



# Salt Spring Island Local Trust Committee

## Regular Meeting Agenda

Date: Thursday, November 16, 2023  
Time: 9:30 a.m.  
Location: 64 Learning Hub  
122 Rainbow Road

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	<b>Pages</b>
1. CALL TO ORDER	9:30 AM - 9:35 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	9:35 AM - 9:50 AM
4. DELEGATIONS - NONE	
5. TRUSTEE REPORTS	9:50 AM - 10:00 AM
Verbal Report	
6. CHAIR'S REPORT	10:00 AM - 10:05 AM
Verbal Report	
7. CRD DIRECTOR'S REPORT	10:05 AM - 10:10 AM
Verbal Report	
8. PREVIOUS MEETINGS	10:10 AM - 10:15 AM
8.1 Draft Minutes of the Salt Spring Island Local Trust Committee	
8.1.1 <u>Draft Minutes of the October 12, 2023 SSI LTC Regular Meeting</u>	5
For Adoption	
8.2 Resolutions Without Meeting Report - None	
9. CORRESPONDENCE	10:15 AM - 10:30 AM

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

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

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

9.1	<b>M. Chandler to LTC - Dated 7 Oct 2023 - Regarding Rainwater Catchment Advocacy</b>	20
	For Information	
9.2	<b>C. Schmah to LTC - Dated 10 Oct 2023 - Regarding Saltspring Island Botanimed Inc Cultivation Licensing</b>	22
	For Information	
9.3	<b>V. Watkins to LTC - Dated 12 Oct 2023 - Regarding Long-Term Rentals</b>	23
	For Information	
9.4	<b>Chair Peterson to CRD Parks and Recreation Manager - Dated 23 Oct 2023 - Regarding Ganges Harbourwalk</b>	24
	For Information	
9.5	<b>Chair Peterson to Gulf Islands Seniors Residence Association - Dated 24 Oct 2023 - Regarding BC Housing Community Housing Program</b>	25
	For Information	
9.6	<b>Chair Peterson to Salt Spring Island Fire Protection District - Dated 24 October 2023 - Regarding Committee liaison to District</b>	26
	For Information	
9.7	<b>Chair Peterson to Minister Conroy - Dated 30 October 2023 - Regarding Speculation and Vacancy Tax</b>	27
	For Information	
9.8	<b>A. Walter to LTC - Dated 6 Nov 2023 - Regarding Salt Spring Cannabis Cultivation Licensing</b>	29
	For Information	
10.	<b>BUSINESS ARISING FROM MINUTES</b>	10:30 AM - 11:30 AM
10.1	<b>Follow-Up Action List</b>	30
	Report dated Nov 2023	
11.	<b>COMMUNITY INFORMATION MEETING - NONE</b>	
12.	<b>PUBLIC HEARING - NONE</b>	
	<u>.....BREAK UNTIL 12:00 NOON.....</u>	
13.	<b>APPLICATIONS AND REFERRALS</b>	12:00 PM - 1:30 PM

13.1	<b>SS-ALR-2023.2 - J. Litke - 710 Cranberry Road, SSI</b>	43
	Staff Report	
13.2	<b>SS-DVP-2023.15 - R. Margetts - 351 Mountain Park Drive, SSI</b>	54
	Staff Report	
13.3	<b>SS-DVP-2023.17 - T. Rissling - 2915 Fulford-Ganges Road, SSI</b>	92
	Staff Report	
13.4	<b>SS-DVP-2023.9 - D. Miller - 2101 Fulford-Ganges RD, SSI</b>	113
	Staff Report	
13.5	<b>SS-DP-2023.9 - M. Ogilvie - Lot 2 Jackson Ave, SSI</b>	134
	Staff Report	
13.6	<b>SS-TUP-2023.1 - J. Halan-Harris - 130 Blackburn Road, SSI</b>	159
	Staff Report	
<b>14.</b>	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	<b>1:30 PM - 2:30 PM</b>
14.1	<b>Official Community Plan + Ganges Village Planning</b>	180
	Scope of Work - Staff Report	
14.2	<b>Proposed Bylaw 530 - Accessory Dwelling Units</b>	191
	Staff Report	
<b>15.</b>	<b>NEW BUSINESS</b>	<b>2:30 PM - 3:00 PM</b>
15.1	<b>Housing Agreement Bylaw No. 447</b>	202
	Staff Report	
15.2	<b>Dust and Bones screening</b>	240
	For Discussion	
<b>16.</b>	<b>REPORTS</b>	<b>3:00 PM - 3:05 PM</b>
16.1	<b>Policy and Standing Resolutions List</b>	241
	For Information	
16.2	<b>Future Projects Report</b>	252
	Report dated Nov 2023	
16.3	<b>Active Projects List</b>	255

Report dated Nov 2023

**16.4 Applications with Status Report**

258

Report dated Nov 2023

**16.5 Expense Report - NONE**

**16.6 Islands Trust Conservancy Board Report - NONE**

**17. CLOSED MEETING**

3:05 PM - 3:30 PM

**17.1 Motion to Close the Meeting**

The Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Section 90 1 (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment; and that staff be invited to remain.

**17.2 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 December 14, 2023 at the 64 Learning Hub, 122 Rainbow Road, Salt Spring Island.

**19. ADJOURNMENT**



## Salt Spring Island Local Trust Committee Minutes of Regular Meeting

**Date:** Thursday, October 12, 2023

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

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

**Staff Present:** Chris Hutton, Regional Planning Manager (RPM)  
Stefan Cermak, Director of Planning Services  
Anthony Fotino, Island Planner (Zoom)  
Chris Buchan, Planner 2 (Zoom)  
Charly Caproff, Planner 1 (Zoom)  
Rob Pingle, Legislative Clerk  
Sarah Shugar, Recorder

**Others Present:** Approximately 17 members of the public (4 on Zoom)

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

The following items were presented for inclusion in the agenda:

- 9.5 Gulf Islands Seniors Residents Association – Dated October 11, 2023 - Regarding Kings Lane Housing Development
- 14.1.1 Proposed Bylaw No. 530 – Accessory Dwelling Units – Staff Report
- 14.2 OCP/LUB Project - Notice of Motion – Trustee Patrick
- 15.1 Salt Spring Island Local Trust Committee liaison to the Salt Spring Island Fire Protection District

**By general consent**, the agenda was adopted as amended.

### 3. TOWN HALL AND QUESTIONS

Chair Peterson opened the town hall at 9:33 a.m.

A member of the public expressed support to find a creative solution for housing and spoke to a quote by American sociologist W.E.B. Du Bois regarding seeking truth. The member of the public presented examples of members of the community that are un-housed and requested the LTC to work together to find solutions to housing.

A member of the public advised due to the lack of housing, there has been an increase of people living in recreation vehicles and black water waste is being dumped illegally due to the lack of septic pump-out facilities on Salt Spring Island. The member of the public suggested a septic pump out station that is easily accessible and centrally located and recommended looking at models of septic pump out facilities in other communities.

Director Holman advised he is aware of the septic pump-out issue and reported CRD staff advised adding septage into the Ganges Sewer Treatment Plant would be a problem. The CRD Burgoyne Bay Wastewater transfer station is not an option due to the right of way access road over private property. Director Holman reported he would look into the septic pump-out facility issue.

#### **4. DELEGATIONS**

##### **4.1 Transition Salt Spring - Kacia Tolsma & Bryan Young**

Bryan Young spoke to the Transition Salt Spring 2023 Climate Action Report Card – Assessing progress from 2020-2021.

Trustee Patrick noted the LTC added the CRD Wildfire Resiliency Management Plan recommendations to the OCP/LUB Project at the September 18, 2023 LTC meeting. Trustee Patrick reported she attended a Climate Action Forest Management session hosted by the Ministry of Forests regarding Future Forests Ecosystem Centre at the 2023 Union of BC Municipalities Convention and noted interesting research that could be applied to our forests.

Director Holman reported he provided a summary of the various CRD initiatives related to the Transition Salt Spring Climate Action Report Card and will forward it to the LTC. Director Holman advised there are co-benefits to Green House Gas (GHG) emission reduction initiatives such as increases in household disposable income that may be spent in the local economy. The CRD published a GHG emissions inventory and the CRD Board passed a motion asking staff for innovative ways to reduce GHG emissions such as rebate programs. Director Holman highlighted the 2023 Climate Action Report Card includes Climate Change Adaptation.

#### **5. TRUSTEE REPORTS**

Trustee Patrick presented the following report:

- Attended the 2023 UBCM convention in Vancouver;
- Attended the small talk forum at the UBCM convention regarding transportation and noted 51% of people surveyed prefer a complete separation for bike trails;
- Attended Trust Council held on Pender Island;

- Trustee Patrick spoke to the divisive nature of nearly every conversation we have about land use on this island. San Juan County’s comprehensive plan was recently updated and the introduction includes “Participants noticed where the vision excluded some members of the community and took steps to adjust the language to better represent the true make-up of the Islands.” Do we believe that the vision for Salt Spring represents the true make-up of the island? The answer is no. Trustee Patrick spoke to an interesting research paper that helps to answer this question: “When nowhere becomes somewhere: Gentrification in rural communities and how proactive community planning and a progressive property valuation system can stem the tide.” It describes several factors that define rural gentrification, such as shifting from traditional agriculture and resource extraction to catering to servicing the amenity driven market, and the “desire of the new population to buy into a version of the rural idyllic lifestyle that the new residents perceive to exist.” Not only do the new residents buy into a version of the rural idyllic lifestyle, they, while well meaning, place such a high value upon the preservation of the rural idyllic lifestyle and the culture that surrounds them that they inadvertently devalue other residents who may have equally strong ties to the land but have chosen to pursue other economic, social, and cultural opportunities. This drive to “preserve the perceived authentic lifestyle dilutes the ability of the original residents to determine their community’s future and identity.” The paper includes that the new residents putting value on the beauty of the land and its natural state versus the old economy that was derived from the use of the land – or what we call “land rich and cash poor”. It concludes with saying “Ultimately, governments, in fulfilling their responsibilities to protect their citizens and to promote the general welfare, ought to promote smart growth that doesn’t cause displacement of low-income residents and the destruction of rural communities.” Why is all this important and what can we do;
- Trustee Patrick expressed concern that we are not good at public engagement, nor are we good at engaging with First Nations. We struggle to get participants who represent the diversity of islanders that may be impacted by a land use decision. For example, we will be considering our next steps with accessory dwelling units later today. Have we heard from islanders experiencing challenges with finding housing? Have we heard from employers who are having challenges finding housing for their employees? Who have we heard from? Who is influencing the decisions we need to make? Are we seeing some exert their power and privilege? Engagement processes that fail to address barriers and systemic inequities may be causing more harm than good—reinforcing power imbalances, leading to poor decisions that do not serve the community’s needs and decreasing their trust in this agency;
- Trustee Patrick advised she would introduce a motion to develop an equity-based public engagement strategy for LTC work going forward and presented the following quote “Someone needs to have power to say, ‘we’re going to include you” by Rain Daniels, Simon Fraser University indigenous educator and trainer.

## 6. CHAIR'S REPORT

Chair Peterson presented the following report:

- Attended the 2023 UBCM convention in Vancouver and presented the following highlights from UBCM:
  - Chair Peterson spoke to BC Premier Honourable David Eby regarding including Islands Trust in provincial funding programs;
  - Attended a meeting with the Minister of Municipal Affairs Honourable Anne Kang to request more frequent meetings;

- Attended a meeting with the Minister of Transportation Honourable Rob Fleming, regarding more frequent meetings, provisions in the memorandum of understanding (MOU) of a task force for transportation issues including roads and ferries and active transportation routes;
- Attended Trust Council on Pender Island and presented the following highlights from Trust Council:
  - There was consensus on the Islands Trust Policy Statement and highlights are published on the Islands Trust website;
  - Continued work on the vision statement;
  - Trust Council endorsed the work of the Financial Planning working group to work towards a longer term planning process that includes strategic planning and budget planning;
  - Trust Council endorsed BC Office of the Ombudsperson recommendations regarding bylaw enforcement and the recommendations were referred to the Regional Planning Committee to ensure that bylaw enforcement processes are fair and equitable.

## 7. CRD DIRECTOR'S REPORT

CRD Director Holman presented the following report:

- Salt Spring Island Parks and Recreation Manager Dan Ovington is present to speak to Item 9.1 - a letter of support request regarding an infrastructure grant for the Ganges Harbourwalk Revitalization project;
- The CRD Board approved a motion to request the Ministry of Municipal Affairs to include Electoral Areas in the Homes for People Action Plan Secondary Suite Incentive Program;
- The CRD Local Community Commission (LCC) is hosting a town hall meeting on October 12, 2023 at 5:00 p.m. at the Salt Spring Multi Space (SIMS) building;
- The CRD will consider the provisional 2024 draft budget on October 25, 2023 and the final 2024 draft budget would be approved in March 2024. The provisional 2024 CRD tax requisition increase is approximately 9.5% and the main drivers of the tax increase is staff wages and salaries and deficits from the COVID pandemic including parks and recreation and transit budgets;
- ASK Salt Spring will host an event regarding the CRD 2024 draft budget;
- The CRD received \$1.3 million BC Growing Communities Funding to upgrade the Ganges Sewer System to potentially increase capacity for up to 500 additional housing units in the Ganges area;
- The CRD received \$560,000 BC Growing Communities Funding to upgrade Centennial Park including the plaza and lighting;
- The LCC approved a staff recommendation to proceed with a public consultation process to fund Rainbow Road Indoor swimming pool repairs;
- The LCC approved a staff recommendation to proceed with a public consultation process regarding a dewatering strategy for the Burgoyne Bay Liquid Waste Facility;
- The CRD Board will consider a Rural Housing Strategy Program in December 2023 that would include a staff position to coordinate housing project funding and suite incentives;
- The Southern Gulf Islands Tourism Partnership receives Municipal Regional District tax revenue and has agreed to allocate \$100,000 per year to fund a CRD regional coordinator position. The Southern Gulf Islands Tourism Partnership allocates \$50,000 per year to a matching service to connect people who need housing with available housing.

## 8. PREVIOUS MEETINGS

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

#### 8.1.1 Draft Minutes of the July 12, 2023 SSI LTC Special Meeting

**By general consent**, the minutes of July 12, 2023 Salt Spring Island Local Trust Committee Special meeting were adopted.

#### 8.1.2 Draft Minutes of the September 13, 2023 SSI LTC Special Meeting

The following item was presented for consideration:

- Replace “Trustee Patrick advised the intent is that the LTC is approving a bylaw that we can stand behind and will be approved by Trust Council.” with “Trustee Patrick advised the intent is that the LTC is approving a bylaw that we can stand behind and will be approved by Executive Committee.”

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

#### 8.1.3 Draft Minutes of the September 14, 2023 SSI LTC Regular Meeting

**By general consent**, the minutes of September 14, 2023 Salt Spring Island Local Trust Committee Regular meeting were adopted.

The meeting recessed at 10:37 a.m. and reconvened at 10:40 a.m.

### 8.2 Resolutions Without Meeting Report Dated October 2023

There was discussion regarding the Speculation and Vacancy Tax (SVT) and whether there could be a dispute mechanism for property owners to request to be except from the SVT. There was a suggestion to ask the Province to explain the process of expansion of the SVT.

#### **SS-2023-108**

**It was MOVED and SECONDED,**

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

**CARRIED**  
**Trustee Harris OPPOSED**

The report was received.

**8.3 Minutes of the Advisory Planning Commissions - None**

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

**9. CORRESPONDENCE**

**9.1 CRD Parks and Recreation Manager to LTC - Dated September 22, 2023 - Regarding Ganges Harbourwalk**

Salt Spring Island Parks and Recreation Manager Dan Ovington presented an update regarding the Ganges Harbourwalk Revitalization project. The CRD is currently in consultation with the upland owners and First Nations. The Rural Economic Diversification and Infrastructure Program funding would fund detailed designs that are required to secure a Statutory Right of Way in front of the Ganges Marina and Ganges Harbourwalk construction.

**SS-2023-109**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to prepare a letter of support for the Ganges Harbourwalk as requested in the correspondence letter received from the CRD Parks and Recreation Manager dated September 22, 2023.

**CARRIED**

The correspondence item was received.

**9.2 Trustee Patrick to SSI Farmland Trust - Dated September 28, 2023 - Regarding Community Grant Application Support**

The correspondence item was received.

**9.3 Chair Peterson to Minister Kahlon - Dated October 3, 2023 - Regarding Homes for People Action Plan Secondary Suite Incentive Program**

The correspondence item was received.

**9.4 M. Chandler to LTC - Dated October 3, 2023 - Regarding Rainwater Catchment Advocacy**

The correspondence item was received.

**9.5 Gulf Islands Seniors Residents Association – Dated October 11, 2023 - Regarding Kings Lane Housing Development**

**SS-2023-110**

**It was MOVED and SECONDED**

That the Salt Spring Island Local Trust Committee request staff to prepare a letter of support for the Gulf Islands Seniors Residents Association (GISRA) BC Housing Community Housing Program application for 164 Kings Lane.

**CARRIED**

**SS-2023-111**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to work with the Gulf Islands Seniors Residents Association (GISRA) to review existing zoning and permits on title for compliance with the BC Housing Community Housing Program application for 164 Kings Lane and request staff to report back to the LTC.

**CARRIED**

The correspondence item was received.

**10. BUSINESS ARISING FROM MINUTES**

**10.1 Follow-Up Action List dated October 2023**

RPM Hutton announced the LTC was successful in its application for the UBCM Complete Communities Fund and has received a \$150,000 grant for engagement and technical work to prepare for the OCP/LUB update project. Support was expressed for the funding to be used to find ways to create more housing in our community. It was noted staff would engage the communications team regarding the UBCM Complete Communities Fund announcement.

The report was received.

**11. COMMUNITY INFORMATION MEETING- None**

**12. PUBLIC HEARING – None**

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

**13. APPLICATIONS AND REFERRALS**

**13.1 SS-ALR-2023.1 - B. Taylor - 271 Beddis Road, SSI**

Planner Caproff presented a staff report dated October 12, 2023 regarding a boundary adjustment subdivision in the Agricultural Land Reserve.

Applicant Taylor spoke to the application.

**SS-2023-112**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee supports application SS-ALR-2023.1 and requests staff to forward the application to the Agricultural Land Commission for further consideration (271 Beddis Road).

**CARRIED**

**13.2 SS-CL-2023.5 - D. McKerrell - Saanich Inlet**

Planner Caproff presented a staff report dated October 12, 2023 regarding a referral request for a Residential Use Crown Lease application to amend an existing crown lease to construct a concrete boat launch ramp.

**SS-2023-113**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee receive the referral request for a Residential Use Crown Lease application (Referral No. 160881170 - 004), and direct staff to respond to the referral, indicating that the interests of the Islands Trust are unaffected by this application.

**CARRIED**

**13.3 SS-DVP-2021.23 - S. Shalhaf - 150 Margolin Drive, SSI**

Planner Caproff presented a staff report regarding a development variance permit application to vary the 15-meter minimum setback for a structure from the natural boundary of a water body.

Applicant S. Shalhaf spoke to the application.

**SS-2023-114**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit SS-DVP-2021.23 (150 Margolin Drive).

**CARRIED**

**13.4 SS-DVP-2023.4 - J. Shatford - 246 Bridgman Road, SSI**

Planner Buchan presented a staff report dated October 12, 2023 regarding a development variance application to legalize the setback of an existing accessory building located within 3-meters of the side lot line and legalize the combined floor area for all accessory buildings on the subject property.

**SS-2023-115**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.4 (246 Bridgman Road).

**CARRIED**

**13.5 SS-DVP-2023.10 - J. Litke - Lot A Hillgrove Road, SSI**

Planner Buchan presented a staff report dated October 12, 2023 regarding a development permit application to remove the drainage system design and construction requirement associated with proposed subdivision file SS-SUB-2023.1.

Applicant J. Litke spoke to the application.

**SS-2023-116**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2023.10 (Lot A Hillgrove Road).

**CARRIED**

**13.6 SS-DVP-2023.12 - M. Langley - 1281 Fulford-Ganges Road, SSI**

Planner Buchan presented a staff report dated October 12, 2023 regarding a development variance application for a lot frontage waiver and variance request.

The applicant M. Langley spoke to the application.

**SS-2023-117**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2023.12 (1281 Fulford-Ganges Road).

**CARRIED**

**SS-2023-118**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee, with reference to Section 512(2) of the Local Government Act, approve the frontage relief from the required 10 percent to 1.15 percent for proposed Lot B as shown on the plan of subdivision in Attachment 3 of the report from Planner Buchan dated October 12, 2023 (1281 Fulford-Ganges Road).

**CARRIED**

**13.7 SS-DP-2023.4 & SS-DVP-2023.11 - S. Purdy - 319 Upper Ganges Road, SSI**

Planner Buchan presented a staff report dated October 12, 2023 regarding a development variance application to amend an existing Development Permit within Development Permit Area 2 (DPA2) – Non-Village Commercial and General Employment to allow an addition to an existing building permitted through a 2004 development permit. A Trustee expressed support for the Merchant Mews area to be included in the Ganges Village Area as part of the Ganges Village Plan.

Property Owner S. Mulherrin spoke to the application.

**SS-2023-119**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2023.4 (319 Upper Ganges Road).

**CARRIED**

**SS-2023-120**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit SS-DVP-2023.11 (319 Upper Ganges Road).

**CARRIED**

**13.8 SS-RZ-2022.1 - M. Gelb - Sec 50 Musgrave Road**

Planner Fotino presented a staff report regarding a rezoning application to vary the zoning from Forestry (F1) to Forestry (F1) Variant to allow for four dwellings and one seasonal cottage.

Applicant M. Gelb spoke to the application.

In discussion the following items were noted:

- A Trustee asked for clarification regarding future subdivision potential. Planner Fotino reported the applicant is supportive of a covenant on title that restricts future subdivision potential and the property will be limited to four dwellings and one seasonal cottage;
- A Trustee expressed support for clustering development of the property as specified in the OCP guidelines. Planner Fotino advised the OCP policy guideline H.2.1.3.b. states “Building sites should be clustered in about 20-30% of the parcel, with the remainder of the land left as open space”;
- A Trustee asked if the property owner accesses the property by helicopter. The applicant advised he has accessed the property by helicopter on occasion although the property is usually accessed by Musgrave Road;
- A Trustee expressed support for reducing the development potential from 7 densities to 4 densities;
- A Trustee expressed support for property rights;
- Staff advised a public hearing would be scheduled following the referral response period.

**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-2023-123**

**It was MOVED and SECONDED,**

That Salt Spring Island Local Trust Committee waive the requirement for a public hearing for Salt Spring Island Local Trust Committee Bylaw No. 536 cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023” and request staff to proceed with public notification as per Section 464 of the Local Government Act as the Bylaw is consistent with the Salt Spring Island Official Community Plan No. 434, 2008 with the requirement that a covenant subject to Section 219 of the Land Title Act will be registered on Title that satisfies policy H.2.1.3 of the Salt Spring Island Local Trust Committee Official Community Plan Bylaw No. 434, 2008 prior to adoption of Salt Spring Island Local Trust Committee 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).

**DEFEATED**

**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**

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 Proposed Bylaw 530 - Accessory Dwelling Units**

RPM Hutton presented a staff report dated October 12, 2023 regarding Proposed Bylaw No. 530 “Accessory Dwelling Units”.

In discussion the following items were noted:

- A Trustee expressed concern that the staff report does not include intent to find a path forward to legalize Accessory Dwelling Units (ADU’s) and expand the definition of ADU’s;
- A Trustee expressed concern that a minimal number of lots would be allowed to have ADU’s after the lots within the North Salt Spring Waterworks District and lots that are within moderate to high salt water intrusion risk areas are excluded from Schedule 1;

- A Trustee expressed concern that here is a risk that Executive Committee will not approve Bylaw 530 as proposed;
- A Trustee expressed support to proceed with Bylaw 530 without amendments and then proceed to the important work to increase housing.

The meeting moved to an in-camera session at 1:48 p.m. See item 17 – Closed Meetings. The meeting returned to a regular session at 2:35 p.m.

**SS-2023-126**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee rescind second reading of proposed “Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022”.

**CARRIED**  
**Trustee Harris OPPOSED**

**SS-2023-127**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request a new Schedule for Accessory Dwelling Units by duplicating Schedule I by removing all lots that are located within the North Salt Spring Waterworks District boundary and any other water service district as of October 12, 2023; and moderate to high salt water intrusion risk areas as indicated on the GIS Modelling of Sea Water Intrusion Risk along British Columbia’s Coast by Sivak and Wei dated 2021.

**CARRIED**  
**Trustee Harris Opposed**

**SS-2023-128**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to work in cooperation with relevant agencies to complete the Proof of Water Decision Tree and any relevant mapping for accessory dwelling units as part of the OCP/LUB review project.

**CARRIED**  
**Trustee Harris Opposed**

**14.2 OCP/LUB Project Notice of Motion**

Trustee Patrick spoke to the importance of equity based public engagement and to be aware of power and privilege.

**SS-2023-129**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee take immediate action to move beyond the now out dated practice of simple 'inclusion' in public processes and begin a practice of 'equity in participation' for all its public engagement processes and this will be accomplished by:

1. Directing staff to prepare a Terms of Reference and Request for Proposals for LTC approval to source qualified professionals to develop an equity-based public engagement strategy for the organization that adheres to the IAP2 Core Values for the Practice of Public Participation, and subsequently developing and implementing aligned public engagement work plans for the Official Community Plan/Land Use Bylaw Review and Ganges Village Planning projects, and
2. Allocating appropriate public engagement funding for projects currently underway.

**CARRIED**

**Trustee Harris Opposed**

**15. NEW BUSINESS**

**15.1 Salt Spring Island Local Trust Committee liaison to the Salt Spring Island Fire Protection District**

Trustee Patrick noted at the July 12, 2023 a Salt Spring Island Fire Protection District Trustee requested the LTC to appoint a liaison to the Salt Spring Island Fire Protection District.

**SS-2023-130**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee appoint Trustee Harris to be the Salt Spring Island Local Trust Committee liaison to the Salt Spring Island Fire Protection District.

**CARRIED**

**16. REPORTS**

**16.1 Policy and Standing Resolutions List**

The report was received.

**16.2 Future Projects Report dated October 2023**

The report was received.

**16.3 Active Projects Report dated October 2023**

A Trustee advised the intention of the Proof of Water Bylaw project was to support clustered, small housing complexes although it was not designed that way. RPM Hutton reported staff would provide an update on the Proof of Water Bylaw project at a future meeting. A Trustee asked for an update regarding an item dated Sept. 6, 2022 regarding "Draft Lake Weston Study received, referred to various agencies and organizations; and to

coordinate a discussion with POLIS and other groups for Water Sustainability Act considerations” and noted this is an important step that could potentially lead to a pilot co-managed watershed project. RPM Hutton will look into the item and provide an update at a future meeting.

The report was received.

#### **16.4 Applications with Status Report dated October 2023**

It was noted staff would forward Agricultural Land Reserve (ALR) non-farm use application referral responses to the LTC when received.

The report was received.

#### **16.5 Expense Report dated August 2023**

The report was received.

#### **16.6 Islands Trust Conservancy Board Report – None**

### **17. CLOSED MEETING**

#### **17.1 Motion to Close the Meeting**

##### **SS-2023-131**

At 1:48 p.m., **It was MOVED and SECONDED** that the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Section 90 (1) (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and that staff be invited to remain.

**CARRIED**

#### **17.2 Rise and Report - None**

### **18. UPCOMING MEETINGS**

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled on November 16, 2023 at 9:30 a.m. at the SD64 Learning Hub, 122 Rainbow Road. The next Town Hall meeting of the Salt Spring Island Local Trust Committee is scheduled on November 15, 2023 at 5:00 p.m. at the Salt Spring Island Golf Club, 805 Lower Ganges Road. Please see the meeting calendar on the Islands Trust website at [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca) for current meeting information and location.

### **19. ADJOURNMENT**

**By general consent** the meeting adjourned at 3:16 p.m.

---

Timothy Peterson, Chair

**CERTIFIED CORRECT:**

---

Sarah Shugar, Recorder

DRAFT

**From:** Mielle Chandler [REDACTED]  
**Sent:** Saturday, October 7, 2023 9:32 AM  
**To:** Laura Patrick; Timothy Peterson; Jamie Harris; SSInfo  
**Subject:** Re: rainwater catchment advocacy

Dear Local Trust Committee,

To follow up on my recent letter regarding rainwater catchment regulation: Our province has just announced that it is amending the restrictive rules around water utilities to enable more than one "hook-up" to a rainwater catchment system.

Therefore, now is an important time to contact the province and ask for a system similar to that of Washington State which allows four "hook-ups" for residential rainwater catchment systems.

This is an especially important "ask" for the future affordable housing. As you are aware, housing becomes more affordable when multiple individuals or households share the cost of utility infrastructure. It becomes less affordable when individuals or households are forced, (in order to comply with regulations), to each install their own utility infrastructure.

Thank you,  
Mielle Chandler  
[REDACTED]

On Tue, Oct 3, 2023 at 8:25 PM Mielle Chandler [REDACTED] wrote:

Dear Salt Spring Island Local Trust Committee,

As one of the contractors on the island who installs rainwater catchment systems, it has come to my attention that Island Health, (the authority regulating rainwater catchment in our area), has placed what seem to be unnecessary limits on potable catchment systems.

In Washington State landholders are allowed to install a single rainwater catchment system which services up to four dwelling units.

In the Island Health jurisdiction of BC, however, landholders are restricted to servicing only \*one\* dwelling unit per rainwater catchment system.

Given that Salt Spring will (hopefully!) be legalizing ADUs (accessory dwelling units), and, also, given the prevalence of working people living in trailers and tiny houses on our island, being restricted to one dwelling unit per catchment system is cost prohibitive. As you are undoubtedly aware, a potable rainwater catchment system requires significant investment in filtration and tanks, as well as in ongoing maintenance.

If Washington State can allow for up to four dwelling units on a single rainwater catchment system, why, on the West Coast of BC, can we not do the same?

In order to support both the affordability of housing and ecological sustainability, please consider asking Planning Staff to communicate with Island Health to request rainwater catchment regulatory parameters similar to that of Washington State.

Thank you for considering this issue and suggestion,

Mielle Chandler



October 10, 2023

Saltspring Island Botanimed inc.  
186 Atkins Rd., Saltspring Island  
B.C. V8K 2R5.

To: Islands Trust

Saltspring Island Office

1-500 Lower Ganges Rd

Saltspring Island, B.C, V8K 2N8

Attn; Trustees

Re: Saltspring Island Botanimed inc. Cultivation licensing

Dear Trustees,

The purpose of this letter is to notify you that our facility located at 186 Atkins Rd. has revoked their license from Health Canada under the Cannabis Act and its Regulations, to propagate, cultivate, and harvest Cannabis. This standard cultivation license is identified as LIC-LKN32QV5CD-2019 and has been revoked by our request. We no longer have any cannabis, plants or products present at our facility.

If we can answer any questions or provide you with any information, please do not hesitate to contact us. I can be reached at any time on my cell (number 604-803-7701).

We would appreciate an acknowledgement that you have received this letter.

Thank you for your service.

Chris Schmah

A handwritten signature in cursive script that reads "Chris Schmah".

President and Senior Responsible Person in Charge.

**From:** Timothy Peterson  
**Sent:** Wednesday, October 11, 2023 12:50 PM  
**To:** Salt Spring Island Local Trust Committee  
**Subject:** Fw: Long-Term Rentals on SSI

The writer has asked me to forward this email to the LTC.

Tim

---

**From:** [REDACTED]  
**Sent:** October 11, 2023 12:25 PM  
**To:** Timothy Peterson  
**Subject:** Long-Term Rentals on SSI

Hello Mr Peterson and other Trustees,

I would like to see the minimum Long-Term Rental (LTR) regulation changed from one month to at least four months. I've heard someone in govt state one year! Fine!!

We have a [REDACTED] advertising a daily rate with the caveat for one month. Not one renter ever stayed one month & we have yet to see a Form K.

Is there any local support for extending the minimum LTR?

Thank you.

Valerie Watkins

[REDACTED]



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

Toll Free via Enquiry BC in Vancouver (604) 660-2421.  
Elsewhere in BC **1-800-663-7867**

Email [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca)

Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

October 23, 2023

File No.: 01-0110-20

Dan Ovington, Manager  
Salt Spring Island Parks and Recreation Commission  
108-121 McPhillips Ave, Salt Spring Island, BC  
V8K 2T6

Via e-mail: [dovington@crd.bc.ca](mailto:dovington@crd.bc.ca)

**Re: Rural Economic Diversification and Infrastructure Program – Ganges Harbourwalk**

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

That the Salt Spring Island Local Trust Committee request staff to prepare a letter of support for the Ganges Harbourwalk as requested in the correspondence letter received from the CRD Parks and Recreation Manager dated September 22, 2023.

The SSI LTC supports the Capital Regional District's, Salt Spring Island Parks, Arts, Recreation & Culture Ganges Harbourwalk Revitalization Project. Ganges Village is the economic centre and a crucial pillar of island life for the community on Salt Spring Island. Activities like the Saturday Market celebrate its agriculture, arts and craft traditions and roots within the community of Salt Spring Island.

The Ganges Harbourwalk Revitalization Project is a plan to upgrade and revitalize the derelict boardwalk. Completing this decades old project will restore community pride and provide a key link for visitors to the surrounding businesses, accommodations and marinas. The SSI LTC sees this initiative as support for the economic resiliency of this rural island community.

Please accept this letter as formal recognition of the value of this project in helping PARC successfully obtain grant funding to assist in the revitalizing of this community.

Yours sincerely,

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

cc: Salt Spring Island Local Trust Committee  
Islands Trust Executive Committee  
Islands Trust Website



1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8  
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Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

October 24, 2023

File No.: 11- 5020-30

Via e-mail: [harryb@gisra.ca](mailto:harryb@gisra.ca)

Harry Barnes  
Executive Director  
Gulf Islands Seniors Residence Association  
121 Atkins Rd.  
Salt Spring Island, BC V8K 2X7

Dear Harry Barnes:

**Re: BC Housing Community Housing Program**

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

“That the Salt Spring Island Local Trust Committee request staff to prepare a letter of support for the Gulf Islands Seniors Residents Association (GISRA) BC Housing Community Housing Program application for 164 Kings Lane.”

The SS LTC recognizes that there is a severe gap in affordable and available housing in our island community. We support the Gulf Islands Seniors Residence Association’s application to the BC Housing Community Housing Program and believe that this project will contribute to serving the greatest needs in the community.

Yours sincerely,

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

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

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



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

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Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

October 24, 2023

File No.: 11- 5020-30

Via e-mail: [trustees@saltspringfire.com](mailto:trustees@saltspringfire.com)

Rollie Cook  
Trustee Chair  
Salt Spring Island Fire Protection District  
105 Lower Ganges Road,  
Salt Spring Island BC V8K 2T1

Dear Rollie Cook:

**Re: Salt Spring Island Local Trust Committee liaison to the Salt Spring Island Fire Protection District**

At the July 12, 2023 special meeting of the Salt Spring Island Local Trust Committee (SS LTC) Salt Spring Island Fire Protection District (SSIFPD) Trustee Robin Williams spoke to the progress on the fire hall. They also asked if a member of the SS LTC could become a representative to the SSIFPD.

To that end, the SS LTC passed the following resolution on October 12, 2023,

That the Salt Spring Island Local Trust Committee appoint Trustee Harris to be the Salt Spring Island Local Trust Committee liaison to the Salt Spring Island Fire Protection District.

Trustee Harris can be reached directly via email at [jharris@islandstrust.bc.ca](mailto:jharris@islandstrust.bc.ca).

Our staff look forward to assisting with the further development of the new fire hall as we all know it will be a significant public facility that will benefit Salt Spring Islanders.

Yours sincerely,

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

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Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

October 30, 2023

File No: 11-5770-30-10

Via e-mail: [FIN.minister@gov.bc.ca](mailto:FIN.minister@gov.bc.ca)

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

Dear Minister Conroy,

**Re: Speculation and Vacancy Tax**

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

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

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

Yours sincerely,

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

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

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

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

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

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

Andrew Walter  
Quality Assurance  
Salt Spring Cannabis  
[andrew.w.walter@gmail.com](mailto:andrew.w.walter@gmail.com)  
778-350-1128  
150 Suffolk Rd. V8K 1L8  
Salt Spring Island, B.C.

November 6<sup>th</sup>, 2023

Chris Hutton  
Regional Planning Manager, Salt Spring Office  
Islands Trust  
Email: [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca)  
Phone: 250-537-9144  
Address: #1 – 500 Lower Ganges Rd. Salt Spring Island, B.C. V8K 2N8

Dear Chris,

I hope this letter finds you well. I would like to formally inform you that I, Andrew Walter, under a limited corporation, with the trade name Salt Spring Cannabis, am applying for a federal Micro Cannabis Cultivation and Processing License with Health Canada. The application is registered in the Cannabis Tracking and Licensing System (CTLS), under License Application ID APP-UTJLDE7WP3.

The property fixed to the license application has been previously approved as a “zoned for cannabis use” by the CRD and Islands Trust. The address is as follows;

150 Suffolk Rd.  
Salt Spring Island, B.C.  
V8K 1L8

The facility to be used at this address is a purpose built 3000 sq.ft. steel building with perimeter fencing.

Nothing is required of you at this time. This is a notification that will be attached in the application, as required by Health Canada. Please feel free to contact me if you have any questions or concerns. Thank you.

Kind Regards,

Andrew Walter

## Follow Up Action Report

### Salt Spring Island

#### 18-May-2023

Activity	Responsibility	Dates	Status
<p>1 SS-DVP-2022.12 - J. Litke - 744 Lower Ganges Road &amp; Baker Road, SSI That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2022.12 and direct that staff not issue the permit until a covenant consistent with the draft covenant in Attachment 6 of the report from Planner Baugh, dated May 18, 2023 is registered on title.</p> <p>That the Salt Spring Island Local Trust Committee direct staff to forward correspondence received and concerns raised in relation to application SS-DVP-2022.12 to the Ministry of Transportation and Infrastructure Subdivision Approving Officer. DONE</p> <p>08-Nov-2023 - Applicant haven't responded yet.</p>	<p>Charly Caproff Rob Pingle</p>		<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

#### 18-May-2023

Activity	Responsibility	Dates	Status
<p><b>2</b> Official Community Plan Project Charter preview - Staff Report</p> <p>That the Salt Spring Island Local Trust Committee allocate OCP/ LUB project funding and request staff to develop in coordination with a qualified Indigenous relations professional to support early dialogue and relationship development, to initiate dialogue, identify preliminary engagement preferences and develop an Indigenous relations approach for the LTC Projects and Housing Accelerator Fund at the staff to staff and leadership to leadership level.</p> <p>Ongoing</p> <p>Sept 6, 2023 - RFP in process</p>	<p>Chris Hutton</p> <p>Louisa Garbo</p>	<p>Target: 31-Dec-2023</p>	<p>In Progress</p>
<p><b>3</b> Ganges Village Planning - Staff Report</p> <p>That the Salt Spring Island Local Trust Committee hold the Ganges Village Area Plan project in abeyance to allow the OCP/LUB project to evaluate and consider Village Containment Boundaries to manage growth and settlement patters.</p> <p>Deadline extended</p> <p>Pending budget approval.</p>	<p>Louisa Garbo</p>	<p>Target: 31-Mar-2024</p>	<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

#### 22-Jun-2023

Activity	Responsibility	Dates	Status
<p><b>1</b> Clean and Safe Harbours Initiative</p> <p>That the Salt Spring Island Local Trust Committee request staff to work with CRD staff to explore the potential to expand the Saanich Peninsula Waterways Environmental Action Service to include the Salt Spring Island Local Trust area and to report back to the LTC.</p>	Chris Hutton	Target: 31-Dec-2023	In Progress
<p><b>2</b> Clean and Safe Harbours Initiative</p> <p>That the Salt Spring Island Local Trust Committee request staff to review the Clean and Safe Harbours Initiative and report back to the LTC at a future meeting.</p>	Chris Hutton	Target: 16-Nov-2023	In Progress
<p><b>3</b> - Staff will invite the Agricultural Alliance and Agricultural Advisory Planning Committee to a Special Meeting held in the fall 2023.</p>	Rob Pingle	Target: 16-Nov-2023	Completed

#### 13-Jul-2023

Activity	Responsibility	Dates	Status
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## Follow Up Action Report

### Salt Spring Island

#### 13-Jul-2023

Activity	Responsibility	Dates	Status
<p>1 Salt Spring Island Watershed Protection Alliance</p> <p>That the Salt Spring Island Local Trust Committee endorse Salt Spring Island Watershed Protection Plan - Phase 2, per Attachment 1 of the staff report dated July 13, 2023.</p> <p>That Salt Spring Island Local Trust Committee refer the draft Salt Spring Island Watershed Protection Alliance 2023/24 Work Plan to SSIWPA for review, per Attachment 2 of the staff report dated July 13, 2023.</p> <p>That Salt Spring Island Local Trust Committee request staff to use the special tax requisition amount of \$43,500 to work with the Capital Regional District (CRD) to facilitate the transition of the Salt Spring Island Watershed Protection Alliance to the CRD.</p>	Anthony Fotino	Target: 31-Mar-2024	In Progress

#### 14-Sep-2023

Activity	Responsibility	Dates	Status
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## Follow Up Action Report

### Salt Spring Island

14-Sep-2023

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

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## Follow Up Action Report

### Salt Spring Island

#### 14-Sep-2023

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

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#### 12-Oct-2023

Activity	Responsibility	Dates	Status
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## Follow Up Action Report

### Salt Spring Island

#### 12-Oct-2023

Activity	Responsibility	Dates	Status
<p>1 That the Salt Spring Island Local Trust Committee request staff to send a letter from the LTC Chair to Honourable Katrine Conroy Minister of Finance and copy Honourable Ravi Kahlon Minister of Housing which references the September 7, 2023 letter from Colin Plant, CRD Board Chair to Minister Conroy, and requests the province to examine the projected effect of the Speculation and Vacancy Tax on the housing conditions on Salt Spring Island, before considering including the Salt Spring Island Electoral Area in the Speculation and Vacancy Tax taxable area.</p>	<p>Chris Hutton Rob Pingle</p>	<p>Target: 16-Nov-2023</p>	<p>Completed</p>
<p>2 That the Salt Spring Island Local Trust Committee request staff to prepare a letter of support for the Ganges Harbourwalk as requested in the correspondence letter received from the CRD Parks and Recreation Manager dated September 22, 2023.</p>	<p>Chris Hutton Rob Pingle</p>	<p>Target: 26-Oct-2023</p>	<p>Completed</p>
<p>3 That the Salt Spring Island Local Trust Committee request staff to prepare a letter of support for the Gulf Islands Seniors Residents Association (GISRA) BC Housing Community Housing Program application for 164 Kings Lane.</p>	<p>Chris Hutton Rob Pingle</p>	<p>Target: 16-Nov-2023</p>	<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

**12-Oct-2023**

Activity	Responsibility	Dates	Status
<p>4 That the Salt Spring Island Local Trust Committee request staff to work with the Gulf Islands Seniors Residents Association (GISRA) to review existing zoning and permits on title for compliance with the BC Housing Community Housing Program application for 164 Kings Lane and request staff to report back to the LTC.</p>	Chris Hutton		Completed
<p>5 SS-ALR-2023.1 - B. Taylor - 271 Beddis Road, SSI That the Salt Spring Island Local Trust Committee supports application SS-ALR-2023.1 and requests staff to forward the application to the Agricultural Land Commission for further consideration (271 Beddis Road).</p>	Charly Caproff		Completed
<p>6 SS-CL-2023.5 - D. McKerrell - Saanich Inlet That the Salt Spring Island Local Trust Committee receive the referral request for a Residential Use Crown Lease application (Referral No. 160881170 - 004), and direct staff to respond to the referral, indicating that the interests of the Islands Trust are unaffected by this application.</p>	Charly Caproff		Completed
<p>7 SS-DVP-2021.23 - S. Shalhaf - 150 Margolin Drive, SSI That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit SS-DVP-2021.23 (150 Margolin Drive).</p>	Charly Caproff Rob Pingle		Completed

## Follow Up Action Report

### Salt Spring Island

#### 12-Oct-2023

Activity	Responsibility	Dates	Status
<p><b>8</b> SS-DVP-2023.4 - J. Shatford - 246 Bridgman Road, SSI That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.4 (246 Bridgman Road).</p>	<p>Chris Buchan Rob Pingle</p>		<p>Completed</p>
<p><b>9</b> SS-DVP-2023.10 - J. Litke - Lot A Hillgrove Road, SSI That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2023.10 (Lot A Hillgrove Road).</p>	<p>Chris Buchan Rob Pingle</p>		<p>Completed</p>
<p><b>10</b> SS-DVP-2023.12 - M. Langley - 1281 Fulford-Ganges Road, SSI That the Salt Spring Island Local Trust Committee approve Development Variance Permit SS-DVP-2023.12 (1281 Fulford-Ganges Road).</p> <p>That the Salt Spring Island Local Trust Committee, with reference to Section 512(2) of the Local Government Act, approve the frontage relief from the required 10 percent to 1.15 percent for proposed Lot B as shown on the plan of subdivision in Attachment 3 of the report from Planner Buchan dated October 12, 2023 (1281 Fulford-Ganges Road).</p>	<p>Chris Buchan Rob Pingle</p>		<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

#### 12-Oct-2023

Activity	Responsibility	Dates	Status
<p><b>11</b> SS-DP-2023.4 &amp; SS-DVP-2023.11 - S. Purdy - 319 Upper Ganges Road, SSI</p> <p>That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2023.4 (319 Upper Ganges Road).</p> <p>That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit SS-DVP-2023.11 (319 Upper Ganges Road).</p>	<p>Chris Buchan Rob Pingle</p>		<p>Completed</p>
<p><b>12</b> SS-RZ-2022.1 - M. Gelb - Sec 50 Musgrave Road</p> <p>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).</p> <p>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).</p>	<p>Anthony Fotino Rob Pingle</p>		<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

**12-Oct-2023**

Activity	Responsibility	Dates	Status
<p><b>13</b> Proposed Bylaw 530 - Accessory Dwelling Units</p> <p>That the Salt Spring Island Local Trust Committee rescind second reading of proposed "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022".</p> <p>That the Salt Spring Island Local Trust Committee request a new Schedule for Accessory Dwelling Units by duplicating Schedule I by removing all lots that are located within the North Salt Spring Waterworks District boundary and any other water service district as of October 12, 2023; and moderate to high salt water intrusion risk areas as indicated on the GIS Modelling of Sea Water Intrusion Risk along British Columbia's Coast by Sivak and Wei dated 2021.</p>	<p>Chris Hutton Rob Pingle</p>	<p>Target: 16-Nov-2023</p>	<p>In Progress</p>
<p><b>14</b> That the Salt Spring Island Local Trust Committee request staff to work in cooperation with relevant agencies to complete the Proof of Water Decision Tree and any relevant mapping for accessory dwelling units as part of the OCP/LUB review project.</p>	<p>Chris Hutton Louisa Garbo</p>		<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

**12-Oct-2023**

Activity	Responsibility	Dates	Status
<p><b>15</b> OCP/LUB Project Notice of Motion</p> <p>That the Salt Spring Island Local Trust Committee take immediate action to move beyond the now out dated practice of simple 'inclusion' in public processes and begin a practice of 'equity in participation' for all its public engagement processes and this will be accomplished by:</p> <ol style="list-style-type: none"> <li>1. Directing staff to prepare a Terms of Reference and Request for Proposals for LTC approval to source qualified professionals to develop an equity-based public engagement strategy for the organization that adheres to the IAP2 Core Values for the Practice of Public Participation, and subsequently developing and implementing aligned public engagement work plans for the Official Community Plan/Land Use Bylaw Review and Ganges Village Planning projects, and</li> <li>2. Allocating appropriate public engagement funding for projects currently underway.</li> </ol> <p>cite "Beyond Inclusion - Equity in Public Engagement, A Guide for Practitioners", Morris J. Wosk Centre for Dialogue</p>	<p>Chris Hutton Louisa Garbo</p>	<p>Target: 16-Nov-2023</p>	<p>In Progress</p>
<p><b>16</b> That the Salt Spring Island Local Trust Committee appoint Trustee Harris to be the Salt Spring Island Local Trust Committee liaison to the Salt Spring Island Fire Protection District.</p>	<p>Chris Hutton Rob Pingle</p>		<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

#### 12-Oct-2023

Activity	Responsibility	Dates	Status
<p><b>17 SS-RZ-2022.1 - M. Gelb - Sec 50 Musgrave Road</b></p> <p>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.</p> <p>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).</p> <p>Referral process started 06-Nov-2023</p>	<p>Anthony Fotino Rob Pingle</p>	<p>Target: 31-Jan-2024</p>	<p>In Progress</p>



DATE OF MEETING: November 16, 2023  
TO: Salt Spring Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Salt Spring Island Team  
COPY: Chris Hutton, Regional Planning Manager  
SUBJECT: ALR Application for Non-Farm Use and Subdivision  
Applicant: Jordan Litke  
Location: 710 Cranberry Road

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee refer application SS-ALR-2023.2 to the Agricultural Advisory Planning Committee (AAPC) for comment on the application generally as well as specifically on the following aspects:
  - a. The potential changes to existing drainage patterns with the creation of two bare land strata lots adjacent to ALR land on the property.
  - b. The proposed common road access (“Common Property Access Route”) on ALR land for two bare land strata lots on non-ALR land.
  - c. Whether the Salt Spring Local Trust Committee should support the subdivision and non-farm use application.

