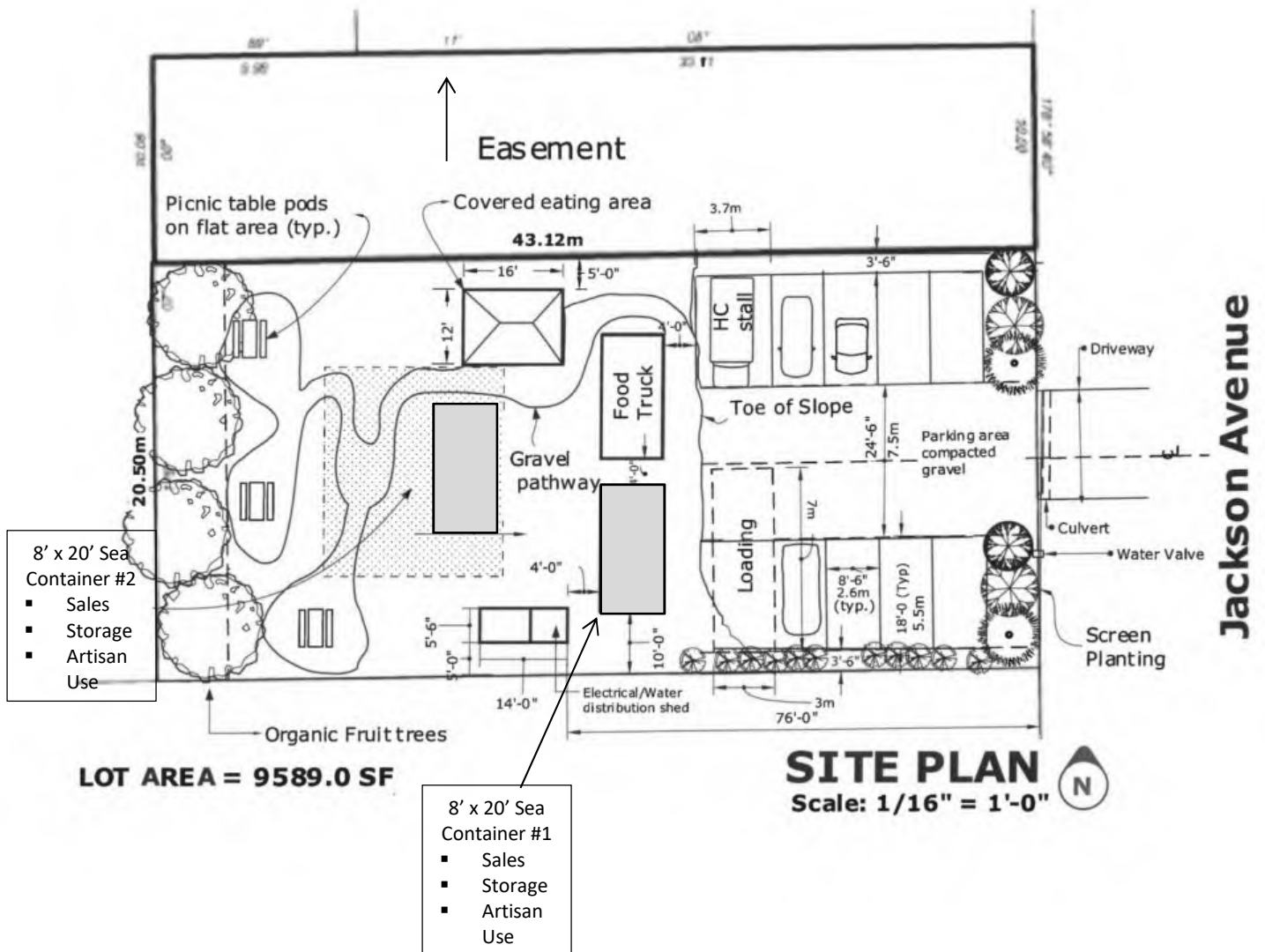
Date Issued



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT SS-TUP-2024.1

Schedule No. 1



File No.: SS-DVP-2023.20 (Bowden)
SS-BP-2023.138

DATE OF MEETING: May 16, 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-2023.20
Applicant: Conrad Bowden
Location: 261 Fulford Ganges Road

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2023.20 (Bowden)

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) for the siting of an existing accessory carport structure, and two proposed accessory carport structures.

BACKGROUND

The specific variance is to **the rear lot line** provisions of the **Residential 9 – R9** 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 7.5 m from the rear lot line is varied to legalize the existing siting of a carport “Structure A”, shown in Figure 2, sited 2.0 m from the rear lot line, and permit the proposed siting of two carports “Structure B” and “Structure C”, shown in Figure 2, to be sited 2.0 m from the rear lot line.

The 0.17 ha (0.43 ac) subject property is owned by the federal government and rented to the Salt Spring Island Search and Rescue Society (SSI SAR) under a 5 year lease with a 60 day notice-to-move clause.

The application was initiated after the first carport structure was installed in September 2023 and the CRD building inspection notified the applicant that the structure would require a building permit. Following a review of the proposed and existing structures Islands Trust staff identified that a variance application is required for the proposed development to comply with the LUB.

The setback variance request is proposed to allow the SSI SAR to permit the existing structure and enable two additional structures for the protection of their vehicle fleet. The metal structures are to be built resting on the existing asphalt parking lot and held in place by anchor pins driven into the ground and have a total combined

lot coverage of 104 sq m (1119 sq ft). The structures are to be sited at the edge of the existing parking lot to maximize the limited parking space for use of the building. The existing structure is 5.2 m (17 ft) high, and the two proposed structures are 4.0 m (13 ft) high. The SSI SAR vehicles have been parking at this location for the past four years.

A copy of the notice and proposed permit SS-DVP-2023.20 (Bowden) are attached as Attachment 3 and 4. Staff conducted a site visit on March 14th, 2024. Staff observed the existing structure and proposed building site for the two new structures and confirmed the siting is within the existing parking lot area and the proposal appears adequate to facilitate the construction. Photos of the property are included as Attachment 2.

Figure 1 – Subject Property Map

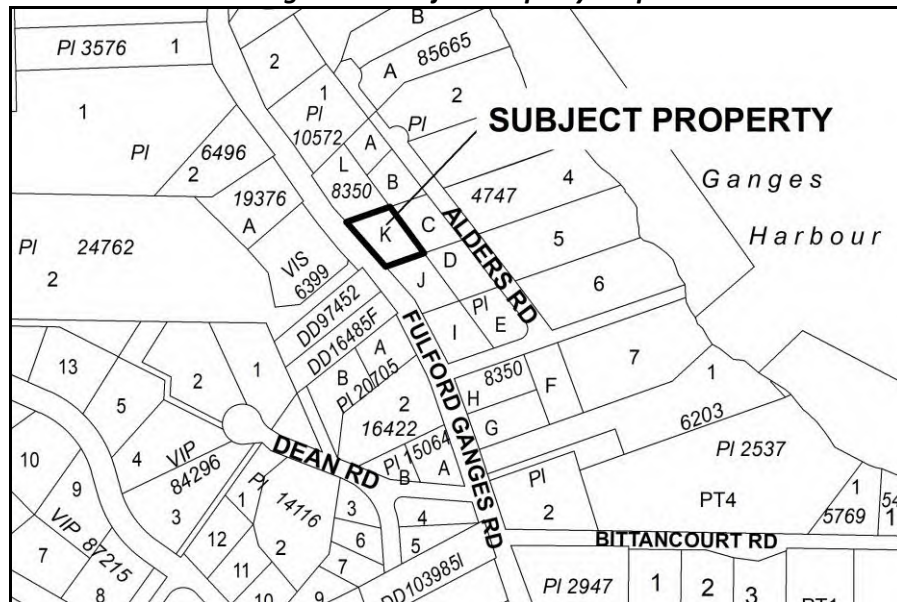
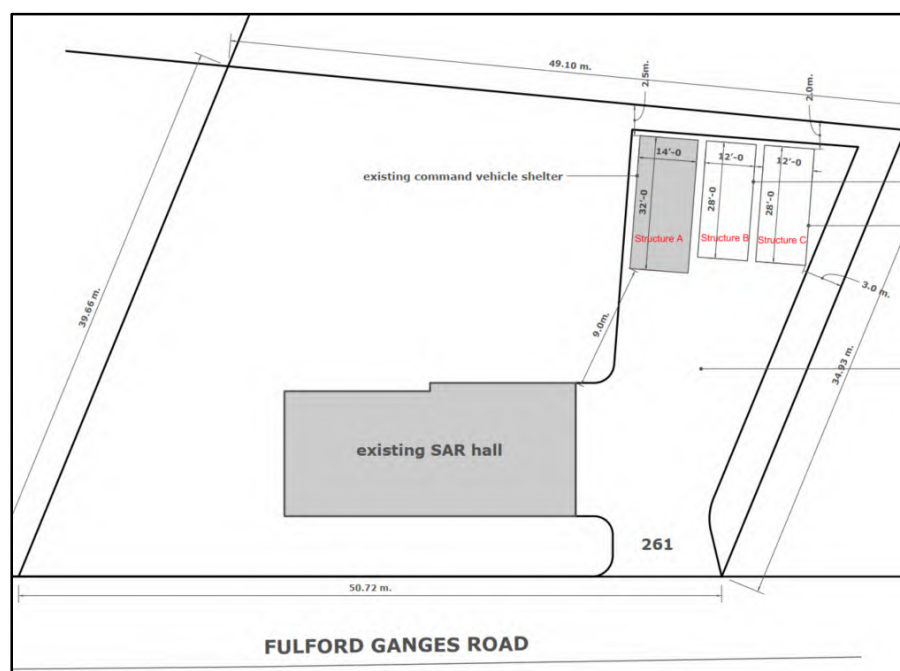


Figure 2 – Site Plan



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 Residential Neighbourhoods (RN) in the Salt Spring Island OCP. The property is located within Development Permit Area 6 – Unstable Slopes and Soil Erosion Hazards. The specific construction outlined in the proposal is exempt from requiring a Development Permit.

Land Use Bylaw

The property is zoned **Residential 9 – R9** in the LUB. The proposed use is permitted as an accessory use to Public Service uses. The approval of the variance will bring the property into compliance with the LUB.

Issues and Opportunities

Rational for Variance

The applicant's rational for the variance is:

- Existing and proposed accessory structures designed to protect the SSI SAR vehicle fleet.
- Building site chosen to use the existing asphalt vehicle parking area, no ground disturbance is necessary.
- Due to the shallow lot configuration difficult to site the accessory structures elsewhere on the property.

Intent of Regulations being varied

The overall purpose of rear lot line siting is to minimize the 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 a variance

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

Impact on Neighbouring Properties

The most impacted neighbours by the proposed variance would be the neighbours to the south and the neighbours to the east. The large fence along the eastern border along with forested buffer area protects the visual impact to the eastern neighbours.

Circulation

DVP Notices were circulated to the surrounding property owners and residents on May 6, 2024. The notification period will end on May 15, 2024.

At the time of writing, staff have received no submissions in response to the 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 are minimized based on the proposed siting.
- 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-2023.20 (Bowden) as follows:
_____ ; and,*

That the Salt Spring Island Local Trust Committee approve application SS-DVP-2023.20 (Bowden) 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-2023.20 (Bowden).

Submitted By:	Bruce Belcher, Planner 1	April 29, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	May 6, 2024

ATTACHMENTS

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

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT K, SECTION 20, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 8350
PID	005-504-244
Civic Address	261 Fulford-Ganges Road, Salt Spring Island, BC V8K 2K6
Lot Size	0.17 ha (0.43 ac)

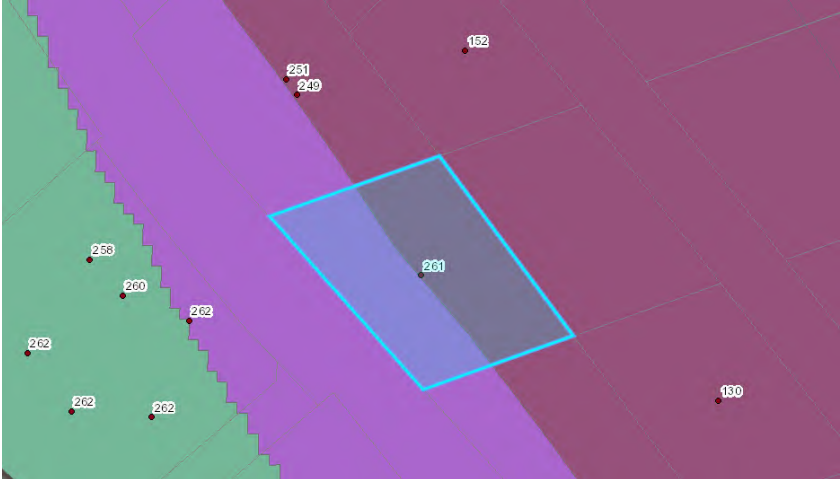
LAND USE

Current Land Use	Public Service Uses
Surrounding Land Use	Commercial/Residential

HISTORICAL ACTIVITY

File No.	Purpose
SS-BP-2023.138	New accessory building application. Requires variance.

POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw #434, 2008 – Residential Neighbourhoods – RN Development Permit Area 6 – Unstable Slopes and Soil Erosion Hazards 
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	☒  Map13 - High Soil Erosion Hazard Area
	☒  Map14 - High Slope Stability Hazard Areas
	☒  Map23 - High Soil Erosion Area
	☒  Map24 - High Slope Instability Hazard Areas

Land Use Bylaw	Residential 9 in the Salt Spring Island Land Use Bylaw No. 355, 1999
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

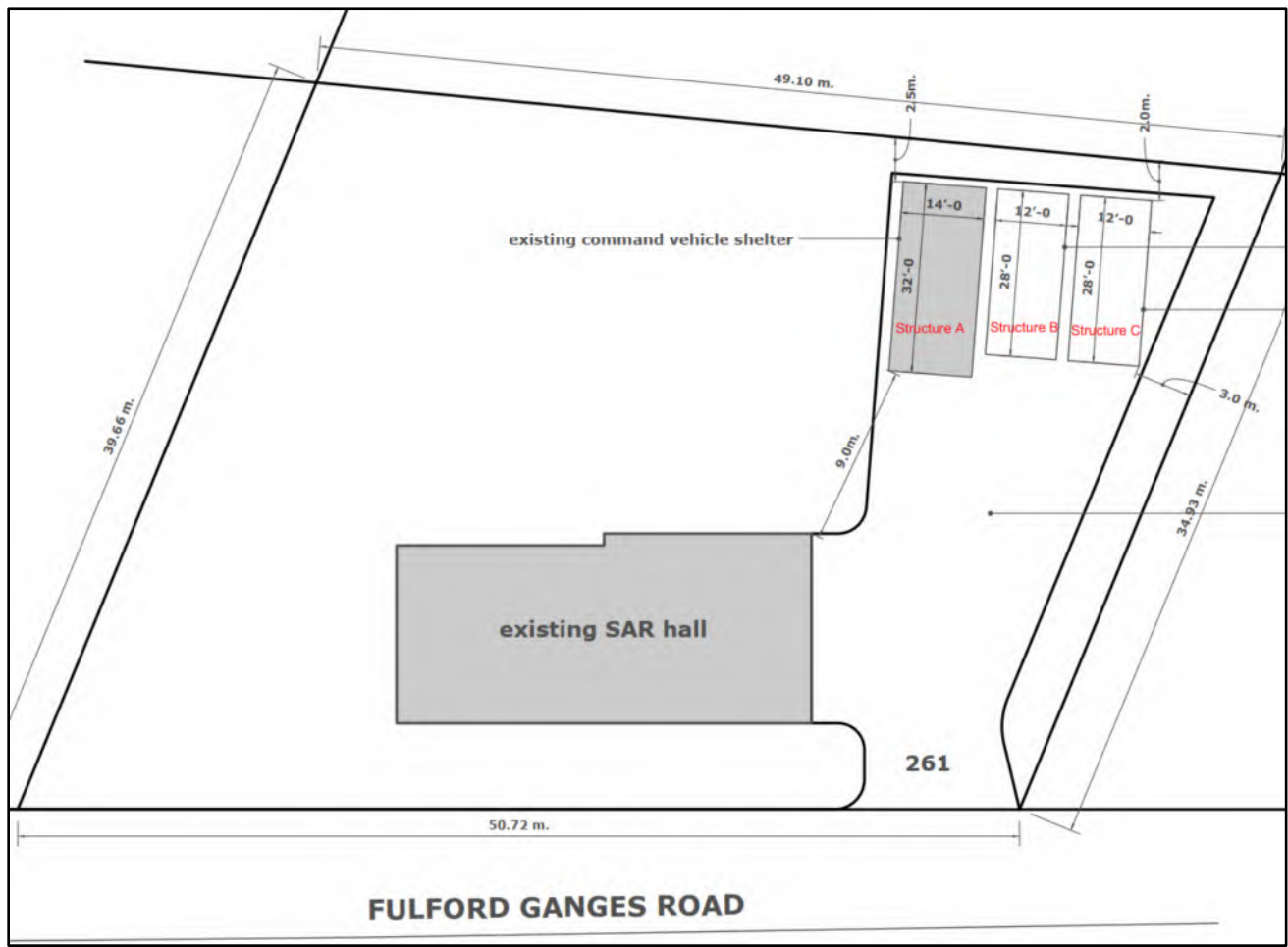
Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Sharp-tailed Snake
Sensitive Ecosystems	N/A
Hazard Areas	Low risk steep slopes
Archaeological 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 Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act 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	GHG emission changes are linked to allowable density on the property and will not change with approval of the DVP
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