## REPORT SUMMARY

The purpose of the application is to create a two (2) lot bare land strata subdivision. The proposed bare land strata lots (Proposed Strata Lot 1 and Proposed Strata Lot 2) and proposed limited common property to Proposed Strata Lot 2 are sited outside of the ALR. Approximately 0.52 ha (1.3 ac) of ALR land is requested for highway access to proposed Strata Lot 1 and Strata Lot 2 via a common property access route.

Staff recommend referral to the Agricultural Advisory Planning Committee (AAPC) because the use is substantively consistent with land use regulations and the proposed subdivision is not anticipated to negatively impact existing and future agricultural production. The proposed access route utilizes an existing driveway, minimizing overall impact to ALR land.

## BACKGROUND

The property is located at 710 Cranberry Road and is 41.9 ha (103.5 ac) in area. The application is proceeding as the owner intends to subdivide the property, creating a two (2) lot bare land strata subdivision consistent with Subsection 3(2)(a)(ii) of the *Agricultural Land Reserve General Regulation, 2020*. The proposed lots are located on non-ALR land and require highway access through ALR land, a non-farm use. According to the applicant, they would utilize the existing driveway on ALR land for the proposed common property access route to proposed

Strata Lot 1 And Strata Lot 2 (Figure 1). They state that the existing driveway is comprised of gravel and that they do not intend to pave the road. On the property there is an existing single-family dwelling and a farmhouse which, according to the applicant, is no longer suitable for habitation. According to the applicant, approximately 4.5 ha (11.1 ac) of land within the ALR is currently used for cattle grazing. They state that the owner plans to increase agricultural activity to include a 1 ha (2.5 ac) fruit orchard and a 1.5 ha (3.70 ac) community garden. Additional site context and plans can be found as Attachment 1 and Attachment 2. The application letter can be found as Attachment 3. Staff recommend that this application be referred to the AAPC as per Subsection B.6.2.2.18 of the Salt Spring Island Official Community Plan No. 434, 2008.

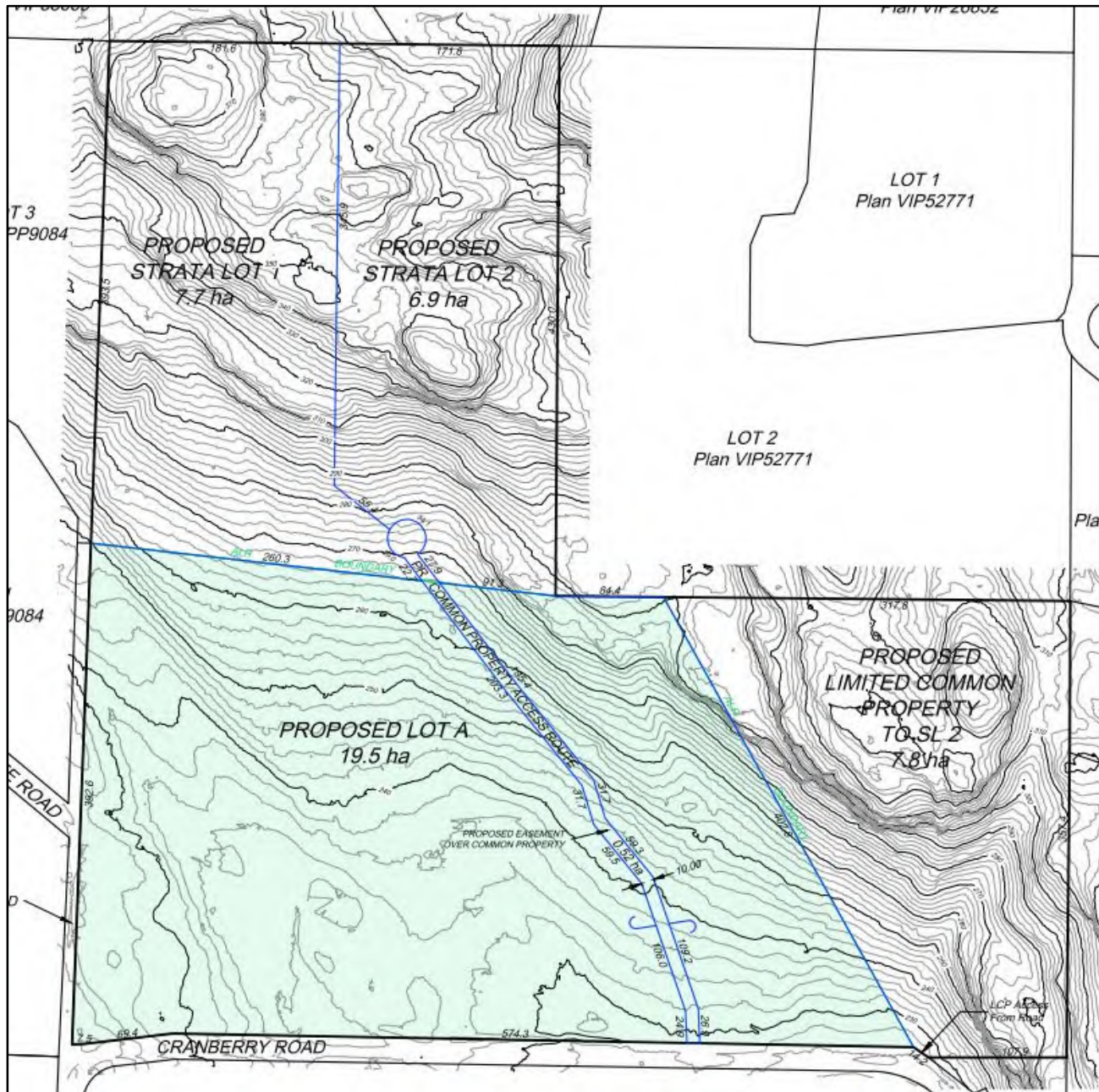


Figure 1 – Proposed Subdivision of Subject Property

 ALR land

## ANALYSIS

### Policy/Regulatory

#### ***Islands Trust Policy Statement:***

The following ITPS policies are relevant to the application:

- 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.
- 4.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of in adjacent properties to minimize any adverse affects on agricultural land.

#### ***Official Community Plan:***

The subject property is designated Watershed-Agriculture (WA) and Uplands (U) in the Salt Spring Island OCP. The proposed subdivision does not result in lots within two designations.

The following agricultural land use policies are relevant to this ALR application:

- B.6.2.2.15 The Local Trust Committee should only support the use of lands in the Agriculture or Watershed-Agriculture Designations for road access to other lands if the proposed road does not interfere with farming capability.
- B.6.2.2.18 The Local Trust Committee encourages subdivision layouts that reduce the potential for conflict with farming. When subdivisions are proposed for land that drains towards agricultural lands, the staff shall request that the Subdivision Approving Officer consider how changes to natural drainage patterns could affect agricultural activities. Such applications may be referred to the Agricultural Advisory Committee for advice and the advisory committee's suggestions for the protection of farming operations will be forwarded to the Subdivision Approving Officer for consideration.



Figure 2 – 10 m Contours

The road access as proposed utilizes an existing driveway, minimizing impact to future agricultural activity. Desktop research shows that the proposed residential lots may drain towards ALR land (Figure 2). Therefore staff recommend that the application be referred to the AAPC for comment.

The property is within Development Permit Area 6 – Unstable Slope Hazard and Development Permit Area 7 – Riparian Areas. A DP application would be required as part of the subdivision application process.

The objective of the Uplands designation is to allow very low density residential use and other kinds of low impact development that will sustain the watershed recharge areas, wildlife habitat, forest resource, sensitive environments, open space and recreational potential of lands in the Uplands Designation.

The following Uplands designation policy is relevant to the ALR application:

- B.8.2.2.5 The minimum size of lots and the minimum average size of lots that can be created by subdivision in this Designation will remain the same as indicated by current bylaws. The minimum average size of lots should not be less than 8 ha except in areas zoned Rural, where the minimum average size of lots should not be less than 2 ha.

The subdivision plan as proposed is consistent with the policy above. The total area of the RU1 zoned portion of the property is 22.4 ha (55.4 ac), resulting in a maximum subdivision potential of two (2) lots.

#### ***Land Use Bylaw:***

The property is zoned Rural Upland 1 (RU1) and Agriculture 2 (A2) in the Salt Spring Island Land Use Bylaw No. 355, 1999. The proposed subdivision does not result in lot within two zones. The subdivision layout as proposed substantively meets minimum lot averaging and minimum lot areas for RU1. The proposed subdivision would be subject to conditions, such as a variance for a split lot for Proposed Lot A (Subsection 5.11.1) and a covenant preventing further subdivision for the proposed limited common property lot (Subsection 5.9.3). Additional review would be required upon receiving the subdivision referral.

#### ***Islands Trust Conservancy:***

The property is adjacent to a conservation covenant and has been referred to ITCB for comment.

#### **Issues and Opportunities**

Potential impacts include:

- Impacts to agricultural activities on Proposed Lot A due to future development on the proposed strata lots and;
- Impacts to ALR land with an access route to non-ALR land.

Upland designated land is not intended for high density residential use. Buffering between ALR land and residential lots could be required as part of the subdivision design. The access route is intended to be lower impact, consisting of permeable material (gravel) and would utilize the existing driveway on ALR land. Referral is recommended to the AAPC regarding potential changes to existing drainage with future development activity.

#### ***First Nations***

Mapping indicates that Proposed Lot A and the proposed common property access route overlap with an archaeological site. The applicant has been notified and if this application proceeds to subdivision review, this would be communicated to the Subdivision Approving Officer. Should archaeological material be encountered

during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be required. This may involve the need to hire a qualified archaeologist to monitor the work.

**Rationale for Recommendation**

The recommendation on page one (1) of the report is supported as referral to the AAPC for the proposed subdivision and non-farm use is consistent with OCP policies and may provide guidance to the SS LTC on how to proceed with this application.

**ALTERNATIVES**

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

**1. Request further information**

The Salt Spring Island 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. Proceed No Further**

The Salt Spring Island LTC may decide to not forward the application to the ALC. If this alternative is selected, the Salt Spring Island LTC should state the reasons for not forwarding the subdivision and non-farm use application. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee deny forwarding application SS-ALR-2023.2 to the Agricultural Land Commission for the following reasons ...*

**NEXT STEPS**

If the Salt Spring Island LTC accepts staff’s recommendation, the application will be referred to the AAPC at the next meeting, scheduled for November 30, 2023.

Submitted By:	Charly Caproff, Planner 1	November 7, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 8, 2023

**ATTACHMENTS**

- 1. Site Context
- 2. Maps and Plans
- 3. Application Letter

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

Legal Description	DISTRICT LOT 39, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, EXCEPT PARCEL A (DD 209377I) THEREOF
PID	010-676-511
Civic Address	710 Cranberry Rd Salt Spring Island

### LAND USE

Current Land Use	Agriculture, Residential
Surrounding Land Use	Forestry, Residential

### HISTORICAL ACTIVITY

File No.	Purpose
SS-BP-2018.25	Dwelling
SS-RZ-2019.3	RZ from A2 to A1, amend zoning and land use designation - application withdrawn

### POLICY/REGULATORY

Official Community Plan Designations	The property is designated Watershed-Agriculture (WA) and Uplands (U) in the Salt Spring Island Official Community Plan No. 434, 2008.
Land Use Bylaw	The property is zoned Rural Upland 1 (RU1) and Agriculture 2 (A2) in the Salt Spring Island Land Use Bylaw No. 355, 1999.
Other Regulations	N/A
Covenants	N/A <u>246890G</u> Easement Right of Way
Bylaw Enforcement	N/A

### SITE INFLUENCES

Islands Trust Conservancy	Application has been referred to ITBC for comment. Conservation covenant adjacent to property.
Regional Conservation Plan	The proposal does not impact the objectives and priorities of the Islands Trust conservancy Regional Conservation Plan.
Species at Risk	N/A
Sensitive Ecosystems	Herbaceous Wetland Woodland
Hazard Areas	Low, moderate, high risk steep slope
Archaeological Sites	Mapping indicates that Proposed Lot A and the proposed common property access route overlap with an archaeological site. The applicant has been notified and if this application proceeds to subdivision review, this would be communicated to the Subdivision Approving Officer. Should archaeological

	material be encountered during development, all work should cease and the BC Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be required. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

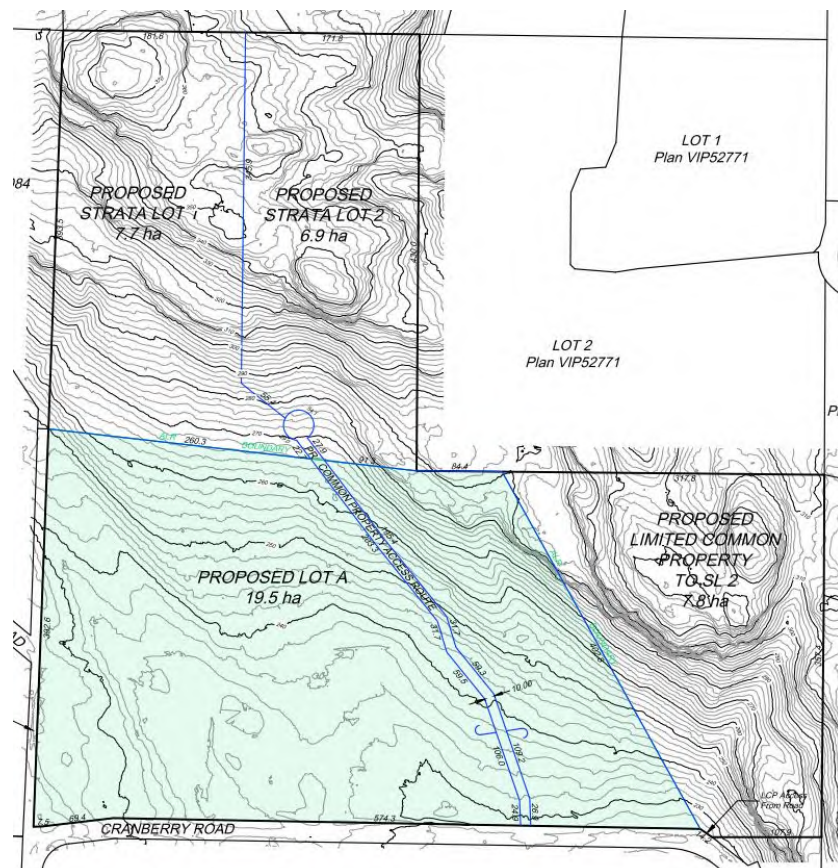
## ATTACHMENT 2 – MAPS AND PLANS

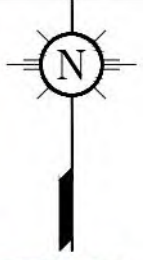
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### 2.1 AERIAL VIEW



### 2.2 PLANS







**Polaris Land Surveying Inc.** ATTACHMENT 3  
204 - 149 Fulford-Ganges Road  
Salt Spring Island, BC, V8K 2T9  
Salt Spring: 250-537-5502  
Toll free: 877-603-7398  
**ssi@plsi.ca**



August 1, 2023


**Re:** Proposed Bareland Strata of 710 Cranberry Road



We are writing on behalf of the owner of this property, Patrick Powers. Approximately 27% of the land (Remainder DL 39) is located within the Agricultural Land Reserve (ALR). Mr. Powers wishes to create a bareland strata within the land outside the ALR, creating two bare land strata lots.

The majority of the non-ALR land does not have public road frontage. As a result, we are seeking permission for a common property access route over an existing driveway within the ALR. The proposed bareland strata and the location of the proposed access route are depicted in the plans included with this application.

There are a few key things to note regarding this request, in particular with respect to the driveway and access route:

-  In the time since he purchased the land he has built a single family dwelling and re-introduced cattle grazing to the land.
- Currently the property is partially developed. In addition to the existing single family dwelling and corresponding yard and garden area, there is also an old farmhouse that is no longer suitable for habitation. The remaining lands are undeveloped.
- The property currently has farm status with BC Assessment, as a portion of the lands within the ALR being used for cattle grazing.
- The owner has plans to further develop the farm use in the future, with an apple orchard for cidery and a community garden and farm stand. The approximate location of the existing and proposed farm use is illustrated on the corresponding farm plan.



- The common property access route follows an existing driveway. The corresponding photos show the current state of the driveway.
- The existing driveway is gravelled and will continue to be gravelled. Some areas may need to be graded and resurfaced.
- We are proposing a 10 metre wide access route, centred on the driveway. This width will allow for modest upgrades to the driveway, if required, as well as the space for 2 or 3 pullouts, to allow vehicles to pass.
- Proposed Lot A will encompass all of the lands within the ALR. Lot A will hold an easement over the common property access route, allowing Lot A unencumbered access throughout the entirety of the access route that is within the ALR.

In summary, this proposed development is designed to have no negative impacts on the agricultural potential of the land. We look forward to your response and answering any questions.

**Sincerely,  
Polaris Land Surveying Inc.**



**Jordan Litke, P.Surv, BCLS**



File No.: SS-DVP-2023.15

x-ref: SS-BOV-2022.1, SS-DVP-2019.5

DATE OF MEETING: November 16, 2023  
TO: Salt Spring Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Salt Spring Island Team  
COPY: Chris Hutton, Regional Planning Manager  
SUBJECT: SS-DVP-2023.15  
Applicant: Richard Margetts  
Location: 351 Mountain Park Dr

## RECOMMENDATION

### 1. That the Salt Spring Island Local Trust Committee deny issuance of SS-DVP-2023.15

## REPORT SUMMARY

The purpose of this report is for the Salt Spring Island Local Trust Committee (LTC) to consider development variance permit application SS-DVP-2023.15 which is seeking to vary:

- the maximum accessory building floor area of 70 sq m (753.5 ft<sup>2</sup>) for a lot less than 1.2 ha (3.0 ac) to legalize an existing accessory building (“Garage-Studio”), increasing the total accessory building floor area to 178 m<sup>2</sup> (1916 ft<sup>2</sup>);
- the minimum setback from the interior side lot line from 3 m (9.8 ft) to legalize an existing accessory structure (“Shed”) that is sited 2.8 m (9.2 ft) from the interior side lot line; and
- the minimum setback from the natural boundary of the sea from 15 m (49.2 ft) to legalize an existing accessory structure (“Gazebo”) which is sited 5.3 m (17.4 ft) from the natural boundary of the sea

Staff recommend denial of this application because the variance as proposed is not considered minor – the total accessory building floor area on the property is 2.5 times greater than what is permitted under existing zoning. The intent of this zoning regulation is to ensure that building massing reflects Salt Spring’s rural character.

## RATIONALE FOR VARIANCE

The owner has supplied a rationale letter, which can be found as Attachment 1. In the letter the owner describes that the additional floor area is requested for retirement projects and activities. They state that the application as proposed complies with the maximum lot coverage permitted and that the previous DVP application did not receive opposition from surrounding neighbours. They suggest that if proposed Salt Spring Island Local Trust Committee, Bylaw No. 355 Land Use Bylaw, 1999, Amendment No. 1, 2022 is approved, that the Garage-Studio could undergo a change of occupancy from an accessory building to an accessory dwelling unit.

As submitted, this is an application for an accessory building, not a building intended for habitation. The application should be considered under existing regulations, not proposed bylaws, as Bylaw 530 has not been adopted by LTC and may not be applicable to this property. Further, a development variance permit cannot vary land use.

## BACKGROUND

The application is proceeding as result of a Capital Regional District (CRD) stop work order that was issued in 2017 for the accessory building (“Garage-Studio”) shown on the site plan in Figure 1. The building was partially constructed at that time. The owners submitted a preliminary review to Islands Trust in 2017 and were informed that a development variance permit (DVP) was required for exceedance of permitted accessory floor area. A development variance permit application to permit 178 m<sup>2</sup> (1916 ft<sup>2</sup>) of accessory building area was presented at the February 18, 2020 Salt Spring Island LTC meeting. Although a stop work order had been issued, the building exterior was largely completed at this time. Staff were not in support of the application as the accessory building area was found to be a substantial increase to what is permitted by the Land Use Bylaw (LUB). The Salt Spring Island LTC denied issuance of the permit at the meeting. There is an active bylaw enforcement file on the property with respect to the siting of the gazebo and the exceedance of permitted accessory building floor area.

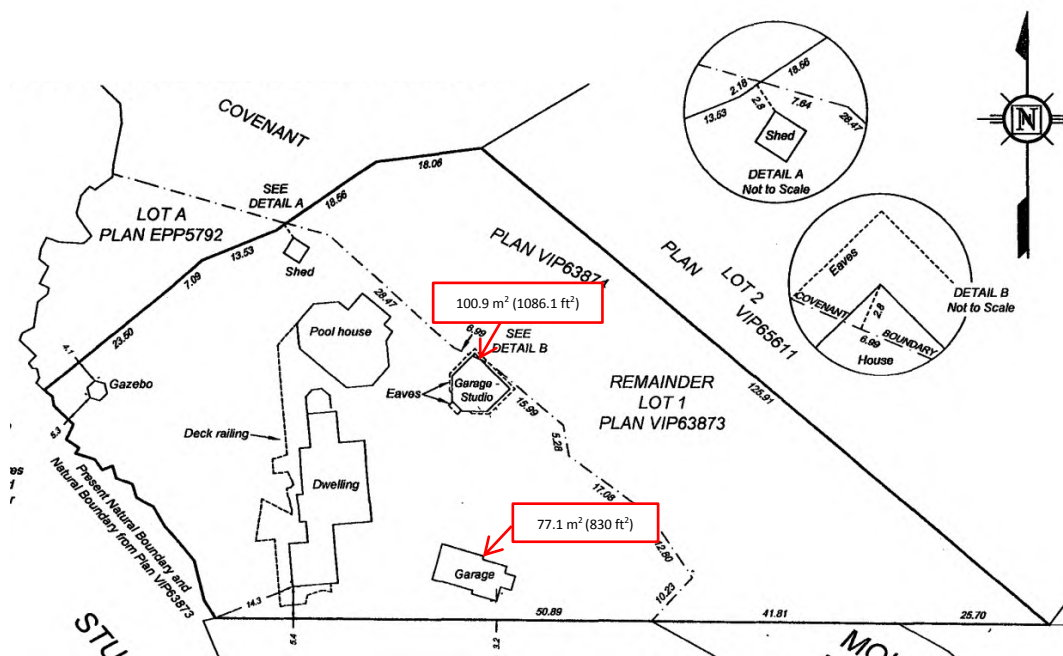


Figure 1 – Site Plan

A board of variance (BOV) was applied for in 2022 and was eventually closed in 2023 due to inactivity. The planner provided the applicant with various options to proceed, which included:

- Proceed with a BOV application for only the Gazebo and Shed and remove the Garage-Studio.
- Proceed with a BOV application that includes the Garage-Studio and provide rationale that all three variances are minor and that by not granting the variances, this would cause undue hardship.
- Re-apply for a DVP that includes the Gazebo, Shed, and Garage-Studio. For this option, the planner recommended that the application should include a reduction in the overall floor area of accessory

buildings on the property. The planner suggested that the owner remove the existing garage and the gazebo to demonstrate that they were willing to move towards bylaw compliance.

The total of 178 m<sup>2</sup> (1916 ft<sup>2</sup>) of accessory building floor area includes the following buildings: the 100.9 m<sup>2</sup> (1086.1 ft<sup>2</sup>) Garage-Studio and the 77.1 m<sup>2</sup> (830 ft<sup>2</sup>) Garage. CRD building permit records show that a building permit was issued for the Garage in 1982 with a floor area of 26 m<sup>2</sup> (280 ft<sup>2</sup>). At the time of building permit issuance, Salt Spring Island Land Use Bylaw No. 14, 1979 was in effect and the property was zoned Rural. Bylaw No. 14 did not specify maximum accessory building or structure floor area, however it is unknown when the floor area was increased to 77.1 m<sup>2</sup> (830 ft<sup>2</sup>) and whether the building would be considered pre-existing non-conforming. Regardless of pre-existing non-conforming status, the construction of the Garage-Studio in 2017 under Bylaw No. 355, 1999 both exceeds the maximum of 70 m<sup>2</sup> (753.5 ft<sup>2</sup>) and increases the overall accessory building floor area on the property. The Pool House received a CRD building permit in 1988 when Salt Spring Island Land Use Bylaw No. 123, 1985 was in effect. Under this LUB the following regulation applied:

- (1) Where a structure is attached to the principal building on a parcel by a roof, an open or enclosed structure, a floor or a foundation, it is to be considered a part of the principal building and is not an accessory building.

As the Pool House is attached to the principal dwelling by an open structure (deck), it is exempted from the total accessory building floor area. The Pool House is 177.6 m<sup>2</sup> (1911.7 ft<sup>2</sup>). The Gazebo is exempted from accessory building floor area as it is largely unenclosed (see the LUB definition of floor area for reference) and the Shed is exempted as per Subsection 3.12.5 – the floor area is less than 25 m<sup>2</sup> (269 ft<sup>2</sup>). However the Gazebo and Shed are subject to applicable zoning setback requirements from the natural boundary of the sea and the interior side lot line. Property information and site visit photos can be found as Attachment 2 and Attachment 3.

## **ANALYSIS**

### **Policy/Regulatory**

Section 498 of the *Local Government Act* enables the Local Trust Committee to issue (approve) a DVP in order to vary siting, size, and dimensions of buildings and structures. A DVP may not be used to vary density or land use. In this case, a variance to the maximum floor area regulation and siting regulations are being sought.

### **Official Community Plan (OCP)**

The property is designated Rural Neighbourhoods in the Salt Spring Island Official Community Plan No. 434, 2008 (OCP). A relevant policy for this application includes:

- B.2.5.2.2 Zones within the Rural Neighbourhoods Designation will continue to allow medium density residential development and the other rural uses allowed by existing zoning. Existing commercial and general employment zones will remain, but exceptionally large new commercial or general employment developments should not be allowed in this Designation. Existing zones that allow higher densities, smaller lots and multifamily use will also remain.

The accessory uses are consistent with rural uses permitted by zoning regulations, but the total accessory building floor area exceeds what is permitted in the Rural zone.

The property is within Development Permit Area 6 - Unstable Slopes and Soil Erosion Hazards. There is also a geotechnical covenant on title. The geotechnical report submitted complies with the requirements of DPA 6 and the restrictive covenant (Attachment 4).

### **Land Use Bylaw (LUB)**

As discussed previously, the accessory buildings were constructed when different LUBs were in effect. A summary table can be found below. A DVP is being sought to legalize the existing buildings.

<b>Accessory Building</b>	<b>Applicable Zoning Bylaw and Subsection</b>	<b>Siting or Floor Area</b>
Garage-Studio – constructed in 2017	Bylaw No. 355, 1999	Garage-Studio is 100.9 m <sup>2</sup> (1086.1 ft <sup>2</sup> ), increasing the total accessory building floor area to 178 m <sup>2</sup> (1916 ft <sup>2</sup> ).
Gazebo – planner notes state the structure was constructed in 1985	Bylaw No. 123, 1985:  4.11(1)(a) within 7.6 metres (25 ft.) of the natural boundary of the sea, a lake, a swamp or any other natural watercourse, or within 15.2 metres (50 ft.) if the land is lower than 3 metres (10 ft.) vertical elevation above any natural boundary described above;  Bylaw No. 355, 1999:  4.4.1 No building or structure except a fence, pumphouse or boathouse may be sited within 15 m of the natural boundary of any water body	The Gazebo is sited 5.3 m (17.4 ft) from the natural boundary of the sea. Irrespective of which LUB is referenced, the structure is within the setback.
Shed – unknown construction date	Since zoning has been in effect (1971), there has been a minimum of 3.0 m (10 ft) setback for buildings and structures from the interior side lot line.	The Shed is 2.8 m (9.2 ft) from the interior side lot line.

Table 1 – Summary of Buildings

### Potential impacts of granting to variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits. In this case, the variance as proposed is not considered minor – the owner is seeking to legalize the property’s total accessory building floor area to 2.5 times greater than what is permitted. There are no unique circumstances on the property that rationalize why the property should be permitted a significant increase in accessory building floor area in comparison to similar sized Rural zoned properties. This also creates an expectation that a property owner can develop their land without regard for land use regulations and receive approvals after the fact.

### **Consultation**

DVP notices were circulated to surrounding property owners and residents on October 25, 2023. The notification period will end on November 8, 2023. At the time of writing the report, one submission in support has been received in regards to the application (Attachment 5). Any submissions received after the agenda is

published will be sent to the LTC prior to the November 16<sup>th</sup> meeting and will be raised by the planner at that meeting. The notice and draft permit can be found as Attachment 6 and Attachment 7, respectively.

### **First Nations**

There are areas of archaeological potential on the property and a registered archaeological site within 100 m (328 ft) of the property. The application is for as-built buildings, but if archaeological material is encountered during future development, all work should cease and the BC Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be required. This may involve the need to hire a qualified archaeologist to monitor the work.

### **Rationale for Recommendation**

The recommendation on page one is supported as:

- The application as proposed is not considered a minor variance; and
- From a planning perspective there are no exceptional circumstances on the property that support the additional accessory building floor area

If the application is denied, the applicant may pursue a BOV application. However, as has been communicated to the applicant, the onus is on them to demonstrate that the application is for a minor variance and that compliance with the bylaw would result in undue hardship.

### **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. Approve the application**

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

*That the Salt Spring Island Local Trust Committee approve application SS-DVP-2023.15.*

#### **3. Amend the application to legalize existing structures only and approve as amended.**

The LTC may approve aspects of the application, such as the relaxation of setback requirements for the Gazebo and Shed. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee amend application SS-DVP-2023.15 by removing part 2. a) of the permit, which reads:*

- a) Subsection 3.12.5 which states that with exception of a seasonal cottage or other permitted accessory dwelling unit, the total floor area of all accessory buildings and structures on a lot must not exceed 70.0m<sup>2</sup> (753.5 ft<sup>2</sup>) for lots that are 1.20 ha (3.00 ac) or less in area is varied to legalize an existing accessory building ("Garage-Studio") that is 100.9 m<sup>2</sup> (1086.1 ft<sup>2</sup>) in area, increasing the total accessory building floor area to 178 m<sup>2</sup> (1916 ft<sup>2</sup>).*

*That the Salt Spring Island Local Trust Committee approve application SS-DVP-2023.15, as amended.*

Submitted By:	Charly Caproff, Planner 1	November 1, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 9, 2023

**ATTACHMENTS**

1. Owner Rationale Letter
2. Site Context
3. Maps, Plans, Photographs
4. Geotechnical Report
5. Correspondence
6. Notice
7. Draft Development Variance Permit

Hi Charly. We realize that this does not fit a minor variance and must be considered as a major Variance. When we purchased the property six years ago it lacked an adequate work shop and equipment storage. The garages were not suitable to use as a workshop. Because of our age we were very anxious to move the construction forward.

Going into retirement [REDACTED] we had a wish list of projects and activities that we were hoping to do in our retirement years - Pottery / Wooden boat building / Carpentry / Car restoration - were on our list that we were looking forward to but needed to construct a building to accommodate these activities and felt that we since had [REDACTED] acres of property that a variance would be granted.

The second storey was an afterthought realizing we could do two stories by excavating into the hillside and the 2nd storey houses a shrine [REDACTED].

The rationale that we thought would grant the variance were as follows:

We had 1.96 acres of land and we would be utilizing only 9% site coverage. [REDACTED]

The previous application was not contested by any neighbours. The structure is located in the centre of the property, recessed into the hill side and not obtrusive. Proposed Bylaw #530 may cause the new structure to fall under the definition of "accessory dwelling unit" making it a "permitted accessory dwelling unit" under current subsection 3.12.5, excluding it from the maximum 70M2 requirement.

The proposed Bylaw #530 as well as the current legal non-conforming status of the garage should allow for all structures to remain on the property.

Would appreciate that you cover Bylaw pending option in your report to the committee.

Yours truly

Cam Mackay

## ATTACHMENT 2 – SITE CONTEXT

### LOCATION

Legal Description	LOT 1 SECTION 13 RANGE 4 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP63873, EXCEPT PART IN PLAN EPP5792
PID	023-511-451
Civic Address	351 MOUNTAIN PARK DR

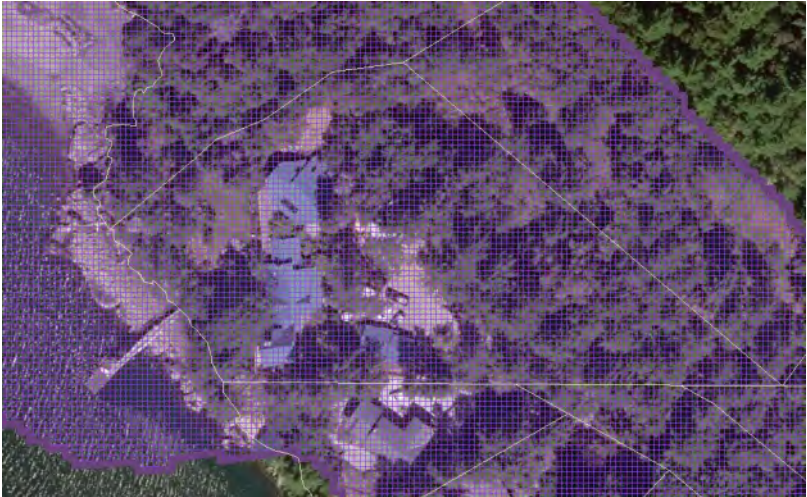
### LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential, Shoreline uses

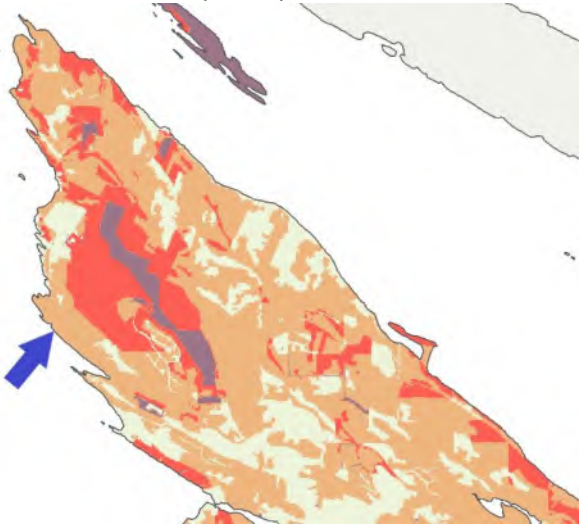


### HISTORICAL ACTIVITY

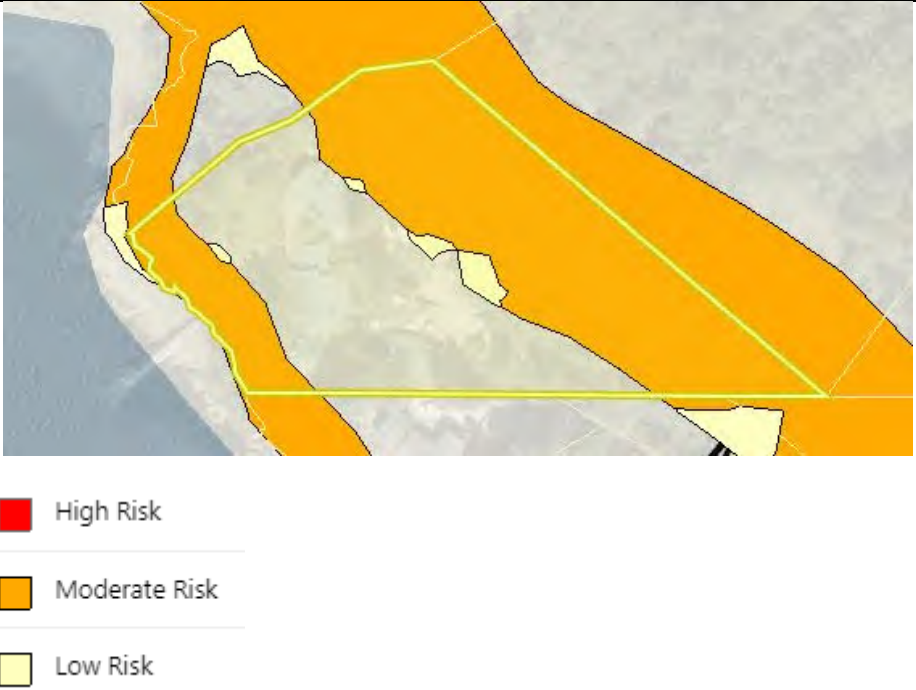

File No.	Purpose
SS-BP-2017.51	To construct a studio/garage (NOT APPROVED)
SS-SUB-2009.3	Boundary Adjustment on Sunset Drive/Mountain Park Drive. Application to add 0.74 hectares (.8 acres) of waterfront to Lot A through a boundary adjustment with Lot B.

### POLICY/REGULATORY

Official Community Plan Designations	<p>RL: Rural Neighbourhoods DPA 6:</p>  <p>DPA 3 Shoreline</p>
Land Use Bylaw	R: Rural
Other Regulations	NSSWWD
Covenants	EK092762 Geo technical covenant (see site plan for location)
Bylaw Enforcement	No

### SITE INFLUENCES

Islands Trust Conservancy	No referral
Regional Conservation Strategy	<p>Identified as medium priority in RCP:</p> 
Species at Risk	No SAR mapped on subject property.
Sensitive Ecosystems	<p>Douglas-fir – Oniongrass</p>  <p>Garry Oak – Moss</p> 

<p>Hazard Areas</p>	 <p> <span style="color: red;">■</span> High Risk  <span style="color: orange;">■</span> Moderate Risk  <span style="color: yellow;">■</span> Low Risk </p>
<p>Archaeological Sites</p>	<p>RAAD mapping indicates archeological potential. 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.</p>
<p>Climate Change Adaptation and Mitigation</p>	<p>Staff do not anticipate significant GHG emission increase as a result of this application.</p>
<p>Shoreline Classification</p>	<p>Rock Shoreline - Low Rock/Boulder</p>
<p>Shoreline Data in TAPIS</p>	 <p>MOUNTAIN</p>

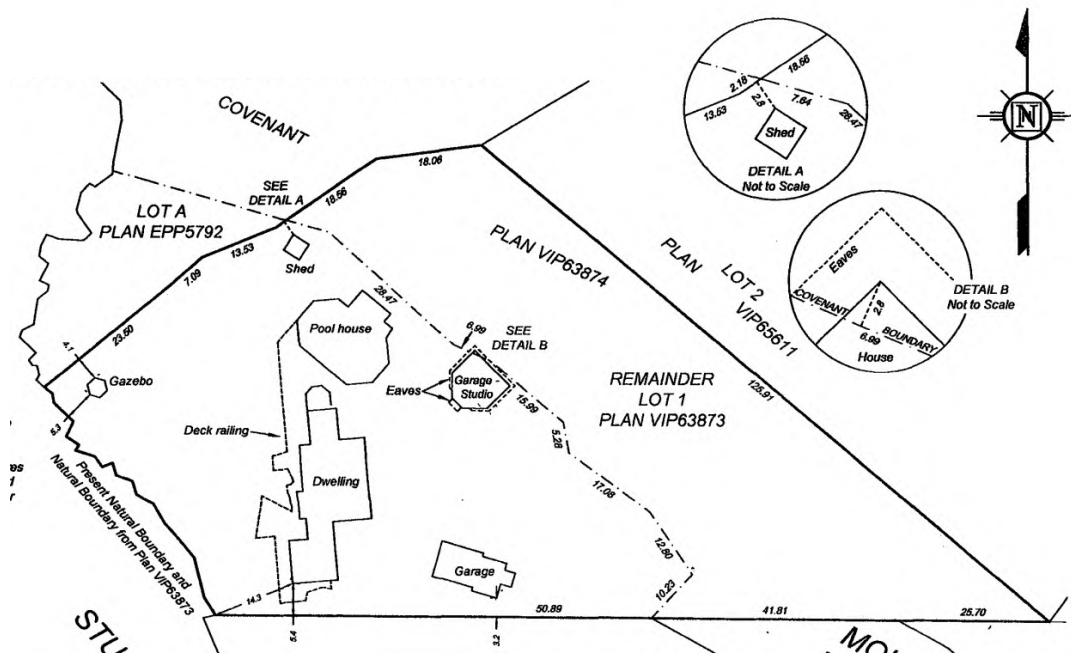
	<ul style="list-style-type: none"><li> Bull Kelp</li><li> Surf Smelt</li><li> Surf Smelt/ Pacific Sandlance</li></ul>
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# ATTACHMENT 3 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

## 3.1 AERIAL VIEW



## 3.2 SITE PLAN AND ELEVATION



### 3.3 SITE VISIT OCTOBER 26, 2023



**GARAGE-STUDIO**



**SHED**



**GAZEBO**





**GARAGE**



22 January 2018

Our Ref: 84

84 letter 2018-01-19.docx



Mr. Cameron Mackay



**Re: Preliminary Geotechnical Assessment**

**Proposed Garage/Studio at 351 Mountain Park Drive, Salt Spring Island**

Dear Sir,

**Introduction**

At your request, we have carried out a Preliminary Geotechnical Assessment at the site of a Proposed Garage/Studio at 351 Mountain Park Drive, Salt Spring Island, British Columbia.

The Capital Regional District requires this report because a building has been constructed partly over a building restriction line (previously defined by C.N. Ryzuk & Associates Ltd., in their file 8-1873-1 dated March 11, 1996). The building restriction line was developed taking into account the risk of rockfall hazard, but we note that this was prior to the changes to land instability assessments resulting from the increase of the design seismic hazard with the introduction of the British Columbia Building Code of 2006.

The site reconnaissance assessment comprised a limited walkover the results of which are summarized herein, including recommendations for building foundations and a landslide assurance statement and a flood assessment.

This work was carried out in accordance with our proposal, and the relevant EGBC Guidelines for "Geotechnical Engineering Services for Building Projects"<sup>1</sup> and "Legislated Landslide Assessments for Proposed Residential Developments in British Columbia"<sup>2</sup>.

<sup>1</sup> <https://www.egbc.ca/getmedia/5aa53560-e3b2-42b5-88f2-678f738aad7f/APEGBC-Guidelines-Geotechnical-Engineering-Services-for-Building.pdf.aspx>

<sup>2</sup> <https://www.egbc.ca/getmedia/5d8f3362-7ba7-4cf4-a5b6-e8252b2ed76c/APEGBC-Guidelines-for-Legislated-Landslide-Assessments.pdf.aspx>



You provided the following data for this work:

- Survey Plan prepared by Polaris Land Surveying dated July 24, 2017

The proposed garage/studio has been built without a permit, as shown on the survey plan provided (shown below).

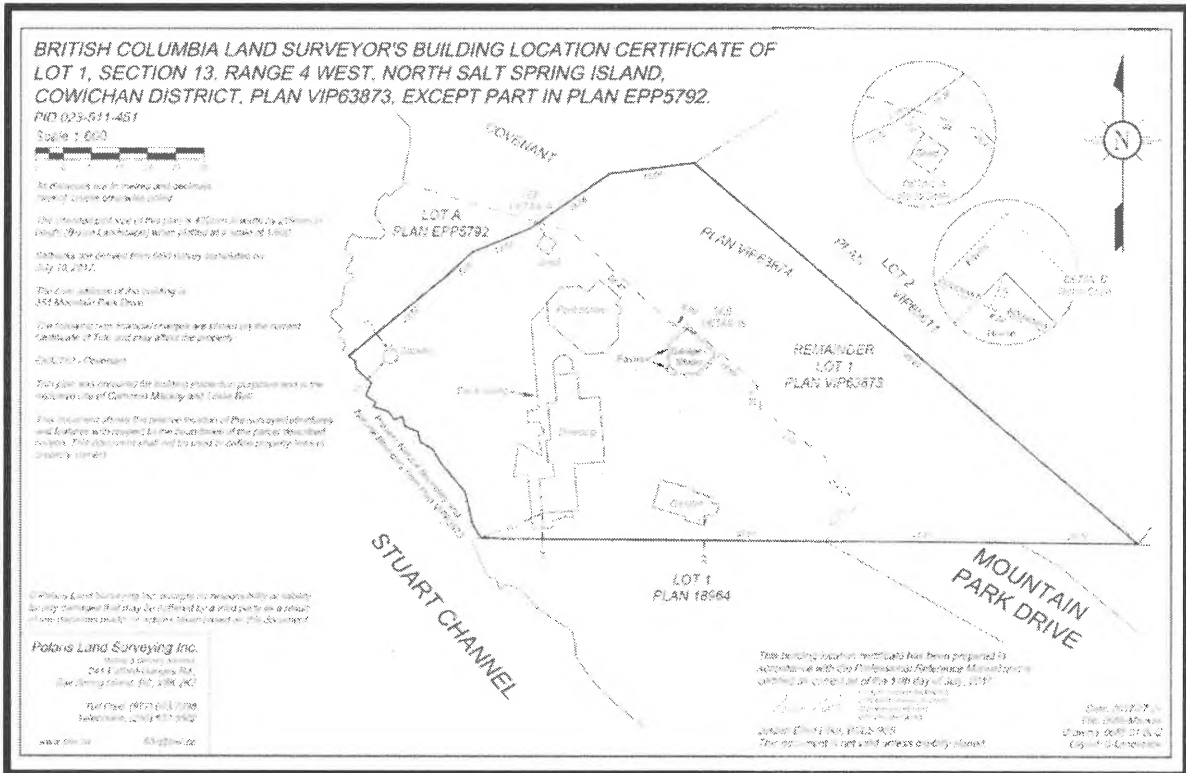


Figure 1: Survey plan.

## Site Visit

We visited the site on 18 August, 2017.

## Location

The property is located at Lot 1, Section 13, Range 4 West, North Salt Spring Island, Cowichan District, Plan VIP63873, Except Part In Plan EPP5792.



Figure 2: Site Location (From e-valuebc).

### Topography

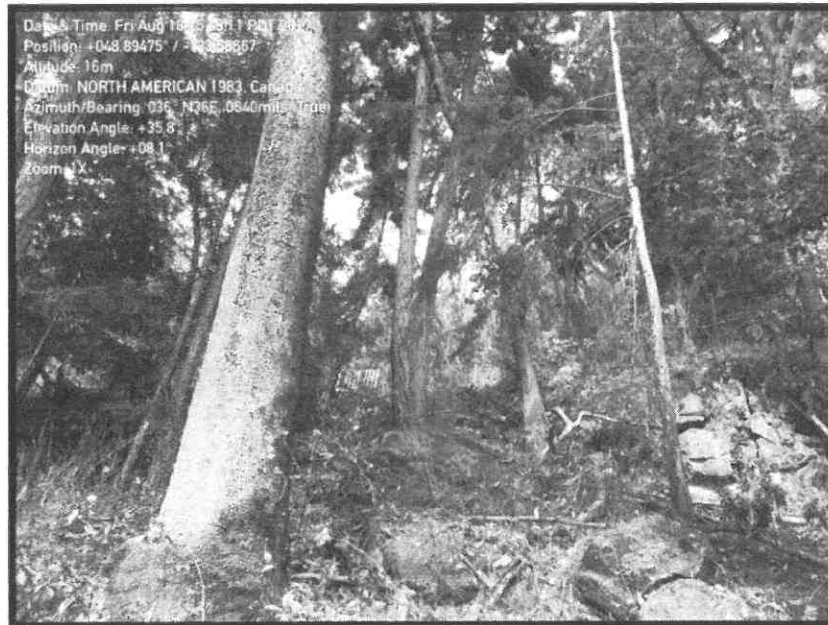


Figure 3: View upslope of the studio.