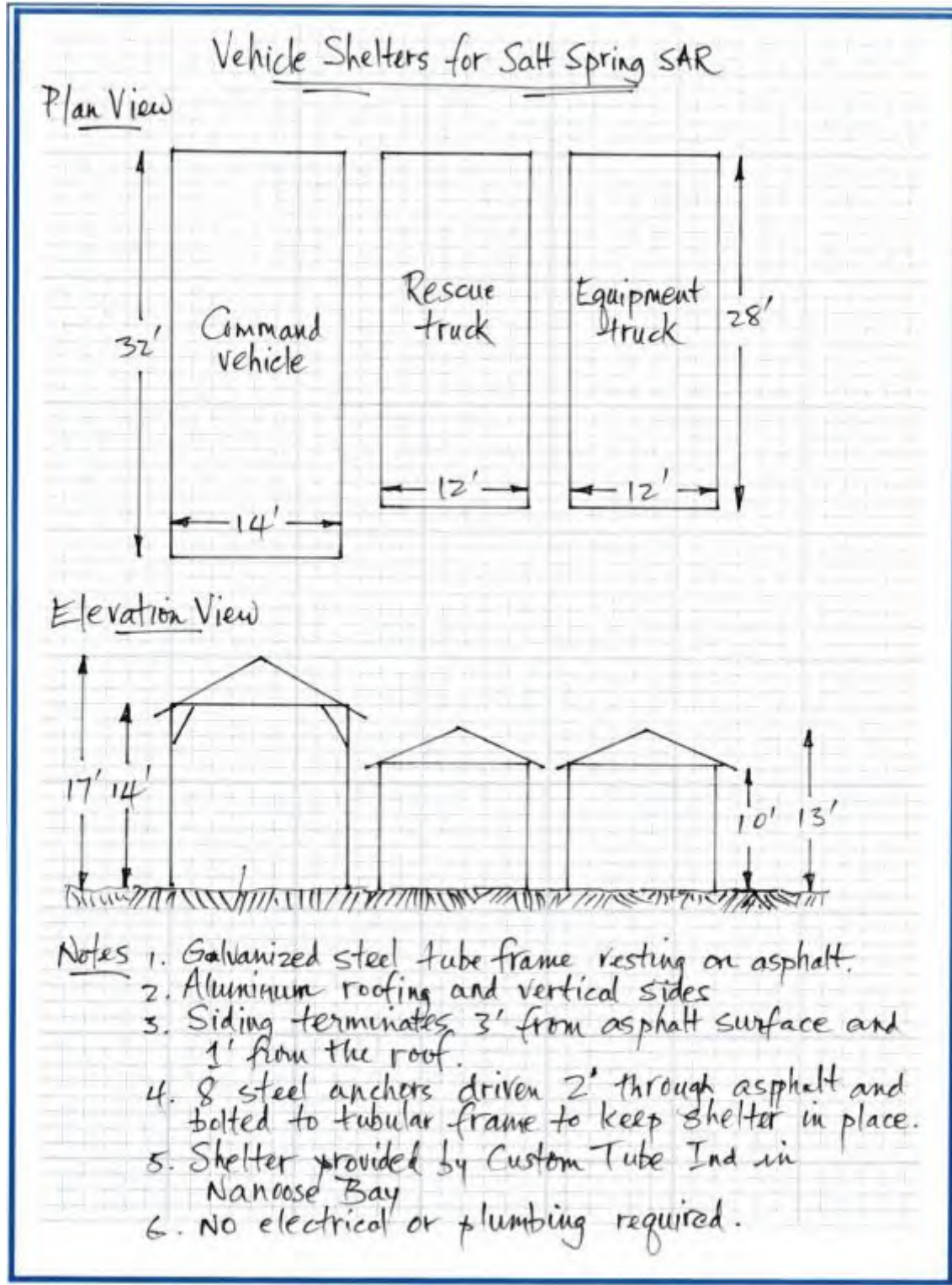
2.1 ORTHOZONING

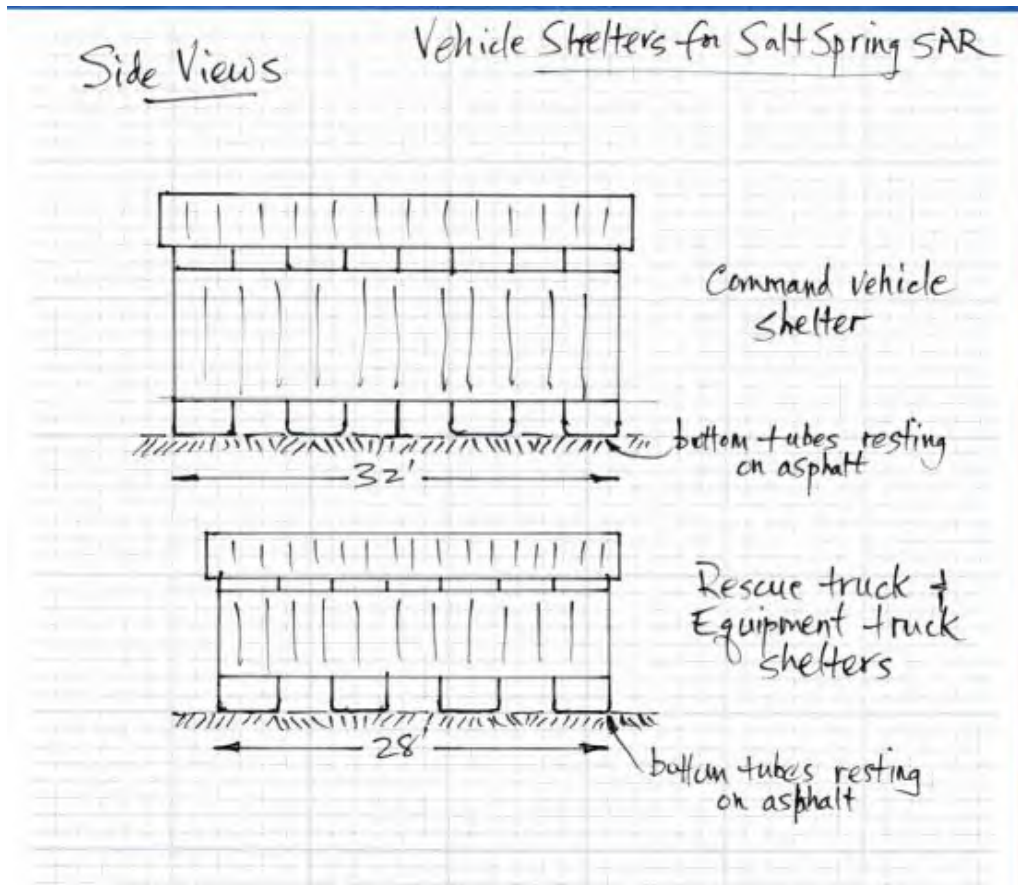


2.2 SITE PLAN



2.3 BUILDING PLANS





2.4 PHOTOGRAPHS



Rear Lot Line looking north



Existing structure in rear lot setback, looking north



Existing structure in rear lot setback, looking south



Existing structure, front view



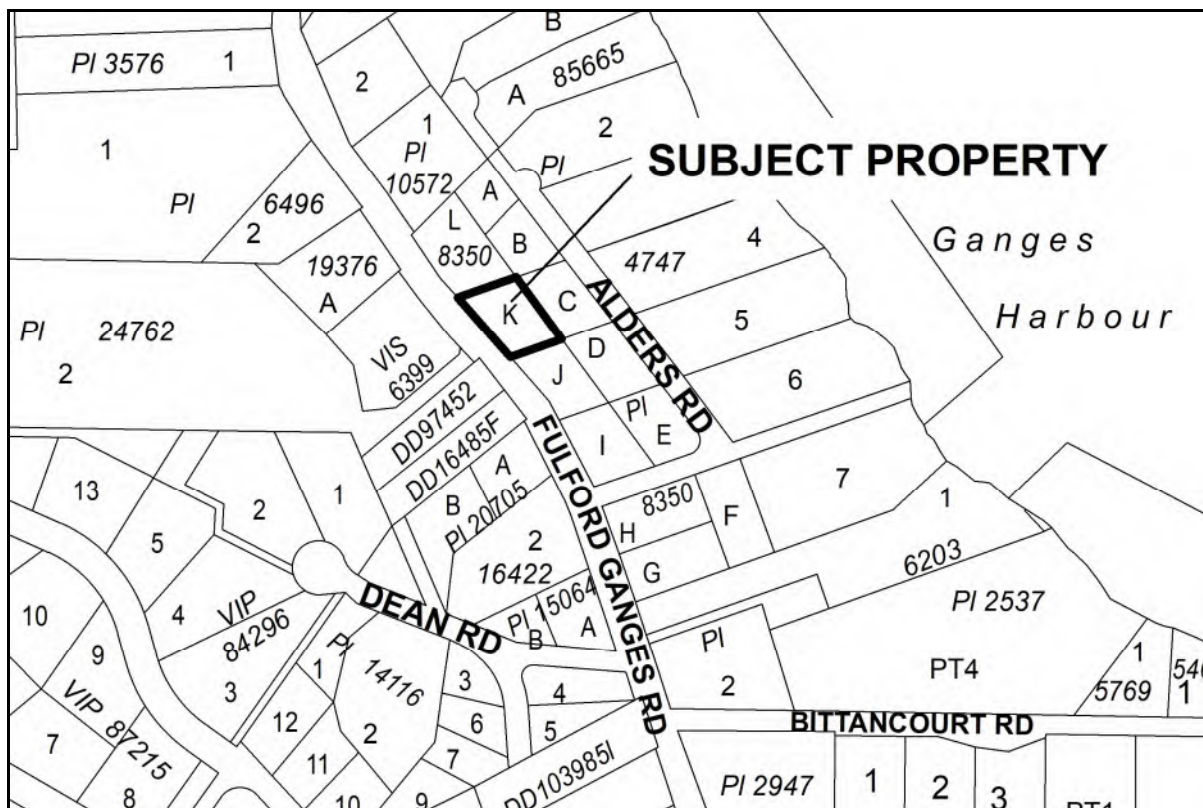
NOTICE
SS-DVP-2023.20
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

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

- A variance to reduce the 7.5 m setback from the rear lot line to legalize the siting of an existing carport within 2.0 m of the rear lot line and permit two additional proposed carports within 2.0 m of the rear lot line.

The property is located at **261 Fulford-Ganges Road** and is legally described as LOT K, SECTION 20, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 8350 (PID: 005-504-244).

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, commencing **May 6, 2024** and continuing up to and including **May 15, 2024**.

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: ssinfo@islandstrust.bc.ca before 4:30 pm, **May 15, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **May 16, 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 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

SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2023.20

To: SALT SPRING ISLAND SEARCH & RESCUE SOCIETY
CROWN FEDERAL INDIAN AFFAIRS & NORTHERN DEVELOPMENT

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

LOT K, SECTION 20, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN
8350
(PID: 005-504-244)

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

- a) 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 7.5 m from the rear lot line* is varied to legalize the existing siting of a carport ("Structure A") sited 2.0 m from the rear lot line, and permit the proposed siting of two carports ("Structure B" and "Structure C") to be sited 2.0 m from the rear lot line.

The development shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date of Issuance

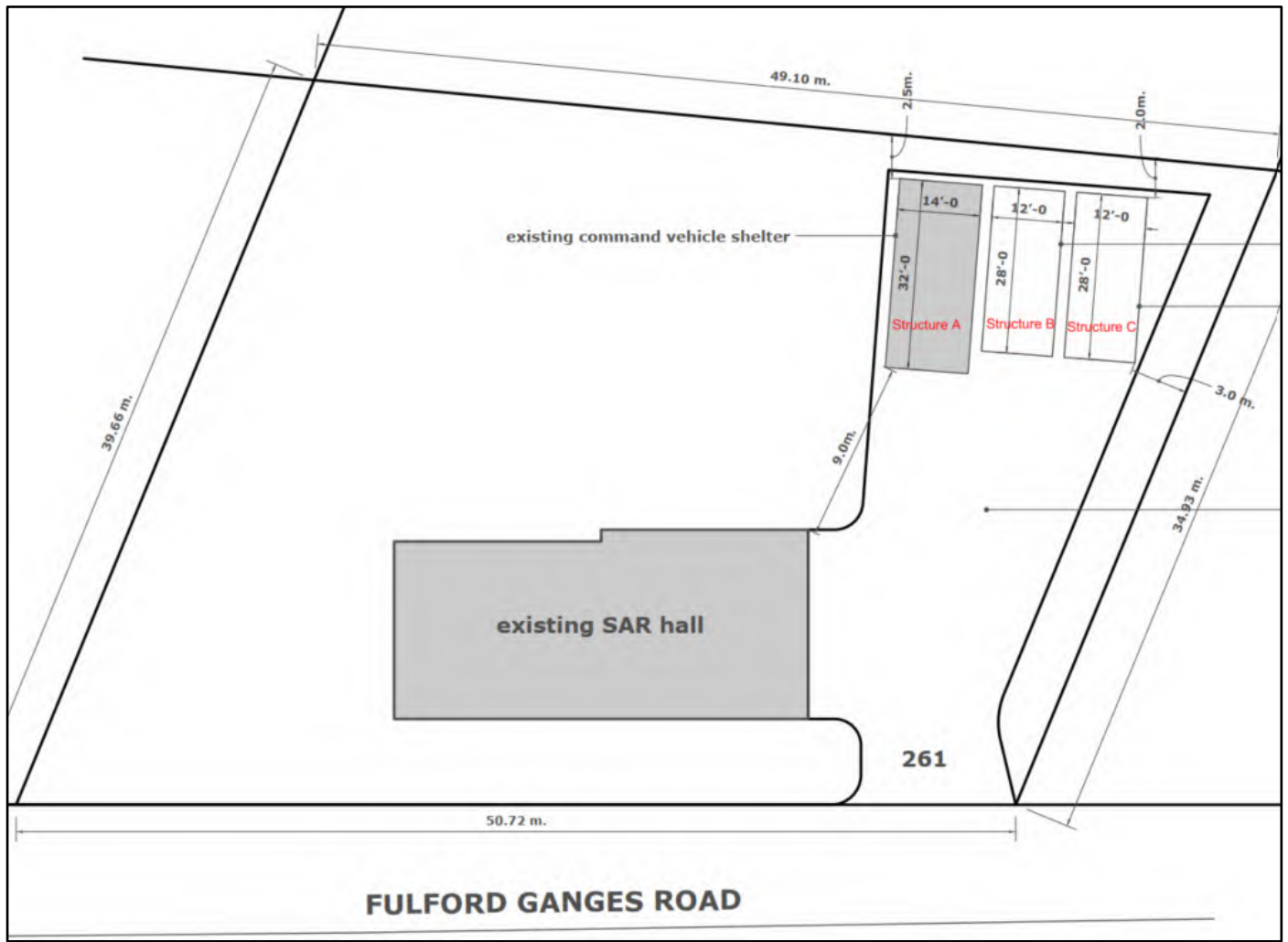
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2023.20

SCHEDULE 'A'



DATE OF MEETING: May 16, 2024

TO: Salt Spring Island Local Trust Committee

FROM: Bruce Belcher, Planner 1
Local Planning Services

COPY: Chris Hutton, RPM

SUBJECT: Exemption from the 10% lot frontage provisions of Section 512 of the *Local Government Act* and Section 5.3.1 of Salt Spring Island Land Use Bylaw No. 355
Applicant: Pierre Frisch
Location: 784 Vesuvius Bay Road, Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee exempt Lot A of proposed subdivision (SS-SUB-2023.3, 784 Vesuvius Bay Road) from the 10% minimum frontage requirement under Section 5.3.1 of Salt Spring Island Land Use Bylaw No. 355 and Section 512 of the *Local Government Act*.

REPORT SUMMARY

This exemption request accompanies the boundary adjustment subdivision application SS-SUB-2023.3. The proposed layout requires the Local Trust Committee to waive Section 512 of the *Local Government Act* and Section 5.3.1 of Salt Spring Island Land Use Bylaw No. 355, both of which mandate 10% of the perimeter of all lots to front on a highway. Within the proposed subdivision, one lot (proposed Lot A) will require a waiver to the 10% perimeter requirement.

BACKGROUND

The subject property is located in Vesuvius Bay adjacent to the BC Ferries lot. Both lots are zoned Residential 8 (R8).

Proposed lot sizes are as follows (see Attachment 1 for expanded subdivision layout plan):

Proposed Lot A: 1.458 ha

Proposed Lot B: 0.322 ha

ANALYSIS

Local Government Act:

Section 512 of the *Local Government Act* states:

- (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage on the highway must be the greater of:
- (a) 10% of the perimeter of the lot that fronts on the highway, and
 - (b) the minimum frontage that the local government may, by bylaw, provide.

(2) A local government may **exempt** a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).

Land Use Bylaw:

Section 5.3.1 of the Land Use Bylaw requires that 'The frontage of any lot in a proposed subdivision must be at least 10 per cent of its perimeter, provided that in no case may the frontage be less than 10 m.'

The proposed subdivision creates one parcel with the following layout (both lots conform to the 10 meter minimum):

Proposed Lot A: Frontage = 10.00 m (Required 55m)

Proposed Lot A does not meet the 10 percent frontage requirement and thus requires a waiver to comply with the Land Use Bylaw.

Official Community Plan:

The Official Community Plan designation of the subject lot is Residential Neighbourhoods (RN).

Rationale for Recommendation

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

- No new lots are being created by this boundary adjustment and the road frontage will not change as a result of this application.
- The lot achieves the minimum frontage width requirement of 10 metres in the Land Use Bylaw.
- Staff do not believe that the inability to meet the 10 percent perimeter frontage requirement should represent a barrier to subdivision, as the subject location already provides access and a driveway to the property and the shape of proposed Lot A is not irregular (i.e. meets the depth-to-width ratio demanded by S. 5.3.2 of the Land Use Bylaw).

Granting an exemption from the frontage provisions of the Local Government Act and the Land Use Bylaw does not relieve the property owners from complying with all Ministry of Transportation and Infrastructure subdivision requirements, and all bylaws and policies of the Islands Trust.

ALTERNATIVES

1. Request further information

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

That the Salt Spring Island Local Trust Committee requests that the applicant submit to the Islands Trust
_____.