The natural topography above the building site slopes at up to about 35° from horizontal, as shown in Figure 3, above.



*Figure 4: Oblique view of the site, from Google Earth.*

#### **Vegetation**

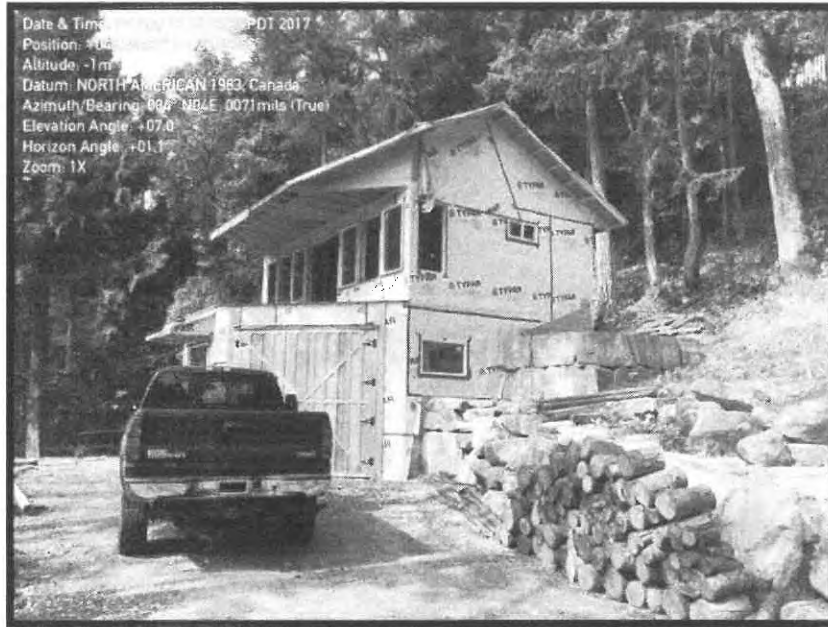
The slope above the building area is moderately densely vegetated, as shown on Figures 3 and 4.

#### **Drainage**

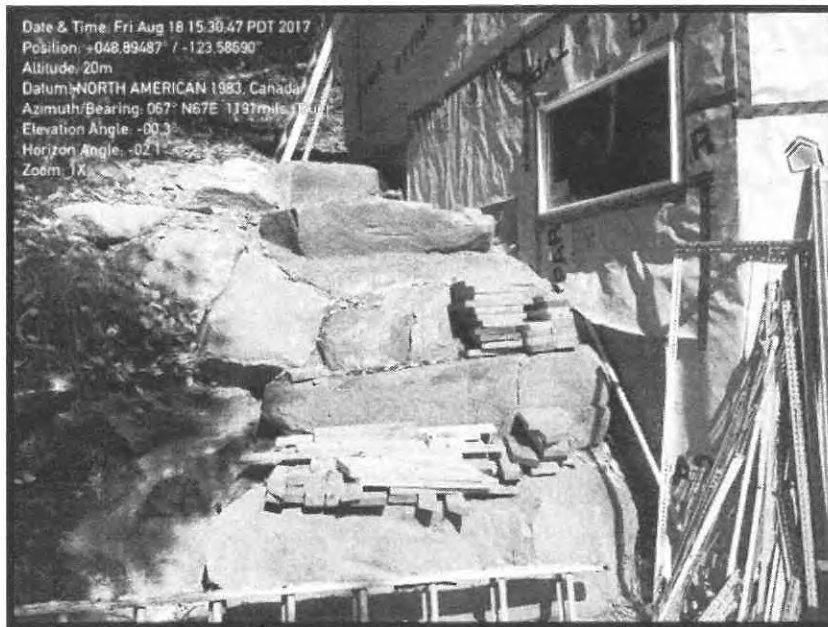
No particular drainage features were observed.

#### **Existing Development**

The garage/studio was built on the site.



*Figure 5: View of the south-eastern side of the building.*

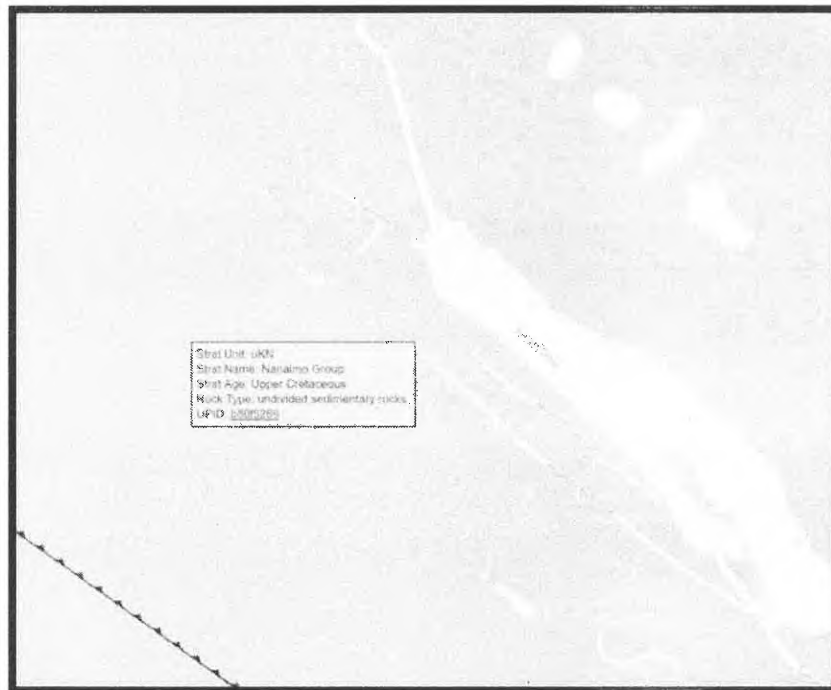


*Figure 6: View along the north-western side of the building.*



## Geology

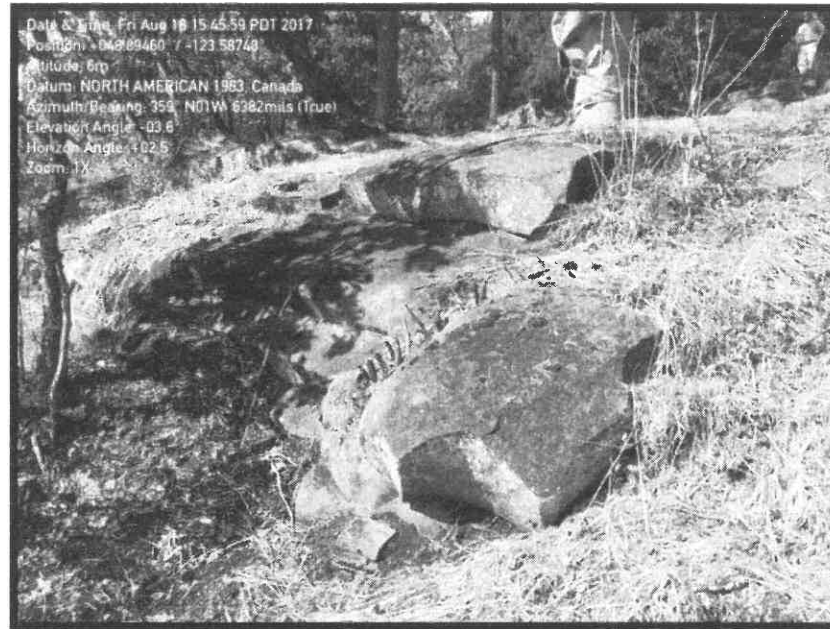
Reference to published geology maps indicates that the site is underlain by sedimentary rocks of Nanaimo Group, deposited in the Late Cretaceous Period of Geological Time (about 66 – 100 million years ago). No groundwater was observed. It should be noted that groundwater levels and flows are transient, and are affected by such factors as preceding climatic conditions and soil and rock permeability. The published geology also shows a fault striking in the North-West/South-East direction in the vicinity of the site, as shown on Figure 5, overleaf.



*Figure 5: The geology map showing the site at the north-western end of Mountain Park Drive as underlain by Nanaimo Group rocks. The strike of a fault is shown near the site.*

## Evidence of Instability

Evidence of past or incipient instability was observed at the time of the site visit in the form of rock exposures which indicate that some planar failures have occurred in the past.



*Figure 7: Rock outcrops and boulder.*

## Proposed Development

We understand that the proposed development is to comprise the building that has been constructed on the site, which was inadvertently constructed marginally over the building restriction line. No further details are known at this stage.

## Discussion and Recommendations

### Ground Conditions

Outcrops of Nanaimo Group rocks were observed.

Based on the mapped geology and exposures we anticipate that the ground should comprise rock at shallow depths, overlain by a veneer of dense glacial deposits (e.g. sand, silt and gravel). We did not observe the conditions exposed in the footings for the building during construction.

### Slope Stability

#### Building Area - Qualification of Slope Instability Risk

All slopes are unstable in Geological Time. In the assessment of the risk of slope instability, we consider the present climatic conditions and that the extrapolation of those as being representative of the next 50 years as being reasonable. However, the effect of Climate Change is an unknown, although many scientists and engineers believe that these effects may include the likelihood of increased humidity,



which could adversely affect slope instability through increased soil pore water pressures. It would be prudent to take cognizance of this with respect to subsurface drainage.

It is possible that ground creep is occurring on the steep slope. Ground creep is a phenomenon where downslope movement occurs within the upper metre of the ground profile closest to the ground surface. Additionally, slope regression will take place over time, and slopes will recede to their angle of repose of about 2H:1V. The impact of Climate Change is an unknown (i.e. it's another risk).

On the basis of the results of the field work, we consider that the site of the proposed residence would have a **Medium Risk** of slope instability, as defined on the attached "Landslide Risk Assessment" sheet. Provided that the development is carried out in accordance with the recommendations of this report, we consider that the site is safe for its intended use. A Landslide Assessment Assurance Statement is attached, describing the anticipated hazard and consequence levels for life and property.

### Rockfall Hazard Management

It is possible that some rocks might fall onto the building area, particularly during or after a significant earthquake. This is hazard that was previously identified by others, whereby a building restriction line was marked on the site. Since that time, however, the building standards have changed, and the design seismic accelerations have increased. Although the building only marginally encroaches onto the previously-defined building restriction area, we recommend that you implement some rockfall hazard management. This hazard can be reduced to tolerable levels provided that:

- rocks are scaled from above the site each spring, after the annual periods of freezing and thawing are complete; and
- a 0.3m deep ditch and a barrier (e.g. comprising a lock-block wall buried 0.3, into the ground) are constructed upslope of the building to provide some protection against falling rocks.

Provided this work is carried out, the building restriction line may be altered as described on the attached Site Plan, Drawing No. 84-1.

### Drainage

We recommend that the site is drained and maintained so that storm water and effluent are managed in accordance with best practice. As mentioned above, due to the possible effects of Climate Change, it would be prudent to provide more drainage capacity than the minimum required at present.

### Further Geotechnical Engineering

It is possible that a regulatory authority (e.g. CRD) may require a geotechnical engineer to provide updated reports from time to time.

Should a different building be proposed than that for which this report was prepared, or if a building is to be located elsewhere on the lot, then further geotechnical input will be required.



## Closure

This report has been prepared for Mr. Cameron Mackay for the specific purpose of addressing the concerns and requirements of the CRD, and Mr. Mackay may use the report to support his Building Permit Application. It is possible, however, that relevant authorities may require updates and / or confirmations, as conditions can change over time.

Core Geotechnical Inc:

- acknowledges that the Capital Regional District, and its Approving Officer(s), may rely upon the Report when making a decision on the application for the building on the land; and
- states that the land is safe for the use intended with the probability of a geotechnical failure resulting in property damage of less than 10 percent (10%) in 50 years; with the exception of geohazards due to a seismic event which are based on a 2 percent (2%) probability of exceedance in 50 years.

We trust that this meets your present requirements. Should you have any questions, please do not hesitate to contact the undersigned at your earliest convenience.

Yours truly,

**Core Geotechnical Inc.**



Bruce Grayson, P.Eng.

Director

Attach:

- I. General Notes
- II. Landslide Risk Assessment Sheet
- III. Landslide Assurance Statement
- IV. Site Plan, Drawing No. 84-1



## GENERAL NOTES

This report comprises the results of a site investigation carried out in accordance with normally-accepted methods for a specific purpose and client as defined in the introductory section(s) of the document. The report should not be used by other parties or for other purposes without prior consultation with this firm, as it might not contain adequate or appropriate information for extrapolation.

### LOGGING

The information on the Logs (Test Bores, Test Holes, Natural Exposures etc.) has been based on a visual and tactile assessment except at the discrete locations where test information has been reported (eg field and/or laboratory results).

Reference should be made to our standard sheets for the definition of our logging procedures (Soil and/or Rock Descriptions, as appropriate).

### GROUNDWATER

Unless otherwise indicated, the water levels given on the logs are the levels of free water or seepage in the test hole recorded at the given time of measuring. The measured ground water level may be affected by the method of investigation (for example, if rotary drilling is utilised, drilling fluids will be pumped into the ground).

The actual groundwater level may differ from the recorded level depending on material permeabilities. Further variations of this level could occur with time due to such effects as seasonal and tidal fluctuations or construction activities. Final confirmation of levels can only be made by appropriate instrumentation techniques and programmes.

### SAMPLING

Samples extracted during the fieldwork phase of a site investigation may be 'disturbed' or 'undisturbed' (as indicated on the logs) depending on the intended nature and purpose of the sample as well as the practicable method of extraction, transportation, extrusion and testing. This aspect should be taken into account when assessing test results which must of necessity reflect the effects of such disturbance.

Generally, 'disturbed' samples would be suitable for visual identification, moisture content determination, Atterberg Limits testing, compaction and California bearing ratio (CBR) testing, amongst others.

The amount sampled is also a limiting factor in the suitability for testing purposes, for example, a minimum of 10 kg is necessary for compaction and CBR testing.

'Undisturbed' samples are normally necessary for laboratory testing such as shrink-swell tests. These samples are obtained by pushing a thin-walled, mild steel tube with a machined cutting edge into the soil, and extracting the assembly. The soil (normally of nominal 50 mm diameter) is extruded at the laboratory prior to testing.

### LABORATORY TESTING

Laboratory testing is normally carried out in accordance with appropriate standards (or specific ones, if requested). All testing will be carried out in a sub-contracted laboratory. Where tests are used which are not covered by standard procedures, details are given in the report.

All soil properties (as measured by laboratory testing) exhibit inherent variability and thus a certain statistical number of tests is required in order to predict an average property with any degree of confidence. The site variability of soil strata, future changes in moisture and other conditions and the discrete sampling positions must also be considered when assessing the representative nature of the laboratory programme.

Certain laboratory tests provide interpreted soil properties as derived by conventional mathematical procedures. The applicability of such properties to engineering design must be assessed with due regard to the site, sample condition, procedure and the proposed development.

### INTERPRETATION OF RESULTS

The discussion and any recommendations contained within this report are normally based on a site evaluation from discrete test hole data. Generalised or idealised subsurface conditions (including any cross-sections contained in the report) have been assumed or prepared by interpolation and /or extrapolation of these data. As such, these conditions are an interpretation and must be considered as a guide only.

### CHANGE IN CONDITIONS

Local variations or anomalies in the generalised ground conditions used for this report can occur, particularly between discrete test hole locations. Furthermore, certain design or construction procedures may have been assumed in assessing the soil-structure interaction behaviour of the site. Any change in design, in construction methods, or in ground conditions as noted during construction, from those assumed in this report should be referred to this firm for appropriate assessment and comment.

### FOUNDATION DEPTH

Where referred to in the report, the recommended depth of any foundation (piles, caissons, footings, etc.) is an engineering estimate of the depth to which they should be constructed. The estimate is influenced and perhaps limited by the fieldwork method and testing carried out in connection with the site investigation, and other pertinent information as has been made available. The depth remains, however, an estimate and therefore liable to variation. Foundation drawings, designs and specifications based upon this report should provide for variations in the final depth depending upon the ground conditions at each point of support.

### REPRODUCTION OF REPORTS

Where it is desired to reproduce the information contained in this report for the inclusion in the contract documents or engineering specification of the subject development, such reproduction shall include all of the report, including appendices (if any).

**This report is the subject of copyright and shall not be reproduced without the express permission of Core Geotechnical Inc. Reproduction, where permitted, must be in full.**



## SOIL DESCRIPTION

Core Geotechnical Inc. describes a soil in terms of its visual and tactile properties. This sheet is intended to complement test logs and, relates to field samples and exposures as applicable. The description involves an evaluation of each of the items listed below and is in general agreement with the Canadian Foundation Engineering Manual.

### SOIL TYPE

The soil type is described according to its estimated grain size composition and the tactile behaviour (plasticity) of fines (silt and clay fraction). The following table provides a guideline for the basis of the soil description:

Soil Classification	Particle Size
Silt and Clay (differentiated by Atterberg Limits Tests)	< 0.06 mm (the 0.075 mm sieve size is commonly used in practice)
Sand	0.06 - 0.2 mm (fine), 0.2 - 0.6 mm (medium), 0.6 - 2 mm (coarse)
Gravel	2 - 6 mm (fine), 6 - 20 mm (medium), 20 - 60 mm (coarse)
Cobble	60 - 200 mm
Boulder	> 200 mm

Where a soil contains one main soil type with up to 5% of a secondary soil type, it is described as having a trace of the secondary soil type. Similarly, if the proportion of the secondary soil type is within the range of 5 - 12%, it is described as having some of the secondary soil type. If the soil has 12 - 50% of the secondary soil type, the secondary soil type is used as an adjective in the description, eg Sandy CLAY, where the main soil type is clay, with up to 50% sand by weight. A soil with, say, 20% gravel, 30% sand and 50% clay would be described as a Gravelly Sandy CLAY.

### STRENGTH (CONSISTENCY/RELATIVE DENSITY)

This assessment is based on the effort required to penetrate and/or mould the soil, and is an indicator of the shear strength.

Granular soils are generally described in terms of relative density (density index) as listed in the Canadian Foundation Engineering Manual. These soils are inherently difficult to assess, and normally a penetration test procedure (SPT or CPT) is used in conjunction with published correlations. Alternatively, in-situ density tests may be carried out in conjunction with minimum and maximum density (laboratory) tests.

Cohesive soils can be assessed by direct measurement (eg shear vane, pocket penetrometer [shown as PP\* on the logs]) or estimated approximately by tactile means and/or the aid of a geological pick as given in the following table. It is emphasised that a 'design' shear strength must take cognisance of the in-situ moisture content and the possible variation of moisture with time, climate, and other factors.

Term	Tactile Properties	Unconfined Compressive Strength, $q_u$ (kPa)
Very Soft	Extrudes from fingers without difficulty. Soil may tend to flow.	<25
Soft	Extrudes from fingers when squeezed.	25 - 50
Firm	Thumb may penetrate with moderate effort. Moulded by light finger pressure.	50 - 100
Stiff	Moulded by moderate finger pressure.	100 - 200
Very Stiff	Moulded by strong finger pressure.	200 - 400
Hard	Depending on moisture condition, may be moulded by very strong finger pressure or may tend to	>400
Friable	Soil is sugary, or crumbles without meaningful result on a pocket penetrometer.	

### MOISTURE

The moisture condition of the soil is most applicable for cohesive soils as an aid to the assessment of consistency and workability. The moisture condition may be related to the estimated plastic limit ( $W_p$  or PL) eg  $m < W_p$  where the soil is assessed as being drier than the estimated plastic limit (In the field, this is often assessed by an inability for the soil to roll out into threads of 3 mm diameter.);  $m = W_p$  where the soil is assessed as being approximately at the plastic limit, ie it may just be rolled out into threads of 3 mm diameter; and  $m > W_p$ , where the soil is assessed as being wetter than the plastic limit (ie the soil is able to be rolled into threads of less than 3 mm diameter).

Non-cohesive soils may be described as being either Dry (dusty, dry to the touch), Moist (damp, no visible water) or Wet (visible free water, saturated condition). Ground water observations are noted on all test logs.

### COLOUR

Colour may be an aid to the correlation of data between test locations and for subsequent excavation operations. The prominent colour is noted, followed by (mottled, streaked, stained etc) secondary colours as applicable. Colour is usually described at field moisture condition, however, both wet and dry colours may be recorded.

### OTHER TERMS

Some other terms which the layperson may not be familiar with might be used in the description of a soil. In most cases these would be referenced in The Canadian Foundation Engineering Manual. Some of the more common of these terms are outlined below:

- Fill - soil which has not been laid down by nature, ie it has been man-made.
- Till - natural soil compacted and abraded under the weight and movement of a glacier.
- Alluvium - natural soil laid down in streams, lakes, estuaries, dunes etc.
- Residual - soil derived from rock weathered in-situ
- Colluvium - soil deposited by natural transport down a slope (also called slopewash)
- Talus- debris such as cobbles and boulders, generally at the toe of a slope
- Glacio-Marine - soil deposited in a marine environment beneath a glacier



## ROCK DESCRIPTION

Core Geotechnical Inc. describes a rock based on methods described in the Canadian Foundation Engineering Manual, together with local practice. This sheet is intended to complement test logs, and relates to cored rock, field samples and exposures as applicable. The description involves an evaluation of each of the items listed below and is in general agreement with the Canadian Foundation Engineering Manual.

### ROCK TYPE

The rock type is described according to its assessed origin (ie sedimentary, igneous volcanic/hypabyssal, pyroclastic, igneous plutonic, and metamorphic) and estimated grain (crystal, clast, phenoclast etc) size composition. The following table provides a guideline for the basis of the rock type description:

SEDIMENTARY			IGNEOUS					METAMORPHIC	
Clastic	Non-Clastic		Acid	Intermediate	Basic	Pyroclastic (e.g. Ash / Bombs)			
	Chemical	Organic							
Conglomerate Sandstone Siltstone Claystone Shale	Limestone	Coal	<b>Volcanic</b> (e.g. Lava) <i>Fine Grained</i>	Rhyolite	Trachyte	Basalt	Agglomerate Volcanic Breccia Tuff	Grade Low → High	Gneiss Quartzite Schist Slate Phyllite
	Chert Gypsum		<b>Hypabyssal</b> (e.g. Sill) <i>Medium Grained</i>	Porphyry		Dolerite			
			<b>Plutonic</b> (e.g. Batholith) <i>Coarse Grained</i>	Granite	Syenite, Diorite	Gabbro			

### SEDIMENTARY ROCKS

Sandstone and Conglomerate are defined as rocks containing more than 50% of sand sized grains and gravel sized fragments, respectively. Similarly, Claystone and Siltstone are defined as rocks containing more than 50% of clay or sericitic material, and silt sized granular particles, respectively, AND where the rock is not laminated. Laminated rocks containing more than 50% of clay and/or silt sized particles are defined as shale. Rocks possessing characteristics of two groups are described by their predominant particle size with reference also to the minor constituents, eg clayey sandstone, sandy shale.

### STRENGTH

This assessment refers to the strength of the rock substance, not the strength of the rock mass. The strength of the rock substance is estimated by the Point Load Strength Index  $I_{s(50)}$  and normally refers to the average of the strength measured in the direction perpendicular to the bedding, and the strength measured parallel to the bedding, for sedimentary rocks. The table below describes the strength classifications used by this firm:

Term	Abbr.	Field Guide	$I_{s(50)}$ (MPa)
<b>Extremely Low</b>	EL	Easily remoulded by hand to a material with soil properties.	<0.03
<b>Very Low</b>	VL	May be crumbled in the hand. Sandstone is "sugary" and friable.	<0.1
<b>Low</b>	L	The core* may be broken by hand and easily scored with a knife. Sharp edges of core may be friable and break during handling.	<0.3
<b>Medium</b>	M	The core* can be broken by hand with considerable difficulty. Readily scored with knife.	<1
<b>High</b>	H	The core* cannot be broken with unaided hands, can be slightly scratched or scored with knife.	<3
<b>Very High</b>	VH	The core* cannot be broken readily with hand held hammer. Cannot be scratched with pen knife.	<10
<b>Extremely High</b>	EH	The core* is difficult to break with hand held hammer. Rings when struck with a hammer.	>10

\*A piece of core 150 mm long and 50 mm diameter

### WEATHERING

The assessment of weathering does not imply engineering behaviour, however it may assist in identification. No distinction is drawn between chemical weathering and alteration for most engineering purposes. These procedures are collectively described as weathering using the following terms which do not describe the related strength change. Carbonate rocks may not necessarily conform to this classification.

Term	Abbreviation	Definition
<b>Extremely Weathered</b>	EW	The rock exhibits soil-like properties though the texture of the original rock is still evident.
<b>Highly Weathered</b>	HW	Limonite staining or colour change affects the whole of the rockmass and other signs of chemical or physical decomposition are evident.
<b>Moderately Weathered</b>	MW	Staining extends throughout the whole of the rockmass and the original colour is no longer recognisable.
<b>Slightly Weathered</b>	SW	Partial staining or discolouration of the rockmass, usually by limonite, has taken place.
<b>Fresh</b>	Fr	Rockmass unaffected by weathering.

### FRACTURING and BEDDING

These important features can control the overall behaviour of a rockmass. All types of natural fractures across which the core is discontinuous are noted. These fractures include bedding plane partings, joints and other defects but exclude artificial fractures such as drilling breaks. The nature of the defects (joints, partings, seams, zones and veins) is also noted with description, orientation, infilling or coating, shape, roughness, thickness, etc. given generally in accordance the Canadian Foundation Engineering Manual. The spacing of natural fractures excludes bedding partings unless there is evidence that they were separated prior to drilling. This notwithstanding, bedding partings may be considered planes of weakness in an engineering assessment.

Term	Description
<b>Fragmented</b>	The core is comprised primarily of fragments of length less than 20 mm, and mostly of width less than the core diameter. Core lengths are generally less than 20 - 40 mm with occasional fragments. Core lengths are mainly 30 mm - 100 mm with occasional shorter and longer sections. Core lengths are generally 300 mm - 1 m with occasional longer sections and occasional sections of 100 mm - 300 mm. The core does not contain any fractures.
<b>Highly Fractured</b>	
<b>Fractured</b>	
<b>Slightly Fractured</b>	
<b>Unbroken</b>	

Bedding Spacing may be described based on the thickness of the layering, as follows:

Thinly Laminated	Laminated	Very Thinly Bedded	Thinly Bedded	Medium Bedded	Thickly Bedded	Very Thickly Bedded
<6mm	6mm - 20 mm	20mm - 60 mm	60mm - 200 mm	200mm - 600 mm	600mm - 2 m	> 2m



## LANDSLIDE RISK ASSESSMENT

Landslide assessments for Residential developments are carried out in accordance with the APEGBC document "Guidelines for Legislated Landslide Assessments for Proposed Residential Developments in BC".

Definitions for qualitative assessments are as follows:

### Qualitative Measures of Likelihood

Level	Descriptor	Description	Indicative Annual Probability
A	Almost Certain	The event is expected to occur	$> \sim 10^{-1}$
B	Likely	The event will probably occur under adverse conditions	$\sim 10^{-2}$
C	Possible	The event could occur under adverse conditions	$\sim 10^{-3}$
D	Unlikely	The event might occur under very adverse circumstances	$\sim 10^{-4}$
E	Rare	The event is conceivable but only under exceptional circumstances	$\sim 10^{-5}$
F	Not Credible	The event is inconceivable or fanciful	$\sim 10^{-6}$

Note: "~" means that the indicative value may vary by, say,  $\pm 1/2$  of an order of magnitude, or more.

### Qualitative Measures of Consequence to Property

Level	Descriptor	Description
1	Catastrophic	Structure completely destroyed or large-scale damage requiring major engineering works for stabilisation
2	Major	Extensive damage to most of structure, or extending beyond site boundaries requiring significant stabilisation works.
3	Medium	Moderate damage to some of structure, or significant part of site requiring large stabilisation works.
4	Minor	Limited damage to part of structure, or part of site requiring some reinstatement/stabilization works.
5	Insignificant	Little damage

### Qualitative Risk Analysis Matrix – Level of Risk to Property

Likelihood	Consequences to Property				
	1: Catastrophic	2: Major	3: Medium	4: Minor	5: Insignificant
A – Almost Certain	VH	VH	H	H	M
B - Likely	VH	H	H	M	V-M
C - Possible	H	H	M	L-M	VL-L
D - Unlikely	M-H	M	L-M	VL-L	VL
E - Rare	L-M	L-M	VL-L	VL	VL
F – Not Credible	VL	VL	VL	VL	VL

### Risk Level Implication

Risk Level	Example Implications
<b>VH</b> Very High Risk	Extensive detailed investigation and research, planning and implementation of treatment options essential to reduce risk to acceptable levels; may be too expensive and not practical.
<b>H</b> High Risk	Detailed investigation, planning and implementation of treatment options required to reduce risk to acceptable levels.
<b>M</b> Moderate Risk	Tolerable provided treatment plan is implemented to maintain or reduce risks. May be accepted. May require investigation and planning of treatment options.
<b>L</b> Low Risk	Usually accepted. Treatment requirements and responsibility to be defined to maintain or reduce risk.
<b>VL</b> Very Low Risk	Acceptable. Manage by normal slope maintenance procedures.

Note:

- (1) the implications for a particular situation are to be determined by all parties to the risk assessment; these are only given as a general guide.
- (2) Dual descriptors for Likelihood, Consequence and Risk may be used to reflect the uncertainty of the estimate in particular cases.

# LANDSLIDE ASSESSMENT ASSURANCE STATEMENT

Note: This Statement is to be read and completed in conjunction with the "APEGBC Guidelines for Legislated Landslide Assessments for Proposed Residential Development in British Columbia", March 2006/Revised September 2008 ("APEGBC Guidelines") and the "2012 BC Building Code (BCBC 2012)" and is to be provided for *landslide assessments* (not floods or flood controls) for the purposes of the Land Title Act, Community Charter or the Local Government Act. Italicized words are defined in the APEGBC Guidelines.

To: The *Approving Authority*  
Capital Regional District  
With reference to: Community Charter (Section 56) - Building Permit

Date: Monday, January 22, 2018

The *Approving Authority* has not adopted a *level of landslide safety*.

The undersigned hereby gives assurance that he/she is a *Qualified Professional* and is a *Professional Engineer* or *Professional Geoscientist*.

I have signed, sealed and dated, and thereby certified, the attached *landslide assessment* report on the property in accordance with the *APEGBC Guidelines*. The report must be read in conjunction with this statement. In preparing that report I have:

Check to the left of applicable items

- 1. Collected and reviewed appropriate background information
- 2. Reviewed the proposed *residential development* on the Property
- 3. Conducted fieldwork on and, if required, beyond the Property
- 4. Reported on the results of the fieldwork on and, if required, beyond the Property
- 5. Considered any changed conditions on and, if required, beyond the Property
- 6. For a *landslide hazard analysis* or *landslide risk analysis* I have:
  - 6.1. reviewed and characterized, if appropriate, any *landslide* that may affect the property
  - 6.2. estimated the *landslide hazard*
  - 6.3. identified existing and anticipated future *elements at risk* on and, if required, beyond the Property
  - 6.4. estimated the potential consequences to those elements at risk
- 7. Where the *Approving Authority* has adopted a *level of landslide safety*, I have:
  - 7.1. compared the *level of landslide safety* adopted by the *Approving Authority* with the findings of my investigation
  - 7.2. made a finding on the *level of landslide safety* on the Property based on the comparison
  - 7.3. made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 8. Where the Approving Authority has **not** adopted a level of landslide safety, I have
  - 8.1. described the method of *landslide hazard analysis* or *landslide risk analysis* used
  - 8.2. referred to an appropriate and identified provincial, national or international guideline for *level of landslide safety*
  - 8.3. compared this guideline with the findings of my investigation
  - 8.4. made a finding on the *level of landslide safety* on the Property based on the comparison
  - 8.5. made recommendations to reduce *landslide hazards* and/or *landslide risks*
- 9. Reported on the requirements for future inspections of the property and recommended who should conduct those inspections

Based on my comparison between the appropriate and identified provincial, national or international guideline for level of landslide safety (item 8.4 above)

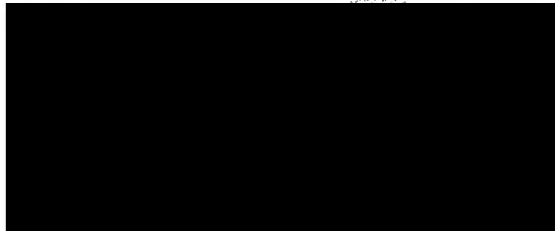
I hereby give my assurance that, based on the conditions<sup>(1)</sup> contained in the attached landslide assessment report,

- for subdivision approval, as required by the Land Title Act (Section 86), "that the land may be used safely for the use intended"
  - With one or more recommended registered covenants
  - Without any registered covenant.
- for a development permit, as required by the Local Government Act (Sections 919.1 and 920), my report will "assist the local government in determining what conditions or requirements under [Section 920] subsection (7.1) it will impose in the permit".
- for a building permit, as required by the Community Charter (Section 56), "the land may be used safely for the use intended"
  - With one or more recommended registered covenants
  - Without any registered covenant.
- for flood plain bylaw variance, as required by the "Flood Hazard Area Land Use Management Guidelines" associated with the Local Government Act (Section 910), "the development may occur safely".
- for flood plain bylaw exemption, as required by the Local Government Act (Section 910), "the land may be used safely for the use intended".

Name: Bruce John Grayson, P.Eng

Date: Monday, January 22, 2018

Signature:



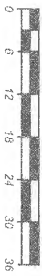
<sup>(1)</sup> When seismic slope stability assessments are involved, level of landslide safety is considered to be a "life safety" criterion as described in the National Building Code of Canada (NBCC 2010), Commentary on Design for Seismic Effects in the User's Guide, Structural Commentaries, Part 4 of Division B. This states:

"The primary objective of seismic design is to provide an acceptable level of safety for building occupants and the general public as the building responds to strong ground motion; in other words, to minimize loss of life. This implies that, although there will likely be extensive structural and non-structural damage, during the DGM (design ground motion), there is a reasonable degree of confidence that the building will not collapse nor will its attachments break off and fall on people near the building. This performance level is termed 'extensive damage' because, although the structure may be heavily damaged and may have lost a substantial amount of its initial strength and stiffness, it retains some margin of resistance against collapse".

**BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE OF LOT 1, SECTION 13, RANGE 4 WEST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN VIP63873, EXCEPT PART IN PLAN EPP5792.**

PID 023-511-451

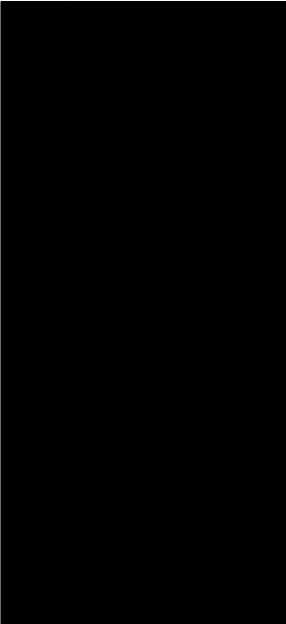
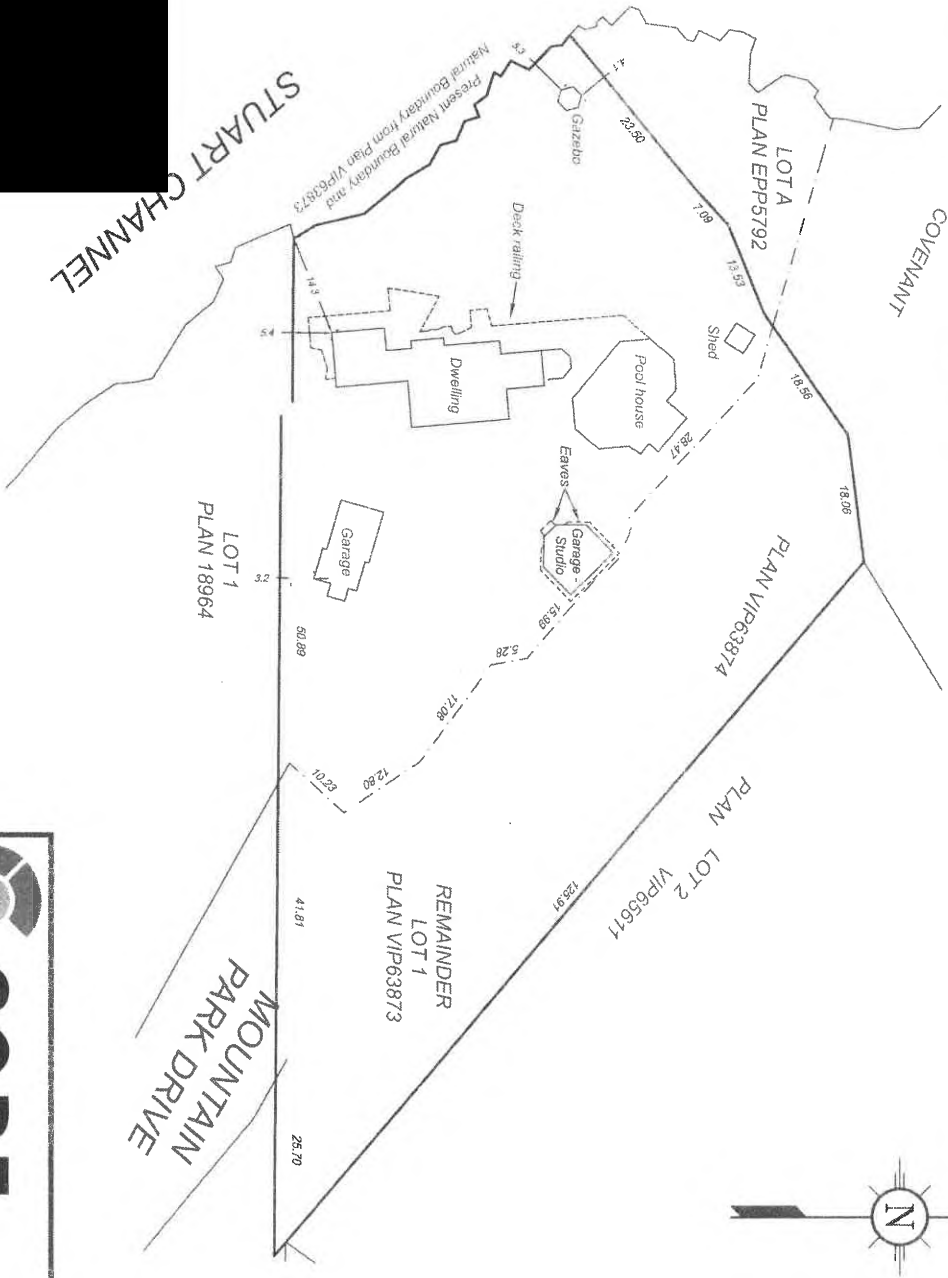
Scale 1:1000



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

Setbacks are derived from field survey completed on July 10, 2017.

The civic address of the building is: 351 Mountain Park Drive



Drawing Adapted from Polaris Land Surveying Ltd.  
 File: 0688-Mackay  
 Drawing: 0688-01-BLC  
 Dated July 24, 2017

**CORE**  
 Geotechnical Inc.

Site Plan of Proposed Studio  
 At 351 Mountain Park Drive, Salt Spring Island  
 Client: Mr. Cam Mackay

Principal:	Prin:	Chk:	Dwg:
Scale: 1:1000	Drn: B/JG	14 Dec 2017	
Rev: 0	Proj. No: 84		

From:  
Ewan Deane

[REDACTED]  
[REDACTED]  
[REDACTED]

To: Charly Caproff, Islands Trust BC

[REDACTED] 351 Mountain Park Drive (Lot 1 Section 13 Range 4 West North Salt Spring Island), I have been asked if I have any opposition to the Garage-Studio currently on their property and its increased site coverage.

Variance Permit SS-DVP-2023.15.

I do not have any opposition.

Regards

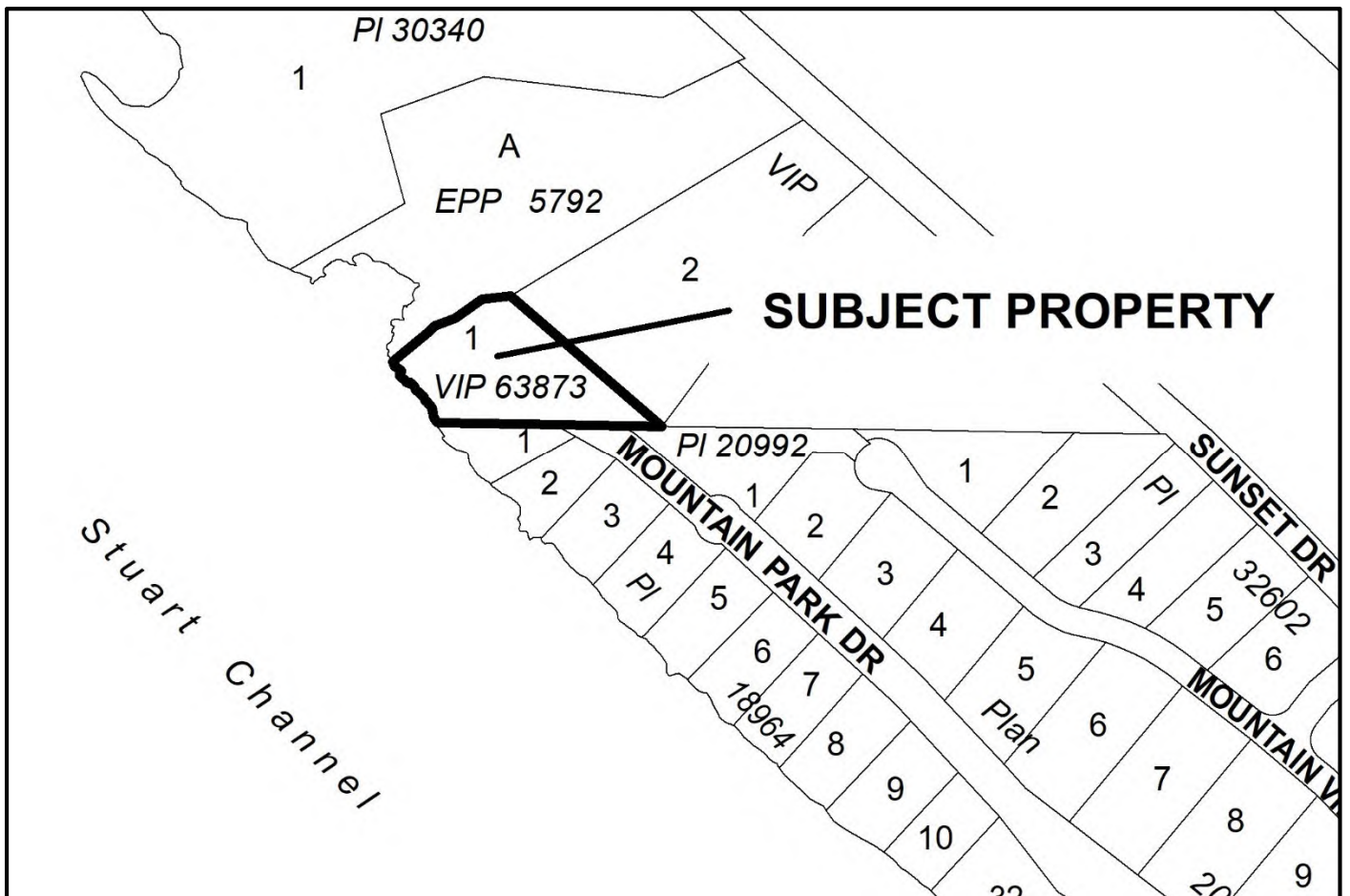
Ewan Deane.

**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:

- Increasing the total accessory building and structure floor area from 70 m<sup>2</sup> (753.5 ft<sup>2</sup>) for a lot less than 1.2 ha (3.0 ac) to legalize an existing accessory building (“Garage-Studio”) that is 100.9 m<sup>2</sup> (1086 ft<sup>2</sup>), increasing the total accessory building floor area to 178 m<sup>2</sup> (1916 ft<sup>2</sup>).
- Reducing the 15 m (49.2 ft) setback from the natural boundary of the sea to legalize an existing accessory structure (“Gazebo”) that is 5.3 m (17.4 ft) from the natural boundary of the sea.
- Reducing the 3 m (9.8 ft) setback from the interior side lot line to legalize an existing accessory structure (“Shed”) that is 2.8 m (9.2 ft) from the interior side lot line setback.

The property is located at **351 Mountain Park Drive** and is legally described as LOT 1 SECTION 13 RANGE 4 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP63873, EXCEPT PART IN PLAN EPP5792 (PID: 023-511-451).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 25, 2023** and continuing up to and including **November 8, 2023**.

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

Enquiries or comments should be directed to Charly Caproff, Planner 1 at (250) 538-5602, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca) before 4:30 pm, **November 8, 2023**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **November 16, 2023** starting at 9:30 am at the 64 Learning Hub, 122 Rainbow Road, Salt Spring Island. Typically, applications are considered in the afternoon portion of the meeting, which begins at 12 noon. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

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-2023.15**

To: Cameron Mackay  
Leslie Bell

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

LOT 1 SECTION 13 RANGE 4 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN  
VIP63873, EXCEPT PART IN PLAN EPP5792  
(PID: 023-511-451)

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

- a) Subsection 3.12.5 which states that with exception of a seasonal cottage or other permitted accessory dwelling unit, the total floor area of all accessory buildings and structures on a lot must not exceed 70.0 m<sup>2</sup> (753.5 ft<sup>2</sup>) for lots that are 1.20 ha (3.00 ac) or less in area is varied to legalize an existing accessory building (“Garage-Studio”) that is 100.9 m<sup>2</sup> (1086.1 ft<sup>2</sup>) in area, increasing the total accessory building floor area to 178 m<sup>2</sup> (1916 ft<sup>2</sup>).
- b) Subsection 4.3.1 which states that no building or structure except a fence, pumphouse, public utility structure or underground utility may be constructed within 3.0 m (9.8 ft) from the interior side lot line is varied to legalize an existing accessory structure (“Shed”) that is sited 2.8 m (9.2 ft) from the interior side lot line.
- c) Subsection 4.4.1 which states that no building or structure except a fence, pumphouse, or boathouse may be sited within 15 m of the natural boundary of any water body is varied to legalize an existing accessory structure (“Gazebo”) that is sited 5.3 m (17.4 ft) from the natural boundary of the sea.