Submitted By:	Bruce Belcher, Planner 1	April 29, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	May 6, 2024

ATTACHMENTS

1. Subdivision Layout Plan

PLAN OF PROPOSED SUBDIVISION OF LOT 1,
PLAN 43894 AND OF LOT 4, PLAN 3996

PID LOT 1: 004-473-388,
PID LOT 4: 000-076-783
BCGS MAP SHEET 92B.073

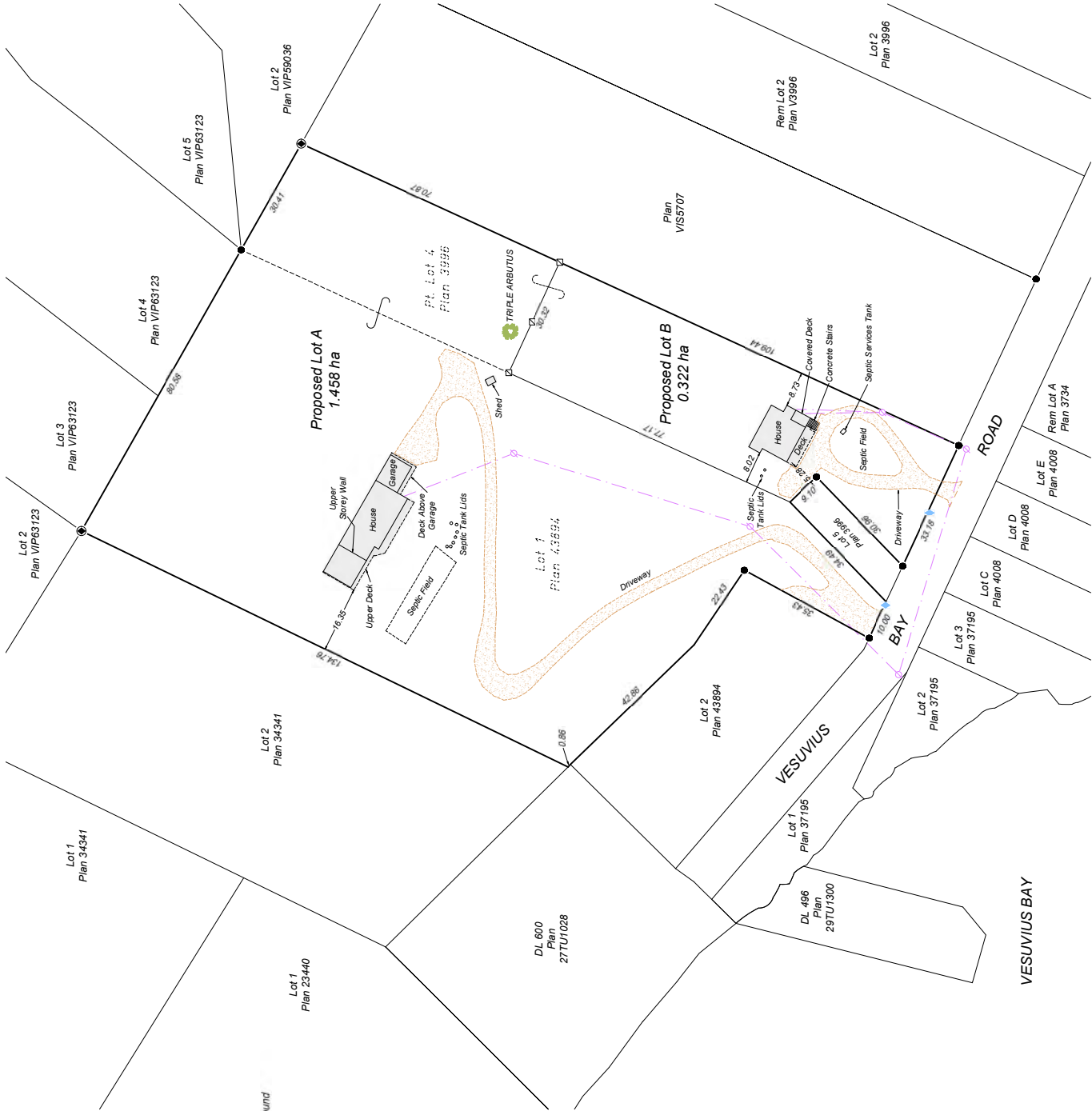


The intended plot size of this plan is 559mm in width by 432mm in height (C-Size) when plotted at a scale of 1:750

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

LEGEND

- denotes Standard Iron Post found
- ◻ denotes Non-Standard Post Iron Pipe or Brass Shell Cap found
- ◻ denotes Stake placed
- ◻ denotes Utility Pole
- ◻ denotes Water Meter
- denotes Utility Line



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

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

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Mailing & delivery address:
204 - 149 Fulford-Ganges Road,
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Toll Free: (877) 603 7398
Telephone: (250) 537 5502
SSI@plsi.ca
www.plsi.ca

Date: 2024-03-05
File: 0935-04
Drawing: 0935-04_C3D_2024-03-05.dwg
Layout: C-Size
Reviewed By:
Jordan Elliot, Linc, BCLS



File No.: SS-RZ-2022.1
X-ref: SS-DP-2023.2
SS-BP-2023.98

DATE OF MEETING: May 16, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Chris Buchan, A/Island Planner, Salt Spring Island Team
COPY: Chris Hutton, Regional Planning Manager, Salt Spring Island Team
SUBJECT: Rezoning (Bylaw Amendment) from Forestry (F1) to Forestry (F1) Variant
APPLICANT: PILOT YELLOW ADVENTURES INC
LOCATION: Section 50 Musgrave Road (PID: 009-743-472)

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 536, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023" (SS-RZ-2022.1, Section 50 Musgrave Road) is not contrary to or at variance with the Islands Trust Policy Statement.

REPORT SUMMARY

This staff report proposes amendments to [Salt Spring Island Land Use Bylaw No. 355](#) (LUB) to vary the zoning to allow for four dwellings and one seasonal cottage on the subject property, whereas currently one dwelling and a seasonal cottage is permitted.

Staff recommend the Salt Spring Island Local Trust Committee (SS LTC) consider the application in relation to the Islands Trust Policy Statement.

BACKGROUND

This report follows the October 12, 2023 meeting of the SS LTC where the following resolutions were passed (previous staff reports (including site context and photos), the proposed bylaw, correspondence, and referral responses) can be found on the [Salt Spring Island Current Applications webpage](#):

SS-2023-121

It was MOVED and SECONDED,

That Salt Spring Island Local Trust Committee Bylaw No. 536 cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023", be read a first time (SS-RZ-2022.1, Section 50 Musgrave Road).

CARRIED

SS-2023-122

It was MOVED and SECONDED,

That Salt Spring Island Local Trust Committee Bylaw No. 536 cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023", be read a second time (SS-RZ-2022.1, Section 50 Musgrave Road).

CARRIED

SS-2023-124

It was MOVED and SECONDED,

That Salt Spring Island Local Trust Committee not waive the requirement for a public hearing on Bylaw No. 536 cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023” and request staff to undertake statutory notification of the proposed rezoning in accordance with Section 466 of the Local Government Act and the Salt Spring Island Development Procedures Bylaw No. 304.

CARRIED

Trustee Harris OPPOSED

SS-2023-125

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to refer proposed Bylaw No. 536 to applicable First Nations, Agencies, and Organizations as identified in this staff report dated October 12, 2023 and the Salt Spring Island Coast Salish Society (SS-RZ-2022.1, Section 50 Musgrave Road).

CARRIED

Trustee Harris OPPOSED

ANALYSIS

Policy/Regulatory

The SS LTC is unfettered in its consideration of a rezoning and may choose to request more information, proceed more incrementally, or defer the application.

Islands Trust Policy Statement:

The SS LTC was provided a Policy Statement Directives only checklist as a report attachment during their consideration on October 12, 2023 meeting. While this was included in the report, no LTC resolution was provided regarding Proposed Bylaw No. 536 consistency with the Islands Trust Policy Statement. While Trustee’s resolved to move forward with the Public Hearing component, the LTC’s endorsement regarding the Islands Trust Policy Statement is still required.

Issues and Opportunities

See staff reports considered at the [October 12, 2023](#) LTC Meeting for a detailed discussion of issues and opportunities associated with this application.

Consultation

Typically, A Community Information Session (CIS) is held prior to a public hearing if the Local Trust Committee resolves to do so. In the October 12, 2023 meeting, LTC resolved to proceed with the referral period and schedule a future public hearing. This resolution was made against staff recommendation to waive the public hearing altogether.

With this in mind, preparations are in order to bring this application to a public hearing in the June LTC meeting. An alternative recommendation has been outlined within this report which would enable LTC to direct staff to schedule a Community Information Meeting prior to the Public Hearing, if LTC desires.

In accordance with LTC resolution SS-2023-125, the application was referred to the following agencies:

Federal Agencies

Fisheries & Oceans, Canada - Pacific Region
Indian & Northern Affairs Canada

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Pauquachin First Nation
Semiahmoo First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Ts'uubaa-Asatx (Lake Cowichan) First Nation

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Parks and Recreation
CRD – SSI Building Inspection
CRD – Environmental Eng. Division
CRD – Parks & Community Services
Vancouver Island Health Authority
Islands Trust – Islands Trust Conservancy
SSI Advisory Planning Commission

Provincial Agencies

Ministry of Environment and Climate Change Strategy
(BC Parks and Conservation Officer Service Division)
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development – Archaeology
Ministry of Forests, Lands, Natural Resource Operations
and Rural Development – Crown Land Authorizations
Ministry of Municipal Affairs
Ministry of Transportation and Infrastructure
BC Assessment Authority
Front Counter BC

Non-Agency Referrals

SSI Fire-Rescue
Salt Spring Island Coast Salish Society

Through the referral process, no concerns have been indicated by the agencies included.

Rationale for Recommendation

As outlined in the October 12, 2023 Staff Report, the proposed Land Use Bylaw amendment is generally consistent with the Islands Trust Policy Statement and as such, can be advanced. At the time of submission of this report, the Public Hearing have not yet occurred. Should any issues arise at the Public Hearing, staff will comment on those issues and how they may affect staff's recommendations at that time. Following Public Hearing (notwithstanding significant concerns from the community) staff recommend the SS LTC read Proposed Bylaw No. 536 for a third time and forward to Executive Committee for approval.

ALTERNATIVES

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

1. Enable a Community Information Meeting prior to the Public Hearing:

The SS LTC may wish to amend the draft LUB. If selecting this alternative, the SS LTC should describe the specific amendment. Recommended wording for resolution:

- 1. That Salt Spring Island Local Trust Committee amend Bylaw No. 536, cited as ""Salt Spring That the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 536, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023" (SS-RZ-2022.1, Musgrave Road) is not contrary to or at variance with the Islands Trust Policy Statement.*
- 2. That the Salt Spring Island Local Trust Committee request staff to schedule a Community Information Meeting prior to the Public Hearing for Bylaw No. 536, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023" (SS-RZ-2022.1, Musgrave Road).*

2. Request further information

The SS LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increased processing time and potentially increased costs to the applicant. If

selecting this alternative, the SS LTC should describe the specific information needed and the rationale for this request. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a [specify type of report], completed by a Professional [specify professional] which identifies the specific [identify concerns] (SS-RZ-2022.1, Section 50 Musgrave Road).

3. Proceed no further

The SS LTC may decide to proceed no further with the application. Staff advise that the implication of this alternative is that the file would be closed and Bylaw Compliance and Enforcement will be informed of the outcome. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee deny application SS-RZ-2022.1 (Section 50 Musgrave Road) for the following reasons: [list reasons...].

NEXT STEPS

If the recommended resolutions are accepted, proposed Bylaw No. 536 will be deemed consistent with the Islands Trust Policy Statement, and the public hearing will take place in the following month. Alternatively, LTC has the opportunity to consider enabling a Community Information Meeting to further engage the community.

Submitted By:	Chris Buchan, A/Island Planner	May 16, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	May 8, 2024

APPENDICES

1. IT Policy Statement Directives Only Checklist

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: SS-RZ-2022.1 | Bylaw No: 536
Section 50 Musgrave Road (PID: 009-743-472)

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
✓	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
✓	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
✓	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation

N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

DATE OF MEETING: May 16, 2024

TO: Salt Spring Island Local Trust Committee

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

COPY: Chris Hutton, Regional Planning Manager

SUBJECT: Vesuvius Ferry Terminal Redevelopment

Applicant: BC Ferries

Location: LOT 2, SECTION 9, RANGE 2 WEST AND SECTION 10, RANGE 3 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT PLAN 43894 (PID: 004-473-442); DISTRICT LOT 600, COWICHAN DISTRICT (PIN: 532290) and DISTRICT LOT 2040 COWICHAN DISTRICT PLAN VIP75388 (PID: 025-710-371)

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee request staff to notify and seek input from all local First Nations, the Capital Regional District, the Ministry of Transportation and Infrastructure and other applicable agencies, regarding proposed amendments to the Salt Spring Island Official Community Plan Bylaw No. 434, 2008 and Salt Spring Island Land Use Bylaw No. 355, 1999 for this application.
2. That the Salt Spring Island Local Trust Committee request that staff prepare a draft bylaw to amend the Salt Spring Island Official Community Plan Bylaw No. 355, 2008, to amend the land use designations for Lot 2, Section 9, Range 2 West And Section 10, Range 3 West, North Salt Spring Island, Cowichan District Plan 43894 District Lot 600, Cowichan District (Pin: 532290) And District Lot 2040 Cowichan District Plan VIP75388 from Residential Neighbourhoods (RN) to Shoreline Development (SD).
3. That the Salt Spring Island Local Trust Committee request that staff prepare a draft bylaw to amend the Salt Spring Island Land Use Bylaw No. 355, 1999, to rezone Lot 2, Section 9, Range 2 West And Section 10, Range 3 West, North Salt Spring Island, Cowichan District Plan 43894 District Lot 600, Cowichan District (PIN: 532290) And District Lot 2040 Cowichan District Plan VIP75388 from Residential 8 (R8) to Shoreline 3 (S3).

REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application SS-RZ-2024.1 and to seek direction from the Salt Spring Island Local Trust Committee (LTC) to proceed, or not proceed, with the application.

The application as submitted would amend the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB) by rezoning the upland terminal and parking area from **Residential 8 (R8)** to **Shoreline 3 (S3)**. The proposal would also require an amendment to the Salt Spring Island Official Community Plan Bylaw No. 434, 2008 (OCP), changing the upland terminal and parking area designation from **Residential Neighbourhoods (RN)** to **Shoreline Development (SD)** and

expansion of the marine area currently designated **Shoreline Development (SD)** to accommodate the proposed water lot expansion.

The above recommendations are supported as:

- The rezoning and OCP amendments would bring the subject properties into compliance with Salt Spring Island land use regulations;
- Allows for BC Ferries to proceed with redevelopment of the Vesuvius Ferry Terminal; and
- If the application proceeds, then staff should begin preliminary engagement with all applicable First Nations and agencies with jurisdiction in the ferry terminal marine and upland areas.

BACKGROUND

The Vesuvius Ferry Terminal is comprised of three separate properties, shown in Figure 1 below. BC Ferries leases the parking lot area property (PIN: 532290) from the Ministry of Water, Land & Resource Stewardship. BC Ferries leases the vehicle holding area (PID: 004-473-442) from the BC Transportation Financing Authority. BC Ferries holds a license to occupy the marine area (PID: 025-710-371) from the Province and will be applying for a water lot expansion to accommodate the new trestle. The Ministry of Transportation and Infrastructure (MoTI) owns and operates the Vesuvius Bay right of way (ROW). Gulf Island Ferry Company began providing ferry service between Vesuvius Bay and Crofton in 1955 and was then provided by BC Ferries starting in 1961.



Fig. 1 – Subject properties

In February 2019 the BC Ferries Terminal Development team created a [Terminal Development Plan \(TDP\)](#) for the Vesuvius Ferry Terminal. According to the applicant submission, the TDP is informed by stakeholders, customers, partners, staff, and the local community. Key issues identified with the existing terminal include:

- Available customer amenities (e.g. waiting room and washrooms);
- Parking and private vehicle, BC Transit, and school bus drop-off/pick-up;
- The vehicle holding area, in particular during peak season demand (i.e. overflow onto Vesuvius Bay Road) and;
- Trestle capacity

A traffic safety review was conducted by Watt Consulting Group in 2017 as part of the TDP. According to the applicant submission, key issues include vehicles crossing over the centreline when unloading; conflicts between eastbound and westbound traffic when vehicles overflow onto Vesuvius Bay Road during peak travel times; and a lack of pedestrian or cycling facilities at the terminal. The applicant submission, a summary project overview, can be found as Attachment 1.

Proposed Upland Terminal Redevelopment

The proposed terminal amendments would increase the number of parking stalls to 16 crew stalls and 35 public stalls. Currently there are 16 crew stalls and 21 unmarked public stalls. Two retaining walls would be constructed in the parking lot opposite the vehicle holding area. A thru-lane is proposed where the existing lane 7 is located to improve traffic circulation. A designated pick-up/drop off-zone is proposed where existing parking is located near the government wharf. Adjacent to the pick-up/drop off-zone a vendor stall, improved passenger amenities, and the existing BC Ferries office are proposed to be located.

BC Ferries has proposed a phased approach for this project, redeveloping the marine terminal area initially, while the upland portion would follow once budget is allocated by BC Ferries.

Proposed Marine Terminal Redevelopment

To accommodate two-vessel service, the existing trestle, which is nearing the end of its serviceable life, needs to be replaced. The new trestle, which would allow for vehicle holding, requires additional water lot area to reduce the overall slope to a five per cent grade. Other infrastructure improvements include installation of dolphins to accommodate more frequent ferry service. BC Ferries is in the process of applying for the water lot expansion with the province, which is contingent on the rezoning and OCP amendment being approved by the LTC. The existing water lot is 1.04 ha (2.6 ac) and the proposed water lot expansion would be 5.36 ha (13.2 ac).

The proposed amendments to the upland and marine area are shown in Figure 2, Figure 3 and Figure 4 below.



Fig. 2 - Existing Conditions



Fig. 3 – Proposed Conditions

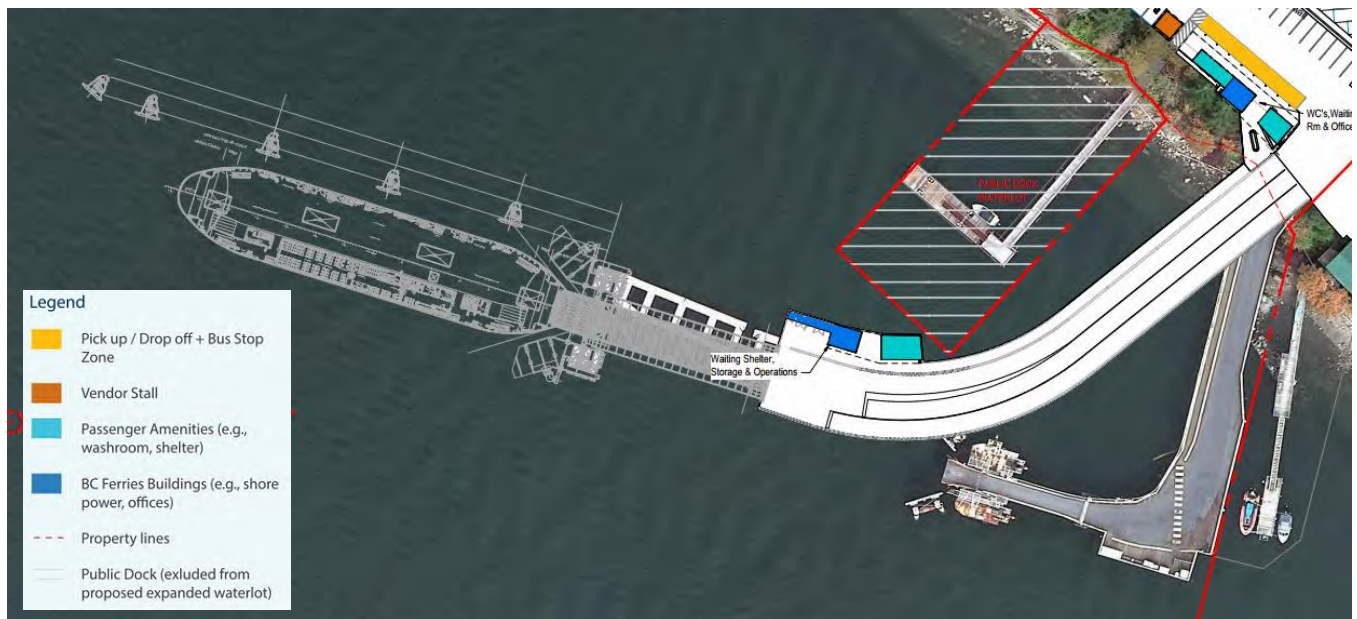


Fig. 4 – Proposed Conditions Partial View

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

Relevant policies of the Islands Trust Policy Statement (ITPS) relating to this rezoning and OCP amendment proposal are:

3.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

4.5.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.

4.5.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.

5.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.

If LTC decides to proceed with drafting bylaws, the ITPS policy checklist would be presented to LTC for review and consideration in a future staff report if at such time draft bylaws are presented for first reading.

Official Community Plan

The Vesuvius Bay marine terminal area is designated SD. The Vesuvius Bay upland terminal area is designated RN. Amendment of the RN designated area to SD is supported as the existing use, which has occurred for the past 63 years, aligns with the objectives of this designation. For context, the upland and marine areas of the Fulford Ferry Terminal, which provides ferry service between Salt Spring Island and Victoria, are designated SD as is shown in Figure 5 below:



Fig. 5 – Fulford Ferry Terminal SD designation

Applicable OCP Shoreline Development Policies:

B.9.4.2.2 Zoning within this designation will continue to allow the general employment, commercial and boat moorage uses allowed by current local zoning.

Development Permit Areas

Vesuvius Bay Terminal is within the following Development Permit Areas (DPA): Development Permit Area 3 – Shoreline and Development Permit Area 6 – Unstable Slopes and Soil Erosion Hazards. Demolition of the existing trestle and construction of the new trestle within the shoreline ecosystem and construction of retaining walls for parking area upgrades would require a development permit (DP) submission to Islands Trust prior to construction.

Additional OCP policies relevant to this application include:

C.2.4 Water Transportation

C.2.4.2.4 The B.C. Ferry Services Inc. is strongly urged to consider community objectives in its decisions related to Salt Spring Island ferry service. The Corporation is especially encouraged to consider the following recommendations in support of community objectives:

- a. to continue to consult with the local community and stakeholder groups.
- b. to consider the impact of the Salt Spring Island public transit service on both foot passenger and vehicle ferry traffic and to develop strategies to manage automotive traffic demand and diversify traffic loads rather than expand vessels or parking and staging areas, especially in Fulford Harbour.
- c. to avoid responding to seasonal peaks with larger land-based facilities.
- d. to consider facility upgrades where required that would allow commercial traffic to be spread among all three island terminals.
- e. to give the priority of convenience to public transit, non-automotive and high occupancy
- f. vehicle traffic in schedules, fares and in land and vessel facilities. Special effort should be made to provide bus stopping areas, priority loading for high occupancy vehicles, bicycle racks and paths, and pedestrian lounges and paths. Consideration of pedestrian-only ferries is strongly encouraged.
- g. to consider priority loading strategies consistent with the above recommendations that would
- h. also give priority to the community's medical and emergency traffic and to perishable agricultural goods.

Should the application proceed, a checklist for compliance with subsection C.2.4.2.4 would be presented to LTC for review and consideration. As proposed, the summary overview of the redevelopment plans largely align with this subsection (Attachment 1).

Land Use Bylaw

The Vesuvius Bay marine terminal area is zoned S3, which permits *Public* ferry wharves. The Vesuvius Bay upland terminal area is zoned R8, which does not permit the existing use. Rezoning of the upland area from a zone that permits residential uses to a zone that allows for the existing ferry terminal use is supported. Staff note that the definition of ferry terminal in the LUB should be updated as BC Ferries is a private company, not a Crown Corporation. Table 1 below shows the current definition, and North Pender Island and Mayne Island's ferry terminal definitions, which could be considered during the rezoning process, replacing *Public* ferry wharves:

Salt Spring Island Land Use Bylaw No. 355, 1999:

"public"	means, in relation to a <i>use, building or structure</i> : operated to provide a governmental <i>service</i> to the general population of the island on which it is located.
Ferry Wharves is not defined in the LUB	
Mayne Island Land Use Bylaw No. 146, 2008 and North Pender Land Use Bylaw No. 224, 2022:	
"ferry terminal" means the use of land or water for marine ferry operations, including slips and marine structures, the embarkation/disembarkation of passengers and vehicles, terminal buildings, storage, vehicular queuing areas approaching the ferry slips, accessory vehicle storage, and accessory commercial services.	

Table 1 – Examples of ferry terminal definitions within the Islands Trust Area

Staff note that the Fulford Ferry Terminal upland and marine areas are zoned S3, as shown in Figure 6 below:



Fig. 6 – Fulford Ferry Terminal zoning

Islands Trust Conservancy

Should the application proceed, the planner would contact ITC staff as the application relates to Crown land and desktop mapping indicates that the marine project area would overlap with known eelgrass meadows.

Archaeological Material

Desktop review indicates that there are areas of archaeological potential within the terminal redevelopment area. The applicant has already submitted an Archaeological Information Request form. In the event that archaeological features or materials are found, either intact or disturbed on the subject properties, work should stop immediately and the BC Archaeology Branch should be contacted at 250-953-3334 or archaeology@gov.bc.ca.

Terms of Reference

Should the LTC decide to proceed with the application, a terms of reference (TOR) would be provided to the applicant from staff providing guidance on application requirements that is consistent with the Salt Spring Island Development Approval Information Bylaw No. 175, 2018.

Consultation

Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required for this application. It is common practice to hold a Community Information Meeting (CIM) prior to the public hearing, however the CIM could be waived if the LTC determines that consultation conducted for the TDP is sufficient. Should the application proceed further, the public hearing and CIM (if applicable) would be scheduled separately or concurrently after the draft bylaws have received First Reading.

First Nations

Staff have identified the following First Nations for early engagement and referral:

If the LTC decides to proceed, staff would notify these First Nations and request for their input on the proposed redevelopment of the Vesuvius Bay Terminal.

Agencies

Should the application proceed, staff have identified the following agencies for bylaw referral. LTC may direct staff to include additional agencies for referral:

- Ministry of Transportation and Infrastructure
- Capital Regional District, Building Inspection
- Capital Regional District, Regional Parks Division
- Island Pathways
- Ministry of Water, Land & Resource Stewardship
- Island Health
- Gabriola Local Trust Committee
- Mayne Island Local Trust Committee

Rationale for Recommendation

The recommendations on page 1 are supported as:

- Proceeding with the proposed redevelopment of the Vesuvius Ferry Terminal is an opportunity to improve accessibility and traffic at the terminal and bring the existing land use into compliance with the LUB and OCP.

- The summary project overview aligns with the OCP Water Transportation objectives, specifically subsection C.2.4.2.4

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee proceed no further with SS-RZ-2024.1....

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee hold application SS-RZ-2024.1 in abeyance.

NEXT STEPS

Should the application proceed, then staff would notify First Nations and relevant agencies and issue a TOR to the applicant.

Submitted By:	Chris Buchan, A/Island planner	April 23, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	May 8, 2024

ATTACHMENTS

1. Summary Project Overview - Barefoot Planning + Design, December 2023
2. Site Context



Vesuvius Terminal OCP/Land Use Amendment Report

DECEMBER 2023



Project:

**Vesuvius Terminal
OCP/Rezoning**

Applicant:



Prepared by:



Project Contacts:

Evan Peterson

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Introduction

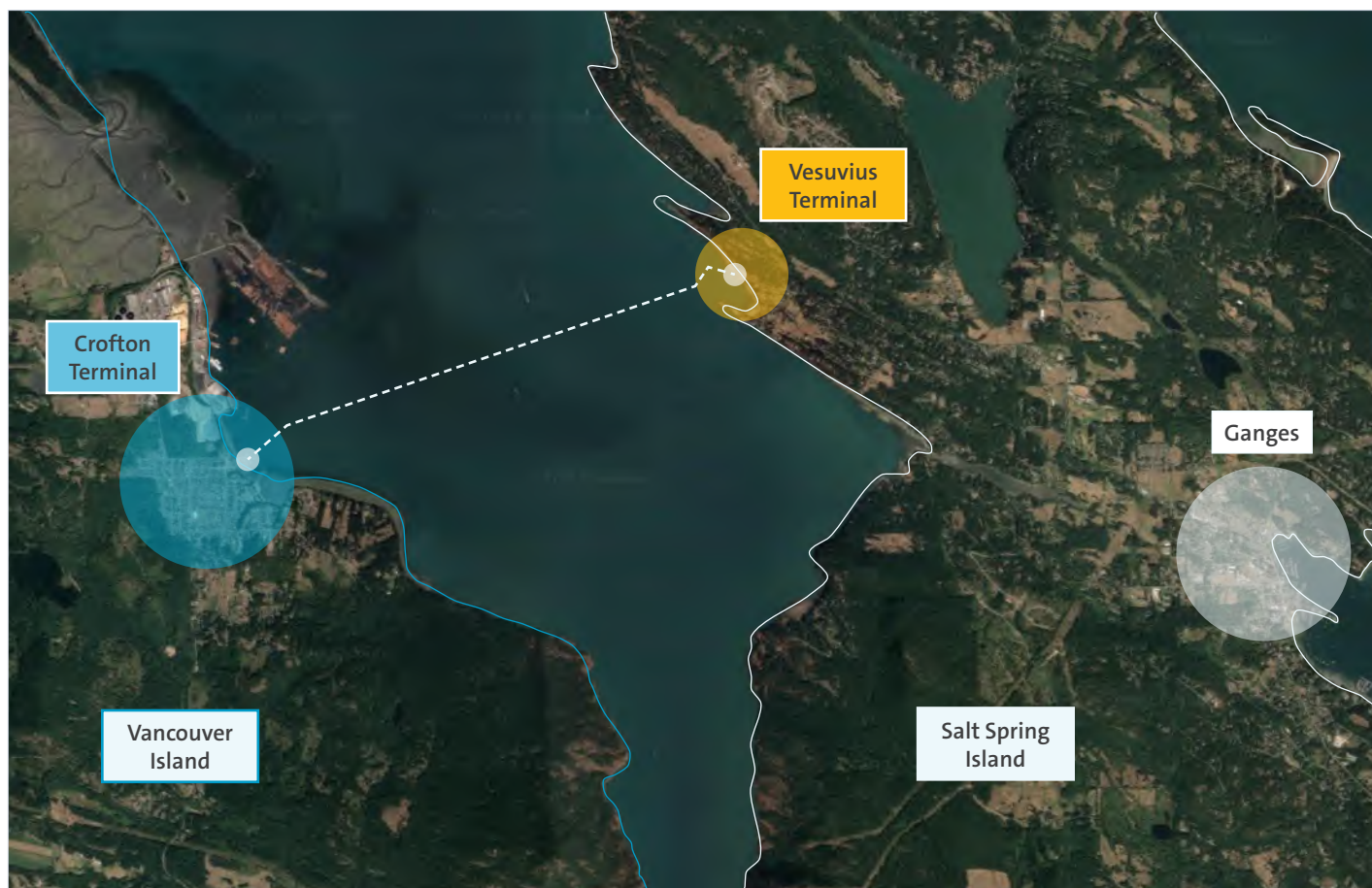
This application report provides the context and rationale for a combined OCP Land Use Amendment and Land Use Bylaw Amendment (i.e., rezoning) of the Vesuvius Ferry Terminal to allow for redevelopment of the ferry terminal.

The project is highly consistent with the Salt Spring OCP, providing a much-needed modernization of services for an aging BC Ferries Terminal. The key features of the proposal include:

- Improved customer amenities (e.g., waiting room, washrooms).
- Improved passenger drop-off, pickup, and parking.
- Improved BC Transit and School bus pick-up and drop-off.
- Increased vehicle holding area, able to meet the needs of peak travel demand.
- Redevelopment of existing trestle that nearing the end of its life resulting in improved traffic flow and safety.



Location and Context

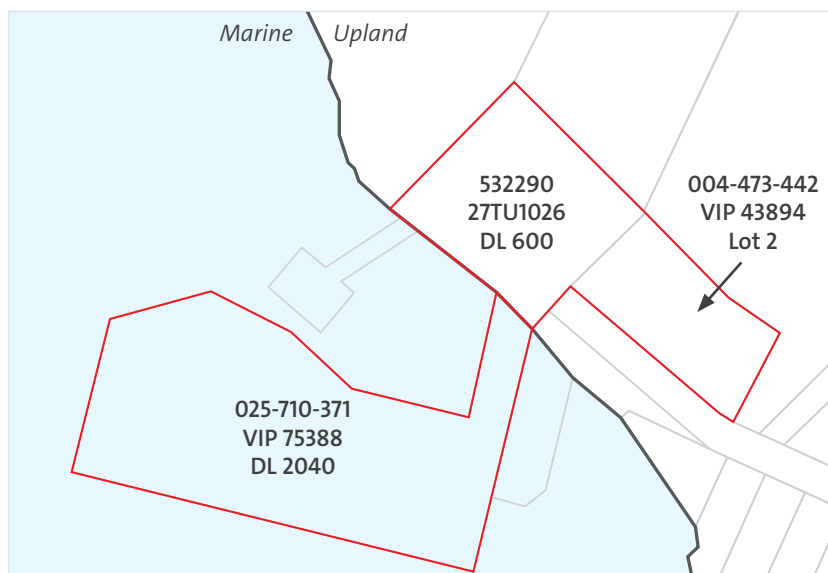


Location Map

Vesuvius Bay terminal is located on the northwest coast of Salt Spring Island. This terminal provides service to Crofton on Vancouver Island, via a 25-minute ferry crossing on the Quinsam. The Quinsam has a vehicle capacity of 63 AEQ and can carry 400 passengers and crew. This terminal is an important link between Salt Spring Island and Vancouver Island for residents and visitors alike.

This route is used for all dangerous cargo movements to and from Salt Spring Island. It also serves some commercial truck traffic between Salt Spring Island and Vancouver Island, however the trestle at Vesuvius Bay has a gross vehicle weight (GVW) limit of 39,500kg and 5 loaded axles; due to this restriction on maximum vehicle weight, some heavy commercial trucks that exceed this GVW travel to Salt Spring via the Swartz Bay terminal and once the truck is unloaded and below the weight limit, the Vesuvius Bay terminal is often used for travel to Vancouver Island.

In February 2019, the BC Ferries Terminal Development team along with key staff from various departments at BC Ferries began the process of creating a Terminal Development Plan (TDP) for the Vesuvius Bay terminal. For more information on the TDP and community consultation, please see the Engagement section on page 9.



Legend

- Subject Properties
- Property lines

Property Ownership Overview

The above map shows the subject properties for the OCP and Land Use Bylaw Amendment, as well as the water lot proposed for expansion.