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.**

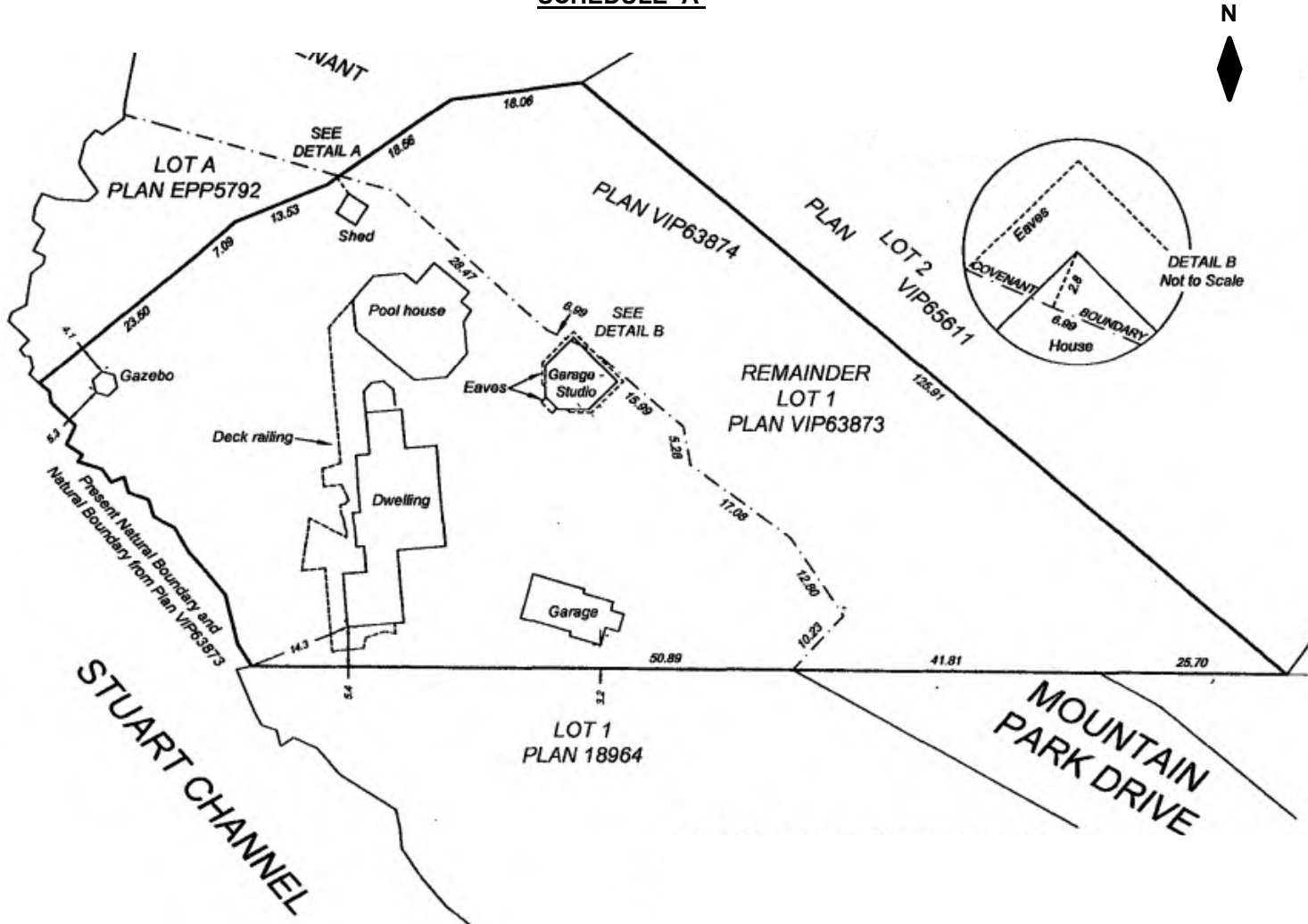


Islands Trust

# PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
SS-DVP-2023.15

## SCHEDULE 'A'



PRC



DATE OF MEETING: November 16, 2023  
TO: Salt Spring Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Salt Spring Island Team  
COPY: Chris Hutton, Regional Planning Manager  
SUBJECT: SS-DVP-2023.17  
Applicant: Tasha Rissling  
Location: 2915 Fulford Ganges Rd

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2023.17.

## REPORT SUMMARY

The purpose of this report is for the Salt Spring Island Local Trust Committee (LTC) to consider development variance application SS-DVP-2023.17 which is seeking to vary the minimum distance of an accessory building from another building on a lot from 3.0 m (9.8 ft) to 2.2 m (7.2 ft). The recommendation for the issuance of the variance is supported because the existing sea cans have a relatively small footprint (1.32% of the lot area) and meet all other zoning regulations.

## BACKGROUND

The application is proceeding due to a stop work order issued by the Capital Regional District (CRD) in May 2023. The applicants were requested to apply for review with Islands Trust prior to receiving a building permit from CRD. As the sea cans are within 4.5 m (14.8 ft) of the highway right-of-way (ROW), a permit is also required from the Ministry of Transportation and Infrastructure (MOTI). The applicants are aware of this requirement and are working with MOTI. The property is zoned Commercial 1 Zone Variation (a) – C1(a) and is 0.17 ha (0.42 ac). There are two indoor retail sales buildings on the property, the Salt Spring Mercantile and the Wardrobe. Based on desktop research and conversations with the [Fulford Seniors](#), the buildings on the property pre-date Salt Spring Island land use regulations. During the site visit on Thursday, October 26, 2023, the owners stated that upon receiving approval, they plan to hire a local artist to paint the sea cans so that they are more visually appealing. Additional site context can be found as Attachment 1 and plans and site visit photographs can be found as Attachment 2.

The applicant is seeking the variance to provide adequate storage for salt spring mercantile supplies and stock. One of the sea cans will be refrigerated, which will help to reduce food and energy waste, according to the applicant. They also stated that the additional storage area would help mitigate rising food costs as they could purchase in larger quantities. In the past there were temporary storage containers where the three sea cans are now sited. The applicant has installed concrete footings to ensure that the sea cans are level and secured.

## **ANALYSIS**

### **Policy/Regulatory**

Section 498 of the *Local Government Act* enables the LTC to issue (approve) a DVP in order to vary siting, size, and dimensions of buildings and structures. A DVP may not be used to vary density or land use. In this case, a variance to a siting regulation is being sought.

### **Official Community Plan**

The property is designated Fulford Harbour Village – FV in the Salt Spring Island Official Community Plan No. 434, 2008 (OCP). There are no specific OCP policies in conflict with this variance request.

The property is within Development Permit Area 1 – Island Villages. The development is exempted from requiring a development permit as the new development is not of a size that would require an increase to the existing parking lot capacity. Additional details on the DPA 1 requirement review can be found in Attachment 3.

### **Land Use Bylaw**

The property is zoned C1(a) in the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB). Subsection 4.1.1 of the LUB states that the minimum distance between an accessory building and another building on a lot is 3 m (9.8 ft). In this case, the sea cans are 2.2 m (7.2 ft) from the main building. The sea cans are considered buildings as the land use bylaw specifies that a building is a structure having a cover supported by walls and that supports the allowable uses on the property.

### **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. In this case, the variance as proposed is relatively minor as the lot coverage required for the sea cans is 1.32% of the total lot area and it would be time and cost-prohibitive for the applicant to remove the concrete foundation and sea cans from their existing location. Although the existing sea cans are not aesthetically pleasing, they do not block ocean views from Fulford-Ganges Road, and according to the owners they intend to have the façade painted with a bull kelp coastal design by a local artisan, aligning with Section E.1.6.14 of the OCP. It should be noted that there is no regulation that would enable SS LTC to enforce any requirement or oversight of such work and should consider this limitation when deliberating the merits of this application. Due to the majority of the lot being comprised of concrete parking lot area and the septic field being located in the grass lawn behind the Mercantile, there is limited lot area for the applicants to place the sea cans. As stated previously, there is no minimum setback from the exterior side lot line.

### **Consultation**

#### ***Statutory Requirements***

DVP notices were circulated to surrounding property owners and residents on October 25, 2023. The notification period ends on November 8, 2023. At the time of writing the report, two written submissions have been received from neighbours in support of the application (Attachment 4). Any submissions received after the agenda is published will be sent to the LTC prior to the November 16<sup>th</sup> meeting and will be raised by the planner at that meeting. The notice and draft permit can be found as Attachment 5 and 6, respectively.

#### ***First Nations***

There is a registered archaeological site on the property and areas of archaeological potential adjacent to the property. The applicants have been notified that a *Heritage Conservation Act* permit may be required for the concrete footings. This may involve the need hire a qualified archaeologist to provide an archaeological impact assessment (AIA).

**Rationale for Recommendation**

The recommendation on page one is supported as:

- The existing sea cans support the permitted use of the property and do not obstruct ocean views along Fulford-Ganges Road;
- C1(a) zoning allows for buildings and structures to be sited within 0.0 m of the exterior side lot line;
- The sea cans are sited where previous temporary structures were located, which did not result in formal complaints submitted to Islands Trust; and
- According to the applicants, they are willing to improve the sea cans’ façade by hiring a local artisan to paint them with a bull kelp coastal design

**ALTERNATIVES**

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

**1. Request further information**

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

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

**2. Deny the application**

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

*That the Salt Spring Island Local Trust Committee refuse application SS-DVP-2023.17.*

Submitted By:	Charly Caproff, Planner 1	October 27, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 6, 2023

**ATTACHMENTS**

1. Site Context
2. Maps, Plans, Photographs
3. DPA 1 Requirements Checklist
4. Correspondence
5. Notice
6. Draft Development Variance Permit

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

Legal Description	LOT 1, SECTION 15, RANGE 1, SOUTH SALTSRING ISLAND, COWICHAN DISTRICT, PLAN 5562
PID	006-010-296
Civic Address	2915 Fulford-Ganges Rd

### LAND USE

Current Land Use	Commercial
Surrounding Land Use	Commercial, Restaurant, Ferry Service

### HISTORICAL ACTIVITY

File No.	Purpose
N/A	N/A

### POLICY/REGULATORY

Official Community Plan Designations	Designated Fulford Harbour Village in the Salt Spring Island Official Community Plan No. 434, 2008  Property is within DPA 1 – Island Villages, application is exempt from requiring a DP.
Land Use Bylaw	Zoned C1(a) in the Salt Spring Island Land Use Bylaw No. 355, 1999.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	Active – related to file

### SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Western Painted Turtle habitat
Sensitive Ecosystems	N/A
Hazard Areas	Moderate and low risk steep slope
Archaeological Sites	Archaeological site overlaps with property. The applicants have been notified that a <i>Heritage Conservation Act</i> permit may be required for the concrete footings. This may involve the need hire a qualified archaeologist to provide an archaeological impact assessment (AIA).

Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

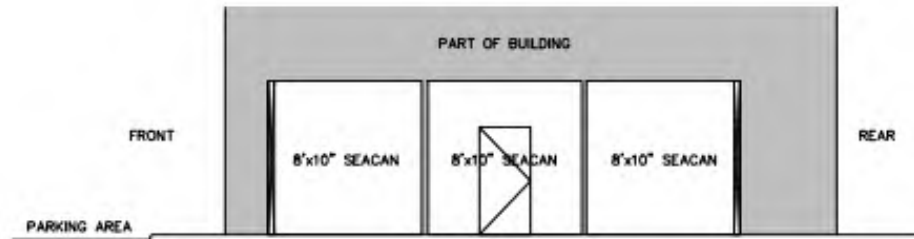
# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

## 2.1 AERIAL VIEW



## 2.2 SITE PLAN AND ELEVATION





SEACAN ELEVATION

2.865m (9'4")

2.3 SITE VISIT OCTOBER 26, 2023











## Attachment 3 Development Permit Area 1 – Island Villages

DPA Required	Y/N	Comments
<b>E.1.1.2</b> All development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, except:		
a. subdivision of land zoned for commercial, general employment or multifamily use	N	<b>Staff Comments:</b> This is not a subdivision application.
b. subdivision of land that adjoins agricultural land or that drains into agricultural land	N	<b>Staff Comments:</b> This is not a subdivision application.
c. new construction or alterations to existing buildings on land zoned for commercial, general employment or multi-family use if the new development is of a size that must provide off-street parking (according to local bylaws) or if the new development would change the capacity of an existing parking lot.	N	<p><b>Staff Comments:</b> The development is not of a size that additional off-street parking would be required. The new development does not change the existing parking lot capacity.</p> <p>Required parking: 1 per 25 m<sup>2</sup> of combined floor area and outdoor sales area</p> <p>Total floor area: 267.73 m<sup>2</sup></p> <p>Parking required: 11 stalls</p> <p>Parking available: 12 stalls</p>
d. installation of plastic backlit signs, of signs that do not comply with the local sign bylaw, or of signs that are to be placed more than 5 m above the ground.	N	<b>Staff Comments:</b> N/A
e. development of a parking lot with more than ten spaces for commercial, general employment or multi-family residential use.	N	<b>Staff Comments:</b> N/A
f. construction of institutional buildings that would create more than 280 m <sup>2</sup> of new impervious surface. Only the guidelines in section E.1.10 apply to such construction.	N	<b>Staff Comments:</b> Sea can total area is 22.3 m <sup>2</sup> .
<b>E.1.1.3</b> While guidelines about form and character do not apply to institutional developments, local institutions are encouraged to consider these guidelines when developing large projects within the Area.		<b>Staff Comments:</b> This application would likely not be considered a large project. However, as this is a discretionary application the LTC could require screening and/or visual improvements to the sea can side and front elevation.

**From:** Tasha Rissling <[REDACTED]>  
**Sent:** Thursday, October 26, 2023 4:14 PM  
**To:** Charly Caproff  
**Subject:** Fwd: SEACANS SUPPORT LETTER

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

**From:** [REDACTED] >  
**Date:** Thu, Oct 26, 2023 at 12:23 PM  
**Subject:** Re: SEACANS SUPPORT LETTER  
**To:** Tasha Rissling <[REDACTED]>

**Re: The Mercantile sea can storage  
October 26th, 2023**

To whom it may concern,

As residents and home-owners in Fulford, we would like to voice our support for The Mercantile owners, Tasha and Matt Risling, and their need for sea can storage to facilitate their business.

The Mercantile is a vital and convenient part of Fulford Village. It offers many residents and visitors the ability to shop without driving into town, reducing congestion in Ganges and on the roads. Tourists, bike groups, campers and day trippers alike all use The Mercantile to shop for groceries, buy locally made products, and house-made baked goods.

To stock all of these items, and much more, requires the sea cans, as there are no storage rooms inside the building, only a bathroom and cleaning closet. The upper floor of the building is private and not accessible.

The Mercantile also offers local employment, of which I am the beneficiary of, having been employed there for over a year. I can tell you first hand, the shop is extremely limited inside for storage and the sea cans are absolutely vital to hold back-stock.

From what I understand, the sea cans have existed on this site for many years, and this past summer, the Rislings improved the base and replaced the sea cans on the same footprint. The staff were thankful for this, as it made the units more solid, stable and easier to use.

Before this happened, the outer foundation started to shift, and one of the sea cans had begun to tilt toward the road, so much so that we moved all the heavy stock to the opposite side. The Rislings did the only responsible thing as business owners and improved the safety for staff and public alike.

Removing the sea cans would be a major detriment to the business. It would drastically reduce the excellent assortment of products on offer, the sommelier curated wine selection (a Mercantile

customer favourite) would be negatively affected, fresh produce, bread and cheeses would be affected, as would pre-chilled water and drinks for thirsty customers.

The large boxes of dry sundry goods, such as paper grocery bags, coffee cups, etc, would have to be moved inside, thus taking up precious in-store space, further reducing available places for display of sale goods.

Let us keep this vital and cherished local business running, as is, with sea can storage intact, therefore supporting The Mercantile's capacity to serve the island.  
We, as local long-term year-round residents, fully support this.

Sincerely,  
Genevieve & Guido Martini

██  
██

**From:** David Maude <[REDACTED]>  
**Sent:** Saturday, October 28, 2023 4:37 PM  
**To:** SSIIInfo  
**Subject:** re: SS-DVP-2023.7

Planner Caproff;

In regards to the proposed DVP, I wish to express my support for the application by Mr. Patterson.

My family moved to Fulford in 1930, along with the Patterson family when the ferry terminal was established. Since then, the Patterson's have been an integral part of the community for many generations.

The location in question has served locals in various incarnations for many decades, as the Mercantile it has evolved into a key part of the village - as such it's infrastructure needs have also expanded. The ability to shop locally is very much the cornerstone to lowering ones carbon footprint, thus these types of small business deserve any support needed to keep them viable in these times of economic stress.

Thank you.

David Maude  
[REDACTED]  
[REDACTED]



**PROPOSED**  
**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT VARIANCE PERMIT**  
**SS-DVP-2023.17**

To: Norman Patterson

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

LOT 1, SECTION 15, RANGE 1, SOUTH SALTSRING ISLAND, COWICHAN DISTRICT, PLAN 5562  
(PID: 006-010-296)

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

- a) Subsection 4.1.1 which states that no accessory building with exception of a carport may be located within 3.0 m (9.8 ft) of another building on a lot is varied to permit three existing sea cans on a concrete foundation within 2.2 m (7.2 ft) of another building on a lot;

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



# PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
SS-DVP-2023.17

## SCHEDULE 'A'

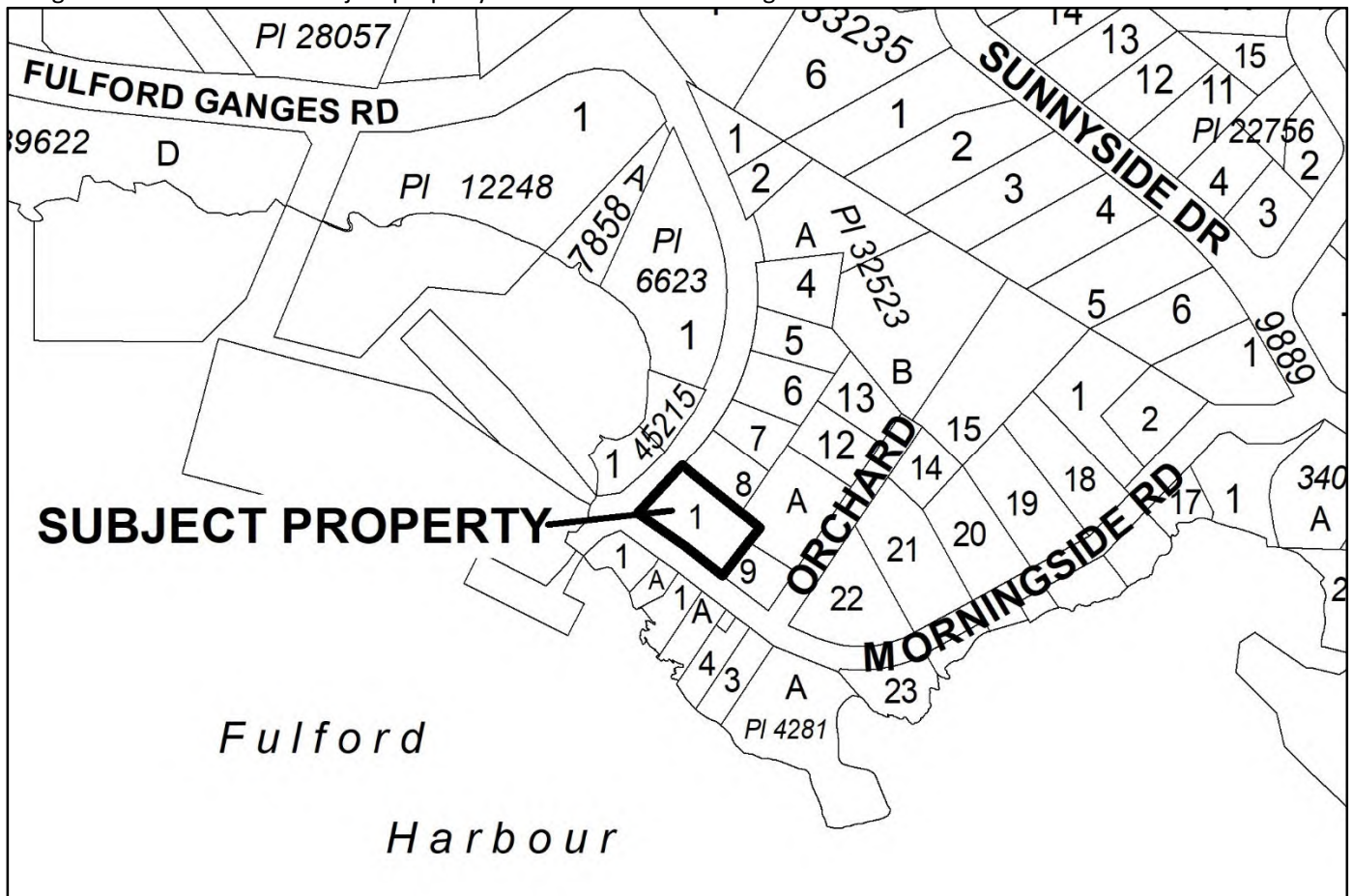


**NOTICE** is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355,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

- Varying Subsection 4.1.1, reducing the 3.0 m (9.8 ft) setback for an accessory building from another building on a lot to permit three existing sea cans on a concrete foundation within 2.2 m (7.2 ft) of another building on a lot.

The property is located at **2915 Fulford-Ganges Road** and is legally described as LOT 1, SECTION 15, RANGE 1, SOUTH SALTSRING ISLAND, COWICHAN DISTRICT, PLAN 5562 (PID: 006-010-296).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 25, 2023** and continuing up to and including **November 8, 2023**.

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

Enquiries or comments should be directed to Charly Caproff, Planner 1 at (250) 538-5602, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca) before 4:30 pm, **November 8, 2023**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **November 16, 2023** starting at 9:30 am at the 64 Learning Hub, 122 Rainbow Road, Salt Spring Island. Typically, applications are considered in the afternoon portion of the meeting, which begins at 12 noon. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

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.

A handwritten signature in black ink, appearing to read 'Rob Pingle', with a horizontal line extending to the right.

Rob Pingle, Deputy Secretary



Islands Trust

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2023.17

To: Norman Patterson

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

LOT 1, SECTION 15, RANGE 1, SOUTH SALTSPRING ISLAND, COWICHAN DISTRICT, PLAN 5562  
(PID: 006-010-296)

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

- a) Subsection 4.1.1 which states that no accessory building with exception of a carport may be located within 3.0 m (9.8 ft) of another building on a lot is varied to permit three existing sea cans on a concrete foundation within 2.2 m (7.2 ft) of another building on a lot;

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

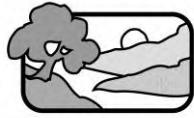


# PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
SS-DVP-2023.17

## SCHEDULE 'A'





File No.: SS-DVP-2023.9

X-Ref.: SS-SUB-2023.2

SS-ALR-2020.4

DATE OF MEETING: November 16, 2023

TO: Salt Spring Island Local Trust Committee

FROM: Chris Buchan, Planner 2  
Salt Spring Island Team

COPY: Chris Hutton, Regional Planning Manager

SUBJECT: Lot frontage exemption and variance to permit a split lot.  
Applicant: Dennis Miller  
Location: 2101 Fulford-Ganges Road.

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve development variance permit SS-DVP-2023.9.
2. And that the Salt Spring Island Local Trust Committee, with reference to Section 512(2) of the *Local Government Act*, approve the frontage relief from the required 10 percent to 3.74% percent for proposed Strata Lot 1 and 7.66% for proposed Strata Lot 2 as shown on the plan of subdivision in Attachment 3 of the report from Planner Buchan dated November 16, 2023.

## REPORT SUMMARY

This report brings forward a frontage waiver and request for two variances to address the final subdivision approval conditions required by the Islands Trust. Specifically, the applicant has requested relaxation to Salt Spring Island Land Use Bylaw No. 355 Subsection 5.3.1 which requires a minimum 10% lot frontage, provided it exceeds 10 metres, for all new lots created by subdivision. The proposal also seeks to vary Salt Spring Island Land Use Bylaw No. 355 Subsection 5.11.1 which prevents a single lot to be divided by a road or common property. The lot frontage variance also requires a waiver from the legislative requirement found under Section 512(2) of the *Local Government Act*, requiring a minimum lot frontage of 10% unless specifically waived by a Local Government authority.

Based on 1) previous Agricultural Land Commission approval, and 2) the subdivision layouts reduction in land impact, Staff find that there is sufficient rationale to support the request as stated.

## RATIONALE FOR VARIANCE

The applicant has requested the lot frontage exemption and variances so they may proceed with the subdivision final approval for Islands Trust Subdivision Application SS-SUB-2023.2.

The Land Use Bylaw has policy which enables a panhandle lot subdivision layout, while also restricting the lot frontage to 10%. Based on the Land Use Bylaw definitions, a common property access would fall within the panhandle definition, and is subject to frontage requirements abutting the access route. As panhandle lots are supported by regulations in the Land Use Bylaw, and the *Local Government Act* permits a local government to reduce a lot frontage below 10% through resolution, a variance to the lot frontage is supported by staff.

The complete background and rationale provided with the original application is included with the application as Attachment 1.

**BACKGROUND**

The application is proceeding as a result of a previous subdivision application referral and Agricultural Land Commission (ALC) Subdivision Application under Section 21(2) of the *Agricultural Land Commission Act*, for which ALC permission was granted on November 3, 2022 and a Ministry of Transportation and Infrastructure preliminary layout review was issued (Subdivision file SS-SUB-2023.2). ALC approval was subject to charges being registered to the property title. Subdivision conditions were provided in accordance with the ALC file, Official Community Plan No. 434 (OCP) and Land Use Bylaw No. 355 (LUB) policy and regulation. The applicant has submitted the DVP application to address the requirement to vary the split lot requirement under LUB Section 5.11.1. After staff review of the DVP, an additional LUB requirement was noted regarding the 10% lot frontage (Section 5.3.1).

The subdivision application is for three lots (two rural lots and one remainder agricultural lot) located within the Agricultural and Rural Zones. The full site context has been included for information under Attachment 2. Proposed Strata Lot 1 proposes a lot frontage of 27.5 m (83.66 ft), which is 3.74% of the proposed lot perimeter while Proposed Lot B proposes a lot frontage of 42.62 m / 139.76 ft (7.66%) of the total lot perimeter. Both proposed strata lots are designed to be serviced by a 10 metre (32.8 ft) wide panhandle design.

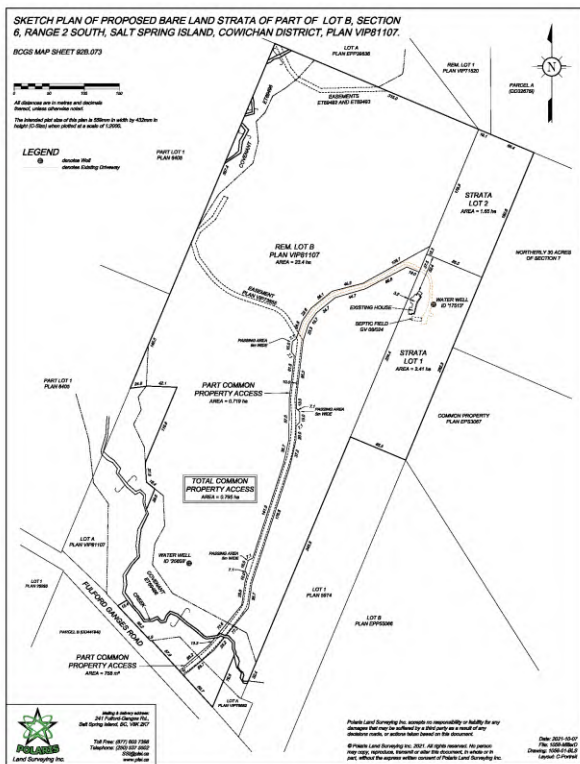


Figure 1: Subdivision Plan



Figure 2: Orthophoto

**ANALYSIS**

**Policy/Regulatory**

**Official Community Plan:**

The subject property is designated as Agricultural and Rural Neighbourhoods under Salt Spring Island Official Community Plan No. 434. The Rural designation is intended to support limited agricultural and medium scale

residential activities on larger lots throughout Salt Spring Island while the Agricultural designation is intended to support all types of agricultural activities and small-medium scale residential activities.

**Land Use Bylaw:**

The current property is zoned Agricultural (A1) and Rural (R) under Salt Spring Island Land Use Bylaw No. 355. The zoning allows for a small range of uses, with the most relevant being single family dwellings, seasonal cottages, and agriculture.

The subdivision preliminary layout review establishes the conditions that are required to be met for the subdivision final approval to take place. These conditions are based on regulations established in Bylaw No. 355. Division 9 of the *Local Government Act* enables an owner of land to vary Subdivision and Development Regulations (Division 11 of the *Local Government Act*).

**Issues and Opportunities**

*Lot Frontage:*

The Land Use Bylaw provides regulations for a panhandle access under Section 5.4; however, a minimum 10% lot frontage is also required under both Section 5.3.1 of the Land Use Bylaw and Section 512(2) of the *Local Government act*. While Section 5.3.1 regulation greatly restricts the potential for panhandle design, panhandles are supported under Section 5.4 but require that the minimum frontage be varied.

*Split Lot:*

While regulations in the Salt Spring Island Land Use Bylaw restrict the division of a lot by common property or a highway (Section 5.11.1), the current proposal rationalizes this request by utilizing the current driveway for the proposed lots to reduce the impact to agriculture on the remainder lot. This driveway will be protected by a covenant and easement secured by the ALC to ensure that residential use of this driveway will leave agricultural operations unimpeded onsite.

**Consultation**

In accordance with [Section 499\(3\)](#) of the *Local Government Act* and Section 8 of the [Salt Spring Island Development Procedures Bylaw No. 304](#), statutory notice (Attachments 4 & 5) of the proposed variance was mailed to all owners of properties within 100 metres of the subject property’s boundaries on October 23, 2023.

At the time of preparing this report, the SS LTC had not received any public correspondence for this application. Additional correspondence may be received before or during the SS LTC meeting. Correspondence may be sent to [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca).

**Protocols**

No Islands Trust protocols have been identified as applicable.

**Agencies**

No agency referrals have been identified as necessary.

**First Nations**

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to SS LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

## Rationale for Recommendation

The variance requested in this application would assist the applicant in achieving final approval for the proposed three lot subdivision. The requested lot frontage exemption for the proposed panhandle lots (Proposed Strata Lots 1 and 2) is supported by Staff as the proposed layout would be in compliance with Land Use Bylaw Section 5.4. Additionally, variance to Land Use Bylaw Section 5.11.1 (split lot provisions) is supported as lot would not likely see any negative operational impacts and is supported with ALC approval which has been granted on the basis that any other location would result in a greater impact to farming onsite.

## ALTERNATIVES

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

### 1. Request further information

The SS LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increase processing time and potentially increased cost to the applicant. If selecting this alternative, the SS LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust [indicate information required].*

### 2. Deny the application

The SS LTC may deny the application. Staff advise that the implications of this alternative are either file closure, or subdivision layout re-design and ALC reconsideration. This would trigger a new review of the subdivision layout, and potential further studies required to at the applicant's expense. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee deny application SS-DVP-2023.9 for the following reasons:*

*[indicate reasons for denial]*

## NEXT STEPS

If the SS LTC accepts staff's recommendation, the DVP, as presented in Attachment 4, would be issued and the applicant can continue working with the Ministry of Transportation and Infrastructure to receive final Subdivision approval.

Submitted By:	Chris Buchan, Planner 2	November 7, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 8, 2023

## ATTACHMENTS

1. Applicant Letter
2. Site Context
3. Proposed Subdivision Plan
4. Proposed Permit
5. Notice

**Attached to and forming part of the Land Use Application for 2101 Fulford Ganges Road, Salt Spring Island.**

**Purpose of Application:**

The Application seeks to permit a variance to section 5.11.1 of the LUB, by allowing the dividing into two sections, an ALR lot which would result from the proposed subdivision of ALR lands from non-ALR lands.

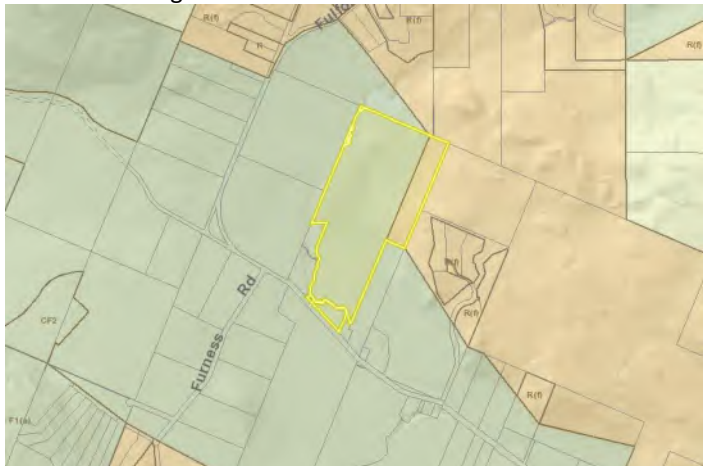

The proposed subdivision plans to utilize the existing driveway as a common property roadway providing access to both (a) the proposed 2 lot strata subdivision (one strata lot containing an existing residence) and (b) the remaining ALR lands. As per the ALR approval of this subdivision, the ALR lands will have an unrestricted easement to utilize the common property roadway.

# ATTACHMENT 2 – SITE CONTEXT

## LOCATION

Legal Description	Lot B Section 6 Range 2 South Salt Spring Island Cowichan District Plan VIP81107
PID	026-693-526
Civic Address	2101 Fulford-Ganges Road, Salt Spring Island

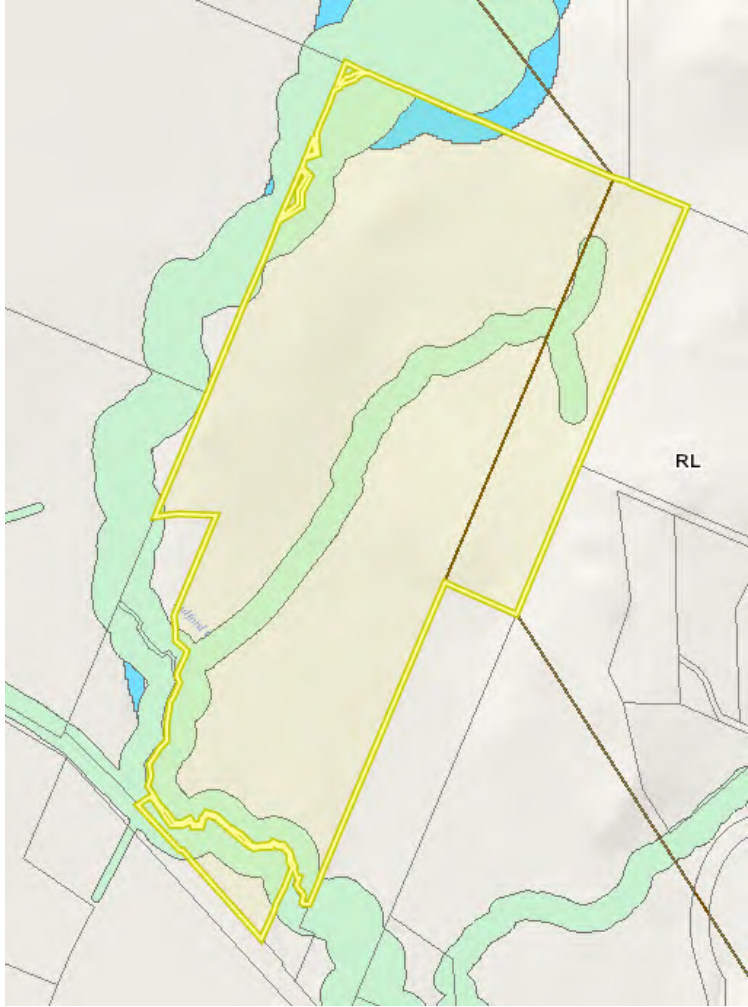
## LAND USE

Current Land Use	<b>Residential &amp; Agriculture – Dwelling Unit and Farm Buildings</b>
Surrounding Land Use	<p>Residential &amp; Agricultural</p>  <p><i>Islands Trust Zoning Map (subject property indicated in yellow)</i></p>  <p><i>Islands Trust Orthophoto (subject property indicated in yellow)</i></p>

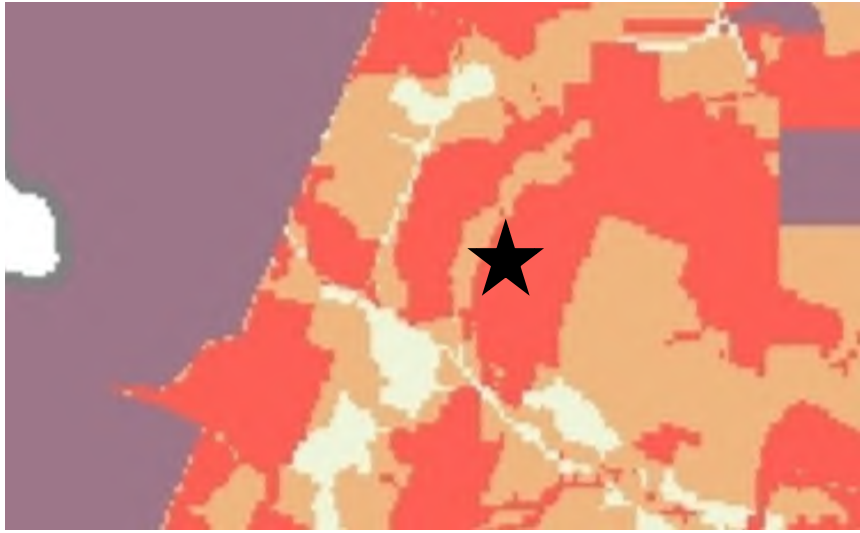
## HISTORICAL ACTIVITY

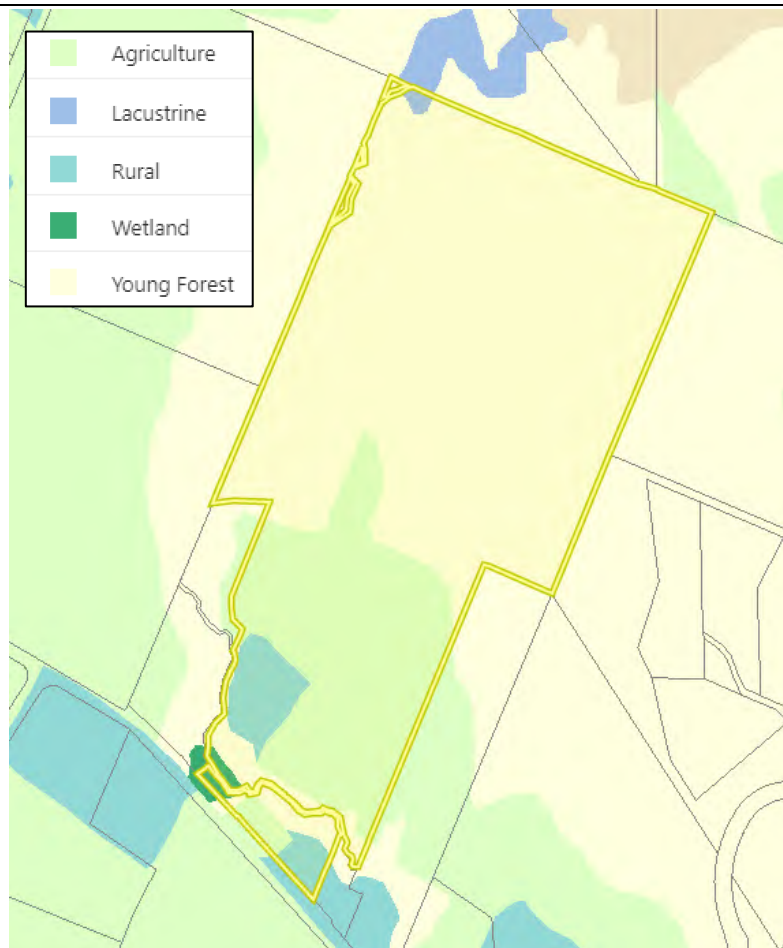
File No.	Purpose
SS-SUB-2004.7	Boundary Adjustment Between Subject Property and 2073 Fulford-Ganges Road
SS-ALR-20204	ALC Subdivision application for a 3 lot subdivision along the ALR boundary
SS-SUB-2023.2	Subdivision application resulting from ALC application approval

## POLICY/REGULATORY

Official Community Plan Designations	<p>Agriculture (A) &amp; Rural Neighbourhoods (RL)</p> <ul style="list-style-type: none"> <li>• Development Permit Area 4 – Lakes, Streams &amp; Wetlands</li> <li>• Development Permit Area 7 – Riparian Areas</li> </ul> 
Land Use Bylaw	Agriculture 1 (A1) & Rural (R)
Other Regulations	Agricultural Land Reserve (ALR)
Water Service Area	None
Title Charges	<p>152074G: Annexed Easement            ET69492: Easement (to Lot 1)            ET69493: Easement (to Lot 1)            ET69496: Covenant            ET69497: Statutory Right of Way</p>
Bylaw Enforcement	None

## SITE INFLUENCES

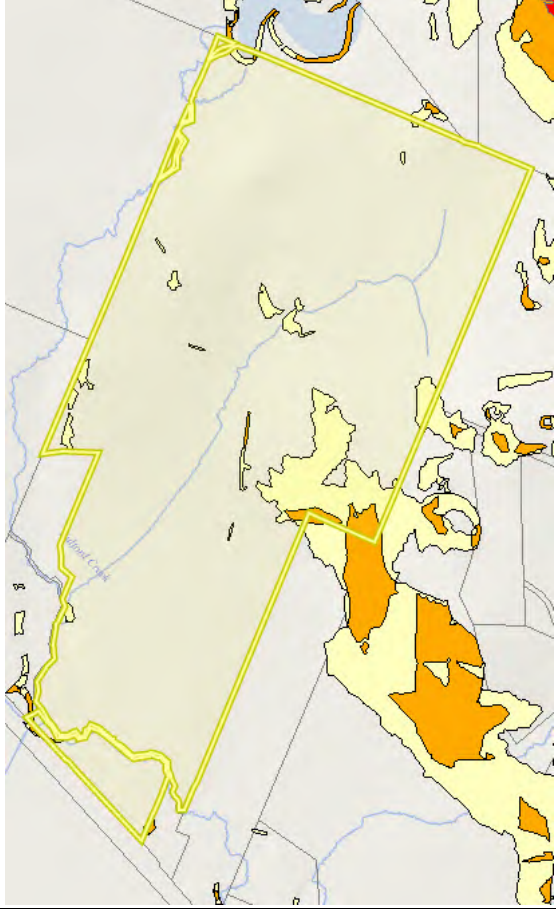
Islands Trust Conservancy	The Islands Trust Conservancy does not have an interest in any properties within 100 metres of the property subject of this application.
Regional Conservation Strategy	<p>The subject property is primarily within the <b>MEDIUM</b> to <b>HIGH</b> relative value area for important natural areas in the Salt Spring Island Local Trust Area.</p> 
Species at Risk	<p><b>SAR (Public) Species:</b> None Currently Mapped  <b>SAR (Public) Ecological Community:</b> None Currently Mapped</p>
Sensitive Ecosystems	<p><b>SEI:</b> None Currently Mapped  <b>Heron Rookery/Raptor Nest/Sea Bird Colony:</b> None Currently Mapped  <b>RAR Watercourse:</b> Yes  <b>ITEM:</b> Rural &amp; Young Forest</p>



*Islands Trust Ecosystem Mapping (ITEM)*

Islands Trust Protected Areas mapping indicates the following mapped categories surrounding or in close proximity to subject property: Conservancy Covenant, Public Conservancy Land, Community & Provincial Parks, Coastal Douglas Fir Management Area



<p>Hazard Areas</p>	<p>Moderate to Low Risk Steep Slopes are mapped throughout the property.  <b>Yellow = Low Risk   Orange = Moderate   Red = High</b></p> 
<p>Archaeological Sites/Potential</p>	<p><b>Archeological Potential on subject property.</b>          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.</p>
<p>Climate Change Adaptation and Mitigation</p>	<p>The subject property ranges in elevation from approximately 22 metres to 96 metres above sea level and is located along a bus route.</p>
<p>Shoreline Classification</p>	<p><i>Not Applicable</i></p>
<p>Shoreline Data in TAPIS</p>	<p><i>Not Applicable</i></p>

**PHOTOS**



Access Driveway to Subject Property



Holly Orchard on Subject Property



Driveway through Subject Property crossing Fulford Creek



Fulford Creek Bisecting Lower Area of Subject Property



Sheep Pasture on Subject Property





Driveway Through Subject Property and to Farm Buildings



Farm Building



Heritage Orchard



Fenced Garden and Farm Buildings



Lower Hay Field





Driveway Through Subject Property



Driveway Through Subject Property



Driveway and Single-Family Dwelling on Subject Property



Single-Family Dwelling on Subject Property



Icelandic Sheep on Subject Property



Upper Hay Field (Right of Trail) and Future Pasture (Left of Trail)



Fulford Creek on Neighbouring Property (in Close Proximity to Western Property Line)



Dam Spillway on Subject Property



1930s Dam on North-West Corner of Subject Property



Access to Proposed Strata Lot 2

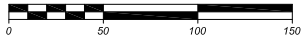


Proposed Strata Lot 2 (Boundary)

SKETCH PLAN OF PROPOSED BARE LAND STRATA OF PART OF LOT B, SECTION 6, RANGE 2 SOUTH, SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN VIP81107.

Attachment 3

BCGS MAP SHEET 92B.073

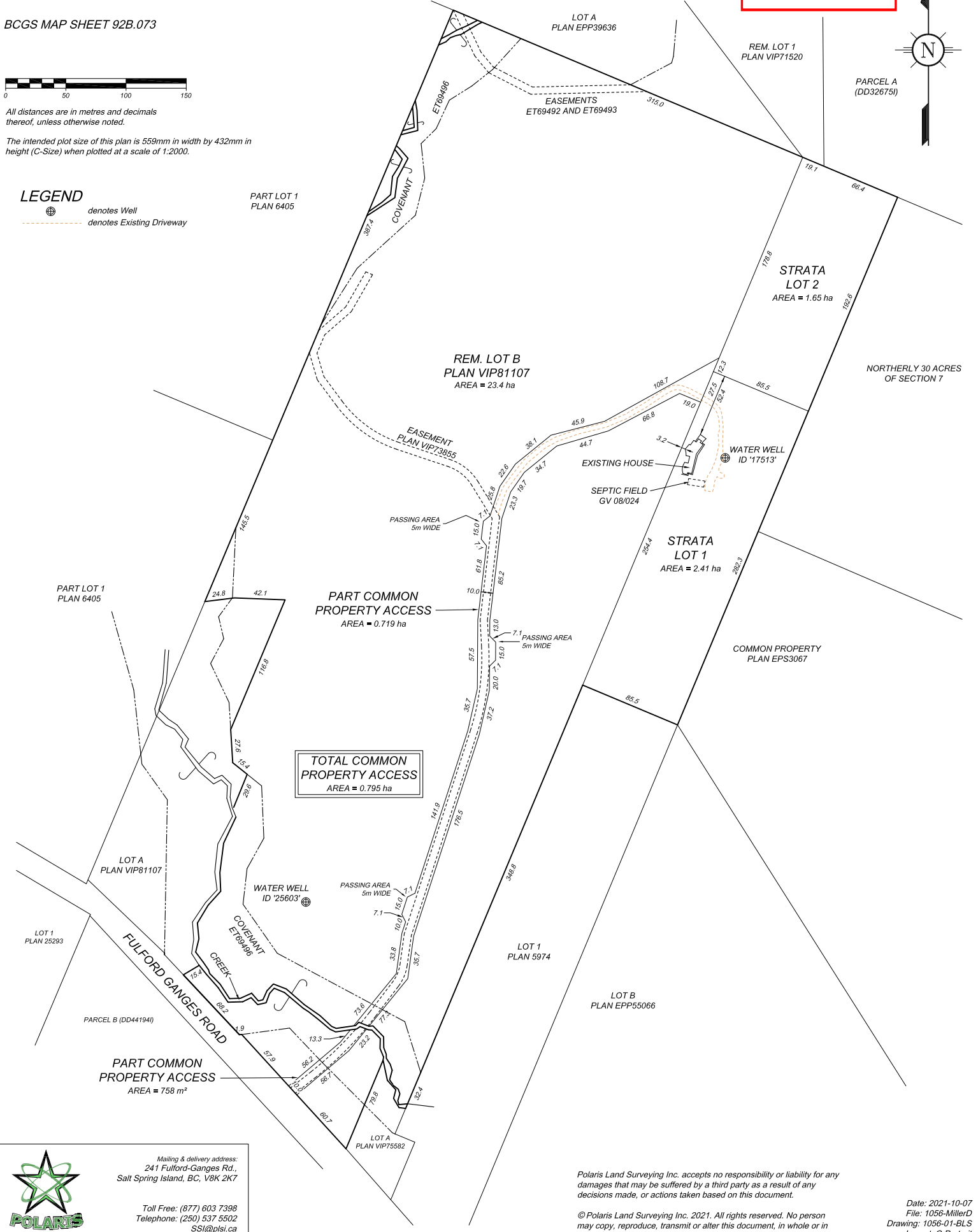
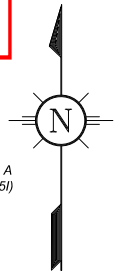


All distances are in metres and decimals thereof, unless otherwise noted.