Site Information

Civic Address

Vesuvius Bay Road, Salt Spring Island, V8K 1L6

PID/PIN

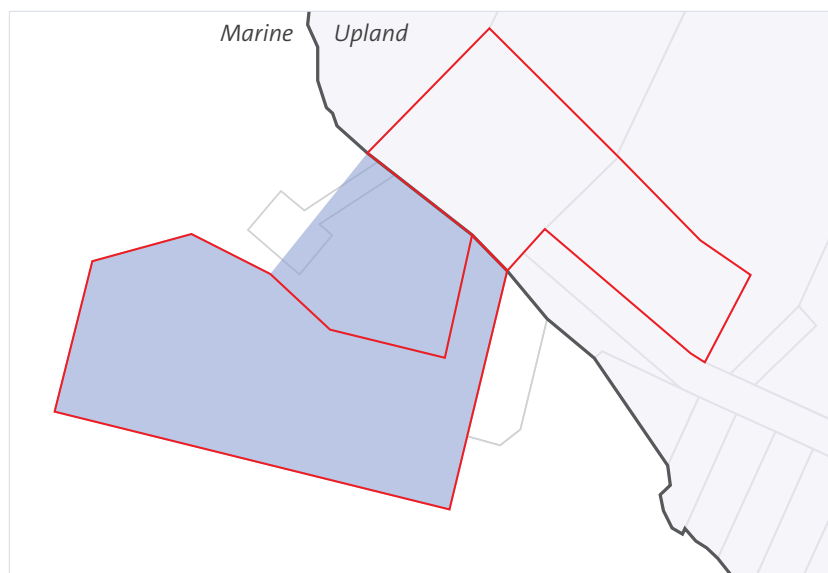
- 025-710-371 (marine)
- 532290 (upland)
- 004-473-442 (upland)

Legal Description

- DISTRICT LOT 2040 COWICHAN DISTRICT PLAN VIP75388 (marine)
- DISTRICT LOT 600, COWICHAN DISTRICT (upland)
- LOT 2, SECTION 9, RANGE 2 WEST AND SECTION 10, RANGE 3 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT PLAN 43894 (upland)

Existing Zoning

- Shoreline 3 (marine)
- Residential 8 (upland)



Legend

□ RN - Rural Neighbourhoods

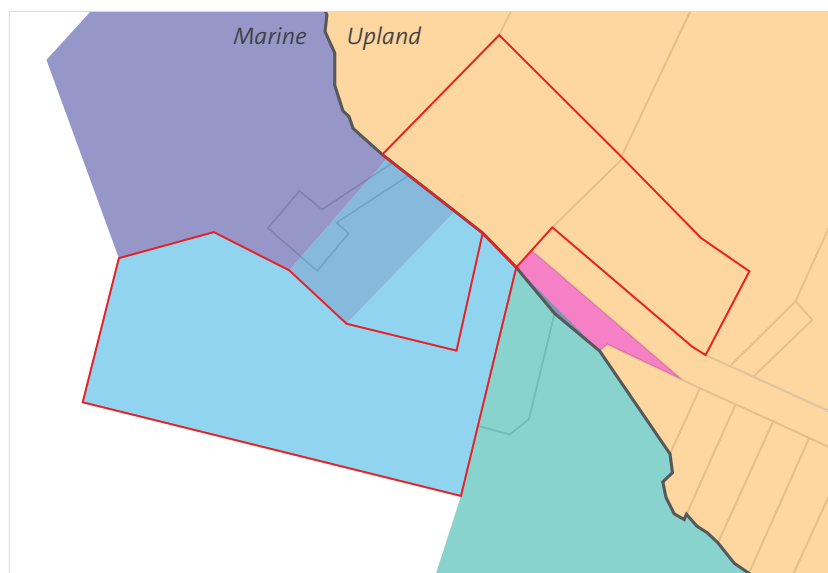
■ SD- Shoreline Development

— Subject Properties

— Property Lines

Existing OCP Land Use

The Saltspring OCP designates the subject properties as Rural Neighbourhoods (RN) for the upland portion of the site and Shoreline Development (SD) for the marine portion of the site. Adjacent uses include marine and residential uses.



Legend

■ R8 - Residential 8

■ C1 - Commercial 1

■ S3 - Shoreline 3

■ S4 - Shoreline 4

■ S7 - Shoreline 7

■ S8(b) - Shoreline 8b

Existing Zoning

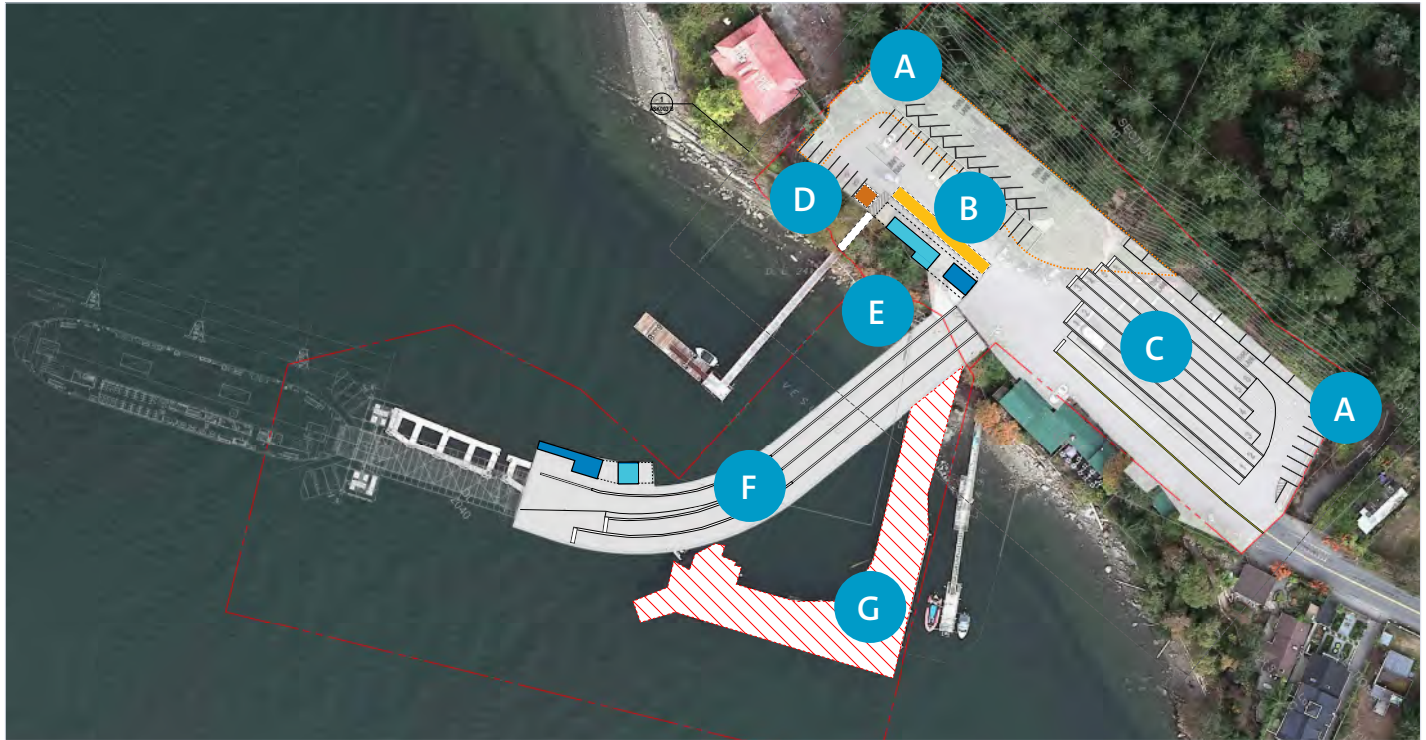
In the Salt Spring Land Use Bylaw, the subject properties are zoned Residential 8 (R8) for the upland portion of the site and Shoreline 3 (S3) for the marine portion of the site. Adjacent uses include residential, commercial, and various shoreline zones.



Site Conditions

The Vesuvius Terminal site is characterized by a steep and rocky upland portion of the site with a vehicle loading area and washroom building. The marine portion contains an aging Trestle and other marine infrastructure. The terminal is surrounded by private residences, a Government Wharf, and the Seaside restaurant.

Concept Plan and Key Features



Legend

 Pick up / Drop off + Bus Stop Zone

 Vendor Stall

 Passenger Amenities (e.g., washroom, shelter)

 BC Ferries Buildings (e.g., shore power, offices)

 Property lines

A. New Passenger Amenities

New waiting room and washroom building with a covered waiting area, as well as a passenger shelter on the trestle.

B. New Drop Off + Bus Stop

New and improved passenger drop-off and bus stop for passengers and transit users.

C. Increased Holding Capacity

Additional holding lanes for peak demand, reducing the amount of vehicle spillover onto the Vesuvius Bay Road.

D. New and Improved Trestle

New trestle with additional holding capacity, passenger shelter, and improved loading/unloading.

E. Public Dock Access

Maintained public dock access for local residents.

F. Expanded Parking Areas

Expanded parking for visitors, staff, and public dock users.

G. New Vendor Stall

Vendor stall for food, beverage, or retail, to serve passengers and the local community.

H. Existing Trestle Removal

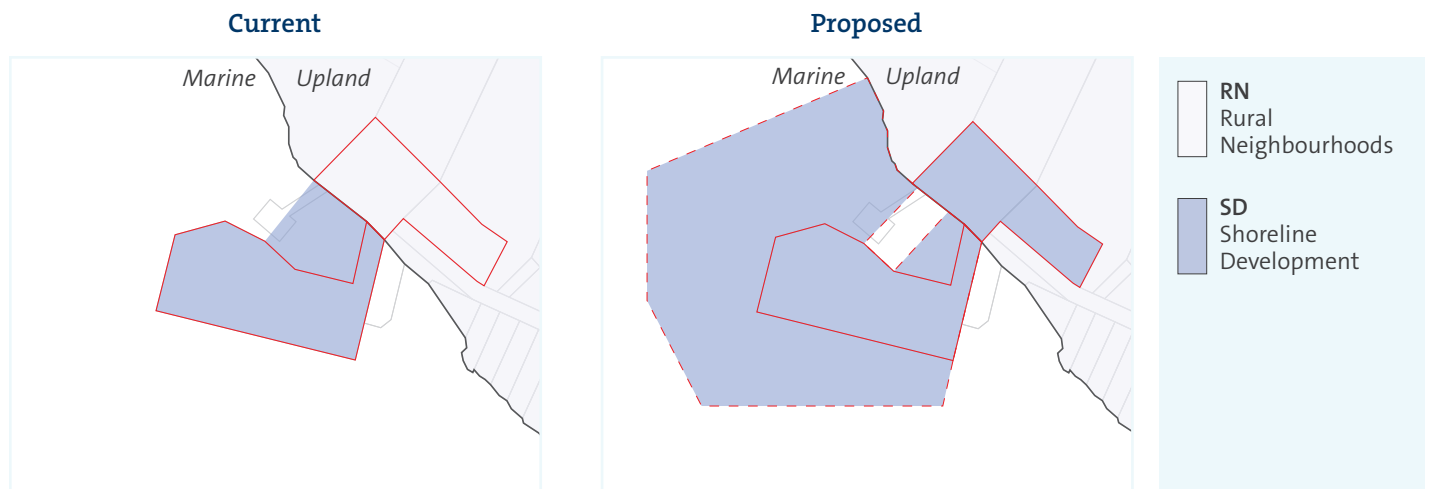
Removal of the existing trestle.

OCP & Land Use Amendment Request

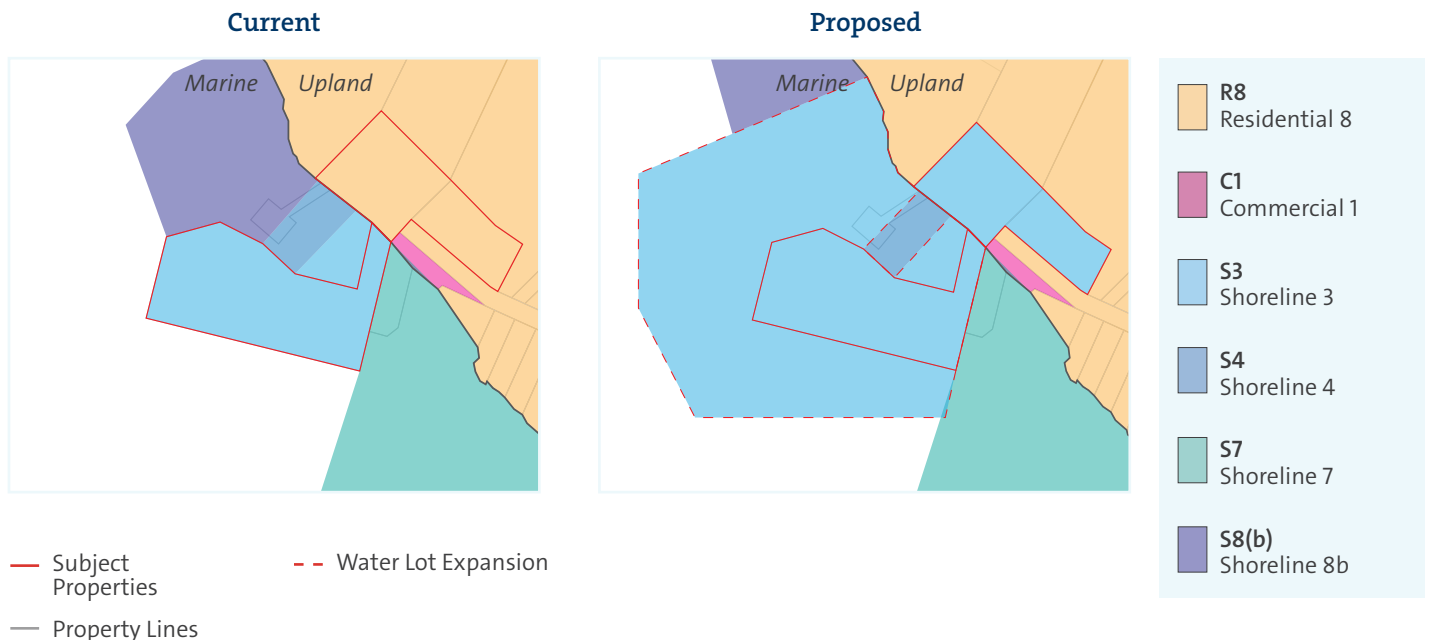
The purpose of this application is to make the following amendments to support redevelopment with improved ferry services and infrastructure for an aging BC Ferries Terminal:

- Amend the OCP Land Use designation for the upland portions of the site from RN (Residential Neighbourhood) to SD (Shoreline Development) .
- Amend the Land Use Bylaw (zoning) for the upland portions of the site from R8 (Residential) to S3 (Shoreline Development).
- Amend the OCP Land Use and Zoning maps to accommodate an expanded water lot for the new trestle. A water lot expansion will be pursued separately with the Province.

OCP Land Use Amendment Request



Zoning Amendment Request



Project Information

This table provides a high-level summary of the key project information for this OCP and Land Use Bylaw amendment process. Potential variances to be addressed at the Development Permit stage are identified as well.

Request	Current	Proposed
OCP Designation	• Upland: RN • Marine: SD	• Upland: SD • Marine: SD
Land Use Bylaw Amendment	• Upland: R8 • Marine: S3	• Upland: S3 • Marine: S3
Permitted Uses	• R8: - Low-density residential - Institutional - Community use - Medical offices - Agricultural - Home-based businesses • S3: - Navigational uses - Private floats and buoys - Private docks and floats - Public ferry wharves	• S3: - Navigational uses - Private floats and buoys - Private docks and floats - Public ferry wharves
Potential Variance	N/A	• Siting of new buildings (e.g., setbacks)
Water Lot Area (ha)	• 1.04	• 5.36

Engagement & Analysis

This section provides an overview of engagement and analysis undertaken as part of the development of the Vesuvius TDP and anticipated consultation on the Vesuvius terminal design.

Vesuvius Terminal Development Plan

In February 2019, BC Ferries Terminal Development team along with key staff from various departments at BC Ferries began the process of creating a Terminal Development Plan (TDP) for the Vesuvius Bay terminal. The Terminal Development Plan is a long-term plan and vision for the terminal and involves identification of key issues and opportunities, conceptual options, identification of preferred concepts and the development of an implementation schedule for future terminal upgrades.

The TDP has been informed by feedback from key stakeholders, customers, partners, staff, and the local community. Figure 1 illustrates the current issues associated with the existing condition of the Vesuvius terminal.



Key Issues

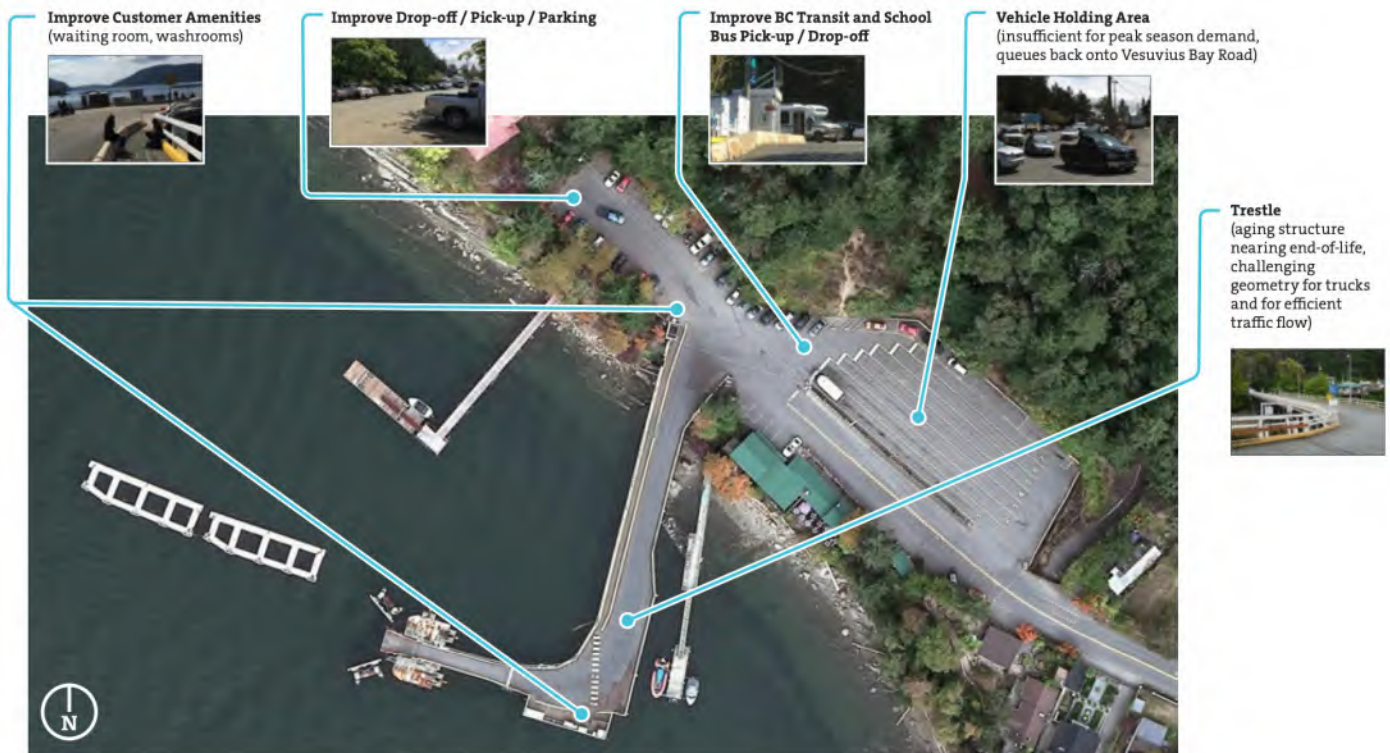


Figure 1: Key Issues Identified by the Vesuvius TDP Working Group

Traffic Safety Review

In 2017 Watt Consulting Group were appointed to undertake a traffic safety review of the terminal to help inform the TDP. The review focused on the loading and unloading areas of the terminal, as well as the terminal approach roads. The study excluded the dock and marine aspects of the terminal. Key issues identified by Watt Consulting Group include:

Problem #1: Unloading vehicles cross centreline on Vesuvius Bay Road

During the site visit a significant number of vehicles were observed crossing the centreline on Vesuvius Bay Road. This would be a safety issue if a vehicle was stopped at the stop bar and is a likely event.