The intended plot size of this plan is 559mm in width by 432mm in height (C-Size) when plotted at a scale of 1:2000.

LEGEND

- denotes Well
- denotes Existing Driveway



Mailing & delivery address:  
241 Fulford-Ganges Rd.,  
Salt Spring Island, BC, V8K 2K7

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

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Date: 2021-10-07  
File: 1056-MillerD  
Drawing: 1056-01-BLS  
Layout: C-Portrait



# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2023.9

To: Dennis Gordon Miller

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

LOT B SECTION 6 RANGE 2 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP81107  
(PID: 026-693-526)

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

a) Subsection 5.3.1 which states 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 (32.81 ft)." is varied to permit to enable the creation of a panhandle design lot in the form of a common property access driveway to the following:

a. Proposed Strata Lot 1 from 10% (73.51 m / 241.17 ft) to 3.74% (27.5 m / 83.66 ft) of the lot perimeter; and

b. Proposed Strata Lot 2 from 10% (55.62 m / ft) to 7.66% (42.6 m / 139.76 ft) of the lot perimeter;

as depicted in Plan No. 1

b) Subsection 5.11.1 which states that "No lot may be created by subdivision, which is divided into two or more portions by a highway, park dedication, common property or other lot." Is varied to enable the subdivision of a single parcel split by a common property access driveway.

The development shall be consistent with Plan No. 1 which is attached to and forms part of this permit.

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

**AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING 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.**

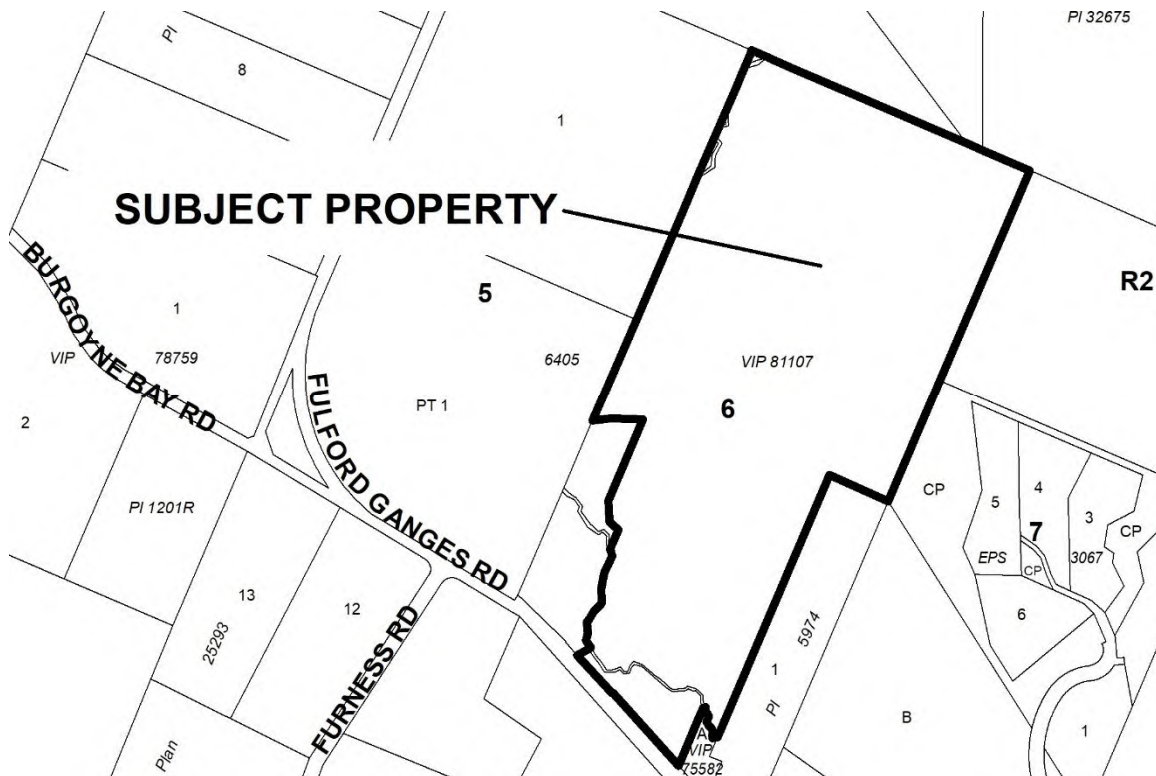


**NOTICE** is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355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

- Varying Section 5.3.1– to reduce the minimum lot frontage on:
  - 1) Proposed Strata Lot 1 from 10% (73.51 m / 241.17 ft) to 3.74% (27.5 m / 83.66 ft) of the lot perimeter; and
  - 2) Proposed Strata Lot 2 from 10% (55.62 m / ft) to 7.66% (42.6 m / 139.76 ft) of the lot perimeter
- Varying Section 5.11.1 – to enable the subdivision of a single parcel split by a common property access driveway.

The property is located **2101 Fulford Ganges Road, Salt Spring Island** and is legally described as LOT B SECTION 6 RANGE 2 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP81107 (PID: 026-693-526).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 1-500 Lower Ganges Road, Salt Spring Island BC V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 25, 2023** and continuing up to and including **November 8, 2023**.

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

Enquiries or comments should be directed to Chris Buchan, Planner 2 at (250) 537-9144, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca) before 4:30 pm, **November 8, 2023**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting on **November 16, 2023** at 9:30 a.m. at the 64 Learning Hub, 122 Rainbow Road, Salt Spring Island. Typically, applications are considered in the afternoon portion of the meeting, which begins at 12 noon. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

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-2023.9

To: Dennis Gordon Miller

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

LOT B SECTION 6 RANGE 2 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP81107  
(PID: 026-693-526)

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

- a) Subsection 5.3.1 which states 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 (32.81 ft).” is varied to permit to enable the creation of a panhandle design lot in the form of a common property access driveway to the following:
  - a. Proposed Strata Lot 1 from 10% (73.51 m / 241.17 ft) to 3.74% (27.5 m / 83.66 ft) of the lot perimeter; and
  - b. Proposed Strata Lot 2 from 10% (55.62 m / ft) to 7.66% (42.6 m / 139.76 ft) of the lot perimeter;

as depicted in Plan No. 1
- b) Subsection 5.11.1 which states that “No lot may be created by subdivision, which is divided into two or more portions by a highway, park dedication, common property or other lot.” Is varied to enable the subdivision of a single parcel split by a common property access driveway.

The development shall be consistent with Plan No. 1 which is attached to and forms part of this permit.

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

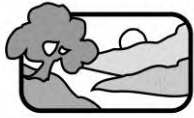
**AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING LOCAL TRUST COMMITTEE  
THIS ##th DAY OF [MONTH], [YEAR].**

\_\_\_\_\_  
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.**





File No.: SS-DP-2023.9

DATE OF MEETING: November 16, 2023  
TO: Salt Spring Island Local Trust Committee  
FROM: Chris Buchan, Planner 2, Salt Spring Island Team  
COPY: Chris Hutton, Regional Planning Manager, Salt Spring Island Team  
SUBJECT: **Development Permit** for the removal of vegetation within the setback area in DPA1  
Applicant: Martin Ogilvie  
Location: Lot 2 – Jackson Avenue, Salt Spring Island, BC (PID: 031-451-977)

## RECOMMENDATIONS

1. **That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2023.9 (Lot 2 – Jackson Avenue).**

## REPORT SUMMARY

This application, triggered under Section E.1.1.2.i. (Development Permit Area 1 – Island Villages), is for the proposed removal of vegetation (Himalayan blackberry, brush/weeds, one danger tree) within 7.5 metres of a lot line abutting land zoned for residential use. The applicant has submitted a statement of intent (Attachment 1) and a supporting arborist report (Attachment 2) identifying a tree recommended for removal. Staff recommend issuance of the Development Permit (Attachment 3) as the development substantially meets applicable DPA1 guidelines (Attachment 4).

## BACKGROUND

The subject property (Figure No. 1 & 2) is located in Ganges Village, Salt Spring Island. The 0.08-hectare (0.209-acre) lot is zoned two variants Residential 6 (R6 & R6 (b)). A comprehensive analysis of the subject property and surrounding area can be found in Attachment 5.

The property on Jackson Avenue was recently subdivided in 2021, with PLR conditions requiring sidewalk installation, among other Salt Spring Island Land Use Bylaw No. 355 requirements. As part of this subdivision process, the applicant successfully varied the requirement for sidewalk construction, deferring this requirements to the future property owner. This deferral was secured by a covenant which states that construction of any kind may not occur until a sidewalk design and security deposit have been submitted. This means that until the Capital Regional District works with the applicant to provide design and take in the monetary deposit from the applicant, only land alteration and vegetation removal are permitted onsite.

The applicant is seeking a Development Permit for the proposed vegetation removal with near future intent to utilize the land for commercial food truck use (requiring a temporary use permit). At this time, only the land preparation is contemplated and included in the proposed development permit.

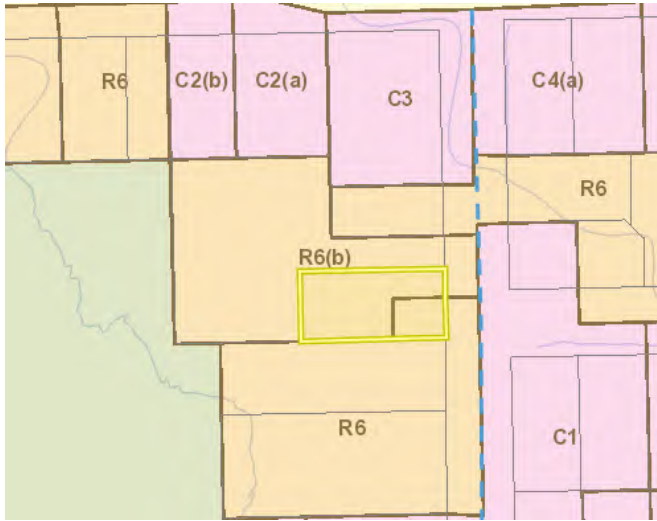


Figure 1: Zoning Map of Subject Property

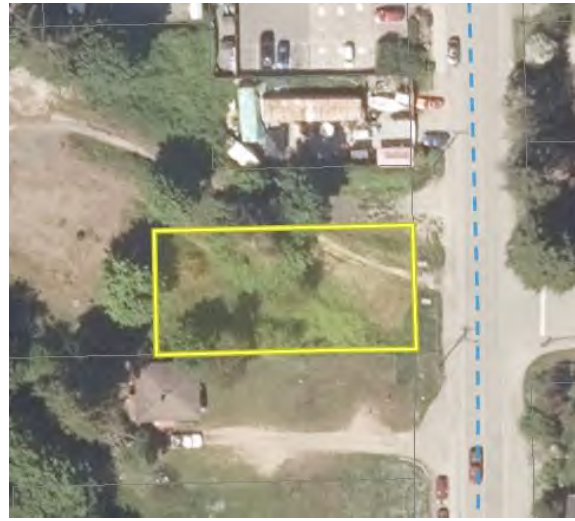


Figure 2: 2017 Orthophoto of Subject Property

## ANALYSIS

### **Official Community Plan:**

The subject property is designated Ganges Village Core (GVC) in [Salt Spring Island Official Community Plan No. 434](#) (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”.

### **E.1 Development Permit Area 1 – Island Villages**

DPA1 is designated according to the Local Government Act to identify objectives and guidelines for the form and character of commercial, industrial or multi-family residential development; for the protection of development from hazardous conditions that could result from changes to stormwater drainage; and for the protection of farming. Select objectives of this Development Permit Area are “to encourage the development of attractive, compact villages that harmoniously combines commercial, residential, cultural and recreational facilities in a way that encourages pedestrians and enhances village economies”; “to protect and enhance views of harbours and uplands, and provide pedestrian access to parklands and shorelines”; “to keep the secure character of village” and “to encourage the use of local artisanship and materials”. The application requires a Development Permit under DPA1, pursuant to the following clauses in the OCP:

- E.1.1.2 All development in this Development Permit Area is exempted from the requirement to obtain a Development Permit, except:
  - i. **Removal of vegetation within 7.5 m of a lot line that abuts land zoned for residential or commercial guest accommodation uses (excluding the emergency removal of a hazardous tree).**

Appendix No. 2 contains a review of DPA1 guidelines. A total of 2 of the 95 DPA1 guidelines were considered applicable to the proposed vegetation removal. Of these, the proposal is in full conformance with the 2 guidelines:

Guideline	Complies	Comments
E.1.7.10 Special care should be taken to retain existing vegetation and incorporate it into new development. Particular attention should be paid within Channel Ridge Village to the preservation of Garry Oak and Arbutus trees and to the unique habitat that surrounds them.	Yes	<b>Staff Comments:</b> While the applicant is proposing to remove vegetation on the property, the vegetation in question is invasive (non-local) Himalayan Blackberries and one danger tree identified by a certified arborist otherwise exempt from the DP process.

E.1.7.11 Other existing natural site features such as rock formations and ground contours should be preserved.

Yes

**Staff Comments:** At this time, ground contours and natural site features are not proposed to be removed.

As the majority of guidelines are specific to new development or site layout, the scope of small-scale vegetation removal is not applicable to most guidelines.

### ***Land Use Bylaw:***

The property is zoned Residential 6 (split zoned R6 & R6 (b)). The R6 zoning allows for:

- 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**

#### *Scope of Work:*

This proposal is only for the vegetation removal associated with future landscaping and sidewalk construction. No site development is considered at this time. For this reason, only two of 95 permit guidelines are applicable and thus, the application appears to meet the merits of all applicable guidelines.

#### *Covenant Restriction:*

Future works onsite will be restricted until the current covenant which requires that the applicant start the process to construct a sidewalk deferred from subdivision is addressed.

#### *DP Triggers and Exemptions:*

As the applicant proposes removal of Himalayan Blackberry, brush, and one danger tree, Section E.1.1.2.i of the OCP triggers an application. If the applicant only wanted to proceed with the removal of the subject danger tree, the work would be exempt from the DPA requirements.

#### *Future Works:*

While the intent of this permit is to enable vegetation removal, no development is proposed at this time. Future construction would likely require an additional development permit.

### **Consultation**

This application does not require notification.

### **Agencies**

This application does not require agency referrals.

### **First Nations**

This proposal does not require First Nations referral.

### **Rationale for Recommendation**

Staff have determined the two applicable guidelines of DPA1 for the proposed vegetation removal have been satisfactorily met. While the scope of the development is small at this time and is only applicable to 2% of the total

DP guidelines, future works regarding building construction may require future development permits. As such, staff recommend that the SS LTC approve issuance of the proposed Development Permit.

**ALTERNATIVES**

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

**1. Forward the application to the Advisory Planning Commission**

The SS LTC may forward the application to the Advisory Planning Commission (APC) for comment prior to making a decision. Staff advise that the implications of this alternative are increased processing time and potentially increased costs to the applicant. The APC comprises of a panel of community members, which are generalists or experts in the fields of environment, design, or planning. Referring the application to the APC for their comment on the DPA1 guidelines, which the application is at variance with would provide the SS LTC and staff with their invaluable insights into the nuances of the application prior to final consideration. Recommended wording for resolution:

*That the Salt Spring Island Local Trust Committee refer application SS-DP-2023.9 (Lot 2 – Jackson Avenue) to the Advisory Planning Commission for comment.*

**2. Deny the application**

The SS LTC may deny the application. Staff advise that the implication of this alternative is that the file would be closed. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for resolution:

*That the Salt Spring Island Local Trust Committee deny issuance of SS-DP-2023.9 (Lot 2 – Jackson Avenue) for the following reasons: [list reasons].*

**3. 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-DP-2023.9, Lot 2 – Jackson Avenue)).*

**NEXT STEPS**

If the recommended resolution is adopted, the Development Permit will be issued.

Submitted By:	Chris Buchan, Planner 2	November 7, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 8, 2023

**APPENDICES**

1. Statement of Intent
2. Arborist Report
3. Proposed Development Permit
4. DPA1 Guidelines
5. Site Context & Photographs

**Attached to and forming part of the Land Use Application for 2101 Fulford Ganges Road, Salt Spring Island.**

**Purpose of Application:**

The Application seeks to permit a variance to section 5.11.1 of the LUB, by allowing the dividing into two sections, an ALR lot which would result from the proposed subdivision of ALR lands from non-ALR lands.

The proposed subdivision plans to utilize the existing driveway as a common property roadway providing access to both (a) the proposed 2 lot strata subdivision (one strata lot containing an existing residence) and (b) the remaining ALR lands. As per the ALR approval of this subdivision, the ALR lands will have an unrestricted easement to utilize the common property roadway.

Date Oct 5 / 2023 Time 4 PM

Address/Tree location Property ID 031-451-977 lot 2 Section 1 Tree no. \_\_\_\_\_ Sheet 1 of 2  
 Tree species Acer Macrophyllum/Bigleaf Maple dbh 67cm Height 60' Crown spread dia. 30'  
 Assessor(s) Nathan Battaglia Tools used \_\_\_\_\_ Time frame \_\_\_\_\_

Target Assessment

Target number	Target description	Target protection	Target zone			Occupancy rate 1 - rare 2 - occasional 3 - frequent 4 - constant	Practical to move target?	Restriction practical?
			Target within drip line	Target within 1 x Ht.	Target within 1.5 x Ht.			
1	<u>Codominant Maple. over. Water, Sewer, Power line.</u>	<u>50'</u>	<u>X</u>	<u>X</u>		<u>2</u>	<u>No</u>	<u>No</u>
2								
3								
4								

Site Factors

History of failures \_\_\_\_\_ Topography Flat  Slope  25 % Aspect \_\_\_\_\_  
 Site changes None  Grade change  Site clearing  Changed soil hydrology  Root cuts  Describe \_\_\_\_\_  
 Soil conditions Limited volume  Saturated  Shallow  Compacted  Pavement over roots  15 % Describe Road access over roots  
 Prevailing wind direction SW Common weather Strong winds  Ice  Snow  Heavy rain  Describe \_\_\_\_\_

Tree Health and Species Profile

Vigor Low  Normal  High  Foliage None (seasonal)  None (dead)  Normal  % Chlorotic \_\_\_\_\_ % Necrotic \_\_\_\_\_ %  
 Pests/Biotic \_\_\_\_\_ Abiotic \_\_\_\_\_  
 Species failure profile Branches  Trunk  Roots  Describe \_\_\_\_\_

Load Factors

Wind exposure Protected  Partial  Full  Wind funneling  \_\_\_\_\_ Relative crown size Small  Medium  Large   
 Crown density Sparse  Normal  Dense  Interior branches Few  Normal  Dense  Vines/Mistletoe/Moss  \_\_\_\_\_  
 Recent or expected change in load factors \_\_\_\_\_

Tree Defects and Conditions Affecting the Likelihood of Failure

— Crown and Branches —

Unbalanced crown  LCR \_\_\_\_\_ % Cracks  Lightning damage   
 Dead twigs/branches  \_\_\_\_\_ % overall Max. dia. \_\_\_\_\_ Codominant  Included bark   
 Broken/Hangers Number \_\_\_\_\_ Max. dia. \_\_\_\_\_ Weak attachments  Cavity/Nest hole \_\_\_\_\_ % circ.  
 Over-extended branches  Previous branch failures  Similar branches present   
 Pruning history Dead/Missing bark  Cankers/Galls/Burls  Sapwood damage/decay   
 Crown cleaned  Thinned  Raised  Conks  Heartwood decay   
 Reduced  Topped  Lion-tailed  Response growth \_\_\_\_\_  
 Flush cuts  Other \_\_\_\_\_

Condition(s) of concern \_\_\_\_\_

Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

Part Size \_\_\_\_\_ Fall Distance \_\_\_\_\_  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

— Trunk —

Dead/Missing bark  Abnormal bark texture/color   
 Codominant stems  Included bark  Cracks   
 Sapwood damage/decay  Cankers/Galls/Burls  Sap ooze   
 Lightning damage  Heartwood decay  Conks/Mushrooms   
 Cavity/Nest hole \_\_\_\_\_ % circ. Depth \_\_\_\_\_ Poor taper   
 Lean \_\_\_\_\_ ° Corrected? \_\_\_\_\_  
 Response growth \_\_\_\_\_  
 Condition(s) of concern Poor Inclusion of Codominant Stem  
 Part Size \_\_\_\_\_ Fall Distance 65'

Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

— Roots and Root Collar —

Collar buried/Not visible  Depth \_\_\_\_\_ Stem girdling   
 Dead  Decay  Conks/Mushrooms   
 Ooze  Cavity  \_\_\_\_\_ % circ.  
 Cracks  Cut/Damaged roots  Distance from trunk \_\_\_\_\_  
 Root plate lifting  Soil weakness   
 Response growth \_\_\_\_\_  
 Condition(s) of concern Shallow Rooting

Part Size \_\_\_\_\_ Fall Distance 65'  
 Load on defect N/A  Minor  Moderate  Significant   
 Likelihood of failure Improbable  Possible  Probable  Imminent

### Risk Categorization

Target (Target number or description)	Tree part	Condition(s) of concern	Likelihood											Consequences				Risk rating (from Matrix 2)					
			Failure				Impact				Failure & Impact (from Matrix 1)												
			Improbable	Possible	Probable	Imminent	Very low	Low	Medium	High	Unlikely	Somewhat	Likely	Very likely	Negligible	Minor	Significant		Severe				
Sewage	Stem	Codominant Stem; poor Inclusion.			✓																		
Water					✓																		
Power						✓																	

Matrix 1. Likelihood matrix.

Likelihood of Failure	Likelihood of Impact			
	Very low	Low	Medium	High
Imminent	Unlikely	Somewhat likely	Likely	Very likely
Probable	Unlikely	Unlikely	Somewhat likely	Likely
Possible	Unlikely	Unlikely	Unlikely	Somewhat likely
Improbable	Unlikely	Unlikely	Unlikely	Unlikely

Matrix 2. Risk rating matrix.

Likelihood of Failure & Impact	Consequences of Failure			
	Negligible	Minor	Significant	Severe
Very likely	Low	Moderate	High	Extreme
Likely	Low	Moderate	High	High
Somewhat likely	Low	Low	Moderate	Moderate
Unlikely	Low	Low	Low	Low

Notes, explanations, descriptions

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Mitigation options

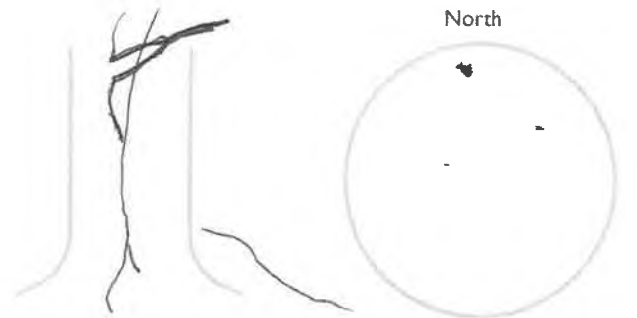
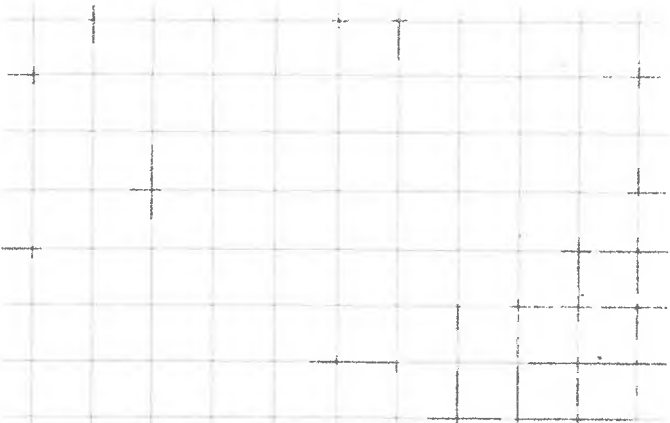
1. Removal Recommended. Residual risk \_\_\_\_\_
2. \_\_\_\_\_ Residual risk \_\_\_\_\_
3. \_\_\_\_\_ Residual risk \_\_\_\_\_
4. \_\_\_\_\_ Residual risk \_\_\_\_\_

Overall tree risk rating      Low     Moderate     High     Extreme

Overall residual risk    None     Low     Moderate     High     Extreme     Recommended inspection interval \_\_\_\_\_

Data  Final  Preliminary    Advanced assessment needed  No  Yes-Type/Reason \_\_\_\_\_

Inspection limitations  None  Visibility  Access  Vines  Root collar buried Describe \_\_\_\_\_







# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT SS-DP-2023.9

TO: Martin Ogilvie

1. This Development Permit (the "Permit") applies to the land described below:  
**PID:** 031-451-977  
**LEGAL DESCRIPTION:** Lot 2, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 10515
2. This Permit is authorized in accordance with the following schedule attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:  
 Plan No. 1            Arborist Report
3. Development within Development Permit Area 1 (DPA1), as described and illustrated in Plan No. 1 is permitted in accordance with the following conditions:  
**3.1     Vegetation Removal**  
           Himalayan Blackberry and Brush Vegetation within 7.5 metres of the subject property lines, any tree identified in Plan No. 2 are permitted for removal.
4. The land described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any schedules, plans and specifications attached to this Permit, which shall form a part thereof.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval from the Capital Regional District.
6. Any further development, redevelopment or changes to this permit including the siting of buildings, structures, and landscaping on this property may require a new Development Permit or a Development Permit Amendment.

**AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

**THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
DEPUTY SECRETARY, ISLANDS TRUST

\_\_\_\_\_  
DATE OF ISSUANCE

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, THIS PERMIT AUTOMATICALLY LAPSES.**

# PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT SS-DP-2023.9

PLAN NO. 1: Arborist Report (Attached)

PROPOSED

# ATTACHMENT 4–DEVELOPMENT PERMIT AREA GUIDELINES

## DEVELOPMENT PERMIT AREA 1 – ISLAND VILLAGES

### E.1.3 Objectives of this Development Permit Area

- E.1.3.1** To encourage the development of attractive, compact villages that harmoniously combines commercial, residential, cultural and recreational facilities in a way that encourages pedestrians and enhances village economies.
- E.1.3.2** To protect and enhance views of harbours and uplands, and provide pedestrian access to parklands and shorelines.
- E.1.3.5** To keep the secure character of villages.
- E.1.3.6** To encourage the use of local artisanship and materials.

Guideline	Complies	Comments
<b>E.1.4 Guidelines for General Site Design, Building Location and Access</b>		
<b>General Guidelines</b>		
E.1.4.1 All commercial, general employment and multifamily sites should be designed to reduce impacts on neighbouring properties, on-site residential areas and public places, including the sea. Particular attention should be paid to locating and screening loading docks, waste containers, propane tanks, air-conditioning units and other service areas to reduce noise and visual impacts. This guideline is particularly important for development next to schools and hospitals.	N/A	Staff Comments: Not Applicable
E.1.4.2 All commercial, general employment and multifamily developments should be designed so that the obstruction of views from neighbouring properties is minimized.	N/A	Staff Comments: Not Applicable
E.1.4.3 Additions to existing commercial and multifamily buildings should maintain the existing building setbacks from the street, unless such setbacks are markedly different from the general neighbourhood pattern.	N/A	Staff Comments: Not Applicable
E.1.4.4 Major new commercial, general employment and multi-family developments should include construction of a sidewalk or walking path on adjacent road rights-of-way. All sidewalks and internal site circulation routes should ensure barrier-free access.	N/A	Staff Comments: Not Applicable
E.1.4.5 Site access to commercial and multi-family developments should encourage use by pedestrians and cyclists. Internal circulation routes for pedestrians and cyclists should be segregated from vehicular routes, with an emphasis given to pedestrian and cyclist safety over vehicular convenience if necessary. Site plans of large new developments should show how transit stops could be accommodated in the future. Site access in Ganges Village should be arranged to coordinate with the Ganges Public Pathway System, including the seawalk. Potential routes for the system are shown in a conceptual way on Map 17.	N/A	Staff Comments: Not Applicable
E.1.4.6 Commercial developments should provide structures for the convenient and secure parking and locking of bicycles, close to and visible from the adjacent streets. Such structures should not obstruct pedestrian movement on the site.	N/A	Staff Comments: Not Applicable

E.1.4.7 Where appropriate, buildings in the Ganges Village Core, Channel Ridge Village Core and in Fulford Harbour should be connected with arbours, courtyards and pathways to make them inviting to pedestrians. Along pedestrian routes, attractive public seating and resting areas should be incorporated into project designs.	N/A	Staff Comments: Not Applicable
E.1.4.8 Where possible, buildings should be sited and designed in a way that maximizes solar gain and reduces energy loss. Obstruction of solar gain on surrounding properties should be minimized.	N/A	Staff Comments: Not Applicable
<b>Guidelines For Specific Village Locations and Situations</b>		
E.1.4.9 To ensure a compact and pedestrian-oriented commercial area in village cores, new commercial developments in the Ganges Village Core, the Channel Ridge Village Core and in Fulford Harbour Village should ideally be located with no or little setback from the front property line. Minor variations could be included to provide small public spaces and pedestrian amenities along the streetfront. Exceptions to this guideline could be considered: a. On Hereford Avenue in Ganges where greater setbacks could reflect the location of existing structures. Building setbacks along Hereford Avenue should show a transition between new and old structures that enhances pedestrian use, and includes public space and amenities. b. On waterfront properties in the Ganges Village Core and in Fulford Harbour Village, where developments should be oriented towards the harbours and parking should be located upland of the principal use on the property.	N/A	Staff Comments: Not Applicable
E.1.4.10 Where commercial developments have street frontage in the Ganges Village Core, Channel Ridge Village Core and Fulford Harbour Village, the main floor should be preferably occupied by retail stores, restaurants, and personal service uses in order to maintain the interesting and lively commercial character of the villages. Most new business and professional offices and residential units should ideally be located on the upper levels of commercial developments or on a side of the building without street frontage. Access for the disabled to upper levels should be considered.	N/A	Staff Comments: Not Applicable

<p>E.1.4.11 To avoid the appearance of strip development along Lower Ganges Road in Ganges Village, new developments with frontage on Lower Ganges Road north of Upper Ganges Road should be setback 7.6 m from Lower Ganges Road and should maintain an effective vegetation screen between structures or parking lots and the road, with minor breaks for access only. Where no other frontage exists, buildings should be oriented inward around a central court. Where a secondary frontage exists with access to Lower Ganges Road, building access should be from the secondary frontage, and building orientation should be either inward or oriented to the secondary frontage. Where commercial parcels lie between Lower Ganges Road and a residential street, all access should be developed from Lower Ganges Road, to buffer the residential area from commercial traffic.</p> <p>Additions to existing commercial development along Lower Ganges Road should use special creative efforts to avoid continuance of the existing "strip mall" appearance. Parking and shop fronts should be screened from Lower Ganges Road with generous landscaping buffers and islands. Use of designs that face the interior of the parcel with an inner court and using scales of traditional village streetscapes should be considered.</p>	<p>N/A</p>	<p><b>Staff Comments:</b> Not Applicable</p>
<p>E.1.4.12 New commercial and multi-family developments along Upper Ganges Road in the Ganges Village Core, along Fulford-Ganges Road in Fulford Harbour Village and along roads entering Channel Ridge Village should enhance the entry into these villages. Parking should be screened by vegetation or structures so that it is not visible from those entering the villages. Care should be taken that buildings in these areas create a sense of entry and do not present an unattractive appearance to those entering the villages.</p>	<p>N/A</p>	<p><b>Staff Comments:</b> Not Applicable</p>
<p>E.1.4.13 Developments along the boundary between the Upper Ganges Village and Ganges Village Core subdesignations should encourage pedestrian linkages between these two areas.</p>	<p>N/A</p>	<p><b>Staff Comments:</b> Not Applicable</p>
<p>E.1.4.14 Developments in Channel Ridge Village and Fulford Harbour Village should include landscaping arrangements that contribute to a comprehensive pathway system similar to the Ganges Public Pathway System. Development in the Channel Ridge Village Core should be focussed on a central village green linked to the pathway system. Recommended walkways for Fulford Harbour Village are shown on Map 18.</p>	<p>N/A</p>	<p><b>Staff Comments:</b> Not Applicable</p>
<p>E.1.4.15 Development along Ganges and Fulford Harbours should be oriented towards village harbours. In Ganges, it should incorporate the seawalk portion of the Ganges Public Pathway System as an integral part of its design (consistent with the plan shown on Map 17). Windows, doorways, patios, decks and pathways should be positioned to overlook and provide for pedestrian access to the harbour and seawalk.</p>	<p>N/A</p>	<p><b>Staff Comments:</b> Not Applicable</p>
<p>E.1.4.16 All development in the Ganges Village and Fulford Harbour Village Designations should be located so as not to interfere with existing harbour views from public areas and roadways. Particularly important harbour views to be preserved in Ganges include those from Upper and Lower Ganges Roads, the foot of Park Drive, Rainbow Road and Fulford-Ganges Road, Centennial Park and Gasoline Alley. Views to be preserved in Fulford Harbour include those from Fulford-Ganges Road and from Beaver Point Road.</p>	<p>N/A</p>	<p><b>Staff Comments:</b> Not Applicable</p>

E.1.4.17 Developments next to Ganges and Fulford Harbours should be massed in a way that allows sea view corridors to remain between parts of buildings. Development of Channel Ridge Village should maximize views of Stuart Channel. Consideration should be given to designs that dramatize the view by framing, or that use transparent features such as lattice work, breezeways and colonnades to retain the sea view.	N/A	Staff Comments: Not Applicable
E.1.4.18 Developments adjoining agricultural land should be designed to minimize conflicts with that land. The location of access roads, the siting of structures, and the layout of subdivisions should follow the guidelines that have been developed by the BC Ministry of Agriculture and the Agriculture Land Commission as a guide to implementing the Farm Practices Protection (Right to Farm) Act (MAFF, 1996), including the Guide to Edge Planning (2015). Site designs should allow for a vegetated buffer, as outlined in Guidelines for Landscaping and Parking Surfaces Subsection E.1.7.22.	N/A	Staff Comments: Not Applicable
E.1.4.19 Where the subject property adjoins agricultural land, building setbacks for general employment and commercial uses should be at least 15 metres from the property line, to be consistent with the Guide to Edge Planning (2015), developed by the BC Ministry of Agriculture.	N/A	Staff Comments: Not Applicable
<b>Guidelines For Multi-Family Developments</b>		
E.1.4.20 Developments should have staggered or recessed entrances that allow for privacy. Clusters of duplexes are preferable, so that each dwelling unit has more than a front and rear view from the interior. Clusters should use asymmetrical designs to avoid the appearance of "row housing" or "mirror image" units.	N/A	Staff Comments: Not Applicable
E.1.4.21 On through streets, the building setback required by local bylaws should be maintained so that a buffer remains for homes. On non-through streets, a variance of the setback could be requested (e.g. to 3 to 4.5 m), to encourage human activity and create a lively, occupied character to the street.	N/A	Staff Comments: Not Applicable
E.1.4.22 Where developments are designed for families or seniors, all units should have direct access from the ground level. However, developments that provide special needs housing or affordable seniors' supportive housing may consist of two-storey complexes, if all dwelling units for seniors and those with special needs have ground level access or can be accessed by elevators."	N/A	Staff Comments: Not Applicable
E.1.4.23 Space should be provided for private and common storage and for a convenient mail kiosk.	N/A	Staff Comments: Not Applicable
E.1.4.24 Developments that are to be strata-titled should show the way that their required parkland dedication will be incorporated into the site design.	N/A	Staff Comments: Not Applicable
E.1.4.25 Internal circulation routes should integrate dwelling units with common open space and play areas and with public walkways such as the Ganges Public Pathway System. Particular attention should be paid to the development or maintenance of safe and effective pathways between multifamily developments and schools, public institutions and village services.	N/A	Staff Comments: Not Applicable

<p>E.1.4.26 Developments that provide special needs housing or seniors' supportive housing should incorporate appropriate design elements such as those outlined in <u>Appendix B – Supportive Housing Design Considerations</u>, of the document entitled "<u>Supportive Housing for Seniors, A Policy and Bylaw Guide</u>", prepared by the B.C. Ministry of Community Development in July, 1999. Where necessary to accommodate such design elements, other design guidelines of this Development Permit Area may be relaxed or varied by the Salt Spring Island Local Trust Committee.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p><b>E.1.5 Guidelines for Offstreet Parking Lot Location and Design</b></p>		
<p>E.1.5.1 The preferred location for a parking lot is behind the building it serves, so that the lot cannot be seen from the main street on which the building is located. If parking behind a building is not possible, streetfront parking lots should be designed with a maximum street frontage of 10 m and an effective landscape screen. Developments on Ganges or Fulford Harbours should be considered as exceptions to this general guideline so that buildings (rather than parking lots) are located immediately next to the harbour. In these situations, parking lots would have street frontage but should be well screened from the street and incorporate effective and attractive facilities for pedestrians to access the harbour.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.2 To avoid an urban or "strip mall" appearance in island villages, parking lots should not be located on a corner lot or between a building and the adjacent sidewalks.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.3 Parking lot access lanes should be located and designed to reduce breaks along the street wall and to reduce accesses that cross sidewalks. Entrances from secondary frontages or from rear lanes are preferred. Parking lots should hold all vehicular manoeuvring requirements for entry and exit to and from individual parking spaces.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.4 Offstreet parking spaces should not be located so that cars must exit or manoeuvre by backing over a sidewalk or other pedestrian route.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.5 In Ganges, between Jackson Avenue and Lower Ganges Road, new developments proposed along the north side of McPhillips Avenue, both sides of Hereford Avenue and the south side of Rainbow Road should allow for the development of a rear lane way (where topography permits) that provides access to parking lots in the rear and minimizes access breaks along the streets. The lane way should be about 7.5 m in width and should be landscaped and paved to make it an attractive pedestrian route. Consideration could be given to using arcades, hidden courts or other architectural features that would encourage development of secondary retail frontage along the lane.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.6 Parking spaces for the disabled should be plentiful, prominently marked and carefully located for maximum convenience and proximity to accessible building entrances and weather protection features. If necessary, exceptions to the guidelines for parking location may be made to maximize convenience for the disabled.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>

<p>E.1.5.7 Part of the parking required for commercial developments could be located in a parking lot on another property, provided the following conditions are met besides the ones listed above:</p> <p>a. The offsite parking lot is within a convenient walking distance (up to about a half a kilometre) of an entrance to the building it serves. Larger parking lots in the Ganges Village Core should be located to the west of Jackson Avenue.</p> <p>b. Offsite parking lots for commercial uses are to be located on properties that are immediately next to the commercial use or on more distant properties zoned for non-residential use.</p> <p>c. Offsite parking lots must be exclusively dedicated and secured with a legal agreement that is in place before issuance of a building permit and continues for the life of the building served.</p> <p>d. Parking spaces for the disabled are not to be located offsite.</p> <p>e. Signs showing the location of offsite parking should be clearly visible from streets next to the building being served. Such signs may not be necessary if the offsite parking lot is to be used primarily by tenant employees as a condition of lease.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.8 Parking lots should not generally consist of more than thirty spaces, unless a considerable amount on mid-lot landscaping is incorporated into the design. Parking lots in the existing commercial part of Fulford Harbour Village should not generally consist of more than fifteen spaces. Where development requires more spaces, parking should be located in discontinuous areas or be separated by generous landscaping.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.9 Parking should only be at ground level or below.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.10 Areas should be provided for the loading and unloading of trucks. Sites should allow delivery trucks to manoeuvre without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles should be able reach all parts of the development easily.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.5.11 Multi-family developments should provide parking in locations that minimize walking distances for residents. However, designs where the front elevation of units is dominated by a garage door or parking pad should be avoided. Parking areas located along the front elevation of units should be well screened by vegetation. Parking for visitors should be located close to project entries and should be assigned and marked as visitor parking. Screened parking should be provided for the storage of recreational vehicles and boats.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p><b>E.1.6 Guidelines for Building Form</b></p>		
<p>E.1.6.1 Building height should be in keeping with local bylaws and neighbouring structures. If a third storey is allowed by zoning for residential use, it should be located as a half storey. In such a situation, a building height variance up to 10.6 m could be requested, provided other design aspects work to reduce the apparent mass of the structure.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>

E.1.6.2 Horizontal building modulation and articulated facades should be used to reduce the apparent mass of buildings facing the street. They should create a pedestrian scale and interest along adjacent sidewalks and along the Ganges Public Pathway System. To enhance village vitality, consideration should also be given to creating secondary retail frontage along arcades and at the rear of buildings. These ideas should especially be considered where buildings are next to the Ganges Public Pathway System.	N/A	Staff Comments: Not Applicable
E.1.6.3 On slopes, horizontal modulation (stepped structures) should be used so the building conforms to the site.	N/A	Staff Comments: Not Applicable
E.1.6.4 Existing site topography and landscape should not be significantly altered and should be complemented by proposed structures.	N/A	Staff Comments: Not Applicable
E.1.6.5 Development next to Ganges and Fulford Harbours should be designed to conform to rather than conceal the natural contours of the harbour. Where zoning allows structures to extend over the water surface, the maximum height should not exceed 7.6 m above sea level at the natural boundary of the sea.	N/A	Staff Comments: Not Applicable
E.1.6.6 New buildings should not have a street frontage width more than 2.5 times their height. Buildings with extensive street frontage should avoid long homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish that is sufficiently varied and articulated as to give the impression of separate small units, rather than a large mass.	N/A	Staff Comments: Not Applicable
E.1.6.7 The existing "rhythm" of buildings along street frontages should be respected. Buildings that replace existing structures should retain the original width of the front elevation and the spacing between buildings. In Fulford Harbour particularly, the size, spacing, front elevation width and orientation of buildings along Fulford-Ganges and Morningside roads should be retained by any new development.	N/A	Staff Comments: Not Applicable
E.1.6.8 In Ganges Village, new development along Lower Ganges Road north of Upper Ganges Road, should be massed with articulation and rhythms similar to existing non-commercial development. The development of a commercial strip appearance along the road should be avoided.	N/A	Staff Comments: Not Applicable
E.1.6.9 Landmark buildings should not be created in island villages.	N/A	Staff Comments: Not Applicable
E.1.6.10 To encourage use of the village during all seasons, continuous weather protection should be provided for pedestrians along sidewalks. The minimum width should be 1.5 m.	N/A	Staff Comments: Not Applicable
E.1.6.11 All roof-top mechanical equipment (satellite dishes, air-conditioning) should be screened from view.	N/A	Staff Comments: Not Applicable
E.1.6.12 Large areas of curtain-wall glazing should not be used.	N/A	Staff Comments: Not Applicable
E.1.6.13 The use of handcrafted doors made by local artisans is encouraged.	N/A	Staff Comments: Not Applicable
E.1.6.14 The use of imaginative, handcrafted products of local craftspeople is encouraged. In Fulford Harbour Village particularly, natural and "found" materials should be incorporated into exterior details by local artisans, in keeping with existing development. More conventional or formal materials should be avoided.	N/A	Staff Comments: Not Applicable
E.1.6.15 A pleasant pedestrian environment in villages should be enhanced by pedestrian-oriented features.	N/A	Staff Comments: Not Applicable

E.1.6.16 Development along Ganges and Fulford Harbours should incorporate and retain existing docks, wharves and buildings that reflect traditional harbour uses such as freight storage and fishing fleet service.	N/A	Staff Comments: Not Applicable
E.1.6.17 All portions of a building should be authentic, functional space - artificial or contrived architectural features (for example, artificial lighthouses, windmills or turrets) should not be included in building designs.	N/A	Staff Comments: Not Applicable
E.1.6.18 Blank walls visible from pedestrian routes or roadways should be treated with landscaping, architectural features or artwork. At least half of the surface should be covered.	N/A	Staff Comments: Not Applicable
E.1.6.19 Large new developments should have their electrical and telephone connections provided underground.	N/A	Staff Comments: Not Applicable
E.1.6.20 Facilities should be provided for convenient, barrier-free access for the disabled.	N/A	Staff Comments: Not Applicable
<b>E.1.7 Guidelines for Landscaping and Parking Surfaces</b>		
E.1.7.1 Informal, natural landscaping that gives a native appearance is encouraged as opposed to formal, decorative plantings. Hard surfacing should not be used as a substitute for vegetation.	N/A	Staff Comments: Not Applicable
E.1.7.2 Landscaping adjacent to Ganges and Fulford Harbours should be left in as natural a state as possible. Existing trees should be incorporated. Designs should display natural features such as attractive rock outcroppings, tidal pools and mature trees.	N/A	Staff Comments: Not Applicable
E.1.7.3 Plant materials should be durable, low-maintenance types. Care should be taken not to obscure sight lines at intersections and parking lot entrances.	N/A	Staff Comments: Not Applicable
E.1.7.4 Landscaping should be used to as an integral part of developments and should help in the function and organization of a site; to create the sense of entry into buildings and to define and enliven public spaces. While screening of unattractive building features is important, landscaping should be designed to ensure a broader function.	N/A	Staff Comments: Not Applicable
E.1.7.5 Soft landscaping should cover a minimum of 40% of parcel areas in multifamily residential developments and at least 20% of the parcel area in commercial and general employment developments. Developments that provide special needs housing or affordable seniors' supportive housing may have a reduced area of soft landscaping if necessary to accommodate special facilities, providing that neighbouring properties are buffered by a vegetation screen and that parking lots are landscaped as outlined in Guideline E.1.7.16. The area calculated as soft landscaping does not include parking areas, vehicle lanes and manoeuvring areas, private open space and adjacent boulevards on public lands.	N/A	Staff Comments: Not Applicable
E.1.7.6 All landscaping work on major new developments should meet the British Columbia Landscape Standard published by the British Columbia Society of Landscape Architects and the British Columbia Nursery Trades Association and should be covered by a performance bond for a period of one year from the date of final installation, in order to ensure survival or replacement of plantings. All landscaping should be maintained in perpetuity.	N/A	Staff Comments: Not Applicable

E.1.7.7 All hard and soft landscaping and paving, including sidewalks, pedestrian amenities, street furniture, cycle racks and parking lot lines on major new developments should be installed prior to issuance of any building occupancy permit. A letter of credit should be deposited for an amount equal to 150% of the cost of the work to be completed.	N/A	Staff Comments: Not Applicable
E.1.7.8 Plant materials should be chosen with a view to conserve water.	N/A	Staff Comments: Not Applicable
E.1.7.9 Landscaping next to creeks within villages should be left natural and wild to retain fish habitat. Species with a high water demand or that may require the use of pesticides or fertilizers should not be located in this area. Bark mulches and impermeable landscape fabric should not be used. Landscaping should be consistent with guidelines in Development Permit Area 4.	N/A	Staff Comments: Not Applicable
E.1.7.10 Special care should be taken to retain existing vegetation and incorporate it into new development. Particular attention should be paid within Channel Ridge Village to the preservation of Garry Oak and Arbutus trees and to the unique habitat that surrounds them.	Yes	Staff Comments: While the applicant is proposing to remove vegetation on the property, the vegetation in question is invasive (non-local) Himalayan Blackberries and one danger tree identified by a certified arborist otherwise exempt from the DP process.
E.1.7.11 Other existing natural site features such as rock formations and ground contours should be preserved.	Yes	Staff Comments: At this time, ground contours and natural site features are not proposed to be removed
E.1.7.12 Care should be taken to ensure that new landscape features enhance, but will not block existing ocean views from roads and public areas as they mature.	N/A	Staff Comments: Not Applicable
E.1.7.13 Fencing should be natural in appearance and coordinated with the design of the main building. Appropriate materials are those that reflect a natural, locally crafted character, such as local stone, heavy timbers or local wood.	N/A	Staff Comments: Not Applicable
E.1.7.14 The use of trees and other vegetation along roadways in a manner that "crowds" the street, and causes automotive traffic to slow is strongly encouraged.	N/A	Staff Comments: Not Applicable
E.1.7.15 Deciduous boulevard trees should be included with a spacing of 10 m in all large new commercial and multi-family projects in Ganges Village with frontage on Fulford-Ganges and Lower Ganges Roads.	N/A	Staff Comments: Not Applicable

<p>E.1.7.16 Parking lots should be carefully landscaped to screen them from adjacent streets and land uses, to provide shade and to avoid large expanses of uninterrupted asphalt. The following landscape guidelines apply specifically to parking lots, including off-site parking lots:</p> <p>a. Parking lots with street frontage should be screened by a landscaped strip with a minimum width of 3m. The perimeter of parking lots should also be screened with a minimum width of 2 m.</p> <p>b. Parking lots with more than 10 spaces should include interior landscaping islands and peninsulas that occupy at least 5 per cent of the lot area besides the street frontage and perimeter strips. Irregular shapes of parking islands are encouraged, especially those incorporating existing vegetation naturally and informally.</p> <p>c. Reductions in parking space requirements may be requested to accommodate adequate parking lot landscaping.</p> <p>d. The use of permeable parking materials such as "hard grass" is strongly encouraged to soften the visual effect of parking lots and minimize changes to site drainage.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.7.17 Parking lots should be surfaced and lined before issuance of an occupancy permit to ensure efficient use. Alternatives to paving such as interlocking or permeable pavers are encouraged. Unpaved parking lots may be considered in some locations provided lots have less than 10 spaces and other techniques are used to ensure efficient use. Unpaved parking lots are encouraged in Fulford Harbour Village. Driveways providing access to multifamily developments should employ speed control devices at entries.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.7.18 Sidewalks, patios and decks should be constructed of natural materials or interlocking pavers. Brushed concrete and asphalt should be avoided. In Fulford Harbour in particular, sidewalks should be carefully and creatively designed to ensure that the informal and somewhat irregular character of the village is retained.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.7.19 Pathways that form part of the Ganges Public Pathway System should usually consist of natural materials. Pathway width should be a minimum of 1 m.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.7.20 All multifamily developments should include landscaped areas for individual and group activities of a recreational or social nature. At least 9 m<sup>2</sup> of private open space should be provided for each dwelling unit. Developments that provide special needs housing or affordable seniors' supportive housing may provide less private open space, if areas for outdoor group activities are provided.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.7.21 Multifamily developments designed for families should also include at least 2.5 m<sup>2</sup> of children's play area for each bedroom in the development, excluding master bedrooms.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.7.22 Where the property being subdivided or developed adjoins agricultural land, a vegetated buffer is to be planted or retained. The buffer should usually be at least 3 m wide and should be consistent with the Landscaped Buffer Guidelines (ALC, 1993) developed by the Agricultural Land Commission. The buffer area should be protected from disturbance by a covenant.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p><b>E.1.8 Guidelines for Lighting</b></p>		

E.1.8.1 Lighting of commercial and general employment sites should be kept to the minimum necessary for pedestrian safety and visibility. A low level of light should be maintained in the night time atmosphere of villages. Lighting in parking lots should be adequate for security purposes.	N/A	Staff Comments: Not Applicable
E.1.8.2 Light fixtures on commercial and general employment sites should be carefully chosen to focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas that overlook villages.	N/A	Staff Comments: Not Applicable
E.1.8.3 Light fixtures should be simple and unobtrusive in design. The use of indirect lighting mounted on the fronts and sides of village buildings is encouraged.	N/A	Staff Comments: Not Applicable
E.1.8.4 Incandescent fixtures are preferred	N/A	Staff Comments: Not Applicable
E.1.8.5 Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 m in height.	N/A	Staff Comments: Not Applicable
E.1.8.6 Lighting should be provided along the Ganges Public Pathway System. Light fixtures provided along the seawalk portion of the System should be of consistent height and design.	N/A	Staff Comments: Not Applicable
E.1.8.7 Flashing or strobe lights should not be used to attract attention to commercial uses.	N/A	Staff Comments: Not Applicable
<b>E.1.9 Sign Guidelines</b>		
E.1.9.1 Signs should be coordinated with buildings in terms of location, scale, materials, finishes and colours.	N/A	Staff Comments: Not Applicable
E.1.9.2 Signs should be kept to the minimum size and number needed to inform and direct residents and visitors. Sign size and lettering should not exceed that necessary to direct pedestrians and slow-moving traffic: letters should rarely exceed 20 cm in height; the area of individual signs should rarely exceed 2.5 m <sup>2</sup> . Total permitted sign area should not exceed that permitted by local bylaw.	N/A	Staff Comments: Not Applicable
E.1.9.3 All signs should be kept at a pedestrian viewing level. They should not obstruct pedestrian traffic. Some exceptions to the guidelines in this Section may be considered for marine-oriented businesses which offer services to marine traffic. However care must be taken to ensure that the character of the harbour as viewed from the sea is not dominated by commercial signs.	N/A	Staff Comments: Not Applicable
E.1.9.4 Signs should be constructed of natural materials, preferably with a handcrafted look. Plastic, back lit signs should not be used, especially those dominated by product logos and trademarks.	N/A	Staff Comments: Not Applicable
E.1.9.5 Front-lit signs with soft light levels are preferable.	N/A	Staff Comments: Not Applicable
E.1.9.6 Signs should not move or be audible. They should not incorporate lighting that moves or flashes or gives the impression of doing so. Neon lighting should not be used outside buildings.	N/A	Staff Comments: Not Applicable
<b>E.1.10 Guidelines Regarding Stormwater Drainage and Water Pollution</b>		

<p>E.1.10.1 New commercial, general employment, institutional and multi-family residential developments that will create more than 280 m2 of new impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as the result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduced groundwater availability on agricultural lands or watercourses that either adjoin the development or are located in the same watershed.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.10.2 Developments that would create less than 280 m2 of impervious surface area should not alter drainage in a way that would cause detrimental impacts on other properties, including agricultural land. The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist it in establishing development permit conditions related to drainage.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>
<p>E.1.10.3 Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on agricultural land or to fishbearing watercourses because of water pollution.</p>	<p>N/A</p>	<p>Staff Comments: Not Applicable</p>

## ATTACHMENT 5 – 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

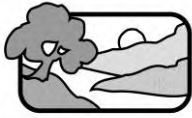
### POLICY/REGULATORY

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

### SITE INFLUENCES

Islands Trust Conservancy	No referral/process requirements: Per <a href="#">Policy 3.3.ii</a>
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.