Problem #2: Queued Vehicles on Vesuvius Bay Road block the through lane and cause traffic to travel westbound in the eastbound lane

When the compound area becomes full, traffic queues on Vesuvius Bay Road. There is limited shoulder and westbound traffic is forced into the eastbound lanes. Typically, this westbound traffic is composed of vehicles wanting to drop-off or pick-up walk on ferry travelers. This results in an eastbound traffic volume conflicting with this westbound traffic. This condition is further exacerbated by the sightlines being restricted due to vertical and horizontal curves on the road. Vulnerable road users (e.g., pedestrians and cyclists) have limited space to maneuver, being further restricted by the queued vehicles.

Problem #3: Pedestrians and Cyclists Accommodation

There are no pedestrian and cycling facilities. It is expected that as traffic volumes increase to and from the Island, the level of exposure for vulnerable road users (e.g., pedestrians and cyclists) will increase. While on-street parking and ferry queues take up much of the “off-road” space, cyclists and pedestrians are travelling on the road and amongst traffic.

Problem #4: Miscellaneous Issues

These issues are more operational issues that could become traffic safety concerns via driver frustrations, rather than potential conflicts with road users.

- Pick-up and drop-off — there are no pick-up and drop-off facilities resulting in ad-hoc practices.
- Vessel off-loading process (vehicles & cyclists) — the terminal attendant commented on the vessel offloading process - cyclists exiting the vessel hold up vehicles exiting the vessel, causing delays and potential conflicts on the trestle.
- Approach to holding compound — the entrance to the queueing compound may be a source of confusion by customers who are not familiar with the terminal and its operation.

Upcoming Engagement

As part of the further development of the Vesuvius terminal design, including this Rezoning and OCP amendment application, engagement will take place with the following groups according to the following timelines:

Group	Objectives	Timeline
First Nation & Stakeholder Engagement (e.g., Adjacent property owners, Ferry Advisory Committee)	- Obtain First Nation input on Terminal Concept including Indigenous art/vendor space - Provide information on the project and opportunities to participate - Obtain FAC feedback on updated terminal Concept	January 2024
Interest Groups (e.g., BC Transit, Commercial Users, Chamber of Commerce)	Notify Interest groups and obtain feedback on the updated Terminal Concept	Early 2024
Public Engagement	- Notify the public about the project, key issues and features, project resources, and engagement opportunities - Consult to “check in” on key issues and refine plan as needed	Winter 2024
Future Engagement Phases - Ongoing Updates as Needed		

Summary

The project is highly consistent with the Salt Spring OCP, providing a much-needed modernization of services for an aging BC Ferries Terminal.

The key proposed OCP land use amendment and rezoning offers:

- Much needed customer amenities (e.g., waiting room, washrooms).
- Improved passenger drop-off, pickup, parking , BC Transit and School bus pick-up and drop-off.
- Increased vehicle holding area, able to meet the needs of peak travel demand.
- Redevelopment of existing trestle that nearing the end of its life resulting in improved traffic flow and safety.

Thank You

Vesuvius Terminal Development Plan:

www.bcferreriesprojects.ca/vesuvius-terminal-projects

Project Contact:

Evan Peterson
(250) 216-8402

e: evan@barefootplanning.com



ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 2, Section 9, Range 2 West And Section 10, Range 3 West, North Salt Spring Island, Cowichan District Plan 43894; District Lot 600, Cowichan District (Pin: 532290); District Lot 2040 Cowichan District Plan Vip75388
PID	004-473-442; 025-710-371; 000-532-290
Civic Address	Jackson Avenue, Salt Spring Island

LAND USE

Current Land Use	BC Ferries Terminal – Vesuvius to Crofton
Surrounding Land Use	North – Residential East – Commercial/Shoreline South – Shoreline (S8) West – Shoreline (S8)/Residential

HISTORICAL ACTIVITY

File No.	Purpose
SS-DP-2018.11	DPA 3 – New accessible washroom

POLICY/REGULATORY

Official Community Plan Designations	Residential Neighborhoods (RN) Shoreline Development (SD)
Land Use Bylaw	Residential 8 / Shoreline 3
Other Regulations	N/A
Covenants	None.
Bylaw Enforcement	None.

SITE INFLUENCES

Islands Trust Conservancy	To be included in referral period.
Regional Conservation Strategy	 Rated Medium - Low priority.
Species at Risk	Adjacent land is sharp-tailed snake habitat (critically imperilled species on the provincial Red List (the highest category). Not relevant to application.

Sensitive Ecosystems	Marine shoreline
Hazard Areas	None Mapped.
Archaeological Sites	No recorded archaeological sites. Archaeological potential on properties. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Potential impacts on proposed development from anticipated or possible climate change induced hazards, eg sea level rise unknown.
Shoreline Classification	Sediment Shoreline - Boulder/Cobble
Shoreline Data in TAPIS	eelgrass meadows indicated ' <i>Moderate</i> ' through the shoreline property

File No.: 6500-20
Salt Spring Island OCP-LUB
Update Project

DATE OF MEETING: May 16, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Jason Youmans, Island Planner
Salt Spring Island Team
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: OCP-LUB Update Project

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee endorse the OCP-LUB Update Project Advisory Planning Commission Terms of Reference attached as Appendix 1.
2. That the Salt Spring Island Local Trust Committee endorse the Complete Communities Assessment Community Engagement and Communications Plan attached as Appendix 2.

REPORT SUMMARY

This staff report provides the Salt Spring Island Local Trust Committee (SS LTC) with two project management documents that advance the SS LTC's OCP-LUB Update Project and the Complete Communities Assessment that will help inform it.

It provides an updated Terms of Reference for a special OCP Advisory Planning Commission and a Community Engagement and Communications plan for the Complete Communities Assessment.

BACKGROUND

At its meeting of April 11, 2024, the SS LTC reviewed and discussed a draft terms of reference for the OCP-LUB Update Project and a draft Community Engagement and Communications Strategy. SS LTC passed the following resolutions at that meeting:

SS-2024-038

It was **MOVED** and **SECONDED**,

That the Salt Spring Island Local Trust Committee amend the Salt Spring Island OCP-LUB Update Project Terms of Reference as follows:

- Section D. Use Islands Trust Housing Project Toolkit - Add "The data and mapping inputs into the Suitable Land Analysis will be customized to Salt Spring Island and developed in a transparent and engaged manner." following "In particular, this project will use the Suitable Land Analysis that has been developed as part of the Toolkit to identify areas of the island that are more, or less, suitable for residential development.";
- Project Communications Section - Add "the project goals, to the first sub bullet so that it reads "the project goals, boundaries or scope..."

- Community Engagement Section last sentence replace “Engagement with First Nations and Indigenous Island residents will be considered in a separate First Nations engagement approach.” with “Engagement with First Nations and Indigenous Island residents will be considered in a separate but linked First Nations engagement approach.”;
- Subject-Area Consultant-Led Working Groups - add “short term rentals working group” and “other working groups, as needed”.

CARRIED

Trustee Harris OPPOSED

SS-2024-039

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee amend the Salt Spring Island OCP-LUB Update Draft Community Engagement and Communications Strategy as follows: Section 7 Key Messages – Add a key message that the LTC is seeking to better represent the true makeup of the island.

CARRIED

Trustee Harris OPPOSED

SS-2024-041

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to provide options for Chair position, composition and qualifications for the OCP-LUB Update Project Advisory Planning Commission.

CARRIED

Trustee Harris OPPOSED

Other resolutions passed at the April 11 meeting included:

- Endorsement of the project Terms of Reference, as amended
- Endorsement of the project Community Engagement and Communications Strategy, as amended
- Direction to begin preliminary outreach to First Nations with treaty and territorial interests on Salt Spring Island

Staff have updated the project Terms of Reference and Community Engagement and Communications Strategy in accordance with SS LTC’s direction above. They are available for SS LTC and the public on the project website [here](#) and [here](#) respectively.

SS LTC also passed the following resolutions at its March 7 regular meeting, which staff have not yet completed.

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

ANALYSIS

OCP-LUB UPDATE PROJECT

Special Advisory Planning Commission

At its March 7 regular meeting SS LTC resolved to create a special advisory planning commission to advise the LTC on matters concerning its OCP-LUB update project.

At its April 11 meeting SS LTC directed staff to “provide options for Chair position, composition and qualifications” related to the special APC.

Options in response to LTC’s direction depend largely on [Spring Island Local Trust Committee Bylaw No. 467](#), which establishes the island’s advisory planning commissions and sets out the terms of their structure and operation. SS LTC cannot depart from matters specifically prescribed in the bylaw, except by way of bylaw amendment. Matters not captured in the bylaw can be addressed in the body’s terms of reference.

Chair Position

Section 2.10 of Bylaw No. 467 states:

“A Commission must, from amongst its members, elect a Chairperson on an annual basis.”

Thus, staff’s previous suggestion in the April 11 staff report that SS LTC appoint a chair of its choosing is incorrect. Bylaw No. 467 enshrines the manner of chair appointments unless changed by bylaw amendment.

A trustee inquired at the April 11 LTC meeting whether a planning consultant could serve as chair of the special APC. Staff review of Bylaw No. 467 suggests that they could not, as Section 2.6 states:

“A Local Trustee, regional district director, officer or employee of the Islands Trust, or an approving officer is not eligible to be a member of any APC.”

Composition and Qualifications

Section 2.5 of the Bylaw No. 467 states:

“Special Projects Advisory Planning Commission(s) will be appointed based on a Terms of Reference endorsed by the Local Trust Committee which will outline the number of members, the terms of the appointment and the scope and role of that Special Projects Advisory Planning Commission.”

Thus the composition of the special APC is a matter that can be established in the commission’s terms of reference. The qualifications that SS LTC may wish to consider depends on what it deems important. A short survey of recent OCP APCs across the province reveals a spectrum of approaches. As these bodies are politically

appointed, trustees can appoint commissioners whose values generally align with those of the LTC, or aim for a broader spectrum of opinion.

Nelson	Courtenay	Fernie
Environmental Stewardship Business Community Economic Development/Tourism Health and Social Services Arts, Culture and Heritage Recreation and Trails Climate and Energy Community Member Housing Education Indigenous Communities Infrastructure, construction, or technology	Environmental Stewardship Organizations Development Industry Business Community Economic Development Health and Social Services Arts and Culture Youth and/or young adult representation	Resources Education Arts and culture Business, Environmental stewardship Health and social services Land development Second Home Owners Tourism and recreation and Members of the community at large representing youth, seniors and families
Elkford	Central Saanich	Cadboro Bay
One member under the age of 18 One member over the age of 65	Members of the general public having an interest in the future of Central Saanich, who may or may not identify as having a specific area of expertise or interest	An awareness of the broader policy context of the project and its implications on land use; Familiarity with local area land use issues and multiple stakeholder perspectives; Communication and public networking skills; and, Teamwork and problem-solving skills

Staff recommend that SS LTC seek to appoint commission members that are generally supportive of the project's identified goals. The draft terms of reference attached as Appendix 1 assumes that applicants should possess some knowledge about, or support for, the themes of the project. However, SS LTC may amend this in accordance with its interests, in consideration of the options presented above, or based on some other consideration, such as geographic representation.

APC Referrals

The draft APC terms of reference reviewed by SS LTC at its April 11 meeting suggested that staff be authorized to refer documents directly to the APC, rather than wait for an LTC resolution to do so. While this enables quicker review without having to bring matters for LTC referral, staff have subsequently determined that in the interest of good process it is better that referral to the APC be exclusively at LTC's direction, as the alternative risks putting documents into the public realm that the LTC may not otherwise support.

Nonetheless, Islands Trust Director of Legislative Services has indicated that if SS LTC wants staff to bring matters directly to its special APC, that it should pass a standing resolution that directs such.

First Nations Engagement

Staff continue to work with Indigenous engagement consultant Sue Hallatt to refine a First Nations and Indigenous Peoples engagement approach for this project.

Staff have not yet begun outreach to Nations or Indigenous residents of Salt Spring Island.

Project Identity and Branding

Staff have entered into a small contract with a graphic designer with whom Islands Trust frequently works to develop a project logo and brand identity.

COMPLETE COMMUNITIES ASSESSMENT

The contract to undertake the Complete Communities Assessment on Salt Spring Island has been awarded to Qatalyst Research, supported by the VGEO geospatial analytics firm.

Since the contract was finalized on April 15, the following actions have taken place:

- Consultant visited Salt Spring to tour the island and meet with project team, trustees, and other key interest holders
- Consultant has created a community engagement and communications plan attached to this staff report for LTC review
- Staff have worked to enable VGEO's access to all Islands Trust-held geospatial data
- Staff have worked with other agencies to enable VGEO's access to their data

Community engagement and consultation related to the Complete Communities Assessment will occur generally in accordance with the engagement strategy attached as Appendix 2.

Rationale for Recommendation

- 1. That the Salt Spring Island Local Trust Committee endorse the OCP-LUB Update Project Advisory Planning Commission Terms of Reference attached as Appendix 1.**

Staff Comment: Endorsing a terms of reference for the project APC will enable staff to begin recruiting for the body.

The terms of reference can be further amended as the project advances, if that is a concern of the LTC.

- 2. That the Salt Spring Island Local Trust Committee endorse the Complete Communities Assessment Community Engagement and Communications Plan attached as Appendix 2.**

Staff Comment: Endorsing the community engagement and communications plan for the Complete Communities Assessment means that the project will proceed in accordance with approach set forth in the document.

ALTERNATIVES

1. Propose Amendments

SS LTC may propose any amendments to either the OCP-LUB Update Project APC Terms of Reference, or the Complete Communities Assessment Community Engagement and Communications Plan that it deems appropriate. If it wishes to do so, recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee direct staff to amend the OCP-LUB Update Project Terms of Reference as follows . . .

That the Salt Spring Island Local Trust Committee direct staff to amend the Complete Communities Assessment Community Engagement and Communications Plan as follows . . .

SS LTC would then endorse the documents as amended.

NEXT STEPS

OCP-LUB Update Project

Next steps for staff to advance the OCP-LUB Update Project are as follows:

- Staff will report back to SS LTC with:
 - A scope of services for a project consultant to support community engagement
 - Options for project logo and brand identify
 - A First Nations engagement approach
- Staff will begin preliminary outreach with First Nations

Complete Communities Assessment

Next steps for staff to advance the Complete Communities Assessment are as follows:

- Project consultant, with staff support, will organize an indicators workshop with local community groups
- Staff will create a detailed project webpage
- Staff will continue to work with agencies to ensure access to required data

Submitted By:	Jason Youmans, Island Planner	May 8, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	May 8, 2024

ATTACHMENTS

1. OCP-LUB Update Project APC Terms of Reference - Draft
2. Complete Communities Assessment Community Engagement and Communications Plan – Draft



OCP-LUB Advisory Planning Commission Terms of Reference May 2024

Salt Spring Island Local Trust Committee Bylaw No. 467 permits the appointment of an Advisory Planning Commission and an Agricultural Advisory Planning Commission, as well as one or more special project Advisory Planning Commissions, to advise on matters of land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* referred to it by the Local Trust Committee (SS LTC).

This Terms of Reference guides the purpose and roles of a special OCP-LUB Update Advisory Planning Commission and its Commissioners to advise the LTC on matters related to the “OCP-LUB Update Project.” The roles, responsibilities and procedures of the OCP-LUB APC are pursuant to Salt Spring Island Local Trust Committee [Bylaw No. 467](#) and should be referred to separately, except where this Terms of Reference specifies otherwise.

1. Purpose

The OCP-LUB APC will:

- 1.1 On matters referred to it by the SS LTC, review and provide general guidance on community engagement plans, community engagement materials, background information, draft materials, draft vision statement, and draft plan sections;
- 1.2 Assist the LTC with the implementation of the Community Engagement and Communications Strategy and informing the topic priorities and schedule of engagement, consistent with the OCP-LUB Update Project Terms of Reference and Project Charter;
- 1.3 Assist in identifying and connecting the Project Team with key interest holder groups through personal and/or professional contact networks as requested;
- 1.4 Assist in informing the community about the OCP-LUB review process and encourage participation by diverse members of the community;
- 1.5 Act in a strictly advisory role. The SS LTC may consider the advice and recommendations of the OCP-LUB APC, but is in no way bound by such recommendations;
- 1.6 Report to and communicate to the SS LTC through the APC chair.

2. Membership, Composition and Qualification

- 2.1 The OCP-LUB APC shall consist of not more than seven (7) members.
- 2.2 The OCP-LUB APC shall be comprised of individuals that demonstrate an understanding of one or more of the project themes:
 - Housing Equity and Housing Options
 - Indigenous Reconciliation

- Ecosystem Integrity and Connectivity
- Climate Change Resiliency

2.3 Interested parties shall apply for membership to the Commission by means of the prescribed form;

2.4 Commission membership is open to individuals who are members of existing commissions of the SS LTC provided that not more than two (2) members from any specific commission are appointed;

3. Appointment and Term

3.1 Members shall be appointed until project close;

4. Remuneration and Expenses

4.1 Members of the Commission shall serve without remuneration, except for pre-approved expenses that arise directly out of the performance of their duties and that shall be reimbursed in accordance with applicable Islands Trust bylaws and policies.

5. Procedures and Conduct

5.1 The Commission is appointed by, and reports to, the SS LTC. The SS LTC reserves the right to amend the structure of the Commission at any time including the appointment of new members or the termination of the Commission;

5.2 Members have a responsibility to make recommendations based on the object of the Islands Trust and interests of the community. In providing its advice and opinion to the SS LTC, the Commission shall have due regard for applicable bylaws and policies of the Salt Spring Island Local Trust Committee and Islands Trust;

5.3 Members shall conduct themselves in accordance with Robert's Rules of Order which shall govern the conduct of meetings, Islands Trust Meeting Procedures Bylaw [529](#); and the *Community Charter*;

5.4 Only the Chair may speak on behalf of the Commission. Commissioners may not represent themselves as having any authority beyond that delegated by the SS LTC;

5.5 The OCP-LUB APC is not authorized to call public meetings, commit funds, enter into contracts or represent the SS LTC;

5.6 A respectful and cooperative decorum will be maintained at all times between Commission members, Staff and Consultants;

6. Chairperson

6.1 The Chair shall be a voting member of the Commission

7. Meeting Frequency

- 7.1 The Commission shall meet only when matters are referred by the SS LTC;
- 7.2 Meetings will occur on an as-needed basis in support of key Project milestones, to be scheduled by the SS LTC. Approximately 12 meetings are anticipated to be required within the project timeline;
- 7.3 At the first meeting of the Commission, members will determine whether in-person or online meetings are preferred. Hybrid meetings will not be permitted.

8. Commission Recommendations

- 8.1 Recommendations and minutes of the Commission will be presented by the Chair at a regular SS LTC meeting;

9. Staff Support and Other Resources

- 9.1 SS LTC will provide Staff to prepare and distribute meeting agendas and minutes, distribution of materials for review and assist in facilitating discussions;
- 9.2 At the direction of the Project Manager, professional and technical advice may be provided by the appropriate Islands Trust staff person, the Consultant contracted to undertake the project or professional expert to explain or clarify the legislative and technical contexts which affects the review and the implications of recommendations proposed by the Commission;
- 9.3 Additional support and resources may be provided at the discretion of the SS LTC.

Introduction and Background

SS LTC has been awarded a grant administered by the Union of British Columbia Municipalities (UBCM) to undertake a [Complete Communities Assessment](#) for Salt Spring Island. The Government of British Columbia's [Complete Communities guide](#) lays out the prescribed methodology that local governments should follow to undertake a geospatial analysis across four required themes:

- Housing
- Transportation
- Daily needs; and
- Infrastructure

According to the Complete Communities guide, the goal of the complete communities concept is to foster communities that “provide a diversity of housing to meet identified community needs and accommodate people at all stages of life, and provide a wider range of employment opportunities, amenities, and services within a 15-20 minute walk.”

On Salt Spring Island, the results of the Complete Communities Assessment will provide a fact-based foundation to inform subsequent discussions about community development options and appropriate policy responses. Information derived from the Complete Communities Assessment process will provide data and context to inform an upcoming major OCP-LUB Update Project.

SS LTC has signalled that the province's concept of a complete community is not appropriate for a rural island context like Salt Spring Island. Therefore, it will be important to hear from residents during Phase 2 of the project as alternative scenarios for community change begin to emerge.

Approach, Methods, and Tools

A variety of methods and tools will be used to communicate and engage during the Complete Communities Assessment process. These methods and tools are divided into three approaches.

Information Sharing – The SSLTC will share information about the project at key intervals in the process. The project website will be updated periodically and will act as the main source of information for the project. SSLTC may use local print and online media to provide information about the project.

Online Consultation – SSLTC will solicit comments and feedback online through the project website using tools such as online surveys and feedback forms.

Live Events – SS LTC will hold workshops and public meetings at key intervals in the process. SS LTC will also communicate with local non-governmental organizations that may have valuable input or information to provide. SSLTC may provide the opportunity for interest holders to undertake self-led engagement activities to inform complete community context. Finally, SS LTC will assemble a working group of staff from agencies with some jurisdiction related to community completeness, to be convened as needed.

Commitment to the Community

SS LTC has resolved to strive for ‘equity in participation’ for all its public engagement processes.

Beyond Inclusion Principles

SS LTC will adhere to the principles of public engagement as described in [Beyond Inclusion: Equity in Public Engagement](#). An overview of these principles and how we will act in accordance with each are outlined below.

1. **Invite participation within an authentic and accountable engagement process:**

Salt Spring Island Complete Communities Assessment Community Engagement and Communications Plan

- **Explanation:** To foster authentic participation, we will clearly communicate the purpose of the assessment process to the community. We will use multiple channels (online, in-person, etc.) to reach diverse audiences. We will be transparent about decision-making processes and how community input will be used. Accountability involves ensuring that promises made during engagement are upheld.
 - **Implementation:** We will start by articulating the assessment's purpose and goals. We will engage community members early and consistently. We will provide regular updates on progress and decisions made based on their input. We will show appreciation for their contributions.
2. **Plan early and proactively:**
- **Explanation:** Early planning ensures adequate time for meaningful engagement. Proactive steps prevent last-minute efforts that may exclude certain groups.
 - **Implementation:** We will begin planning well in advance of carrying out the assessment. We will identify key milestones and allocate sufficient time for each phase. We will anticipate potential challenges and plan mitigation strategies.
3. **Establish respectful relationships with Indigenous Peoples:**
- **Explanation:** Recognize and honour Indigenous knowledge, culture, and sovereignty. Building respectful relationships is essential.
 - **Implementation:** Staff will work with Nations with treaty and territorial interests in the Salt Spring Island Local Trust Area to determine their interest in this project and facilitate opportunities for their participation.
4. **Engage the internal diversity of a community:**
- **Explanation:** Communities are diverse, with varying needs and perspectives. Effective engagement considers this diversity.
 - **Implementation:** We will use targeted outreach to engage marginalized and difficult to reach groups. We will consider language accessibility, cultural differences, and socioeconomic factors. We will do our best to ensure representation from diverse community members in planning and decision-making.
5. **Work in reciprocal relationship with communities:**
- **Explanation:** Engagement should be a two-way street. Communities contribute, and their input informs decisions.
 - **Implementation:** We will actively listen to community feedback. We will provide timely updates on progress and how input is being used. We will show appreciation for community contributions, whether through formal channels or informal interactions.
6. **Tailor engagement plans to the context:**
- **Explanation:** Each community has unique characteristics and needs. One-size-fits-all approaches may not be effective.
 - **Implementation:** We will understand Salt Spring Island's specific context (geography, demographics, history). We will customize engagement methods (surveys, workshops) to fit the community's preferences. We will be flexible and adaptive as needed.

Salt Spring Island Complete Communities Assessment Community Engagement and Communications Plan

7. Commit to ongoing learning and improvement:

- **Explanation:** Engagement processes evolve, and continuous learning is essential.
- **Implementation:** We will reflect on what worked well and what did not after each phase. We will seek feedback from participants. We will adapt strategies based on lessons learned. We will invest in capacity-building for our team to enhance engagement practices.

8. Advance systemic equity:

- **Explanation:** The results of this Complete Communities Assessment are meant to feed into Official Community Plan and Land Use Bylaw updates that are prioritizing increasing housing options and housing equity on Salt Spring Island.
- **Implementation:** We will analyze how policies and decisions impact different groups. We will mitigate disparities by intentionally considering equity in all aspects of the assessment. We will collaborate with community organizations working on equity initiatives.

Phase 1: PREPARE

The purpose of community engagement and consultation in Phase 1 is to:

- Inventory and share relevant data
- Determine what indicators additional to the 16 required by the Province should be measured; and

Table 1: Engagement Methods for Phase 1

Method	Details	Who	When
Information Sharing	• E-mail Subscriber notification of the award of contract • Update website • Salt Spring Exchange • Op-Ed in the Driftwood	• Staff-organized	By May 31, 2024
Live Events ¹	• Indicator workshop (Introduce project, invite interest holders to review 16 core indicators, and if needed, create additional indicators²)	• Advocacy group representatives	By June 30, 2024

Phase 2: ASSESS

The purpose of community engagement and consultation in Phase 2 is to:

- Solicit community, advocacy groups, and agencies input on findings
- Define “complete community” in the Salt Spring Island context

¹ Workshop could be facilitated virtually.

² The number and nature of additional indicators created will be determined during the workshop.

Salt Spring Island Complete Communities Assessment Community Engagement and Communications Plan

Table 2: Engagement Methods for Phase 2

Method	Details	Who	When
Information Sharing	Update website as needed	Staff-organized	As needed
Online Consultation	Post findings / maps to website with opportunity to provide comment (e-mail subscribers, SS Exchange)	Salt Spring residents	By July 31, 2024
Live Events	Presentation of findings / map and interactive opportunities to comment	- Salt Spring residents (multiple sessions, different locations across the Island) - Advocacy groups and citizen groups - Agencies	By July 31, 2024

Phase 3: ACT

The steps of Phase 3 are as follows:

- Solicit community input on different community change scenarios;
- Ensure that agency data is accurately used in scenario development; and
- Develop an implementation plan, monitor, and report

Staff anticipate limited community engagement and consultation in Phase 3 as the consultants will develop their professional recommendations based on the outcomes of Phase 1 and 2 and SS LTC will have to decide whether its wishes to apply these recommendations to its OCP-LUB Update Project.

Table 3: Consultation Methods for Phase 3

Method	Details	Who	When
Online Consultation	Post scenarios / maps to website with opportunity to provide comment (e-mail subscribers, SS Exchange)	Salt Spring residents	By August 30, 2024
Live Events	Presentation of scenarios / maps and interactive opportunities to comment	- Salt Spring residents (multiple sessions, different locations across the Island) - Advocacy groups and	By August 30, 2024

**Salt Spring Island Complete Communities Assessment
Community Engagement and Communications Plan**

		citizen groups • Agencies	
Information Sharing	• Post final report to website	•	September 30, 2024

**Salt Spring Island Complete Communities Assessment
Community Engagement and Communications Plan**

Table 4: Those Who Will be Engaged by Activity

Indicator Workshop (Phase 1)	Surveys / Interactive Community Sessions (Phase 2 and 3)	Agency Working Group (Phases 2 and 3)	Community-Led Group Workshops (Phase 2 and 3)
• Salt Spring Solutions • Transition Salt Spring • Salt Spring Island Community Services • Salt Spring Foundation • Salt Spring Island Community Health Services • Salt Spring Island Agricultural Alliance • Salt Spring Island Chamber of Commerce • Island Pathways • Salt Spring Water Preservation Society • Salt Spring Housing Council Society • Salt Spring Arts Council Society • Salt Spring Conservancy	• Open to all community members	• Islands Trust Conservancy • Islands Trust Freshwater Specialist • North Salt Spring Waterworks District • CRD Water Services • CRD PARC • Island Health • Ministry of Transportation and Infrastructure • BC Transit • School District 64	• Open to all advocacy groups or self-organized interest groups



Islands Trust

BYLAW REFERRAL FORM

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

Island: Mayne Island Local Trust Area Bylaw No.: 193 Date: April 18, 2024

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

PURPOSE OF BYLAW:

The purpose of this bylaw is to make minor and technical amendments to the Mayne Island Land Use Bylaw No. 146, 2008. The bylaw includes: setback changes, minor changes to site specific zoning, site specific zoning for properties with existing temporary use permits, expansion of permissions for contractor yards.

GENERAL LOCATION:

Mayne Island Local Trust Area

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/mayne/projects/>

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

(Signature)

Name: Narissa Chadwick

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Regional Parks and Community Services
Island Health
Mayne Island Fire Rescue
Mayne Island Agricultural Hall Society
Campbell Bay Musicfest Society

Adjacent Local Trust Committees and Municipalities

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

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

193

(Bylaw Number)

(Name and Title)

(Agency)

DRAFT

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 193

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

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2023”.

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

2.1 Section 1.1 – Definitions is amended by inserting:

“Animal Shelter” means a facility operated by a not-for-profit organization devoted to the welfare, protection and human treatment of stray, abandoned, abused and owner surrendered domestic and companion animals.

2.2 Section 1.1 – Definitions is amended by inserting:

“Livestock” means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, horses, goats, sheep, hogs, llamas, and alpacas.

2.3 Section 1.1 – Definitions is amended by deleting the definition for “Personal watercraft” in its entirety.

2.4 Section 1.1 – Definitions is amended by deleting the definition of “contractor yard” and replacing it with ““contractor yard” means the use of land, buildings, or structures for the storage of materials, equipment, or vehicles for a building, construction, landscaping business, or other trades and services.”

2.5 Section 3.1 – Permitted in All Zones, Subsection 3.1 is amended by adding “(9) the raising of poultry excluding roosters”.

2.6 Section 3.2 – Prohibited in All Zones, Subsection 3.2(1) is amended by deleting “cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus” and replacing it with “livestock”

2.7 Section 3.2 – Prohibited in All Zones, Subsection 3.2(3) is deleted in its entirety and the following subsections re-numbered.

- 2.8 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(3) is amended by adding “and for the purposes of this subsection paved parking areas or similar surfacing, concrete and asphalt paving, or similar surfacing of the land are “structures” after “(e) stairs or walkways required to access the foreshore or a permitted dock”.
- 2.9 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(2) is amended by adding “structures used exclusively for storing fire wood, that are open on at least one side and do not exceed 108ft²/10m² in area” after “height,” and before “or utility shed”.
- 2.10 Section 3.3 – Siting and Setback Regulation, Subsection 3.3(3) is amended by adding “(f) wooden patios up to 30m² (323ft²) in area”.
- 2.11 Section 3.3 – Siting and Setback Regulation, Subsection (4) is amended by adding “(f) wooden patios up to 20m² (215ft²) in area”.
- 2.12 Section 3.3 – Siting and Setback Regulations, article 3.3(6)(a) is amended by deleting “area less than 3 metres in width” and replacing it with “of 3.0 metres or less.”
- 2.13 Section 3.6 Home Occupation Regulations, Subsection 3.6(1) is amended by adding “(l) contractor yards”.
- 2.14 Section 3.6 Home Occupation Regulations, Subsection 3.6(3) is amended by adding “or contractor yard” after “agricultural” and before “use”.
- 2.15 Section 3.6 Home Occupation Regulations, Subsection 3.6(5) is amended by adding “On properties with home occupations other than contractor yards” before “There may be no”.
- 2.16 Section 3.6 Home Occupation Regulations is amended by adding “(13) The following additional regulations apply to contractor yards as a home occupation:
 - (a) No vehicles, equipment or materials may be stored within a setback area;
 - (b) Vehicles, equipment and material storage must be screened from residential uses on adjoining lots by a landscape screen not less than 1.5m in height and complying with the provisions of Section 3.8;
 - (c) The area used for the storage of vehicles, equipment, and materials, in combination with all other buildings and structures, may not exceed the maximum permitted lot coverage;
 - (d) The total exterior area used for the storage of vehicles, equipment, and materials may not exceed 32.5m² (350ft²) on lots of less than 2 hectares (5 acres);
 - (e) The storage of a maximum of one contractor vehicle is permitted on lots smaller than 0.5ha (1 acre); and
 - (f) Contractor vehicles and equipment may only be operated on the property from 8:00am to 8:00pm Monday to Saturday.”

- 2.17 Section 3.14 – Derelict Vehicles, is amended by inserting, “Boats and Trailers” in the section title.
- 2.18 Section 3.14 – Derelict Vehicles, Subsection 3.14(1) is amended by inserting after “one” “of the following: trailer, boat, or” before “unlicensed motor vehicle” and replacing “the vehicles” with “they”.
- 2.19 Section 3.14 – Derelict Vehicles, Subsection 3.14(2) is amended by inserting, “boats” after “trailers” and before “or”.
- 2.20 Section 3.14 Derelict Vehicles, Subsection 3.14(3) is amended by inserting, “boat or trailer” after “motor vehicle,” and before “parts or scrap”.
- 2.21 Section 5.5 Rural (R) Zone, Subsection 5.5(14) Site-Specific Zone R(c) is amended by deleting “Lot 1, Section 8, Mayne Island Cowichan District, Plan VIP70074 and” and “500 and.”
- 2.22 Section 5.5 Rural (R) Zone, Subsection 5.5(14) is amended by inserting two new rows in the table as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (h)	Lot 1, Section 8, Mayne Island, Cowichan District, Plan VIP70074 500 Felix Jack Road	(1) In addition to the uses permitted in 5.5(1) above, community water storage and distribution facilities, and a veterinarian clinic and animal shelter accessory to the veterinarian clinic are permitted in this location, subject to: (a) The maximum floor area of indoor animal shelter space is 47m² (500ft²) (b) Outdoor animal shelter space fully enclosed by fencing. (c) The maximum number of animals housed by the animal shelter is 30.
R (i)	Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 327 Campbell Bay Road	(1) In addition to the uses permitted in 5.5(1) above, a music festival is permitted in this location, subject to: (a) Camping and occupancy of recreational vehicles is restricted to the area designated as ‘Camping Area’ on Schedule 5.5(a). (b) The owner must provide on-site parking for a minimum of two hundred (200) vehicles on the property in the areas designated as ‘Day Parking’ and ‘Overnight Parking’ on Schedule 5.5(a).