DATE OF MEETING: November 16, 2023

TO: Salt Spring Island Local Trust Committee

FROM: Chris Buchan, Planner 2, Salt Spring Island Team

COPY: Chris Hutton, Regional Planning Manager, Salt Spring Island Team

SUBJECT: Temporary Use Permit for a Dog Kennel Business Including Staff Accommodation and a Proposed Campground

Applicant: Jaime Halan Harris – Salty Dog Retreat

Location: 130 Blackburn Road, Salt Spring Island, BC (PID: 001-162-276)

## RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee deny issuance of Temporary Use Permit SS-TUP-2023.1 (130 Blackburn Road) and direct staff to close application SS-TUP-2023.1 for the following reasons:**
  - a. **The Salt Spring Island Official Community Plan Bylaw No. 434 does not list the Watershed and Islet Residential designation as eligible for Temporary Use Permit Issuance;**
  - b. **The Watershed policy under Section B.8 Salt Spring Island Official Community Plan Bylaw No. 434 restricts any further development than what is permitted by current zoning; and**
  - c. **There are a number of appropriately zoned properties located on Salt Spring Island which are suitable for the proposed kennel use.**

## REPORT SUMMARY

This application is for a temporary use permit (TUP) for a commercial dog kennel business, which was constructed on the site without Islands Trust authorization moving it’s operation from a suitable Rural (R) zone to an unsuitable Watershed (RW1) zone as designated in the Salt Spring Island land Use Bylaw No. 355. The proposal is discouraged or prohibited through various policies and regulation which has been created to protect sensitive watersheds and minimize negative neighbourhood impact. As the business is currently in unauthorized operation, the proposal is currently in contravention of several Salt Spring Island Land Use Bylaw No. 355 (LUB) regulations, OCP objectives and policies (Attachment 2), TUP guidelines (Attachment 1), and the Salt Spring Island Soil Removal Bylaw No. 418.

Additional permissions are likely required from other government agencies regarding site access, operational permits, and onsite servicing. The operation has been drawing from a non-registered and unlicensed well on site.

With a primary focus on OCP Policy Section G.1.1, the subject property’s land use designation does not permit the issuance of a temporary use permit. Islands Trust Staff strongly recommend denying issuance of the requested TUP and closure of application SS-TUP-2023.1. At this time, no permit has been drafted.

## BACKGROUND

The subject property (Figure No. 1, 2, and 3) is located in south-central Salt Spring Island on the corner of Fulford-Ganges Road and Blackburn Road. The 4.07-hectare (10.06-acre) lot is zoned Rural Watershed 1 (RW1). A comprehensive analysis of the subject property and surrounding area can be found in Attachment 3.

The applicant submitted a temporary use permit application following a property owner inquiry after the property was purchased. The applicant requested permission for a dog kennel operation, with proposed expansions to the scope requested in October, 2023, including a campground and three separate recreational vehicle pads to serve as staff accommodation units. Subsequent bylaw enforcement action was initiated (File SS-BE-2023-22) after the applicant

began kennel operations. The business – Salty Dog Retreat – has operated on Salt Spring Island since 2018, offering grooming services, training groups, animal care and “community accommodations” for “individuals facing mental health struggles, homelessness and other crisis” (statement retrieved from Salty-dog.org). Prior to occupying the subject property, the business operated from a Rural zoned property located at 879 Rainbow Road.

The applicant moved the operation on to 130 Blackburn Road and conducted land alteration constructed a dog kennel structure, multiple RV’s, small tent/non-permanent cabin units, and onsite servicing (well + holding tank). As the operation began to develop, complaints were received regarding concern over impacts to the watershed, noise, and incompatible uses within the neighbourhood. Bylaw Enforcement had attended the site, and on two separate occasions issued infraction notices. Topics of infractions include unauthorized soil removal, insufficient sewage disposal, and unauthorized uses.

Staff communicated with the applicant throughout the process, informing them of the policy restrictions and outcomes of recommended denial. Staff have been working with the applicant to submit the appropriate documentation, but have yet to receive any information on the impact to the watershed, well information, septic information, or a Building Location Certificate prepared by a qualified surveyor. To date, the applicant has submitted a hand drawn site plan utilizing GPS coordinates, a completed application form, a letter of rationale, and a State of Title certificate.

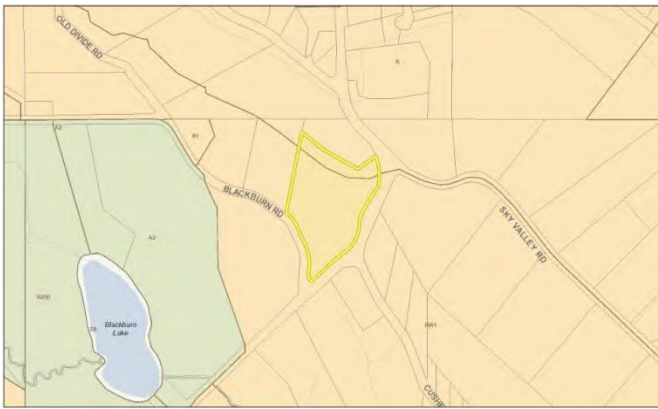


Figure 1: Zoning Map of Subject Property



Figure 2: 2017 Orthophoto of Subject Property

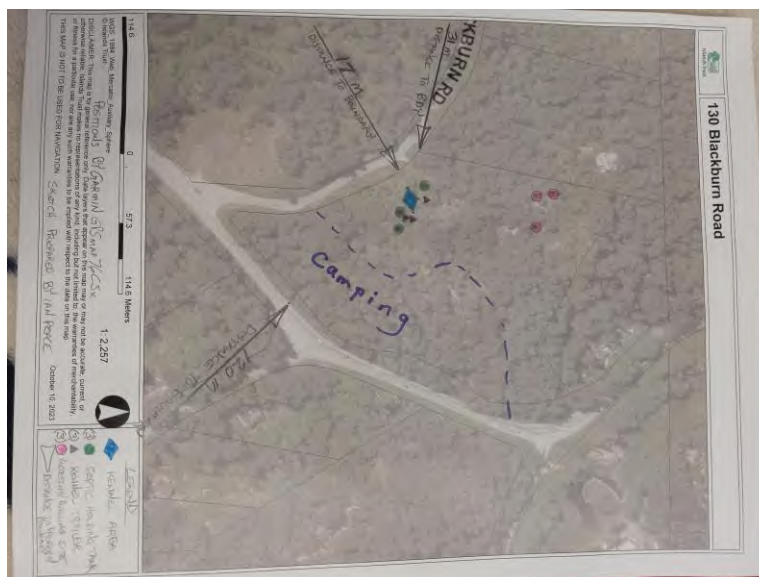


Figure 3: Site Plan for Subject Property

## ANALYSIS

### Policy/Regulatory

#### **Official Community Plan:**

The subject property is designated as Watershed and Islet Residential (WIR) in the Salt Spring Island Official Community Plan Bylaw No. 434. While there are a number of relevant Watershed and Islet Residential Objectives and Policies as included in Attachment 2, Staff draw careful attention to Section B.2 which severely restricts development in watershed designations.

#### **Temporary Use Permit Guidelines:**

The TUP Guidelines contained in Part G of the Salt Spring Island Official Community Plan Bylaw No. 434 specify that TUP's may be issued for properties designated Rural Neighbourhoods, among others. Staff have assessed the proposal against the Objectives and Guidelines included in Attachment 1 for the issuance for Temporary Commercial and Industrial use Permits, and draw attention to the following:

Section G.1.1: Areas where Temporary Use Permits can be issued	Complies	Planner Comments
<p>The following Designations are areas where the Local Trust Committee may issue Temporary Use Permits:</p> <ul style="list-style-type: none"> <li>• Agriculture Designation</li> <li>• Channel Ridge Village Designation</li> <li>• Educational Designation</li> <li>• Forestry Designation</li> <li>• Fulford Harbour Village Designation</li> <li>• Ganges Village Designation</li> <li>• General Employment and Commercial Services Designation</li> <li>• Health Services Designation</li> <li>• Park and Recreation Designation</li> <li>• Residential Neighbourhoods Designation</li> <li>• Rural Neighbourhoods Designation</li> <li>• Shoreline Development Designation</li> <li>• Uplands Designation</li> </ul>		The Watershed and Islet Residential Land Use Designation is not included in the designations permitted for TUP issuance. This can likely be attributed to the OCP policy around no further development in these designations.

Table 1: TUP Eligibility

OCP Objective/Policy	Complies	Planner Comments
G.1.3.5 Permits applications should include evidence that suitable alternate sites with appropriate zoning are not available.		While many properties are zoned to allow for dog kennels on residential properties, the applicant has not provided any evidence regarding suitable alternative site availability.
G.1.3.7 Permitted uses should be consistent with the objectives of this Plan.		The proposed uses are inconsistent with multiple the OCP objectives identified in Attachment 2.

Table 1: TUP Objectives and Policy

**Land Use Bylaw:**

The subject property is zoned Rural Watershed 1 (RW1) under Salt Spring Island Land Use Bylaw No. 355. Rural Watershed 1 zoning permits the following uses:

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

Table 2: RW1 Permitted Uses

The land use bylaw also contains regulations on dog kennel, campground, and dwelling use. The proposed kennel would require a setback variance if the operation was to continue. As seen on the table above, the RW1 zone is intended on limiting development to ensure no impacts result to the mapped watershed.

**Issues and Opportunities**

OCP Policy non-support:

The Salt Spring Island Official Community Plan Bylaw No. 434 contains numerous policies intended on protecting the watershed designation while ensuring no further development takes place. OCP statements cover the following subject areas:

- Natural ecosystem integrity;
- Groundwater/community water supply lake protection;
- Restriction of additional housing in Watershed Designations (not allowing flexible housing units, secondary suites, or cottages);
- Preventing any further development within Watershed designations;
- Restricting campgrounds to Rural, Agricultural, or Forestry Uplands Designations only;

This application is currently deficient in the above-said policy areas.

TUP Policy Restrictions:

Temporary use permit objective and policy under Part G of the Salt Spring Island Official Community Plan Bylaw No. 434 clearly indicates the watershed designations are not eligible for the issuance of temporary use permits. Further, Temporary Use policy supports the following:

- Proposed uses compatible within the neighborhood (noise, general activities);
- Similar uses under appropriate zoning are not already available;
- Proposed uses consistent with the objectives of the OCP.

Through analysis, many properties zoned as Rural on Salt Spring Island support a kennel use. The previous location for this specific business was located on a property with appropriate zoning. Further, public correspondence received indicates a significant disruption to the neighborhood from visual, environmental (water quality), and noise related impacts.

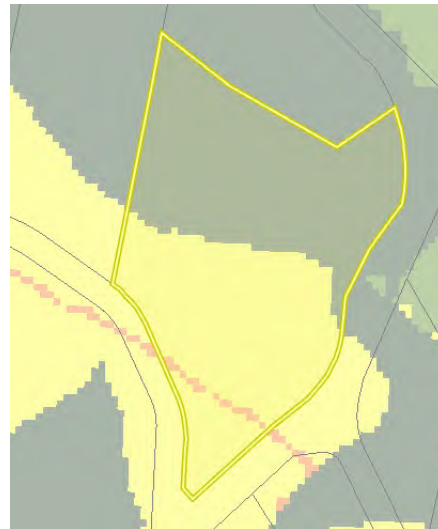
Impacts to Cusheon Lake Watershed:

The application is also contrary to multiple OCP policies intended to protect the watershed (Figure 5) through the restriction of non-residential development activities. To protect drinking water quality, residential development is restricted to a single dwelling per watershed parcel. This parcel is especially subject to groundwater contamination as seen on the Aquifer intrinsic Vulnerability Mapping (Figure 6). Under the RW1 Zoning, the permitted uses include a single family dwelling, agriculture, and a home based business. In brief:

- 1) The property in question is on the “old divide” of Salt Spring which is a significant geological structure that is the interface of the Extension Formation which is a known aquifer of conglomerate/sandstone and the Haslam Formation which is mostly shale/mudstone. Interfaces of geological formations, often called “contact” have high potential for groundwater recharge and are of high risk of aquifer vulnerability from contaminant sources. This has been scientifically analyzed where the DRASTIC-FM (2007) mapping identifies a linear structure on the lower part of the property, in the vicinity of development, of high risk to contamination. In 2023 groundwater recharge potential mapping was completed on Salt Spring Island and on the same geological unit interface as high to very high recharge potential. This means that preferential pathway of water is downward from the surface into the subsurface groundwater system; and
- 2) The apparent current use of groundwater on the subject property is for non-domestic uses, thus requires registration on the provincial database. More information is required on if any authorizations have been provided to ensure if this is lawful under the Water Sustainability Act.



**Figure 5:** Watershed Boundaries and Contour Mapping



**Figure 6:** Aquifer Intrinsic Vulnerability Mapping

Public correspondence:

Nine letters of opposition have been received with concerns regarding the following:

- Noise impacts/hours of operation;
- Kennel dogs intruding on neighboring properties;
- Significant concern over the impact to the watershed, with a letter received from the Salt Spring Island Water Preservation Society;
- Inadequate kennel conditions;
- Incompatibility with the surrounding neighborhood;
- The online advertisement of RV pads for rental use;

Two letters of support have been received voicing the positive impact the kennel creates to the public and animals. While these letters of support acknowledge the clear need for a kennel on island, they do not speak to the impact to the environment, nor do they indicate that alternative locations unavailable.

Alternative locations for such use

Policy G.1.3.5 of the Salt Spring Island Official Community Plan Bylaw No. 434 states that, for any Temporary Use permit, “Permit applications should include evidence that suitable alternate sites with appropriate zoning are not

available". While multiple properties exist on Salt Spring Island which would support a kennel use, the applicant did not provide any evidence regarding such analysis. Further, the Rural zoned property is a common designation throughout the island, and availability is not strictly limited.

Potential consequences for approval:

Due to Section G.1.1 alone, the LTC may not issue a temporary use permit within the Watershed designation. Doing so would not be consistent with the SS OCP, contravening Section 471 of the *Local government Act*, leaving the potential for legal challenge. Given the importance of the aquifer to residents in the Cusheon Lake area and the potential neighbourhood impacts, this is of considerable concern. Additionally, due to the significant amount of policy restricting development within this area, staff cannot recommend approval of the required OCP and LUB Amendment based on this proposal.

**Consultation**

Staff have elected to present this application prior to preparation of a temporary use permit and have not undertaken the required statutory notice. Despite this, significant impacts to the public have been communicated through correspondence to the Islands Trust Salt Spring Office.

**Agencies**

Based on staff recommendations, this application does not require agency referral. If LTC wishes to investigate opportunities for issuance, staff recommend that this application be forwarded to Island Health, the Capital Regional District, the Ministry of Environment, and the Ministry of Transportation and Infrastructure for comment.

Although this application was not referred externally for comment, the Island Trust Freshwater Specialist was engaged in discussion with staff. Their response indicates opposition to the proposal due to the negative impacts which could ensue (more documentation is required to assess the level of impact) and non-supporting OCP policy. It was noted that there is a high level of Aquifer Intrinsic Vulnerability present on this site, meaning there could be significant potential for watershed impacts onsite.

**First Nations**

This application has not been deemed by planning staff to require First Nations referral or consultation. The subject property is not contained within an area of archaeological potential; however, if through land alteration or disturbance items of archaeological significance are uncovered, the applicant is required to cease development and engage the province/retain an archaeologist.

**Rationale for Recommendation**

Staff do not recommend approval of a TUP for numerous reasons. The primary reason for non-support revolves around OCP Section G.1.1 which clearly indicates a TUP **is not eligible** for issuance for this property. Additional reasoning pulls upon both the OCP and TUP objectives and guidelines have not been met. Finally, the proposal is inconsistent with community planning efforts to remove incompatible uses within community water supply system supply watersheds. With the presence of numerous properties exist on Salt Spring Island which allow for a dog kennel as a permitted use.

In more detail, the proposal does not meet the eligible Land Use Designation for TUP issuance, meets none of the TUP objectives and only 4 of the 12 TUP guidelines. The proposal is in contravention of the majority of TUP guidelines noted in Attachment 1. Additionally, the application contravenes 12 OCP Sections in Attachment 2. Consequently, staff do not recommend issuance of a permit as the applicant has moved the kennel business from a suitably zoned property without obtaining required land use permissions to a rural watershed zoned property – one of the island's most restrictive zones – while other adequately zoned properties exist on the island including the Rural and Rural Uplands 1 zone.

**ALTERNATIVES**

The Local Trust Committee 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 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-TUP-2023.1, 130 Blackburn Road).*

**NEXT STEPS**

If the recommended resolution is adopted, the TUP will be denied and Bylaw Compliance and Enforcement will be notified of the outcome.

Submitted By:	Chris Buchan, Planner 2	November 1, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 8, 2023

**APPENDICES**

1. Temporary Use Permit Guidelines
2. Official Community Plan Policies
3. Site Context, Plans & Photographs
4. Application Form

# ATTACHMENT 1 – TEMPORARY USE PERMIT GUIDELINES

## OFFICIAL COMMUNITY PLAN NO. 434

	<i>Guideline Not Met</i>	<i>Unclear Whether Guideline Met</i>	<i>Guideline Met</i>
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Section G.1.1: Areas where Temporary Use Permits can be issued	Complies	Planner Comments
<p>The following Designations are areas where the Local Trust Committee may issue Temporary Use Permits:</p> <ul style="list-style-type: none"> <li>• Agriculture Designation</li> <li>• Channel Ridge Village Designation</li> <li>• Educational Designation</li> <li>• Forestry Designation</li> <li>• Fulford Harbour Village Designation</li> <li>• Ganges Village Designation</li> <li>• General Employment and Commercial Services Designation</li> <li>• Health Services Designation</li> <li>• Park and Recreation Designation</li> <li>• Residential Neighbourhoods Designation</li> <li>• Rural Neighbourhoods Designation</li> <li>• Shoreline Development Designation</li> <li>• Uplands Designation</li> </ul>		The Watershed and Islet Residential Land Use Designation is not included in the designations permitted for TUP issuance.

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.		The Local Government Act now allows TUPs to be issued for up to three years; if LTC wishes to extend TUP permit periods, and amendment to the OCP would be required.
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.		N/A
G.1.3.3 Permit conditions should ensure that temporary commercial and general employment 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.		The proposed development is for a commercial dog kennel. Currently, the property is zoned for a single residential unit, so the proposed development requesting a temporary increase in 3 dwelling units under the permitted residential density on the lot. Additionally, a proposed campground would further increase impacts to noise and parking levels.

		<p>The applicants have not included evidence regarding neighbourhood consultation regarding any issues that may arise.</p> <p>Further, received complaints indicate a negative impact has been made within the neighbourhood regarding the kennel and housing.</p>
G.1.3.4 Permit conditions should ensure that off-street parking is provided in a way that is consistent with local bylaws.		The applicants have provided a site plan that does not indicate the number of parking spaces; however, there is sufficient space on the property for required parking.
G.1.3.5 Permits applications should include evidence that suitable alternate sites with appropriate zoning are not available.		While many properties are zoned to allow for dog kennels on residential properties, the applicant has not provided any evidence regarding suitable alternative site availability.
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.		The LTC may determine if there is a demonstrated need for the proposed use.
G.1.3.7 Permitted uses should be consistent with the objectives of this Plan.		<p>The proposed uses are inconsistent with the OCP objectives B.3.1.2.5, B.8.1.1.2.</p> <p>Additionally, without sufficient information regarding the developments impacts, the proposed uses are potentially inconsistent with OCP objectives A.4.2, and A.4.3.</p>
G.1.3.8 Permitted uses should not preclude or compromise future permitted uses on the land parcel affected.		Temporary use of the site for emergency housing will not preclude or compromise its future use as seniors supportive housing.
G.1.3.9 Uses should not be allowed if they conflict with any ongoing or intended planning policies or programs.		The proposed use does not conflict directly with any ongoing or intended planning projects.
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.		No permit is proposed at this time.
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.		No permit is proposed at this time.
G.1.3.12 Permits can include, as a condition, the provision of security to guarantee the performance of the terms of the permit.		No permit is proposed at this time.

## ATTACHMENT 2 – OFFICIAL COMMUNITY PLAN OBJECTIVES AND POLICIES

### OFFICIAL COMMUNITY PLAN No. 434

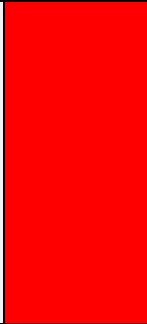
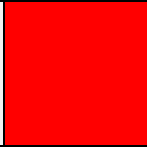
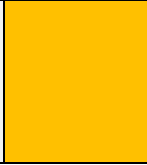
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OCP Policy and Objectives	Complies	Planner Comments
A.4.1.3 To retain our island's rural character and peaceful and quiet atmosphere; to guide development so that it complements the outstanding natural beauty that surrounds us and reflects our unique community character. To ensure that the predominant feature of Salt Spring Island remains the natural environment, rather than manmade structures.		<b>Overarching impact of proposal to environment and community</b>
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: <ul style="list-style-type: none"> <li>a. a duty to take anticipatory action to prevent harm;</li> <li>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;</li> <li>c. requiring the proponent to supply this information to the public;</li> <li>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;</li> </ul>		<b>Impact LTC to make a precautionary approach – prevent anticipated harm</b> <ul style="list-style-type: none"> <li>- broader short-term and long-term costs and benefits to the community</li> <li>- responsibility to make decisions in a transparent, participatory manner, relying on the best available information.</li> </ul>

<p>e. a duty to consider broader short-term and long-term costs and benefits to the community when evaluating potential alternatives; and</p> <p>f. a responsibility to make decisions in a transparent, participatory manner, relying on the best available information.</p>		
<p>A.4.2.1 To recognize the importance of sustainability in all community decisions. To avoid land use decisions that threaten the integrity or sustainability of natural ecosystems</p>		<p><b>Watershed + intrinsic vulnerability + no reports confirming no negative impacts = likelihood of harm</b></p>
<p>A.4.3.3 To reflect the finite nature of islands by identifying limits to residential, commercial and institutional growth tailored to the community's land base and ecological carrying capacity. Special attention should be paid to ensuring that the human use of potable water can be sustained without negative impact on other values and uses for natural water bodies.</p>		<p><b>Water is finite resource – huge impact to communities water supply with increased density, camping, and kennel operations.</b></p>
<p>A.4.6.1 To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character.</p>		<p><b>Kennel operation certainly required on SSI, many properties offer this as a permitted use.</b></p>
<p>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.</p>		<p><b>Small business encouraged; however, substantive policy works against this specific watershed location. Not advantages to the protection and preservation of the Island.</b></p>
<p>A.4.6.3 To encourage living-wage, meaningful, year-round employment and income-generating opportunities that</p>		<p><b>No information on wages or economics of proposal. Unpermitted RV sites provide some shelter; however, illegitimate housing form</b></p>

<p>especially enable young people and families to remain on the island.</p>		<p><b>according to our regulations and OCP policy + Zoning does not permit any more accommodation units on this site.</b></p>
<p>A.5.2.9 The Local Trust Committee will continue to use Development Permit Area designations for protection of the natural environment to protect watersheds used for community surface water supplies or within the capture zone of community water supply wells. Zoning changes should not be made so that more development would be located in these areas. Development permit area guidelines should encourage subdivision layouts that avoid impacts on these areas. Stewardship on the part of property owners and other agencies will also be encouraged.</p>		<p><b>No watershed protection DPA. DPA 4 does extend to encompass these values; however, the DPA does not overlap with this property. That said, mapping indicates significant vulnerability to the watershed on this site.</b></p>
<p>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.</p>		<p><b>More information is required to start assessing impact. LTC may wish to request further information if they wish to move this proposal forward.</b></p>
<p>B.2.2.2.12 If flexible unit dwellings are allowed, they should be allowed in only a few zones on a trial basis to find out if they do supply needed housing without having a negative effect on neighbouring properties. Flexible unit dwellings should not be allowed in zones within the Watershed-Islet Residential Designation unless they are shown not to increase population or sewage generation over that expected in single family dwellings.</p>		<p><b>Increase to dwelling density is not permitted on this site.</b></p>
<p>B2.2.2.15 Suites should not be allowed in areas that are community water system supply watersheds or in community well capture zones</p>		<p><b>Increase to dwelling density is not permitted on this site.</b></p>
<p>B2.2.2.15.b Full time residence of cottages should not be allowed in areas that are community water system supply</p>		<p><b>Increase to dwelling density is not permitted on this site.</b></p>

watersheds or in community well capture zones		
B.2.3 To encourage future development to locate away from environmentally sensitive areas, agricultural and forestry lands, community water supply watersheds, lands with the potential for surface erosion or slope instability, public lands, tidal waterfront, areas with outstanding natural beauty and views, or archaeological and historic sites.		<b>Policy not met.</b>
B.3.1.2.5 Campgrounds are permitted by zoning in some Agriculture-zoned locations. The Local Trust Committee should consider rezoning applications from property owners wishing to develop small, low impact campgrounds on larger properties in the following Designations: Rural Neighbourhoods Agriculture (subject to approval of the Agricultural Land Commission) Forestry Uplands Applications for such a zoning change should demonstrate an adequate water supply, appropriate sewage disposal capability, and a site plan that would be uncrowded and well buffered by natural vegetation from neighbouring properties. If the Local Trust Committee considers such rezoning applications, preference should be given to those where services can be easily reached by walking, bicycle or public transit. Rezoning applications for the development of campgrounds meant primarily for large Recreational Vehicles should not be considered.		<b>Property designation does not permit campgrounds.</b>
B.8.1.1.1 To develop land use policies that protect the quality of community water supply lakes and reduce or avoid the need for remedial water treatment.		<b>While this is geared to the development of LTC policies, current policies implemented to meet this goal do not support the proposal.</b>
B.8.1.1.2 To continue to provide for residential, commercial and institutional development in those parts of catchment areas where it is currently allowed, but to avoid an increase in development or activity within watershed catchments.		<b>Policy not met.</b>

<p>B.8.1.2.2 Zones within the Watershed and Islet Residential Designation will continue to allow the uses allowed under current zoning. Existing commercial and institutional zones will remain, but zoning changes should not be made to locate additional new or higher impact developments on lands in this Designation</p>		<p><b>Proposal seeks new development on lands in this designation.</b></p>
<p>B.8.1.2.3 Land that is presently zoned only for watershed protection should remain in such a zone and not have development potential.</p>		<p><b>Policy restricts any development potential.</b></p>
<p>B.8.1.2.5 Zoning should continue to protect community water supply lakes from the potential impacts of septic field siting.</p>		<p><b>Contrary to the Planners request, septic information has not been submitted. Tied with multiple proposed dwellings, impact is unable to be assessed.</b></p>



Victoria Office  
200 - 1627 Fort Street  
Victoria, BC V8R 1H8  
(250) 405-5151  
[information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)

Galiano, Mayne, North Pender,  
Saturna, South Pender Islands

Salt Spring Office  
1 - 500 Lower Ganges Road  
Salt Spring Island, BC V8K 2N8  
(250) 537-9144  
[ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca)

Salt Spring Island

Northern Office  
700 North Road  
Gabriola Island, BC V0R 1X3  
(250) 247-2063  
[northinfo@islandstrust.bc.ca](mailto:northinfo@islandstrust.bc.ca)

Denman, Gabriola, Gambier, Hornby,  
Lasqueti, Thetis, Ballenas-  
Winchelsea Islands

# Land Use Application

**Application Type:** Check all that apply

See Associated Schedules for Information and Application Requirements

<input type="checkbox"/> Bylaw Amendment	<input type="checkbox"/> OCP	<input checked="" type="checkbox"/> Land Use / Rezoning	<input type="checkbox"/> Land Use Contract	Schedule A
<input type="checkbox"/> Development Permit	<input type="checkbox"/> Renewal or Amendment			Schedule B
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Renewal			Schedule C
<input type="checkbox"/> Heritage Alteration Permit				Schedule D
<input type="checkbox"/> LCRB License	<input type="checkbox"/> Liquor	<input type="checkbox"/> Temporary Change	<input type="checkbox"/> Cannabis Retail	Schedule E
<input type="checkbox"/> Order - Board of Variance				Schedule F
<input type="checkbox"/> Siting & Use Permit				Schedule G
<input type="checkbox"/> Soil Deposit / Removal	<input type="checkbox"/> Registration	<input type="checkbox"/> Permit		Schedule H
<input type="checkbox"/> Strata Conversion				Schedule I
<input type="checkbox"/> Subdivision Review	<input type="checkbox"/> Boundary Adjustment			Schedule J
<input checked="" type="checkbox"/> Temporary Use Permit	<input type="checkbox"/> Renewal			Schedule K

**Description of Subject Property:**

Civic Address

130 Blackburn Rd SSI PID 001-162-276

Legal Description

LOT A, SECTION 86, South Salt Spring Island, Cowichan District, Plan 31270

**Purpose of Application:** Provide a brief description (attached additional pages if needed)

Require a temporary use permit while applying for rezoning to R4 zoning to allow Salty Dog Retreat Kennel and Dog Rescue to operate on property! Kennel Bldg will be on top of the ground using shipping containers and an office shipping container. See pictures attached.

**Applicant:**

Name

Company

Mailing Address

Phone

Email

Jaime Halan-Harris  
Salty Dog Retreat Kennel & Dog Rescue  
130 Blackburn Rd  
Salt Spring Island BC V8K 2B8  
236-969-4517  
Jaimes place outlook.com

**Declaration:**

As the owner or agent authorized to act on behalf of the owner(s) of the subject property, I declare the information submitted in support of this application is true and correct in all respects.

*J Harris*  
Signature

**Office Use Only:**

Date Received	Fees Paid	Receipt No.	TAPIS No.
2023-03-24	\$2150.00	2097	SS-TUP-2023.1

Local Planning Services Application

April 2019


**Owner Authorization:**


As the registered owner(s) of the subject property, I/we declare that the information submitted in support of this application is true and correct in all respects. I/we hereby authorize Islands Trust staff or their contractors to conduct site inspections of the subject property for the purpose of processing this application, and hereby authorize and appoint:

Jaime Halan - Harris  
 Print Name (Complete if applicant is not the owner(s))

... to serve as the agent for this application, and communicate with Islands Trust staff and Islands Trust bodies on our behalf.

All registered owners on title must be listed on and sign the application. Corporations must include a list of directors.

Name/Company Name <u>Jaime Halan Harris</u>	Signature 
Mailing Address <u>130 Blackburn Rd</u>	Print Name <u>Jaime Halan - Harris</u>
<u>Salt Spring Island BC V8K2B8</u>	Date <u>March 20/23</u>
Phone <u>236-969-4517</u>	
Email <u>jaimesplace@outlook.com</u>	

Name/Company Name <u>Raffi Cavoukian</u>	Signature 
Mailing Address <u>241 Sky Valley Rd</u>	Print Name <u>Raffi Cavoukian</u>
Phone <u>250 538 7157</u>	Date <u>March 21, 2023</u>
Email <u>adam46@gmail.com</u>	

Name/Company Name	Signature
Mailing Address	
Phone	Print Name
Email	Date

**Application Checklist** The following materials must accompany the application:

- Completed application form
- Current title search (issued within 30 days)
- Copies of all title charges (restrictive covenants, rights-of-way, etc.)
- Application fee (see applicable Local Trust Committee Fees Bylaw for current fees)
- If applicable, [a BC Contaminated Sites Regulation Disclosure Statement \(Schedule 1\)](#) must be completed
- If applicable, QEP Report registered in Province of BC [Riparian Areas Regulation \(RAR\)](#) Notification System
- Required plans, drawings, reports and other information as noted on the applicable schedules and DAI Bylaws

**NOTE** A complete application and fee must be received before the application will be processed. Fees may be paid using cash, cheque or interac e-transfer (contact Islands Trust for e-transfer procedure). Applicants are advised that processing times may depend on applications volumes and timing of local trust committee meetings. Applicants are encouraged to apply for permission well in advance of scheduled development.

**Freedom of Information**

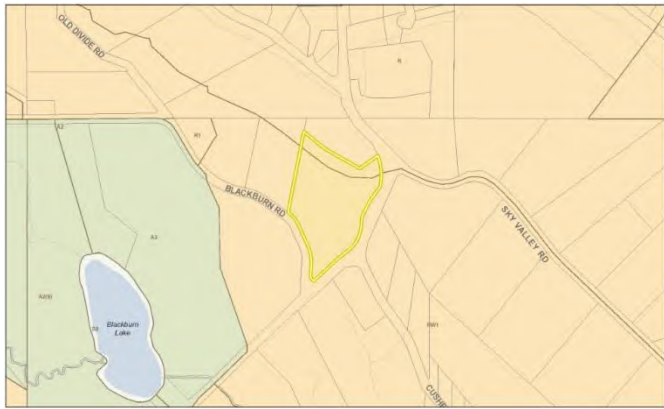

The collection of personal information, for the purpose of processing this application, is authorized under the Local Government Act, Community Charter and section 26(c) of the Freedom of Information and Protection and Privacy Act. Enquiries may be directed to a Deputy Secretary at any of the Islands Trust Offices, as noted on page 1 of this form. A request for information, under the Freedom of Information and Protection of Privacy Act may be made to: FOI Coordinator, Islands Trust, 200-1627 Fort Street, Victoria, BC V8R 1H8, Tel. (250) 405-5151, Fax (250) 405-5155.

# ATTACHMENT 4 – SITE CONTEXT

## LOCATION

Legal Description	Lot A, Section 86, South Salt Spring Island, Cowichan District, Plan 31270
PID	001-162-276
Civic Address	130 Blackburn Road, Salt Spring Island

## LAND USE

Current Land Use	<b>Illegal Commercial – Dog Kennel</b>
Surrounding Land Use	Residential
	 <p><i>Islands Trust Zoning Map (subject property indicated in yellow)</i></p>  <p><i>Islands Trust Orthophoto (subject property indicated in yellow)</i></p>

## HISTORICAL ACTIVITY


File No.	Purpose
None	

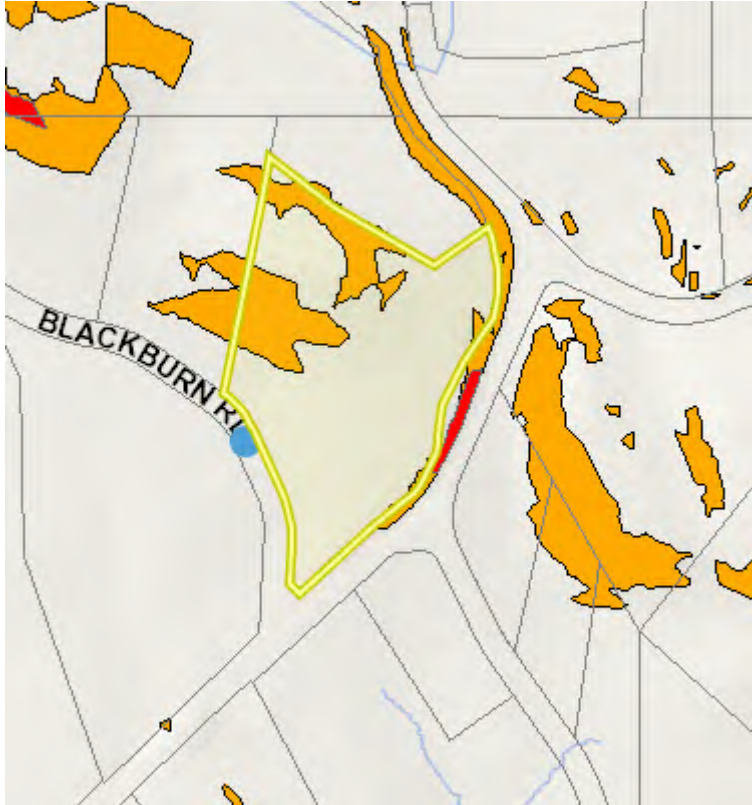
## POLICY/REGULATORY

Official Community Plan Designations	Watershed & Islet Residential (WIR)
Land Use Bylaw	Rural Watershed 1 (RW1)

Other Regulations	None
Water Service Area	None
Title Charges	None
Bylaw Enforcement	SS-BE-2023.22 – Unauthorized Commercial Use/development of Land in Rural Watershed Zone

### SITE INFLUENCES

Islands Trust Conservancy	The Islands Trust Conservancy does not have an interest in any properties within 100 metres of the property subject of this application.
Regional Conservation Strategy	<p>The subject property is primarily within the <b>MEDIUM</b> relative value area for important natural areas in the Salt Spring Island Local Trust Area.</p> 
Species at Risk	<p><b>SAR (Public) Species:</b> None Currently Mapped  <b>SAR (Public) Ecological Community:</b> None Currently Mapped</p>
Sensitive Ecosystems	<p><b>SEI:</b> None Currently Mapped  <b>Heron Rookery/Raptor Nest/Sea Bird Colony:</b> None Currently Mapped  <b>RAR Watercourse:</b> None Currently Mapped  <b>ITEM:</b> Rural &amp; Young Forest</p> <p>Islands Trust Protected Areas mapping indicates no protected areas surrounding or in close proximity to the subject property.</p>

<p>Hazard Areas</p>	<p>Moderate to Low Risk Steep Slopes are mapped throughout the property.  Yellow = Low Risk   Orange = Moderate   Red = High</p> 
<p>Archaeological Sites/Potential</p>	<p>No Archeological Potential within 100m of the subject property.  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.</p>
<p>Climate Change Adaptation and Mitigation</p>	<p>N/A</p>
<p>Shoreline Classification</p>	<p><i>Not Applicable</i></p>
<p>Shoreline Data in TAPIS</p>	<p><i>Not Applicable</i></p>

**PHOTOS**



*Figure 2: Temporary Kennel Facility*



*Figure 1: Unauthorized Sleeping Units*



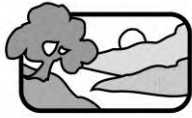
*Figure 3: Access/Egress to Fulford-Ganges Rd*



*Figure 4: RV Units Onsite*



Figure 5: Kennel Site



DATE OF MEETING: November 16, 2023

TO: Salt Spring Island Local Trust Committee

FROM: Louisa Garbo, Island Planner  
Salt Spring Island Team

COPY: Chris Hutton, Regional Planning Manager  
Salt Spring Island Team

SUBJECT: Roadmap on Major Projects and a draft Scope of Services

## RECOMMENDATION

- 1. That the Salt Spring Island Local Trust Committee accepts the roadmap for the three major projects identified in this staff report.**
- 2. That the Salt Spring Island Local Trust Committee requests staff to proceed with the Request for Proposal process to carry out the tasks and the equity-centred public engagement program as described in the Scope of Services.**

## REPORT SUMMARY

This report provides a roadmap for the three major projects identified below; a draft Scope of Services for a Request for Proposal (RFP) for the first project is also included for discussion.

- Data collection/analysis, geospatial mapping, and complete community growth modeling (with funding supported by the UBCM grant);
- The OCP/LUB process (with funding supported by a budget request under consideration);
- Ganges (Shiya’hw̓t/SYOWT) Village Area Plan (with funding supported by a budget request under consideration).

## BACKGROUND

### SS OCP/LUB Project

There has been no comprehensive review of the SS OCP since its adoption in 2008. The need to update the SS OCP was identified as 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 SS LTC passed the following resolution at their meeting on May 18, 2023, requesting staff to apply for grant funding to support the efforts.

**SS-2023-59**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to begin work on a Housing Action Plan in alignment with the OCP/LUB project that includes:

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

**CARRIED**

#### The Ganges (Shiya’hwt/SYOWT) Village Area Plan Project

Considering accommodate other project priorities and ensure projects proceed in a coordinated, sustainable, and resilient manner, the SS LTC determined an amendment to the policy section on Ganges Village, the SS LTC passed the following resolution to prioritize other work prior to completing this project.

##### **SS-2023-61**

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

That the Salt Spring Island Local Trust Committee hold the Ganges Village Area Plan project in abeyance to allow the OCP/LUB project to evaluate and consider Village Containment Boundaries to manage growth and settlement patterns.

**CARRIED**

#### Data Collection/Analysis, Geospatial Mapping, and Complete Community Growth Modeling

During the discussion on the strategic directions and work program review at a Special Meeting on April 28, 2023, the SS LTC considered a Complete Community (CC) grant opportunity from the Ministry of Housing, administered through the Union of BC Municipalities (UBCM), and passed the resolution below. This funding would allow the hiring of a consultant to analyze infrastructure data such as sewer and wastewater capacity and other servicing capacity to further the advancement of the OCP/LUB Project.

##### **SS-2023-47 It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee authorize staff to submit an application for ‘Complete Communities’ funding from the 2023/2024 ‘Complete Communities’ funding program.

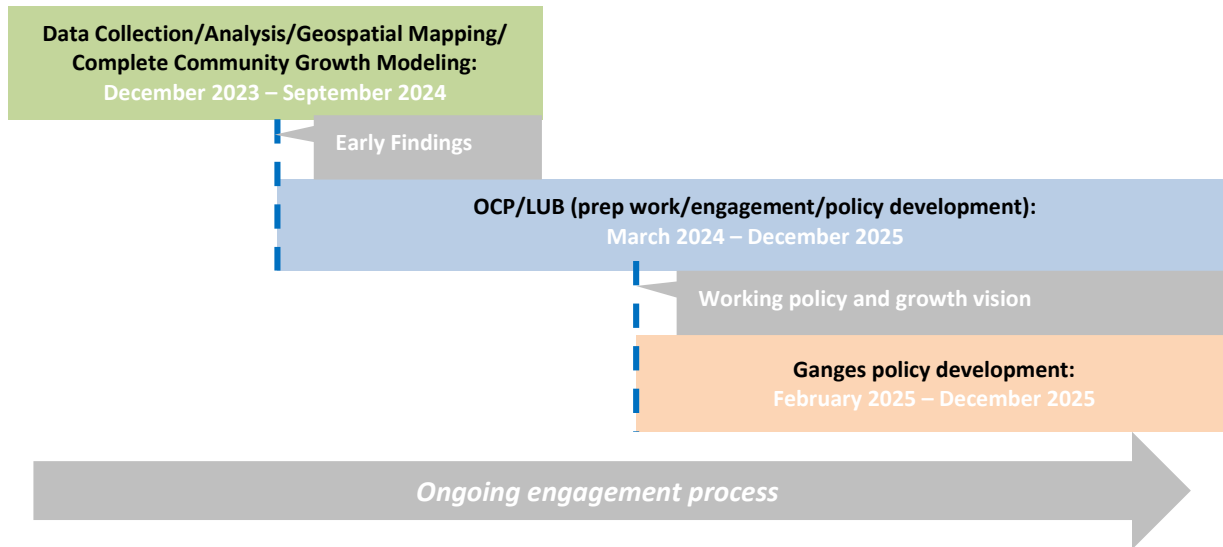
**CARRIED**

The objective of the CC grant is to provide support for communities to develop evidence-based analysis to build a complete community, such as data collection and analysis, and geospatial mapping to inform policy development and the decision-making process.