2.23 Section 5.5 Rural (R) Zone, Subsection 5.5(14) is amended by inserting Plan 1, attached to and forming part of this bylaw, as 'Schedule 5.5(a)' following the table.

2.24 Section 5.14 Community Service (S1) Zone is amended by inserting four new rows into the table as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
S1 (b)	Lot 6, Section 8 and 11, Mayne Island, Cowichan District, Plan 8200	(1) In addition to the uses permitted in 5.14(1) above, one accessory dwelling unit for the accommodation of school staff is permitted as a principal use
S1 (c)	Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126 437 Fernhill Road	(1) In addition to the uses permitted in 5.14(1) above, a thrift store, archive, museum storage, and fall fair activities are permitted in this location. (2) Despite 5.14 (3), front, rear, exterior and interior side lot line setbacks are 0 metres (0 feet)
S1(d)	Lot 9, Section 12, Mayne Island Cowichan District, Plan 3138	(1) Despite 5.14 (3), front, rear, exterior and interior side lot line setbacks are 0 metres (0 feet)
S1 (e)	Lot 16, Section 12, Mayne Island, Cowichan District, Plan 715 430 Fernhill Road	(1) Despite 5.14 (3), front, rear, exterior and interior side lot line setback are 0 metres (0 feet)

2.25 Section 5.19 Resource Conservation (RC) Zone, Subsection (1)(b) is amended by adding "one" after "and" and before "utility" and removing the "s" from "shed".

2.26 Section 5.19 Resource Conservation (RC) Zone, Subsection 5.19 (2) is amended by removing "Density (2) The maximum lot coverage is 5%".

2.27 Section 4.1 (1) Senior Citizens Housing Comprehensive Development One (CD1) Zone, is amended by deleting "Senior Citizens Housing" and inserting "Housing" after "Comprehensive Development One".

2.28 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, is amended by deleting "Senior Citizens Housing" and inserting "Housing" after "Comprehensive Development One" in the section title.

2.29 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone is amended by replacing "The purpose of Senior Citizens Comprehensive Development One Zone is to provide for and regulate the development of housing for senior citizens in one

location in a comprehensive manner” with “The purpose of the Housing Comprehensive Development One Housing Zone is to provide for, and regulate, the development of multiple units of attached and detached housing, including housing for seniors and affordable housing, in a concentrated area”.

- 2.30 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, Subsection 5.25(1)(a) is amended by replacing “Senior citizen residential use” with “residential use”.
- 2.31 Section 5.25 Senior Citizens Housing Comprehensive Development One (CD1) Zone, Subsection 5.25(2) is amended by replacing “A maximum of eight duplexes, containing two dwellings each to “16 dwelling units”.
- 2.32 Section 5.26 Comprehensive Development Two (CD2) Zone, is amended by deleting subsection 5.26(17), subsection 5.26(18), and removing “Schedule 5.26 (a) CD2 zone”.
- 2.33 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 1, Section 8, Mayne Island, Cowichan District, Plan VIP70074 from “R” to “R(h)”.
- 2.34 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 1, Section 11, Mayne Island, Cowichan District, Plan 39587 from “R” to “R(i)”.
- 2.35 Schedule “B” – Zoning Map, is amended by changing the zoning of Lot 6, Section 8 and 11, Mayne Island, Cowichan District, Plan 8200 from “S1” to “S1 (b)”.
- 2.36 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 19, Section 12, Mayne Island, Cowichan District, Plan 23126 from “S1” to “S1(c)”.
- 2.37 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 9, Section 12, Mayne Island Cowichan District, Plan 3138 from “S1” to “S1(d)”.
- 2.38 Schedule “B” – Zoning Map, is amended by changing the zoning classification of Lot 16, Section 12, Mayne Island, Cowichan District, Plan 715 from “S1” to “S1 (e)”.

3. SEVERABILITY

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

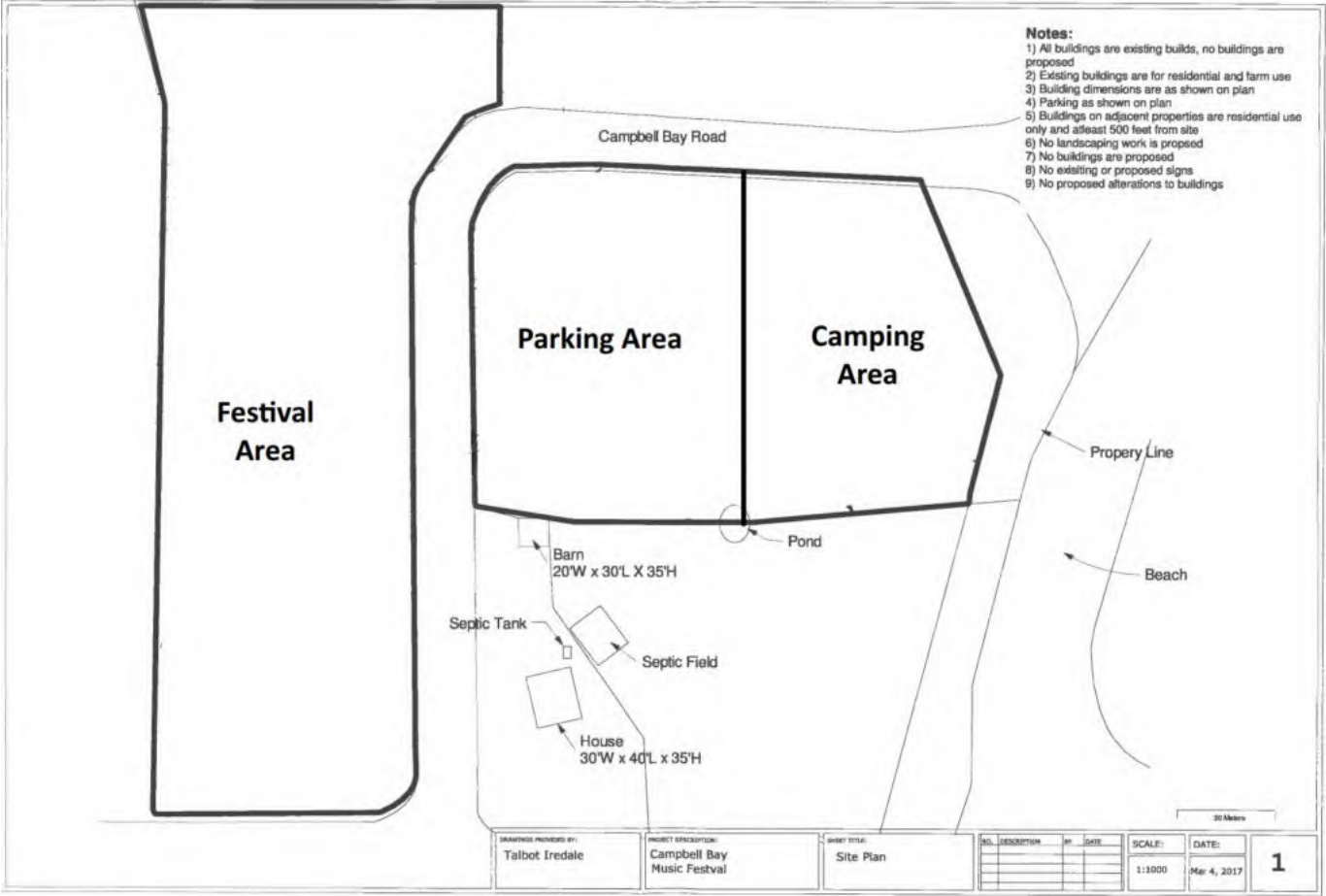
READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

Mayne Island Local Trust Committee
Bylaw No. 193

Plan 1





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: - 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: - Removal and replacement of the dispersal system in its entirety. - 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. “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>
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
2019-11-26	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: - 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; - 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; - 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; - 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 - 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

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

Chris Hutton
William Shulba

Rec'd: 07-Jun-2012
Target: 30-Dec-2022



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-2022.9	Whitten, David	16-Sep-2022	DPA 1, 3 & 4 to permit a cafe with indoor seating - 161 Fulford-Ganges Road

Planner: Chris Buchan

Planning Status

Status Date: 15-Nov-2023

Put into abeyance until applicant provides required reports. 6 months since initial request.

Status Date: 10-Jul-2023

Applicant provided geotech addendum, waiting on RPBio

Status Date: 27-Mar-2023

Chris B additional check in with applicant.

Applications

Development Permit

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

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.

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.7	Kerr, Holly	22-Aug-2023	Delegated DPA 7 Driveway Extension - 687 Beaver Point RD, SSI
Planner: Anthony Fotino			
Planning Status			
Status Date: 22-Aug-2023			
File assigned to Planner Fotino			
File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.8	Black, Stuart	24-Aug-2023	Delegated DPA3 - 365 Isabella Point RD, SSI
Planner: Chris Buchan			
Planning Status			
Status Date: 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: 03-May-2024			
Awaiting updated geotechnical report			
Status Date: 22-Feb-2024			
File assigned to Planner Belcher			

Applications

Development Permit

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			
File Number	Applicant Name	Date Received	Purpose
SS-DP-2024.3	Aurora Professional Group Inc.	08-Apr-2024	Development Permit to stabilize shoreline - 235 Quarry Drive
Planner: Bruce Belcher			
Planning Status			
Status Date:			

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.17	Nagel, Uta	13-Sep-2021	Carport and Shed within the setback - 770 Beaver Point Road

Planner: Bruce Belcher

Planning Status

Status Date: 22-Dec-2023

Staff contacted applicant regarding outstanding reports and to confirm that the site plans provided are still accurate. Requirement for a professional report for DPA 6 and DPA 7. Contacted CRD to receive updated permit history information. Correspondence in folder.

Status Date: 23-Oct-2023

File reassigned to Planner Caproff

Status Date: 23-Nov-2022

Request for professional credentials for D Gooding to undertake a geotechnical analysis (30 days) Both outstanding req. reports 90 days or to BE.

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

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.7	Craig, Brian	26-Feb-2021	Variance for Gate House and Beach Stairs - 344 Reginald Hill Road

Planner: 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.

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.

Applications

Development Variance Permit

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

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.14	871344 AB Ltd	14-Aug-2023	Variance to allow subdivision with on-site water source - 361 Sunset Drive, SSI

Planner: Anthony Fotino

Planning Status

Status Date:

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.20	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			
<u>Status Date:</u> 03-May-2024 Application on May 16th LTC agenda			
<u>Status Date:</u> 14-Mar-2024 Conducted site visit - Mar 14th			
<u>Status Date:</u> 22-Feb-2024 JJ forwarded files to planner Belcher			
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			
<u>Status Date:</u> 22-Feb-2024 Chris to bring DVP to LTC regarding siting issues. RZ still required for cottage floor area.			
<u>Status Date:</u> 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			
<u>Status Date:</u> 22-Feb-2024 Assigned to Buchan. In queue for review			

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2024.2	Foul Bay Properties Ltd. Planner: Bruce Belcher	13-Feb-2024	To construct a retaining wall - 127 Valhalla Rd
Planning Status			
<u>Status Date:</u> 12-Mar-2024 Awaiting professional site survey.			
File Number	Applicant Name	Date Received	Purpose
SS-DVP-2024.3	dHK Architects Planner: Chris Buchan	29-Feb-2024	To vary the side lot setback - PID 008-043-486
Planning Status			
<u>Status Date:</u>			
File Number	Applicant Name	Date Received	Purpose
SS-DVP-2024.5	Architrave Architecture Design Build LTD. Planner: Bruce Belcher	20-Mar-2024	Development Variance Permit to allow various landscaping structures to be sited within the required setback from the sea - 860 Sunset Drive
Planning Status			
<u>Status Date:</u> 04-Apr-2024 Awaiting chq in mail			

Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2017.2	Fernando & Tammy Dos Santos Planner: Chris Buchan	15-Feb-2017	Proposal to permit 30 affordable housing dwelling units and common building - 221 Drake Road, SSI.
Planning Status			
<u>Status Date:</u> 13-Feb-2024 File reassigned to Planner Buchan			
<u>Status Date:</u> 31-Aug-2022 File reassigned to Planner Fotino			
<u>Status Date:</u> 19-Jul-2022 File transferred to Planner Youmans			
File Number	Applicant Name	Date Received	Purpose
SS-RZ-2022.1	Pilot Yellow Adventures Inc Planner: Chris Buchan	26-Oct-2022	Rezoning property to allow for four SFD - Sec 50 Musgrave Road, SSI
Planning Status			
<u>Status Date:</u> 22-Mar-2024 FN reminded of referral and potential public hearing on May 16			
<u>Status Date:</u> 05-Dec-2023 Referrals sent to FN and agencies			
<u>Status Date:</u> 12-Oct-2023 Bylaw given first and second reading			

Applications

Rezoning

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			
<u>Status Date:</u> 22-Feb-2024			
Planner Buchan required to review to determine next steps.			
<u>Status Date:</u> 13-Feb-2024			
File reassigned to Planner Buchan			
<u>Status Date:</u> 10-Jan-2023			
File assigned to Planner Fotino			
File Number	Applicant Name	Date Received	Purpose
SS-RZ-2023.1	GIVERNY GARDENS LTD	27-Sep-2023	Rezoning to retire Land use contract - 104 Atkins Road
Planner: Chris Buchan			
Planning Status			
<u>Status Date:</u> 22-Feb-2024			
Requires Prelim report to Itc			
<u>Status Date:</u> 13-Feb-2024			
File reassigned to Planner Buchan			
<u>Status Date:</u> 28-Sep-2023			
File assigned to Planner Fotino			

Applications

Rezoning

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			

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 cconducted.			

Applications

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.

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

Applications

Subdivision

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

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.3	Frisch, Pierre	28-Jul-2023	Boundary Adjustment - 778 & 784 Vesuvius Bay Road, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 03-May-2024

Frontage waiver on may 16th meeting agenda

Status Date: 18-Jan-2024

PLR received

Status Date: 26-Sep-2023

Referral Response sent to MOTI

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.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.5	Ahmadi, Padra	07-Nov-2023	Proposed 2 lot boundary adjustment - Lot 14 & 15 Trustees Trail, SSI

Planner: Bruce Belcher

Planning Status

Status Date: 08-May-2024

Awaiting PLR.

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.

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: 08-May-2024

Applicant to withdraw application and seek partial refund due to covenant preventing further subdivision.

Status Date: 02-May-2024

Applicant paid the balance \$5.80 of their fees, which was short paid by them earlier

Status Date: 01-May-2024

Development Officer and Applicant contacted, Covenant K104673 on title restricts further subdivision of parcel due to minimum average lot area reached in 1981 subdivision. No further subdivision is possible.

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2024.4	Akerman, Kerry Michael Planner: Bruce Belcher	28-Mar-2024	
Planning Status			
Status Date: 26-Apr-2024 Planner Bruce Assigned 26- Apr 2024			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SS-TUP-2024.1	Ogilvie, Martin Planner: Chris Buchan	08-Jan-2024	TUP to provide a space for a food truck - Lot 2 Jackson Ave, SSI
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 March 2024

655 Salt Spring	Invoices posted to Month ending March 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	11,771.95	-9,578.95
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>12,216.40</u>	<u>-6,133.40</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>1,254.99</u>	<u>3,745.01</u>
TOTAL Project Expenses		<u>231,000.00</u>	<u>2,054.99</u>	<u>228,945.01</u>



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 19th, 2024 BOARD MEETING

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

1. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received the Minister of Municipal Affairs' response on the Islands Trust Conservancy (ITC) Plan which included a request to engage further with First Nations regarding creation of the ITC Plan. Manager Emmings advised that any new acquisitions or covenants need to come to the Minister for review before the Board signs off on them. The ITC Board directed staff to respond to the Minister of Municipal Affairs acknowledging directions in the letter and requesting:
 - Authorization to invest ITC funds as permitted under the provisions of the *Trustee Act*
 - Direction on interaction with the Minister regarding property management of new acquisitions of covenants and nature reserves
- The ITC Board approved the Project Charter for the development of the 2026-2030 ITC Plan.
- The ITC Board amended three land securement and management policies, providing direction for early First Nations engagement prior to approval of securement projects.
- Trustee Elliot provided updates of interest to the ITC Board from Executive Committee including:
 - Executive Committee's interest in continuing to meet with Islands Trust Conservancy to strategize on how to gain support from the province
 - ITC presence at the 50th anniversary celebration of Islands Trust on Salt Spring Island
- The ITC Board requested that Executive Committee set aside time for an ITC presentation to Trust Council at the June 2024 meeting
- Trustee Gauvreau provided updates of interest to the ITC Board from Governance Committee including:
 - The roles and responsibilities of the committee to oversee the organization's governance structure, ensuring transparency and efficiency, and providing recommendations to Trust Council
 - The Committee is currently reviewing the 2022 governance review, which requires input from staff and trustees
 - The report needs to be reviewed and discussed at Trust Council before a letter is drafted to the province



2. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved a conservation proposal for the Doris McHardy NAPTEP conservation covenant on North Pender Island, subject to review of First Nations responses and Ministerial approval.
- Manager Emmings provided the Board with a status update on public applications for Crystal Mountain Nature Reserve, Robert Leader NAPTEP Covenant, and Koontz NAPTEP Covenant following the decision to decline approval of the ITC Plan by the Minister of Municipal Affairs.

3. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board instructed staff to proceed with the development of a risk management policy for all nature reserves, which includes warning users of the risk of danger trees.
- The ITC Board directed staff to begin work on signage for the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island, to address risk management efforts.

4. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island.
- The ITC Board approved the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island. This approval is subject to:
 - Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells
 - Removal of all equipment at the end of the project

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

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