#### **DISCUSSION**

The Islands Trust was notified in late September of the successful application that a \$150,000 grant had been received. Since the work to be done under the Complete Community grant must be completed within a year and the data collection and analysis intended to support an evidence-based decision-making process, this undertaking requires priority action. A projects roadmap below delineates the anticipated timelines and dependency points of the three major projects (see Attachment #2 for more information).

## PROJECTS ROADMAP



The Complete Communities Grant funding will be used to retain professional consultants to gather, assess, analyze, model future growth in the community, and provide recommendations on the best approach to help build a complete community for Salt Spring Island. The attached draft Scope of Services identifies the much-needed comprehensive data collection and analysis directions of the LTA’s sources for identification of development opportunities and constraints. Per the Terms and Conditions of the CC grant, the consultant must complete all work by September 27, 2024, one year after the grant’s award date. The data collected will support policy development for the upcoming SS OCP/LUB project and benefit the Ganges (Shiya’hwat/SYOWT) Village Area Plan project. Given the broad policy nature of these projects, this work will have long-term benefits in informing decision-making and policy development processes into the future.

The grant aims to support local communities to develop evidence-based analysis to build complete communities by funding data generation, such as data collection and analysis and geospatial mapping to inform policy development and decision-making. The main criteria of the grant require the project to assess the community completeness under at least three of the four lenses (housing, transportation, daily needs/public amenities, and infrastructure) as identified in the Ministry of Housing’s [Complete Communities Guide](#). The data collection, analysis, geospatial mapping, and growth modeling will address issues from all four lenses.

The criteria established in the CC Grant for assessing the current communities’ completeness will include a situation analysis that identifies the community’s strengths, opportunities, and challenges to help build a more complete community. The analysis results intend to support the LTA’s implementation plans (in the case of Salt Spring, an amendment to the SS OCP and relevant policy documents. The attached draft Scope of Services was prepared to achieve the objectives established in the grant guidelines. This grant funding cannot be used to subsidize policy development; however, the end-products will inform and support upcoming policy projects, including the SS OCP’s policy development and the SS LUB’s regulatory update.

## Consultation

The attached draft Scope of Services highlights the fundamental tasks that need to be carried out by the consultant; the proposed tasks may shift based on feedback from the early engagement with the First Nations communities or input from the equitable public engagement program. At their October 12, 2023, meeting, the SS LTC pointed out the importance of developing an inclusive, equitable public participation process and passed the resolution as shown below. For this reason, the Scope of Services includes the specific framework for the early engagement with the First Nations community and the public in seeking their input on building a complete community.

### **SS-2023-121**

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

That the Salt Spring Island Local Trust Committee take immediate action to move beyond the now outdated practice of simple 'inclusion' in public processes and begin a practice of 'equity in participation' for all its public engagement processes and this will be accomplished by:

1. Directing staff to prepare a Terms of Reference and Request for Proposals for LTC approval to source qualified professionals to develop an equity-based public engagement strategy for the organization that adheres to the IAP2 Core Values for the Practice of Public Participation, and subsequently developing and implementing aligned public engagement work plans for the Official Community Plan/Land Use Bylaw Review and Ganges Village Planning projects, and
2. Allocating appropriate public engagement funding for projects currently underway.

**CARRIED**

**Trustee Harris Opposed**

As indicated in the attached Scope of Services, the engagement process with the public will be guided by the *Diversity, Equity, and Inclusion* principle of the International Association for Public Participation (IAP2). The qualified consulting team will develop a more meaningful and intentional public engagement program with an equity community outreach approach that is ***inclusive, respectful, transparent, wholly, and equitably involved***, where anyone and everyone has access to relevant information on the issues related to this project and the engagement process itself.

## Rationale for Recommendation

This report provides the SS LTC with a roadmap for the major projects to be undertaken within the SS LTC Work Program. Input from First Nations and other interest and rights holders may lead to adjustments in the process or the content of project outcomes. The public engagement section within the Scope of Services is consistent with the direction provided by the SS LTC.

## ALTERNATIVES

### **1. Decline to proceed with the Complete Communities Grant**

If SS LTC is uncertain as to the direction they wish to take with this grant, given the timelines and expectations of the grant, it would be prudent to request staff to return the Complete Communities Grant funding. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee requests that staff returns the Complete Communities fund grant and not proceed with the project.*

**NEXT STEPS**

Regardless of the outcome of this report, staff is committed to providing a scope of services for the OCP-LUB Amendment Project and Ganes (Shiya/SWYOT) Area Plan following LTC’s request for such. At that time, the timing of this roadmap may shift, as noted in the report.

Submitted By:	Louisa Garbo, Island Planner	November 8, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 9, 2023

**ATTACHMENTS**

- Attachment 1 Draft Scope of Services
- Attachment 2 Tentative Timelines on Projects

## Scope of Services

### Data Collection/Analysis, Geospatial Mapping and Complete Community Growth Modelling

#### Background

The Salt Spring Island Local Trust Committee (SS LTC) is seeking consulting service of a qualified consultant or consulting team to provide comprehensive data collection, analysis, and geospatial studies of the local trust area (LTA) to help identify alternate development scenarios that foster long-term community sustainability, to manage and direct growth. The assessment outcome should provide policymakers with a synthesis of necessary data and key information to support decision-making that will maximize opportunities to support complete community development and fulfilment of the Islands Trust mandate. Since the tasks identified in this Scope of Services are supported by the Complete Community Grant administered by the Union of BC Municipalities (UBCM), the analysis must focus on growth through the lenses of *housing, daily needs, transportation, and infrastructure*, as identify in the Ministry's [Complete Community Guides](#).

The results of this assessment must directly inform policy development for Salt Spring Island and provide residents, the public, professionals, and staff accurate information when considering any changes to the land use planning framework as it applies to housing and land use development. Most importantly, the products must be rooted in evidence and support future evidence-based decision-making.

The qualified consulting team to lead a complete community assessment must bring together expertise in:

- equity-based engagement of public, community, and government interest holders
- cultural knowledge and equity-based engagement with First Nations rights and title holders of the Lekwungen and SENĆOŦEN-speaking Nations on whose territory the Salt Spring Island Local Trust Area (LTA) is located
- environmental planning and hazard land analysis, including climate risk and vulnerability analysis
- data collection and analysis
- geospatial mapping
- growth management and growth policy
- civil engineering
- urban design
- demographic and forecast modelling, including housing and employment
- economic impact analysis

This assessment includes the following, in no particular order:

- assemble and review existing related policies, plans, and data
- analyse and engage with rights, title, and interest holders
- identify gaps in data and/or evidence
- provide policy recommendations
- generate at least three viable, potential growth scenarios that enable the progression of a complete community and implementation of the Islands Trust Mandate (scenarios that include projected units, infrastructure implications, geospatial mappings, relevant illustrations, and other performance measures on community completeness)

## Objectives

The purpose of the consulting service is to conduct a comprehensive collection and analysis of data to help identify areas, through geospatial mapping and analysis, suitable for development growth and transportation and infrastructure improvement necessary to support those growths and to assess the strengths, opportunities, and challenges for the island to become a complete community. The assessment will require inter-governmental coordination and engagement with First Nations and the public to help develop policies that address the following:

- more diverse housing options for the community workforce and various income and social groups through diversifying and retrofitting housing forms and accommodation of purpose-built affordable housing
- increase housing supply in appropriate locations as they relate to infrastructure servicing, transportation options, and walkability
- discourage or mitigate development in natural hazard, environmentally sensitive, conservation or reserve areas while incentivizing increased density in areas near existing infrastructure and amenities, i.e., within existing village hubs
- promote climate change resiliency planning through energy-efficient development that reduces carbon emissions, building design standards support green transportation infrastructure, complete streets and third places
- protection of the natural environment and archaeological heritage
- ensure equitable access to safe housing, infrastructure, and community services
- support and promote housing for First Nations, preserve cultural and day-to-day practices, and walk the path of First Nations Reconciliation
- engage service providers to identify misalignment and build inter-agency connectivity.

## Scope of Services

The specific tasks identified below intend to provide directions for achieving the objectives outlined above; staff is open to recommendations from the selected consultant to ensure delivery of a supportable, comprehensive data assessment of the area's infrastructure, transportation, water, archaeological and ecosystem significance, and climate resiliency to guide the development of a complete community.

The Scope of Services for the contract includes five main components with associated activities described below:

### 1. An equity-based community engagement program:

- develop a more meaningful and intentional public engagement program with an equity community outreach approach that is inclusive, respectful, transparent, wholly and equitably involved, where anyone and everyone has access to relevant information on the issues related to this project and the engagement process itself; a public engagement program that builds on equity-centred engagement and consistent with the IPA2's *Diversity, Equity and Inclusion* (DEI) principles and execution practices;
- review of community context and identified goals that support complete communities through robust and comprehensive public engagement and engagement with First Nation communities, as well as relevant ministries, agencies, local organizations, and governance organizations
- development of key messages to communicate an accepted island concept of a complete community;
- identify strategic goals to support complete community building
- the engagement process should apply the complete community lens that includes housing options, proximity to daily needs (i.e., key amenities), walkability and transportation, and the cost of services;
- in addition to the public, identify governance partners as well as interest groups and identify equity-seeking groups and accessibility needs

- options and mechanisms for engagement that provide a range of ways to engage;
- present the engagement program to the SS LTC for comments.

## 2. Data collection and analysis:

- review and incorporate internal and external studies on the geography of the area, level of hazard, climate risk, environmental data, plans, and policies, which include coordination with Islands Trust's GIS staff and the Integrated Cadastral Information (ICI) Society to obtain information on existing conditions relating to land use (i.e., SS OCP land use designations, zoning, and housing data), socio-economic, environmental assets, transportation network, and infrastructure servicing
- prepare mapping of existing density benchmarks for built-up areas and designated undeveloped areas (based on existing land suitability map of SSI)
- data collection from agencies and organizations such as CRD, MOTI, North Salt Spring Water District, Salt Spring Community Services, School District, Salt Spring Fire and Rescue, RCMP
- data collection from Islands Trust Conservancy, Islands Trust Fresh Water Specialist
- data collection from publicly available sources such as:
  - Census data (Statistics Canada)
  - Provincial Digital Road Atlas (DRA)
  - BC Assessment Actual Use Codes
  - Transit data (BC Transit)
  - Sidewalk and walking trail data
  - Tax revenue data
  - Topographic maps
  - Environmentally sensitive areas
  - Natural hazard areas
  - Agricultural Land Reserve (ALR)
  - Federal and Provincial Crown Land

## 3. Data assessment:

- Summarize the community's strengths, weaknesses, opportunities, and challenges related to goals based on information gathered from the public engagement and consultation with the First Nations process. Provide a schematic overview/growth modeling, including servicing systems, servicing capacities, roads, highways, active transportation, archaeological potential, wetlands, and stream assimilative capacity, at a minimum, based on the following data collected:
  - profile and future growth projection (10-20 years);
  - most recent housing needs assessment
  - data collected on the current population
  - existing designated undeveloped areas, including an inventory of registered and draft approved plans of subdivision, their expected developable densities, and implications for overall developable density for the designated undeveloped areas
  - OCP land use designations and zoning
  - land availability inside existing built-up areas and the opportunities for infill of residential units;
  - trends and implications relating to edge development, including at the outer boundaries of the village hubs and service areas
  - potential employment lands and their capacity
  - current and planned servicing capacity including, but not limited to, stormwater and water systems
  - amenity siting, brownfield remediation, and future active transportation infrastructure/corridors
  - walkability and access to amenities within nodes/hubs
  - existing road networks and assessments
  - areas with sensitive environmental conditions and archaeological and cultural significance

- analyse gaps in existing data, gather and collect additional relevant data determined, based on best practices, to be critical to support building a complete community

#### 4. Assessment Report and Recommendations:

Based on comprehensive information, data collection, and input from public engagement, provide the following:

- delineate strategic lands in the LTA and assess development potential
- identify policy direction related to centres, nodes, corridors, built areas, greenfields, and complete communities
- identify development, redevelopment, and intensification opportunities nodes where people can travel to most daily needs within short walking or cycling distances and connect to other services and amenities using transit or other transportation that aims to reduce GHG emissions from transportation
- prepare mapping to identify potential density benchmarks for built-up areas and designated undeveloped areas (based on the existing land suitability map of SSI)

#### 5. Growth Scenarios

- develop three alternative growth scenarios with related spatial maps and graphics to identify general locations for housing growth, required infrastructure, intensification rates, and designated undeveloped area densities, as well as housing mix:
  - scenarios should identify general locations for growth, including population and employment forecasts, required infrastructure, intensification rates, designated greenfield and infill area densities, as well as housing mix and employment options
  - develop criteria to evaluate options and select a preferred option in consultation with First Nations communities and the community through open houses or public meetings
  - identify development, redevelopment, and intensification opportunities
  - provide rationale for alternative intensification and/or density targets, if necessary;
  - analysis of alternative growth scenarios with related maps and graphics
  - identify the potential for each scenario to support a simplified path to developing affordable housing
  - provide a rationale for alternative intensification and/or density targets, if necessary
- establish recommendations for interventions and/or policy changes that the SS LTC can implement or adopt to manage better and achieve sustainable growth and development most likely to meet the anticipated housing needs of residents.

#### The consulting team's responsibilities will include the following:

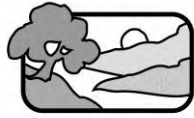
- Develop a detailed work plan in response to the four components of the services identified in Section 3.4 Scope of Services
- Implement the activities identified in the Scope of Services and the approved work plan;
- Organize (including all arrangements and set-ups) and conduct all consultation and engagement activities identified in the approved engagement plan
- Provide necessary technologies for interacting with participants in the consultation process and responding to inquiries from the communities relating to the early engagement process
- Provide progress reports and recurring meetings with staff as identified in the work plan
- briefings to the SS LTC at appropriate intervals
- Review of community context and identified goals that support complete communities through robust and comprehensive public engagement and consultation activities with First Nations communities, ministries, agencies, local organizations, and the public at large

- Data collection, compilation, and updates (e.g., spatial data/mapping/digitalization) on housing, transportation, daily needs (especially within the villages), and infrastructure (i.e., stormwater, water, sanitary sewer, transportation)
- Updated GIS layers, and all pertinent GIS data shall be delivered to Islands Trust in a format compatible with the Islands Trust’s programs
- Submit the progress reports summarizing the activities with key issues identified
- Provide a final assessment report with three scenarios and recommendations described in the Scope of Services section
- Present a final assessment report and recommendations to the SS LTC

**Progress Reports and Deliverables**

- Develop a detailed work plan to include scope, approaches to a public engagement program, data collection/analysis and geospatial analysis, and timelines to accomplish the tasks described in this Scope of Services
- An Equity-based Public engagement program consistent with IAP2 standards for SS LTC review and comment;
- Progress reports on data collection, early findings, and key issues identification, at a minimum, on the four main components
- Supply Islands Trust GIS staff with data collected
- Geospatial mapping on elements identified in the Scope of Services
- Final assessment report
- Scenarios and recommendations on how to manage future development, including best practices in managing infrastructure for future growth that include, at a minimum, the following elements:
  - policy recommendations
  - infrastructure consideration
  - short- and long-term initiatives for implementation
  - identification of areas for additional study, planning, etc.
  - partial plan, diagrams, and map illustrating the main components of the scenarios
  - any data tables in original format collected as part of the project
- Completion of all deliverables required by late August 2024.





File No.: 6500-20 Housing Action Program (Accessory Dwelling Units)

DATE OF MEETING: November 16, 2023  
TO: Salt Spring Island Local Trust Committee  
FROM: Chris Hutton, Regional Planning Manager  
Salt Spring Island Team  
SUBJECT: Proposed Bylaw No. 530 "Accessory Dwelling Units"

### RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee give second reading to "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022", as amended and request staff to schedule a public hearing.
2. That the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Checklist attached to the November 16, 2023 report, and determined that Proposed Bylaw No. 530, as read a second time cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2022," is not contrary to or at variance with the Islands Trust Policy Statement.

### REPORT SUMMARY

Presents a revised draft of "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022" for Salt Spring Island Local Trust Committee's (SS LTC's) consideration for second reading, based on direction previously received to permit accessory dwelling units (ADUs) in certain areas.

### BACKGROUND

At its October Regular meeting SS LTC passed the following resolutions:

#### **SS-2023-126**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee rescind second reading of proposed "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022".

**CARRIED**

**Trustee Harris OPPOSED**

#### **SS-2023-127**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request a new Schedule for Accessory Dwelling Units by duplicating Schedule I by removing all lots that are located within the North Salt Spring Waterworks District boundary and any other water service district as of October 12, 2023; and moderate to high

salt water intrusion risk areas as indicated on the GIS Modelling of Sea Water Intrusion Risk along British Columbia's Coast by Sivak and Wei dated 2021.

**CARRIED**  
**Trustee Harris Opposed**

## **DISCUSSION**

The requested amendments have been captured in the amendment bylaw found in Attachment 1 of this report. A new Schedule M is proposed to be added that will indicate where ADUs may be located in consideration of the changes requested by LTC. One point that lacked clarity in the SS LTC resolution, above was the degree to which salt water intrusion risk areas should inhibit permission of ADUs. In consultation with Islands Trust staff, it was determined that, in consideration of the granularity of available data compared to that of this amendment, and in consideration of section A.4.1.4 of the Salt Spring Island Official Community Plan Bylaw No. 434, 2008 (SS OCP), a conservative approach by excluding lands which contained 10% or more coverage of moderate to high salt water intrusion risk area. Section A.4.1.4 of the SS OCP states:

*“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.”*

## **ANALYSIS**

### ***Agencies***

Previous and more impactful version of this bylaw was referred to agencies for comment. Conditions of some agencies are addressed to the extent possible under the *Islands Trust Act*. An example of this: in its referral response, Salt Spring Island Fire Rescue required that ADUs be separately addressed and that driveways for ADUs be developed to the standard set out in Schedule D of the LUB. In this case, proposed Bylaw 530 includes driveway requirements, however the CRD is responsible for civic addressing and therefore this task will need to be implemented by CRD. Staff do not see this as presenting a challenge in the normal course of building permitting or existing ADU legalization.

### ***First Nations***

It has been confirmed that the duty to consult and accommodate First Nations under s. 35(1) of the Constitution is a Crown duty and thereby does not extend to Islands Trust as a local government. That said, the Islands Trust Council's Reconciliation Declaration commits the organization to establish mutually respectful relationships between Indigenous and non-Indigenous Peoples, acknowledge that this commitment is a long-term relationship-building and healing process. While not a direct barrier to advancing proposed Bylaw 530, it is important for LTC to consider the future relational impact of how it responds to the concerns raised by First Nations.

### **Rationale for Recommendation**

This recommendation is consistent with the direction given by SS LTC and is consistent with the Islands Trust Policy Statement and the SS OCP.

## **ALTERNATIVES**

LTC may consider the following alternatives to the staff recommendation:

**1. Request that staff refer proposed Bylaw 530 as read to Executive Committee**

LTC may choose to request that staff move forward with proposed Bylaw 530 once read a second time by referring it to the Executive Committee prior to scheduling a public hearing. In this case, staff would report back on comments at the first possible LTC meeting for consideration of any required amendment, if necessary, and subsequent scheduling of a public hearing. Staff could also provide additional information in a covering report, if such information would be helpful. Recommended wording for this option:

*That the Salt Spring Island Local Trust Committee refer "Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022", as amended to the Islands Trust Executive Committee for comment, and place the comments on the earliest possible meeting agenda of the Salt Spring Island Local Trust Committee.*

**2. Defeat proposed Bylaw 530:**

The LTC may choose to defeat Bylaw 530 and move forward with the OCP-LUB Project. In some cases, this option may be to hold the application in abeyance pending completion of the OCP. There is not likely any substantial benefit to keeping the project in abeyance and the substance of this bylaw may be addressed through upcoming LTC projects. It should be noted that this option has the benefit of a more streamlined implementation, but would result in a significant delay before consideration of further policy development on this form of housing could begin. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee defeat proposed Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022.*

**NEXT STEPS**

If LTC approves the recommendation, staff will schedule a public hearing.

Submitted By:	Chris Hutton, Regional Planning Manager	November 16, 2023
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**ATTACHMENTS**

- 1. Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022
- 2. Islands Trust Policy Statement Checklist

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 530

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### A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

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

#### 1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022”.

#### 2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

##### 2.1 By adding the following to Section 1.1 “Definitions:”

“Accessory Dwelling Unit” means a *dwelling unit accessory* to a *single-family dwelling* unit intended as an independent, separate unit, and subordinate to the principal structure.

##### 2.2 Schedule “M” is appended to and forms part of “Salt Spring Island Local Trust Committee, Bylaw No. 355. Land Use Bylaw, 1999, Amendment No. 1, 2022”, as shown on attached Plan No. 1

##### 2.3 By replacing Section 3.16 “Secondary Suites” with the following:

### **3.16 ACCESSORY DWELLING UNITS AND SECONDARY SUITES**

#### **Regulations for accessory dwelling units and secondary suites:**

##### 3.16.1 *Secondary suites* and *accessory dwelling units* are permitted only on *lots* that are within or partially within the shaded areas per the following:

- (1) *Secondary suites* - Schedule “I” of this Bylaw;
- (2) *Accessory dwelling units* – Schedule “M” of this Bylaw.

*Information Note: An accessory dwelling unit located within the Provincial Agricultural Land Reserve must also be consistent with the provisions of the Agricultural Land Commission Act and its regulations.*

##### 3.16.2 Only one (1) *secondary suite* or one (1) *accessory dwelling unit* is permitted per *lot*.

##### 3.16.3 The *secondary suite* or *accessory dwelling unit* shall not be:

- (1) located within a portion of a *lot* that is identified as a Community Well Capture Zone on Map 22 of the Salt Spring Island Official Community Plan;

- (2) located within a *community water system*, except where written confirmation from the operator of the *community water system* is provided that the site has sufficient capacity to supply a *secondary suite* or an *accessory dwelling unit*;
- (3) operated as a *Bed and Breakfast home-based business*, nor rented on a *temporary* basis.
- (4) subdivided from the dwelling unit, single family to which it is accessory under the Land Title Act or the Strata Property Act.

3.16.4 The *secondary suite* or *accessory dwelling unit* shall be:

- (4) occupied by the owner of the *lot*; or
- (5) occupied by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property.

*Information Note: Pursuant to other provisions of this Land Use Bylaw, short term vacation rentals are not permitted in residential areas.*

3.16.5 A building permit must be obtained for any *secondary suite* or *accessory dwelling unit*.

3.16.6 Where water to a *lot* containing a *secondary suite* or an *accessory dwelling unit* is supplied from:

- (1) rainwater collection, the rainwater system must be capable of supplying it with a sufficient quantity of *potable water*;
- (2) Where a *lot* is supplied by groundwater, a *single-family dwelling* containing a *secondary suite*, or an *accessory dwelling unit*, must have sufficient available groundwater.

*Information Note: At time of Building Permit application, the Capital Regional District requires specific amounts of potable water be demonstrated, and proof of adequate septic capacity be provided, prior to issuing approvals.*

- (3) a combination of sources, a written plan for the supply of water is to be provided under seal of an engineer that demonstrates an adequate supply of *potable water*;
- (4) a surface water body, a water license, issued or amended after November 30, 1994, must permit the withdrawal of the required amount of water.

*Information Note: The provincial Water Management Branch completed a study of surface water availability in November of 1994. Water licenses issued before this time may not be a reliable indication that water is actually available in the necessary quantity.*

**Accessory dwelling unit Regulations**

- 3.16.7 The maximum *height* of an *accessory dwelling unit* is 7 metres;
- 3.16.8 The maximum *floor area* of an *accessory dwelling unit* is 56 square metres on *lots equal to or less than 1.2 hectares* in area;
- 3.16.9 The maximum *floor area* of an *accessory dwelling unit* is 90 square metres on *lots greater than 1.2 hectares*;
- 3.16.10 Despite section 4.3, no accessory dwelling unit shall be constructed 4.5 metres from any interior side lot line;
- 3.16.11 The driveway access to the accessory dwelling unit must be shared with access to the principal residence, unless access to the accessory dwelling unit can be provided from a rear lane.
- 3.16.12 The *accessory dwelling unit* can be freestanding or combined with an *accessory building*;
- 3.16.13 The *accessory dwelling unit* must not have a *basement*;
- 3.16.14 The *accessory dwelling unit* including any stairs, decks or porches or other *structures* that are attached to the unit, or that function as part of the unit, should not be located within 6 metres of any other *building on a lot*;
- 3.16.15 An *accessory dwelling unit* does not include recreational vehicles, or any *dwelling unit* on wheels.

**Secondary Suite Regulations**

- 3.16.16 The maximum *floor area* for a *secondary suite* is 90 square metres.
- 3.16.17 The *secondary suite* must be contained within the walls of the *building* that contains the *principal dwelling unit*.
- 3.16.17 The entrance to a *secondary suite* from the exterior of the *building* must be separate from the entrance to the *principal dwelling unit*.

2.4 By adding a change to the table under Subsection 7.1.5 “Minimum Number of Parking Spaces for Automobiles, Disabled Parking and Bicycles” with the following:

TABLE 3 MINIMUM NUMBER OF PARKING SPACES FOR AUTOMOBILES, DISABLED PARKING AND BICYCLES			
LAND USE	Number of Automobile Parking Spaces Required	Number of required Automobile Parking Spaces which must be designed for use by the disabled	Number of Bicycle Parking Spaces Required
<b>RESIDENTIAL</b>			
<i>Seasonal Cottage, Accessory Dwelling Unit or Secondary Suite</i>	1 per unit	0	0

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS 19TH DAY OF APRIL, 2022

READ A SECOND TIME THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_

PUBLIC HEARING HELD THIS \_\_\_\_ DAY OF \_\_\_\_, 20\_\_

READ A THIRD TIME THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_

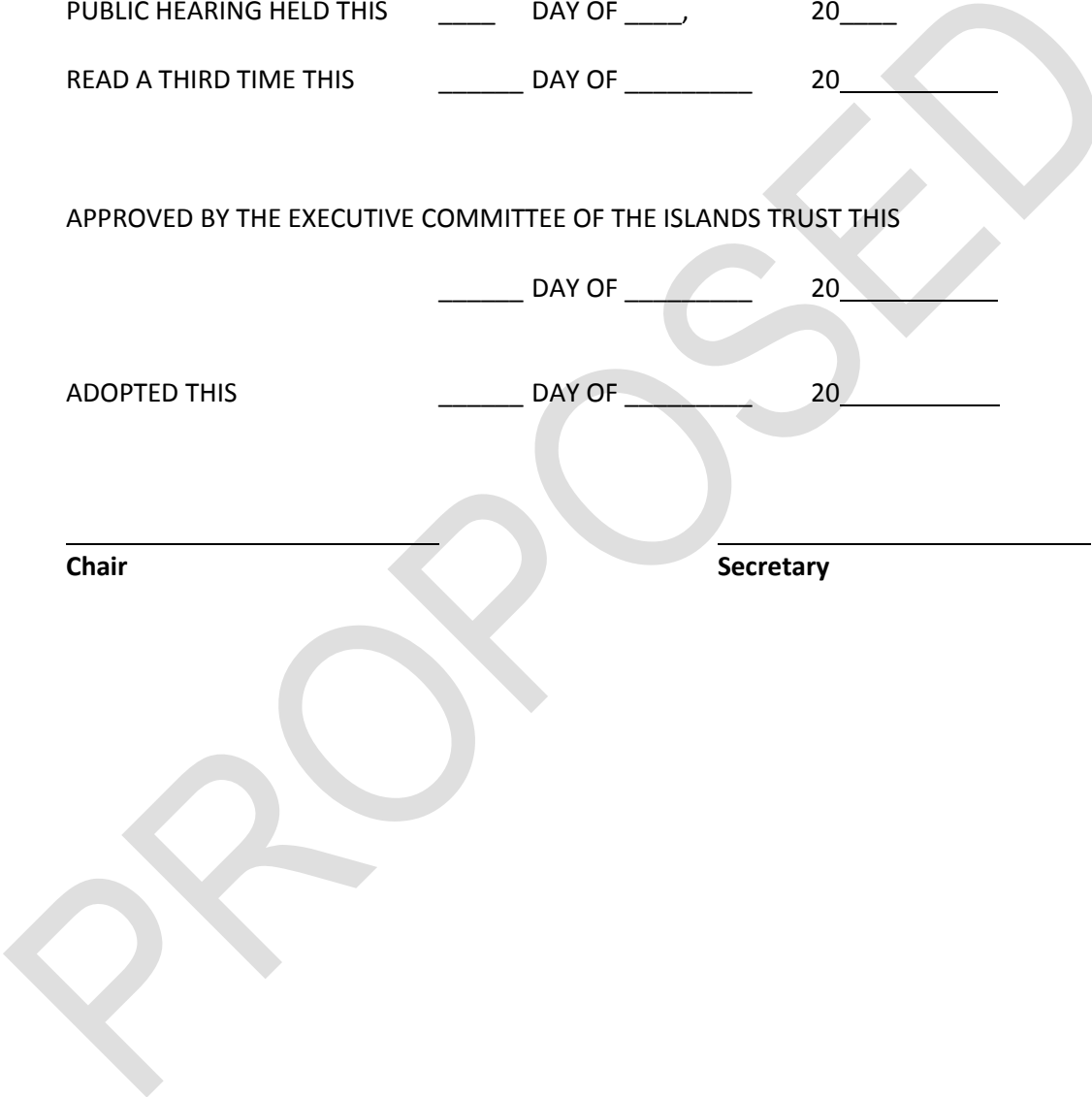
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_

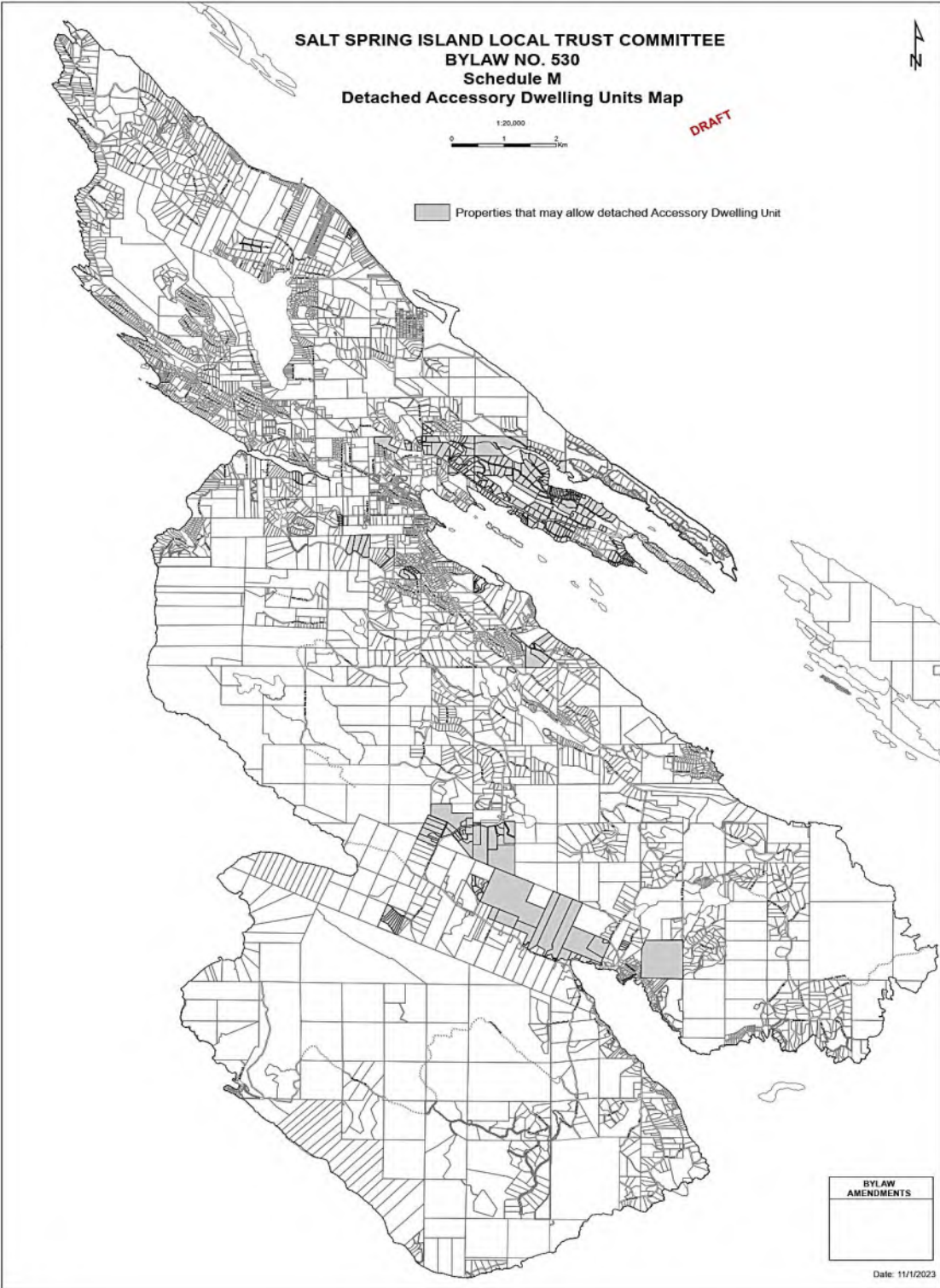
ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_

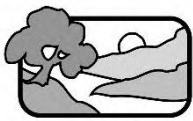
\_\_\_\_\_  
**Chair**

\_\_\_\_\_  
**Secretary**



SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 530  
Plan No. 1





## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500

File Name: Proposed Bylaw No. 530

### PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
N/A	<b>3.1.3</b>	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	<b>3.1.4</b>	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.
YES	<b>3.1.5</b>	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.
	<b>3.2</b>	<b>Forest Ecosystems</b>
YES	<b>3.2.2</b>	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.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
MAYBE	<b>3.3.2</b>	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.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
N/A	<b>3.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	<b>3.4.5</b>	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
	<b>4.1</b>	<b>Agricultural Land</b>
N/A	<b>4.1.4</b>	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	<b>4.1.5</b>	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	<b>4.1.6</b>	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	<b>4.1.7</b>	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	<b>4.1.8</b>	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	<b>4.1.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	<b>4.2</b>	<b>Forests</b>

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.
	4.3	<b>Wildlife and Vegetation</b>
	4.4	<b>Freshwater Resources</b>
YES	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.
YES	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	<b>Coastal Areas and Marine Shorelands</b>
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	<b>Soils and Other Resources</b>
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	<b>Aesthetic Qualities</b>
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	<b>Growth and Development</b>
N/A	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.
MAYBE	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.
MAYBE	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.
N/A	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	<b>Transportation and Utilities</b>
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	<b>Disposal of Waste</b>
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.
<b>CONSISTENT</b>	<b>No.</b>	<b>DIRECTIVE POLICY</b>
	5.5	<b>Recreation</b>
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	<b>Cultural and Natural Heritage</b>
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.
MAYBE	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	<b>Economic Opportunities</b>
MAYBE	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	<b>Health and Well-being</b>
YES	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.

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

**DATE OF MEETING:** November 16, 2023  
**TO:** Salt Spring Island Local Trust Committee  
**FROM:** Anthony Fotino, Island Planner, Salt Spring Island Team  
Chris Hutton, Regional Planning Manager  
**SUBJECT:** Discharge of Housing Agreement  
Applicant: Lawson Lundell LLP (William L. Roberts)  
Location: 584 Rainbow Road (PID: 015-854-698)

## RECOMMENDATIONS

1. That the Salt Spring Island Local Trust Committee discharge the notice of housing agreement from the property at 584 Rainbow Road, (PID 015-854-698) with legal description as LOT A, SECTION 2, RANGE 1 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 49990.

## PURPOSE

The purpose of this report is to provide the Salt Spring Island Local Trust Committee (SS LTC) with information concerning a request from Vancouver City Savings Credit Union, in regards to 584 Rainbow Road (the subject property), to discharge a housing agreement for a 10-unit affordable housing unit development on the subject property.

## BACKGROUND

This section summarizes previous proposals and approvals since 2008 and the historical focus on up-zoning the land on the condition of provision of affordable housing on the subject property.

### Rezoning and Housing Agreement

The subject property is 3.14 ha and zoned Rural (R) under Salt Spring Island Land Use Bylaw No. 355 (SS LUB). In 2008 the owner applied for a variation to the zoning that would apply only to the subject property and permit development of 10 units of affordable housing. The subject property is designated Residential Neighborhood (RL) in the Salt Spring Islands Official Community Plan Bylaw No. 434, 2008 (SS OCP), which accommodates medium-density residential uses, including the provision of affordable housing. The Salt Spring Island Local Trust Committee (SSI LTC) originally gave first and second reading to the proposal for 14 affordable dwelling housing units. SS LTC ultimately approved a maximum density of 10 affordable units. Third reading was given to Bylaw 441 on June 4, 2009.

At the June meeting, the SSI LTC carried the following resolutions:

### **SSI-101-09**

*It was MOVED and SECONDED that the Salt Spring Island Local Trust Committee directs staff to prepare a housing agreement bylaw and housing agreement applicable to the property defined in application SSRZ-2008.5 (SSI Land Bank Society) for the consideration of the Local Trust Committee based upon the housing*

agreement adopted as part of Bylaw No. 429 (the Murakami agreement) with amendments as reflected in the May 27, 2009 staff report on that topic.

**SSI-103-09**

*It was MOVED and SECONDED that the Salt Spring Island Local Trust Committee directs staff to further review proposed covenants and the letter of intent tabled by the applicant for application SS-RZ-2008.5 to confirm compliance with Land Titles registration requirements, and to ensure administrative certainty of the covenants and letter of intent to the extent possible, and to report back with proposed revisions as appropriate.*

Bylaw No. 447 which authorized the Housing Agreement (**Attachment 1**) was given first, second, and third reading on September 2, 2010 and was approved by executive committee and adopted on September 22, 2010. Subsequently notice was filed in the Land Title Office. In the 13 years between adoption and present time, the project has not advanced. The property is currently in foreclosure. Section 43 of the Housing Agreement contemplates a foreclosure:

*This Agreement shall not be binding on Canada Mortgage and Housing Corporation or any mortgagee of the Lands that is an "approved lender" holding a mortgage insured pursuant to the National Housing Act R.S.C. 1985 C. N-11. If during foreclosure by such an approved lender, the court approves a sale to the Canada Mortgage and Housing Corporation or an arm's length bona fide purchaser, then the Trust Committee will abandon this Agreement and cancel the notice of agreement in the records of the Land Title Office.*

The lender (Vancouver City Savings Credit Union), through their legal council, Lawson Lundell LLP, has requested that the SSI LTC discharge the notice of housing agreement immediately before an arms-length court ordered sale (**Attachment 4**). Moreover, the lender received an Order for Conduct of Sale from the BC Supreme Court in February 2021 (**Attachment 3**). The cancellation of the Housing Agreement and discharge of the notice in accordance with section 43 of the Housing Agreement does not require the Local Trust Committee to repeal or otherwise take any action with regard to Bylaw No. 447.

Before the authorization of the Housing Agreement, the SSI LTC and the applicant executed a covenant under section 218 and 219 of the Local Government Act (**Attachment 2**). Section 23 and 24 of the covenant required that ten (10) dwellings be constructed over a four-year period beginning in 2010:

23. The Owner agrees to develop at least six dwelling units on the Land, in any combination of single family dwellings, two family dwellings, multifamily dwellings and one seasonal cottage, within one year of the adoption of Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2009 ("Bylaw No 441").
24. The Owner agrees to develop an additional four dwelling units on the Land at the rate of two per two-year period commencing on the first anniversary of the adoption of Bylaw No 441

Neither this requirement, nor any other provision in the covenant is expressly contingent on a housing agreement being in force, therefore any future purchaser of the subject property would be bound by the covenant and would be required to build the ten (10) units under a housing agreement. Otherwise, the zoning would allow for one (1) single family dwelling unit.

## Issues and Opportunities

The SS LUB presently permits the subject property to be used for one single family dwelling and up to 10 "affordable dwelling units" (**Attachment 5**). The SS LUB defines "dwelling units, affordable housing" as the following:

*A deed restricted and/or a rent controlled dwelling unit that is secured by a housing agreement registered on title, and may include special needs housing and seniors dwelling units.*

This could lead to confusion since cancellation of the housing agreement through foreclosure could leave the possibility that a court approved purchaser could acquire the subject property and benefit from the covenant requiring ten (10) dwelling units but not being bound to those units being affordable (affordable being defined as "secured by a housing agreement registered on title") because the covenant does not specify that the units must be affordable. To avoid this scenario, it is important that the SSI LTC and the purchaser enter into a new housing agreement. If the purchaser determines that they would **not** like to enter into a new housing agreement, only one (1) single family dwelling would be permitted on the subject property, as per the zoning conditions. The only way that the extra density for the ten (ten) units should be accessed is if a housing agreement is entered into by the SSI LTC and the purchaser.

## Rationale for Recommendation

Due to the fact that the plans for this property to introduce 10 units of affordable housing on the Island never came to fruition and the unfortunate reality of the current foreclosure, the exiting notice of housing agreement has become an encumbrance on SSI LTC goals. Additionally, the lender, through their legal council, has requested the discharge of the housing agreement and have received an Order of Conduct and Sale from the BC Supreme Court. Under Section 43 of the Housing Agreement, in the case that the courts approve a sale, the LTC will abandon the agreement and cancel the notice of agreement in the records. The most logical and appropriate next step would be to discharge the notice of housing agreement from the property at 584 Rainbow Road and negotiate a new housing agreement with the new purchaser.

## ALTERNATIVES

1. **That the Salt Spring Island Local Trust Committee deny the discharge of the notice of housing agreement from the property at 584 Rainbow Road, (PID 015-854-698) with legal description as LOT A, SECTION 2, RANGE 1 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 49990.**

## NEXT STEPS

If the SS LTC resolve to discharge of the notice of housing agreement from the property at 584 Rainbow Road, staff will work with the applicant on the discharge of the notice of housing agreement as requested.

Submitted By:	Anthony Fotino, Island Planner	November 8, 2023
Concurrence:	Chris Hutton, Regional Planning Manager	November 8, 2023

## ATTACHMENTS

1. Housing Agreement
2. Covenant

3. Order for Conduct of Sale
4. Letter from Lawson Lundell LLP (William L. Roberts)
5. Bylaw 441 – R(m) Zone Requirements

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 447

A BYLAW TO AUTHORIZE A HOUSING AGREEMENT

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

AND WHEREAS Section 905 of the Local Government Act and Section 29 of the Islands Trust Act permit the Local Trust Committee to enter into a housing agreement;

AND WHEREAS the Salt Spring Island Local Trust Committee wishes to enter into a Housing Agreement;

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

- 1. This Bylaw may be cited for all purposes as "Salt Spring Island Housing Agreement Bylaw No. 447, 2010".
2. Any one of the Trustees of the Salt Spring Island Local Trust Committee is authorized to execute an agreement in the form attached to this Bylaw with Salt Spring Island Land Bank Society and Capital Regional District.
3. 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 2nd day of September, 2010

READ A SECOND TIME this 2nd day of September, 2010

READ A THIRD TIME this 2nd day of September, 2010

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this 22nd day of September, 2010

ADOPTED this 22nd day of September, 2010

P.I. Bazie
SECRETARY

CHAIRPERSON

CERTIFICATE
Certified a true and correct copy of Bylaw No. 447 for Salt Spring Island
P.I. Bazie
Deputy Secretary, Islands Trust
September 30, 2010
Date

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

**Housing Agreement**

THIS AGREEMENT DATED FOR REFERENCE THE 22 DAY OF SEPT. 2010 is AMONG:

**SALT SPRING ISLAND LAND BANK SOCIETY**

(Incorporation #S-0048461)  
 Box 12, Fulford Harbour  
 Salt Spring Island, BC V8K 2P2]  
 (the "Owner")

AND

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

2<sup>nd</sup> Floor, 1627 Fort Street  
 Victoria, B.C. V8R 1H8  
 (the "Trust Committee")

AND

**CAPITAL REGIONAL DISTRICT**

625 Fisgard Street  
 Victoria, B.C. V8W 2S6  
 ("CRD")

**WHEREAS:**

- A. The Owner is the registered Owner of those Lands situated at 584 Rainbow Road on Salt Spring Island and legally described as Lot A Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990 (the "Lands");
- B. The Lands have been rezoned by the Salt Spring Island Local Trust Committee by means of Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2009 (Bylaw No. 441) to permit the development of ten (10) Affordable Dwelling Units on the Lands;
- C. The Owner has obtained funding from the B.C. Housing Management Commission ("BCHMC"), Canada Mortgage and Housing Corporation ("CMHC") and the Capital Regional District's Regional Housing Trust Fund ("RHTF") to assist in the development of the Affordable Dwelling Units, and it is a condition of funding that the use and occupancy of the units be restricted in the manner required by the terms of operating agreements between the Owner and BCHMC, the Owner and CMHC, and the Owner and RHTF (the "Operating Agreements") and the terms of a s.219 covenant (the "PRHC Covenant") granted by the Owner to the Provincial Rental Housing Corporation ("PRHC");

- D. The Trust Committee and CRD have agreed that CRD will administer this Agreement on the Trust Committee's behalf;
- E. The Trust Committee may, pursuant to Section 29 of the *Islands Trust Act* and Section 905 of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy, tenure and availability to specified classes of persons of dwelling units located on the lands of the owner;
- F. The Owner and the Trust Committee wish to enter into this Agreement to provide for Affordable Dwelling Units on the terms and conditions set out in this Agreement, and the Owner has granted to the Trust Committee a covenant under s. 219 of the *Land Title Act* dealing with the use of the Lands; and
- G. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement.

**THIS AGREEMENT** is evidence that in consideration of \$2.00 paid by each of the parties to the other parties, the receipt and sufficiency of which are acknowledged by all parties, and in consideration of the promises exchanged below, the parties agree, as a housing agreement under s. 905 of the *Local Government Act*, as follows:

#### **INTERPRETATION**

1. In this Agreement "Affordable Dwelling Units" means ten (10) rent-controlled dwelling units on the Lands, the purpose of which dwelling units is to provide acceptable accommodation to qualified residents, the rent and the tenure of which dwelling units are restricted in accordance with sections 6 through 18 of this Agreement. "Acceptable accommodation", as used in this paragraph, means accommodation that is affordable, suitable and adequate according to family income, size and composition.

#### **USE OF LAND FOR AFFORDABLE DWELLING UNITS**

2. The Owner covenants and agrees with the Trust Committee that the Owner will use the Lands in accordance with the PRHC Covenant and the BCHMC, CMHC and RHTF Operating Agreements.
3. The Owner shall not demolish any Affordable Dwelling Unit on the Lands unless:
  - a. the Owner has obtained the written opinion of a professional engineer or architect who is at arm's length from the Owner that it is no longer reasonable or practical to maintain and repair the Affordable Dwelling Unit, and the Owner has delivered to the Trust Committee a copy of the engineer's or architect's report;
  - b. the Affordable Dwelling Unit is damaged or destroyed, to the extent of 40% or more of its value above its foundations, as determined by the Trust Committee in its sole discretion on the basis of advice from a building official of the Capital Regional District, or
  - c. a demolition order has been issued by the Capital Regional District.
4. In the event of such demolition the Owner must make reasonable efforts to replace the demolished Affordable Dwelling Unit, including obtaining funding and obtaining any required approval of the Trust Committee, the Capital Regional District and any other authority having jurisdiction, and upon reconstruction, the Owner must use and occupy any replacement Affordable Dwelling Unit only in compliance with this Agreement, and all conditions shall apply to the replacement unit to the same extent and manner as to the original unit.
5. The Owner covenants and agrees that it will maintain the Affordable Dwelling Units in a satisfactory state of repair, fit for habitation, commensurate with the condition in which a prudent owner would keep a similar property, and at a minimum to the standard prescribed by the *Residential Tenancy Act*.

## OCCUPANCY OF AFFORDABLE DWELLING UNITS

6. In the event of any inconsistency between the terms of this Agreement and the terms of the PRHC Covenant or the BCHMC Operating Agreement, the latter agreements shall prevail, and for that purpose an inconsistency exists if the Owner cannot at the same time comply with this Agreement and the PRHC Covenant or the Operating Agreement.
7. The Affordable Dwelling Units shall be occupied only in accordance with the CMHC Operating Agreement, the PRHC Covenant and the BCHMC Operating Agreement from time to time, and the Owner agrees to provide to the Trust Committee a copy of any agreement of any kind whatsoever, including any funding or contribution agreement and any mortgage or other loan agreement, that contains terms, conditions or stipulations as to the use or occupancy of any unit.
8. In the event that there is no agreement in place between the Owner and PRHC or BCHMC restricting the tenure of the Affordable Dwelling Units to rental tenure, it is a condition of this Agreement that the occupancy of the Affordable Dwelling Units be restricted to rental tenure. For certainty, "rental tenure" does not include any time share ownership plan or time share use plan as those terms are defined in the *Real Estate Development Marketing Act*, or any corporate or fractional ownership scheme.
9. In the event that there is no agreement in place between the Owner and PRHC or BCHMC restricting the rental rates that apply to the Affordable Dwelling Units, it is a condition of this Agreement that the rental rates be limited to the lowest of:
  - a. the rates as set out in Schedule A, adjusted annually on the basis of the All Items Consumer Price Index for Victoria;
  - b. 30% of the Core Needs Income Threshold for Victoria, published from time to time by CMHC, or as otherwise stipulated by CMHC; and
  - c. 30% of the median household income for Salt Spring Island published by Statistics Canada,

so long as the option chosen provides revenues that are sufficient to cover reasonable operating costs and servicing of debt, and in that regard the Owner may charge rental rates that exceed the maximum permitted by this paragraph only if it provides information satisfactory to the Trust Committee demonstrating that such rental rates are required. The Owner must not require any occupant of an Affordable Dwelling Unit to pay any extra charges or fees for use of any common area, or for sanitary sewer, storm sewer, or property taxes. For clarity, this limitation does not apply to water utilities, cablevision, telephone or other telecommunications, or gas or electricity utility fees or charges.

10. In the event that there is no agreement in place between the Owner and PRHC or BCHMC restricting the occupancy of the Affordable Dwelling Units to low income persons, it is a condition of this Agreement that the occupancy of the Affordable Dwelling Units be restricted to persons deemed by the Trust Committee to be eligible to occupy the units on the basis of having limited incomes. For that purpose having a limited income means having an income less than the lower of the incomes referred to in paragraphs 9(b) and (c).
11. The parties agree that the Qualification Criteria attached as Schedule B shall be used to assess eligibility for occupancy.
12. The Owner must deliver to the Trust Committee once each year, a completed statutory declaration, substantially in the form attached as Schedule C, sworn by the Owner. Additionally, the Trust Committee may request this statutory declaration up to four times in any calendar year, and the Owner must complete and supply the completed statutory declaration within 14 calendar days of receiving a request from the Trust Committee. The Owner irrevocably authorizes the Trust Committee to make reasonable inquiries it considers necessary in order to confirm compliance with this Agreement.
13. The Owner covenants and agrees to furnish good and efficient management of the Affordable Dwelling Units and will permit representatives of the Trust Committee to inspect the units at any reasonable time, on 48 hours' notice to the Owner and otherwise subject to the notice provisions in the *Residential Tenancy Act*.

14. If for reasons of hardship, the Owner cannot comply with the requirements of this Agreement in relation to any Affordable Dwelling Unit, the Owner may request a temporary waiver or alteration of the terms in this Agreement in respect of that unit. This request must be delivered to the Trust Committee in writing, explain the nature and circumstances of the hardship involved, the reasons why the Owner cannot comply, and the hardship that compliance would cause. The Owner agrees that the Trust Committee is under no obligation to grant any relief, and may proceed with all remedies available under this Agreement, and at law and in equity, despite the Owner's request or the hardship involved, and the relief, if any, is to be determined by the Trust Committee, acting reasonably in its sole discretion.

#### **RENTAL OF AFFORDABLE DWELLING UNITS**

15. The Owner agrees that the Affordable Dwelling Units shall be occupied only pursuant to tenancy agreements complying with the *Residential Tenancy Act*, and that every such tenancy agreement must state that subletting and assignment are prohibited without the Owner's written consent, which will only be permitted for persons who are qualified under the terms of this Agreement to occupy the units, and must entitle the Owner to terminate the tenancy agreement in the event of any breach of that prohibition.
16. The Owner must include in every tenancy agreement in respect of an Affordable Dwelling Unit a clause disclosing the existence of this Housing Agreement.
17. The Owner must make available to the Trust Committee for inspection at the Owner's premises upon five days' notice a true copy of any tenancy agreement in respect of any Affordable Dwelling Unit.
18. In the event that the Owner has not, by its own best efforts, rented any Affordable Dwelling Unit to persons who are qualified under the terms of this Agreement to occupy the units, the Owner must identify to the Trust Committee which Affordable Dwelling Units are, or are becoming, vacant and must make best efforts to rent the units to qualified applicants that meet the Qualification Criteria in Schedule B from any waitlist maintained by the Trust Committee. The Trust Committee agrees that the Owner is under no obligation to select any applicant from the waitlist maintained by the Trust Committee that the Owner deems in its sole discretion to be not suitable for residency on the Lands.

#### **DEFAULT AND REMEDIES**

19. The Owner agrees that any breach or default in the performance of this Agreement on its part must be corrected, to the satisfaction of the Trust Committee, within the time stated in any Notice of Default provided to the Owner by the Trust Committee, which except as otherwise provided in this Agreement shall be 30 days.
20. The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction for any breach of this Agreement, in view of the public interest in restricting the use and occupancy of the Affordable Dwelling Units.
21. The Owner agrees that in addition to any other remedies available under this Agreement or at law or in equity, if a Affordable Dwelling Unit is used or occupied in breach of this Agreement, or rented by the Owner for an amount in excess of the rent permitted under this Agreement, the Owner will pay to the Trust Committee as liquidated damages \$300 for each day on which the breach continues, provided that the Trust Committee has given the Owner 30 days' written notice of the breach. The foregoing amount shall be increased on January 1 of each year by the CPI-based percentage increase referred to in section 9. The amount shall be due and payable immediately upon receipt by the Owner of an account from the Trust Committee and shall bear interest at the rate applicable to taxes in arrear under the *Taxation (Rural Area) Act*.
22. The Owner further acknowledges that a breach of this Agreement may constitute a breach of the Trust Committee's zoning bylaw.
23. The parties will endeavour to resolve any disputes with regard to default by negotiations; however, if a dispute is not resolved by negotiation within 10 days of commencing negotiations, the Trust

Committee and the Owner will forthwith submit the dispute to a mediator who is acceptable to both parties and whose expenses will be shared equally by them. If they cannot agree on a mediator, a mediator will be appointed by the British Columbia International Arbitration Centre.

24. If mediation pursuant to paragraph 23 does not result in a resolution of the dispute within 10 days of the commencement of mediation, the parties will forthwith submit the dispute to arbitration by a single arbitrator who is acceptable to both parties and whose expenses will be shared equally by them. If they cannot agree on an arbitrator, an arbitrator will be appointed by the British Columbia International Arbitration Centre. The determination of the arbitrator will be conclusive and binding on the parties. The *Commercial Arbitration Act of British Columbia* or successor legislation will apply to the arbitration.

## GENERAL PROVISIONS

25. **Notice of Housing Agreement.** The Owner acknowledges and agrees that this Agreement constitutes a housing agreement under s.905 of the *Local Government Act* and that the Trust Committee will register a notice of housing agreement against title to the Lands.
26. **Assignment.** The Owner acknowledges that the Trust Committee may delegate or assign the administration and management of this Agreement to a third party, and in that event, any reference in this Agreement to the Trust Committee shall be interpreted as a reference to that party provided that the Trust Committee has so advised the Owner. The Owner further acknowledges that as of the effective date of this Agreement the Trust Committee has assigned the administration and management of this Agreement to CRD. The Owner may not assign this Agreement without the consent in writing of the Trust Committee, which the Trust Committee agrees shall not be unreasonably withheld, and acknowledges that such consent may require a bylaw of the Trust Committee and a public hearing.
27. **Administration of Agreement.** CRD agrees to administer and manage this Agreement on behalf of the Trust Committee. In the event that either CRD or the Trust Committee wish to terminate that arrangement, the party wishing to terminate shall give not less than four months' written notice to the other party and to the Owner, specifying the effective date of termination, and after such date of termination CRD shall have no powers, duties or obligations under this Agreement.
28. **Indemnity.** In the event of the Owner's breach of this Agreement, the Owner must indemnify and save harmless the Trust Committee and CRD and each of its elected officials, officers, directors, employees and agents from and against all resulting claims, demands, actions, loss, damage, costs and liabilities for which any of them may be liable by reason of any act or omission of the Owner or its officers, directors, employees, agents or contractors or any other person for whom the Owner is at law responsible.
29. **Release.** The Owner releases and forever discharges the Trust Committee and CRD and each of its elected officials, officers, directors, employees and agents and each of their heirs, executors, administrators, personal representatives, successors and assigns from all claims, demands, damages, actions or causes of action arising out of the performance by the Owner of its obligations under this Agreement.
30. **Survival.** The obligations of the Owner set out in sections 28 and 29 shall survive any termination of this Agreement.
31. **Trust Committee Powers Unaffected.** This Agreement does not limit the discretion, rights, duties or powers of the Trust Committee under any enactment or the common law, impose on the Trust Committee any duty or obligation, affect or limit any enactment relating to the use or subdivision of the Land, or relieve the Owner from complying with any enactment.
32. **No Public Law Duty.** Where the Trust Committee is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, the Trust Committee is under no public law duty of fairness or natural justice in that regard and the Owner agrees that the Trust Committee may do any of those things in the same manner as if it were a

private party and not a public body.

33. **Notice.** Any notice required or contemplated by any provision of this Agreement shall be given in writing enclosed in a sealed envelope addressed, in the case of a notice to the Owner, to:

Box 12, Fulford Harbour  
Salt Spring Island, BC V8K 2P2

and in the case of a notice to the Trust Committee, to:

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

and in the case of a notice to CRD, to:


625 Fisgard Street  
Victoria, BC V8W 2S6

and mailed, registered and postage prepaid. The time of giving of such notice shall be conclusively deemed to be the third business day after the date of such mailing. Such notice may also be given by delivery or electronic means and shall be conclusively deemed to have been given and received at the time of such delivery. PROVIDED that either party may, by notice to the other, from time to time, designate another address in Canada for such notices.

34. **Enuring Effect.** This Agreement is binding upon, and enures to the benefit of parties and their respective successors and permitted assigns.
35. **Severability.** If any provision of this Agreement is found to be invalid or unenforceable it shall be severed from this Agreement and the remainder shall remain in full force and effect.
36. **Remedies and Waiver.** All remedies of the Trust Committee under this Agreement are cumulative, and may be exercised in any order or concurrently, any number of times. Waiver of or delay by the Trust Committee in exercising any remedy shall not prevent the later exercise of any remedy for the same or any similar breach.
37. **Further Assurance.** The Owner must forthwith do all acts and execute such instruments as may be reasonably necessary in the opinion of the Trust Committee to give effect to this Agreement.
38. **Limitation on Owner's Obligations.** The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
39. **No Joint Venture.** Nothing in this Agreement will constitute the Trust Committee or CRD as the joint venturer, agent or partner of the Owner or give the Owner any authority to bind the Trust Committee or CRD in any way.
40. **Deed and Contract.** By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.
41. **Time of Essence.** Time shall be of the essence of this Agreement.
42. **Interpretation of Words.** Wherever the singular or the masculine is used in this Agreement, the same shall be deemed to include the plural or the feminine or the body politic or corporation, where the context or the Parties so require.
43. **Foreclosure.** This Agreement shall not be binding on Canada Mortgage and Housing Corporation or any mortgagee of the Lands that is an "approved lender" holding a mortgage insured pursuant to the *National Housing Act* R.S.C. 1985 c. N-11. If, during foreclosure by such an approved lender, the court approves a sale of the Lands to Canada Mortgage and Housing Corporation or an arm's length bona fide purchaser, then the Trust Committee will abandon this Agreement and cancel the notice of agreement in the records of the Land Title Office.
44. This Agreement may be executed in counterparts with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original and all counterparts shall be construed together and shall constitute one and the same Agreement.

Signed at Ganges, British Columbia this 10 day of Sept, 2010

**SALT SPRING ISLAND LAND BANK SOCIETY**

  
\_\_\_\_\_  
Patricia Harris

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

\_\_\_\_\_  
\_\_\_\_\_

**CAPITAL REGIONAL DISTRICT**

\_\_\_\_\_  
\_\_\_\_\_

Signed at Ganges, British Columbia this 22 day of Sept., 2010

**SALT SPRING ISLAND LAND BANK SOCIETY**

\_\_\_\_\_  
\_\_\_\_\_

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

  
Christine Thorgrimsen

**CAPITAL REGIONAL DISTRICT**

\_\_\_\_\_  
\_\_\_\_\_

Signed at Ganges, British Columbia this 20 day of August, 2010

**SALT SPRING ISLAND LAND BANK SOCIETY**

\_\_\_\_\_  
\_\_\_\_\_

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

\_\_\_\_\_  
\_\_\_\_\_

**CAPITAL REGIONAL DISTRICT**

  
\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE A  
INITIAL RENTAL RATES \***

Unit Type	Maximum Monthly Rental (2010)
single room	\$465
bachelor unit	\$775
1 bedroom	\$775
2 bedroom	\$968
3 bedroom	\$1,322

\*as prescribed by the funding agreement entered into with Canada Mortgage and Housing Corporation, Conversion RRAP program requirements.

## SCHEDULE B QUALIFICATION CRITERIA

### 1. Residency and/or employment / livelihood

Applicants must be a lawful resident of Canada and meet one of the following residency / employment categories:

- a. Salt Spring current resident for minimum of one year, or
- b. Commuter to Salt Spring for three-quarter to full-time employment for a minimum two years, or
- c. Salt Spring Essential Service worker

### 2. Incoming income limits

The incoming income limits will be the lesser of:

- a. the CMHC established CNIT (core need income threshold) or alternative as per Paragraph 9; and
- b. in the event that there is no agreement in place between the Owner and PRHC or BCHMC, the median household income for Salt Spring Island published by Statistics Canada.

### 3. Assets

Assets of applicant are not to exceed \$100,000, excluding RRSPs and tools of the trade. A reasonable return on assets will be included in income qualification calculations.

### 4. Restrictions on ownership of real estate

No real estate assets may be owned.

The Owner may consider exceptions on a case-by-case basis in situations where current housing is inadequate for health and safety reasons, or for the family size, composition, and/or income make current living conditions unsuitable. In such cases, applicants must enter into an agreement to sell within a specified time period as a condition of tenancy, and proceeds from such sale should not cause the family to exceed the income or asset limits.

### 5. Demonstrated Need

Owner's tenant selection process will clearly demonstrate need based on affordability (income limits), with weighted criteria to include such features as disability, inadequacy or safety of current housing situation and urgency.

### 6. Residency

Owner's selection process will clearly demonstrate priority for applicants meeting the residency and/or employment/livelihood criteria. Should best efforts result in no suitable applications for an available unit, the following categories of residency may then be applied:

- a. Family member of a Salt Spring current resident; or
- b. A community member who was formerly a permanent resident on Salt Spring.

### 7. Ongoing Eligibility for Residency

Owner's residency policy will provide for the ability to end a tenancy, within any limits imposed by the Residential Tenancy Act in the event a tenant's financial circumstances improve significantly so as they no longer meet the income or asset qualification criteria, and are not expected to meet the criteria in the foreseeable future. In such circumstances, tenants will be encouraged to find alternate housing. Any determination to end tenancy will be at the discretion of the Owner.

**SCHEDULE C**  
**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**  
**FORM OF STATUTORY DECLARATION**

<b>CANADA</b>	)	<b>IN THE MATTER OF A HOUSING AGREEMENT</b>
	)	with the Salt Spring Island Local Trust Committee
<b>PROVINCE OF BRITISH COLUMBIA</b>	)	("Housing Agreement")
	)	

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia, do solemnly declare:

1. That I am the authorized representative of the Salt Spring Island Land Bank Society (the "Society") which is the registered owner of Lot A Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990 (the "Land"), and make this declaration to the best of my personal knowledge.
2. This declaration is made pursuant to the Housing Agreement in respect of the Land.
3. On the \_\_\_\_\_ day of \_\_\_\_\_, 200\_ the Society created a current list of all the housing units on the Land and the monthly rentals being charged in respect of each of the housing units. That list is available for inspection by the Trust Committee at the Society's offices in accordance with the requirements of the Housing Agreement.
4. The occupants of the units set out on the current list meet the eligibility requirements of the Housing Agreement in relation to their annual household incomes and qualification criteria, or have been granted an exemption by the Trust Committee.
5. There is no agreement between the Society and B.C. Housing Management Commission, the Provincial Rental Housing Corporation, Canada Mortgage and Housing Corporation, or the Regional Housing Trust Fund concerning the use or occupancy of the housing units on the Land, other than those agreements of which copies have previously been provided to the Trust Committee and any additional agreements of which copies are attached to this solemn declaration.
6. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

**SWORN BEFORE ME** at \_\_\_\_\_, in the  
Province of British Columbia, this \_\_\_ day of \_\_\_\_  
\_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
A Commissioner for Taking Affidavits for British  
Columbia

)  
)  
)  
)  
)  
\_\_\_\_\_  
) Signature of person making declaration  
)  
)

16 SEP 2010 14:04

FB372657

FB372658

LAND TITLE ACT  
FORM C  
(Section 233)  
Province of British Columbia

GENERAL INSTRUMENT-PART 1 (This area for Land Title Office use)

Page 1 of 13 Pages

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

Young Anderson, Barristers & Solicitors  
808 - Nelson Street, Suite 1016  
Vancouver, BC.  
V6Z 2H2

Applicant's Solicitor

604-689-7400

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:\*

(PID)

(LEGAL DESCRIPTION)

015-854-018

Lot A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990

3. NATURE OF INTEREST:\*

Description

Document Reference  
(page and paragraph)

Person Entitled to Interest

Section 218 Statutory Right of Way Page 10 - paragraph 26 Transferee

Section 219 Covenant Entire Instrument Transferee

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

(a) Filed Standard Charge Terms

D.F. No.

(b) Express Charge Terms

Annexed as Part 2

(c) Release

There is no Part 2 of this Instrument.

A selection of (a) include any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2

5 TRANSFEROR(S):\*

SALT SPRING ISLAND LAND BANK SOCIETY (Inc. No. S48461)

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

SALT SPRING ISLAND LOCAL TRUST COMMITTEE, Suite 200, 1627 Fort Street, Victoria, B C V8R 1H8

LAND TITLE ACT

FORM C

(Section 233)

Province of British Columbia

GENERAL INSTRUMENT-PART 1

Page 2

7 ADDITIONAL OR MODIFIED TERMS:\*

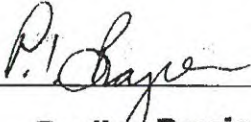
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8. EXECUTION(S):\*\*This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s)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

Officer Signature

Execution Date

Transferor Signature



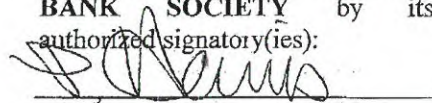
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2010 09 10

**Pauline Brazier**  
Commissioner for Taking Affidavits  
for British Columbia  
1-500 Lower Ganges Road  
Salt Spring Island, British Columbia  
V8K 2N8 Ph (250) 537-9144

(as to both signatures)

SALT SPRING ISLAND LAND  
BANK SOCIETY by its  
authorized signatory(ies):



Name:

Patricia Harew

Name:

Transferee Signature

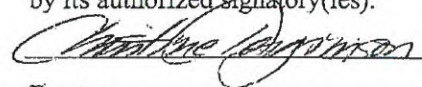


2010 09 03

**Pauline Brazier**  
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for British Columbia  
1-500 Lower Ganges Road  
Salt Spring Island, British Columbia  
V8K 2N8 Ph (250) 537-9144

(as to both signatories)

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



Trustee:

Christine Torgrimson

Trustee

OFFICER CERTIFICATION:

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

\* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E

\*\* If space insufficient, continue executions on additional page(s) in Form D

PART 2 -- TERMS OF INSTRUMENT

SECTION 219 COVENANT AND SECTION 218 STATUTORY RIGHT OF WAY

This Agreement dated for reference , is

BETWEEN:

**SALT SPRING ISLAND LAND BANK SOCIETY** (Incorporation No. S48461), a society incorporated under the laws of British Columbia having offices at P.O. Box 12, Fulford Harbour, British Columbia V8K 2P2

("Owner")

AND:

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**, a Corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with an office at Suite 200, 1627 Fort Street, Victoria, British Columbia, V8R 1H8

("Local Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner of the land on Salt Spring Island legally described as Lot A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990 (the "Land");
- B. The Owner has applied to the Salt Spring Island Local Trust Committee to rezone the Land to permit, in addition to other permitted uses, the development of an affordable housing project on the Land, which may include the alteration of existing buildings on the Land, the moving of buildings onto the Land, and the construction of buildings, on the Land;
- C. The Land is adjacent to agricultural land that the Local Trust Committee and the Owner wish to buffer from residential uses on the Land;
- D. The Land includes an environmentally sensitive riparian area that the Local Trust Committee and the Owner wish to protect from development;

- E. The Local Trust Committee and the Owner wish to ensure that certain trees located on the Land are retained and protected from development;
- F. The Land is not served by a municipal water supply and hydrant system sufficient for firefighting purposes and the Owner and the Local Trust Committee wish to make alternative provision for such services;
- G. The Land is not served by a municipal sewage collection and disposal system and the Owner and the Local Trust Committee wish to ensure the safe and effective operation of on-site sewage disposal infrastructure and, in addition, the Owner wishes to install a sewage disposal system that exceeds minimum environmental standards; and
- H. The Land is served by an on-site domestic groundwater supply system and the Owner and the Local Trust Committee wish to provide for the safe use of groundwater on the Land as recommended in the Hydrogeology Report for 584 Rainbow Road dated March 2009 prepared for Salt Spring Island Land Bank Society by Lowen Hydrogeology Consulting Ltd, a copy of which is on file at the offices of the Local Trust Committee (the "Hydrogeology Report");
- I. The Owner and the Local Trust Committee and the Owner wish to ensure that buildings constructed on the Land make efficient use of water and energy;
- J. The Owner and the Local Trust Committee wish to minimize the creation of neighbourhood nuisances in the use and occupancy of affordable housing units on the Land;
- K. The Owner has entered into a housing agreement in respect of the Land under s. 905 of the *Local Government Act* and wishes to grant to the Local Trust Committee a covenant under s.219 of the *Land Title Act* (British Columbia) to regulate the use of the Land and the construction and alteration of buildings on the Land and to be constructed on the Land; and
- L. The statutory right of way granted in this Agreement is necessary for the operation and maintenance of the Local Trust Committee's undertaking.

This Agreement is evidence that in consideration of the payment of \$2 00 by the Local Trust Committee to the Owner (the receipt and sufficiency of which are acknowledged by the Owner), and in consideration of the promises exchanged below, the Owner covenants and agrees as follows with the Local Trust Committee in accordance with s. 218 and 219 of the *Land Title Act* (British Columbia);

### Protection of Riparian Area

- 1 The Owner shall not, within the area of the Land that is within 30 metres of the natural boundary, as defined in the *Land Act*, of Sharp Creek,
  - (a) construct , place or erect any building or structure including any utility works, drainage works, paths, trails, bridges or similar works, except that the Owner may construct paths, trails and bridges if such facilities have been authorized by development permit if such a permit is required by the Local Trust Committee's bylaws;
  - (b) construct, place, or install any non-structural impervious or semi-impervious surface;
  - (c) remove, alter, disrupt, or destroy any vegetation other than Scotch broom, burweed, and any tree that is certified by an arborist, landscape architect or other similarly qualified professional to be dead, diseased or dying and to pose a hazard to persons who may be present in the area;
  - (d) alter the land, including by depositing or removing soil; or
  - (e) deposit any refuse, plant clippings or cuttings.

The Owner may, at the Owner's cost, provide to the Local Trust Committee a report prepared by a qualified environmental professional in accordance with the assessment methods, identifying the portion of the Land that comprises the streamside protection and enhancement area associated with Sharp Creek, and upon approval of the report on behalf of the Local Trust Committee the restriction in this section 1 shall apply only to the approved streamside protection and enhancement area. The terms "qualified environmental professional", "assessment methods", and "streamside protection and enhancement area" shall for this purpose have the definition given to them in the Riparian Areas Regulations under the *Fish Protection Act*.

### Buffer of Adjacent Land Uses and Protection of Trees

2. The Owner shall not, without the prior written consent of the Local Trust Committee, cut down, trim, prune, defoliate, clear, alter, remove or in any way tamper with or damage any trees, shrubs, plants, bushes, ground cover, vegetation or any other form of plant life other than Scotch broom, burweed, and any tree that is certified by an arborist, landscape architect or other similarly qualified professional to be dead, diseased or dying and to pose a hazard to persons who may be present in the area, within 10 metres of the northerly boundary of the Land, or permit any other person to perform such work. The parties agree that the purpose of this restriction is to preserve the area adjacent to the northerly boundary of the Land in its natural vegetated state to serve in perpetuity as an effective land use separation and buffer between the Land and agricultural activities on

the adjacent land to the north, and that the Local Trust Committee shall have sole discretion as to whether to provide consent under this section.

3. The Owner shall construct and maintain in perpetuity a wooden fence with a height of 8 feet providing a privacy screen, on the easterly boundary of the Land between a point 13 metres northeast of the southeasterly corner of the Land and a point on the easterly boundary of the Land approximately 54 metres northeast of the southeasterly corner.
4. If the Owner breaches section 2, the Owner agrees that the Local Trust Committee may, in its sole discretion, require the Owner in writing to restore the land use separation and buffer by planting on the Land such trees, shrubs, plants, bushes, ground cover or vegetation as the Local Trust Committee may specify, to irrigate such replacement vegetation after planting and otherwise maintain the replacement vegetation to ensure its survival, and thereafter the provisions of section 2 shall apply to such vegetation.
5. If the Owner installs any sewage disposal works on the Land requiring excavation in the vicinity of any tree or tree retention area established in section 2, the Owner shall perform such excavation by hand or with a walk-behind trenching machine so as to minimize damage to the root systems of such trees
6. The Owner shall not cut down or remove any tree from any portion of the Land located within 9 metres of the easterly boundary or within 47 metres of the northerly boundary of the Land exclusive of the lands described in Section 2, or permit any other person to perform such work, unless:
  - (a) the tree is certified by an arborist, landscape architect or similarly qualified professional to be dead, diseased or dying and to pose a hazard to persons who may be present on the Land;
  - (b) the removal of the tree has been recommended to the Owner in writing by a registered professional forester or similarly qualified professional advisor for the purpose of maintaining a healthy forest on the Land;
  - (c) it is reasonably necessary to do so to construct and maintain the fence described in Section 3; or
  - (d) the removal of the tree is undertaken by the Fire Protection District pursuant to a licence or right of way described in section 8,

and in the case of trees described in subsections a. and b. the Owner shall not cut down or remove the tree without having provided a copy of the report recommending the work to the Local Trust Committee.

### **Fire Protection Water Supply**

7. The Owner shall not use or occupy any building on the Land the floor area of which, measured to the outer surface of the walls, exceeds 250 square feet, and shall not occupy any building containing a residential dwelling unit, unless:
  - (a) a water storage facility for fire fighting purposes is located within the boundaries of the Land;
  - (b) the water storage facility has a capacity of at least 7600 litres of water per building on the Land exceeding 250 square feet of floor area or containing a residential dwelling unit, to a maximum of 57,000 litres, and the water can be fully withdrawn by firefighting apparatus under all usual climatic conditions;
  - (c) the water storage facility is kept full of water in a liquid state that is suitable for use with the firefighting apparatus of the Salt Spring Island Fire Protection District in the suppression of a fire;
  - (d) the water storage facility is fitted for connection to the Fire Protection District's firefighting apparatus; and
  - (e) the Owner has granted to the Fire Protection District a licence or right of way in the Fire Protection District's standard form for such instruments, to enter on the Land to use the water storage facility for fire suppression on land in the vicinity of the Land;

and the parties agree that the Owner may comply with this Section by providing more than one water storage facility.

### **Potable Water Supply and Use**

8. The Owner shall provide a supply of potable water for every residential dwelling on the Land from a community water system or wells identified in the Hydrogeology Report, in accordance with the recommendations of a qualified civil engineer as to the design and construction of the water storage, pumping, and distribution systems or as authorized by the Vancouver Island Health Authority.
9. The Owner shall not occupy or use any residential dwelling on the Land until the Owner has provided to the Local Trust Committee a report prepared by a qualified environmental engineer or water treatment professional, certifying that the Owner's potable water treatment system has been appropriately designed and installed so as to provide a safe supply of potable water.
10. The Owner shall provide on every well supplying potable water to the Land a locking or welded cap and sanitary seal, and the area adjacent to every such well shall be graded so as to provide positive surface drainage away from the well.

11. Every well pumping system serving the Land shall be equipped with a low water level cut-off device set at 30 metres depth.
12. The Owner shall install a water meter in every groundwater supply system serving the Land and a separate meter for every residential dwelling on the Land.
13. The Owner shall not construct any building on the Land in which the British Columbia Building Code requires the installation of a plumbing system, unless the plumbing system includes a separate system for the distribution of non-potable water complying with Section 7.7 of the Building Code.
14. The Owner shall not install in any building on the Land, whether in the initial construction of any building on the Land or the renovation or alteration of any building on the Land or moved to the Land:
  - (a) any washing machine that is not of the front-loading type unless the machine is plumbed to connect to a separate system for the distribution of non-potable water complying with Section 7.7 of the Building Code for and is receiving water from a safe, alternate source to groundwater;
  - (b) any washing machine or clothes dryer in a dwelling unit other than a dwelling unit that is designed and constructed to be accessible to persons with disabilities or limited mobility, unless the appliances are located and installed in such a manner as to be accessible for use by all residents of the Land, and not more than three sets of such generally accessible appliances may be installed on the Land, unless in the case of a washing machine the machine is plumbed and receiving water as described in subsection a ;
  - (c) a greater number of washing machines or clothes dryers than the number of dwelling units located on the Land;
  - (d) any bathtub that exceeds four feet in length;
  - (e) any flush toilet that uses more than 6 litres of water per flush;
  - (f) any showerhead that uses more than 2.5 gallons per minute at 80 psi; or
  - (g) any faucet that is not equipped with a low flow restrictor.
15. The Owner shall incorporate a rainwater catchment system into the construction of all buildings on the Land in excess of 250 square feet in floor area, or shall design and construct all such buildings to enable such a system to be retrofitted to the building.

### **Energy Conservation**

16. The Owner shall not construct any building for a residential occupancy on the Land unless the building meets or exceeds the EnerGuide 80 energy efficiency standards at the time of construction of the building, and following such construction the Owner shall not alter any such building so as to impair or diminish the energy efficiency of the original building.
17. The Owner shall not alter any building existing on the Land on the date of execution of this Agreement by the Owner for any residential occupancy, or move any building for a residential occupancy onto the Land, unless the Owner installs in the walls and ceilings of the building prior to any such occupancy the maximum amount of insulation, measured in R value, that can be accommodated in the building given the dimensions of existing wall studs and ceiling joists.

### **Management of Surface Water**

18. The Owner shall not use or occupy any building on the Land or any paved or other impervious surface unless the Owner has installed on the Land a surface water collection and detention system (the "On-site Drainage Works") capable of collecting all surface water from buildings and impervious surfaces and retaining it on the Land during precipitation events such that the post-development runoff of surface water from the Land does not exceed the pre-development runoff, and to the greatest extent possible permitting such surface water to recharge groundwater reservoirs beneath the Land.
19. If the Owner constructs any building or paved or other impervious surface on the Land prior to the installation of the On-site Drainage Works, the Owner must install downpipes and related equipment directing runoff from such buildings and surfaces to rock pits located on the Land.

### **Wastewater Disposal**

20. The Owner shall not use or occupy any building on the Land for a residential use unless the building is served by and connected to a sewage disposal system producing, in ordinary operating conditions, effluent containing less than 45 mg/l of total suspended solids and having a 5-day biochemical oxygen demand of less than 45 mg/l.

### **Nuisances**

21. The Owner shall not install on the Land any incinerator or other facility or equipment for the burning of combustible materials, other than equipment for the interior heating of buildings, and shall not operate on the Land any outdoor cooking equipment other than a barbeque using gas or charcoal briquettes as fuel, and in that event the dwelling unit in association with which the barbeque is being operated must be equipped with a fire extinguisher capable of extinguishing the type of fire that is being used.

22. The Owner shall not operate on the Land any equipment powered by an internal combustion engine, other than a motor vehicle, between the hours of 8:00 p.m. and 8:00 a.m. on a weekday or Saturday or before 10:00 a.m. or after 7:00 p.m. on a Sunday

**Phasing of Construction on the Land**

23. The Owner agrees to develop at least six dwelling units on the Land, in any combination of single family dwellings, two family dwellings, multifamily dwellings and one seasonal cottage, within one year of the adoption of Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2009 ("Bylaw No. 441").
24. The Owner agrees to develop an additional four dwelling units on the Land at the rate of two per two-year period commencing on the first anniversary of the adoption of Bylaw No. 441.

**Statutory Declaration**

25. The Owner must swear and deliver to the Local Trust Committee, on an annual basis and no later than June 1<sup>st</sup> of each year, a statutory declaration in the form attached as Schedule "A". For greater certainty, where the Owner is more than one person, each person must swear and deliver the statutory declaration to the Local Trust Committee.

**Statutory Right of Way**

26. In accordance with section 218 of the *Land Title Act*, the Owner grants, conveys and confirms to the Local Trust Committee in perpetuity a statutory right of way for the Local Trust Committee, its officers, employees, contractors, licensees, agents, invitees and others of the Local Trust Committee to enter, leave and be on the Land, and to enter any building on the Land, in order to inspect the Land and monitor performance of this Agreement by the Owner.

**No Effect On Laws or Powers**

27. This Agreement does not
- (a) affect or limit the discretion, rights, duties or powers of the Local Trust Committee under any enactment or at common law, including in relation to the use or subdivision of the Land except as expressly set out herein;
  - (b) impose on the Local Trust Committee any legal duty or obligation, including any duty of care or contractual or other legal duty or obligation, to enforce this Agreement except as expressly set out herein;
  - (c) affect or limit any enactment relating to the use or subdivision of the Land; or

- (d) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

**Limitation on Obligations**

- 28. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner or which the Owner permits or allows. The Owner is not liable for the consequences of the requirements of any enactments or law or any order, directive, ruling or government action thereunder. The Owner is liable only for breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

**No Liability in Tort**

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

**Covenant Runs With the Land**

- 30. Unless it is otherwise expressly provided in this Agreement, every obligation and covenant of the Owner in this Agreement constitutes a personal covenant and also a covenant granted under s.219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

**Registration**

- 31. The Owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.

**Waiver**

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

**Severance**

- 33. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from

the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

**No Other Agreements**

34. This Agreement and the Housing Agreement are the entire agreement between the parties regarding their subject and they terminate and supersede all other agreements and arrangements regarding their subject.

**Binding of Successors**

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

**Execution Using Form C**

36. As evidence of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement by executing Part I of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

Schedule "A"

CANADA	)	IN THE MATTER OF A SECTION 219
	)	COVENANT IN FAVOUR OF THE
PROVINCE OF BRITISH COLUMBIA	)	SALT SPRING ISLAND LOCAL TRUST
	)	COMMITTEE (THE "AGREEMENT")
	)	

I, \_\_\_\_\_, of \_\_\_\_\_, British Columbia, do solemnly declare:

1. That I am the registered owner of, or an authorized signatory of the owner of, the lands legally described as Lot A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990 (the "Lands") and make this declaration to the best of my personal knowledge.
2. This declaration is made pursuant to the Agreement, which is registered against title to the Lands in the Victoria Land Title Office under number \_\_\_\_\_.
3. I have reviewed the Agreement, understand its terms and I am in full compliance with all terms of the Agreement.
4. I make this solemn declaration, conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

SWORN BEFORE ME at \_\_\_\_\_, in  
the Province of British Columbia, this \_\_\_\_  
day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
A Commissioner for Taking Affidavits for British  
Columbia

\_\_\_\_\_  
)Signature of person making declaration

END OF DOCUMENT

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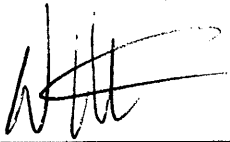
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charged by the Petitioner's mortgage herein, be offered for sale immediately by private sale, free and clear of all encumbrances except the reservations and conditions in the original grant thereof from the Crown.

2. The Petitioner has exclusive conduct of the said sale and is at liberty to list the Lands for sale until such further order of the Court, and to do all things incidental thereto, including to list the same with one or more duly licensed real estate agents or firms, to post signs on the Lands indicating that the Lands are offered for sale, to accept any offer to purchase, subject to the approval of this Honourable Court and to pay such real estate agent or firm who may arrange a sale of the Lands on this Honourable Court's approval of said sale of the Lands, earned commission based on the gross selling price, such commission to be at a rate not exceeding seven percent (7%) on the first \$100,000.00 of the gross selling price and 2.5% on the balance of the gross selling price.
3. Any person or persons in possession of the Lands, do permit, on reasonable notice, any duly authorized agent on behalf of the Petitioner, to post signs on the Lands indicating that the Lands are for sale, to inspect or appraise the Lands and the interior of the Lands and to show the Lands and the interior of the Lands, to any prospective purchaser or purchasers, between the hours of 9:00 a.m. and 8:00 p.m. on any day of the week.
4. Any sale shall be subject to the approval of this Honourable Court, unless agreed to by all parties.
5. The Petitioner shall be entitled to its costs of this application on a solicitor and own client basis in accordance with the terms of the Order Nisi.

THE FOLLOWING PARTIES APPROVE THE FORM OF THIS ORDER AND CONSENT TO EACH OF THE ORDERS, IF ANY, THAT ARE INDICATED ABOVE AS BEING BY CONSENT:



\_\_\_\_\_  
Noor Mann  
COUNSEL FOR THE PETITIONER

BY THE COURT



\_\_\_\_\_  
REGISTRAR

No. 20 0110  
Victoria Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

VANCOUVER CITY SAVINGS CREDIT UNION

AND:

PETITIONER

SALT SPRING ISLAND LAND BANK SOCIETY  
AND OTHERS

RESPONDENTS

---

**ORDER**

---



Suite 1600 Cathedral Place  
925 West Georgia Street,  
Vancouver BC V6C 3L2

Phone: 604-685-3456

Attention: William Roberts

Email: [wroberts@lawsonlundell.com](mailto:wroberts@lawsonlundell.com)

Suite 1600 Cathedral Place  
925 West Georgia Street  
Vancouver, BC  
Canada V6C 3L2  
T: 604.685.3456

September 20, 2023

EMAIL: [afotino@islandstrust.bc.ca](mailto:afotino@islandstrust.bc.ca)

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

Attention: Anthony Fotino, Island Planner

**Re: 584 Rainbow Road, Salt Spring Island, BC and  
384 Fulford-Ganges Road, Salt Spring Island, BC**

William L. Roberts  
D: 604.631.9163  
F: 604.641.4401  
wroberts@lawsonlundell.com

Further to our recent telephone call, we confirm we are legal counsel for Vancouver City Savings Credit Union with respect to its mortgages registered against title to the above-noted properties, owned by Salt Spring Island Land Bank Society (“SSILBS”).

Vancity has, for many years, supported SSILBS in its stated purpose of providing affordable housing on Salt Spring Island. Unfortunately, the Society was unable to continue to meet its financial obligations and, as a result, Vancity commenced foreclosure proceedings with respect to both properties in January 2020 and May 2021. Within these proceedings, Vancity has obtained Orders for Conduct of Sale, allowing it to list and sell the properties.

Vancity is hopeful that a sale of the Rainbow Road property will provide sufficient funds to payout the indebtedness of SSILBS under both mortgages, in full. Their preference would be to sell only the Rainbow Road property, leaving the SSILBS to continue to operate at the Fulford-Ganges property. However, the registered Housing Agreement on title to the Rainbow Road property is proving to be a material impediment to any sale.

We are writing to request that the Island Trust consider discharging the Housing Agreement, so that the property can be better exposed to potential purchasers.

Yours very truly,

LAWSON LUNDELL LLP



William L. Roberts\*

\*Law Corporation  
WLR/lea

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 441

\*\*\*\*\*

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

\*\*\*\*\*

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

1. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "Salt Spring Island Land Use Bylaw, 1999", is amended as follows:

1. By inserting in subsection 9.10.4 the following new Rural Zone Variation (m) – R(m) after article 9.10.4 (14) under "Rural Zone Variation – R(l)":

"Zone Variation – R(m)

(15) Despite Section 9.10.1 of this bylaw, the only principal uses permitted within lands zoned R(m) are:

- (a) Affordable housing dwelling units.
(b) One single-family dwelling.
(c) Agriculture.
(d) Public service uses.

(16) In addition to the regulations of Section 9.10.2, on lands zoned R(m) the following regulations apply:

- (a) The maximum number of affordable dwelling units is 10.
(b) Multifamily buildings shall not contain more than six (6) affordable housing dwelling units.
(c) The maximum number of dwelling units per lot, including single-family dwelling, affordable housing dwelling units and seasonal cottages is 10.

(17) Despite Section 3.13, on lands zoned R(m) bed and breakfast operations and boarding houses are not permitted within an affordable housing dwelling unit and the repair of automobiles, including auto body repair and repair of internal combustion engines used in motor vehicles, are not permitted.

And by making such consequential numbering changes as are required.

2. By changing the zoning classification of Lot A, Section 2, Range 1 East, North Salt Spring Island, Cowichan District, Plan 49990 from Rural (R) to Rural Zone Variation (m) – R(m) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "A" to Bylaw No. 355 as are required to effect this change.
3. This Bylaw may be cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2009".

READ A FIRST TIME THIS	5th	DAY OF	February	,2009
PUBLIC HEARING HELD THIS	6th	DAY OF	May	,2009
READ A SECOND TIME THIS	19 <sup>th</sup>	DAY OF	May	,2009
READ A THIRD TIME THIS	4th	DAY OF	June	,2009
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	17 <sup>th</sup>	DAY OF	June	,2009
ADOPTED THIS	2 <sup>nd</sup>	DAY OF	September	,2010

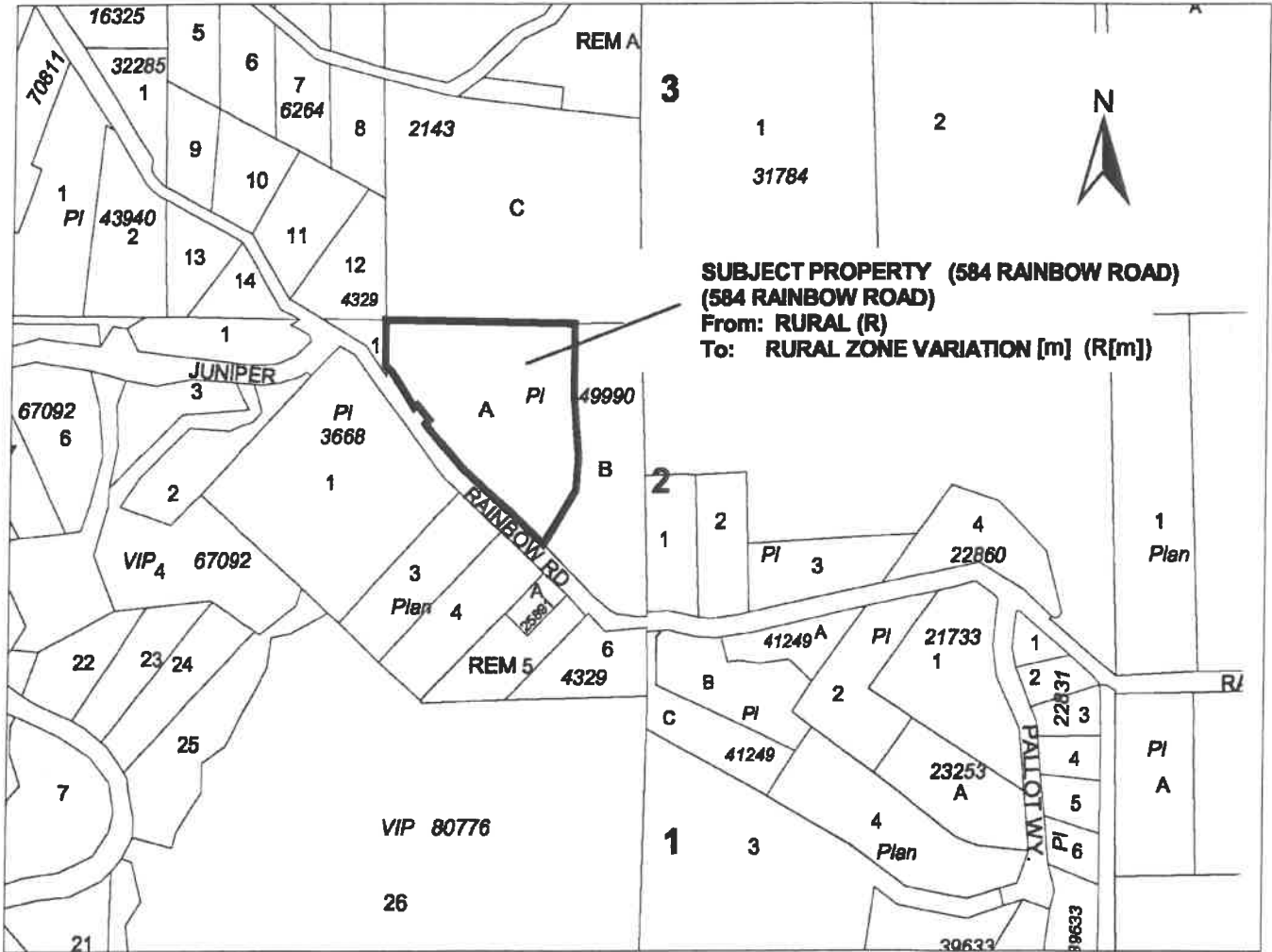
  
 \_\_\_\_\_  
**SECRETARY**

  
 \_\_\_\_\_  
**CHAIRPERSON**

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 441

Plan No. 1



**From:** Timothy Peterson  
**Sent:** Wednesday, October 11, 2023 11:22 AM  
**To:** Salt Spring Island Local Trust Committee  
**Subject:** Dust and Bones screening

Hi all,

Today at Executive Committee, there was a suggestion from staff for Salt Spring trustees to consider if there is still a desire to screen this film on island, and , if so, a willingness for local trustees to help with promotion of such an event to expedite it happening. Note that it has already been funded.

This could be added as a new business item for either tomorrow, or a future meeting.

The follow up action list wording is as follows:

Staff to work with trustees to organize two film screenings of the movie Dust n Bones and reconciliation discussions subject to support of affected local trust committees. (A grant in aid of 4,500 (from History and Heritage Grants in Aid program was provided in 2020 to host screenings on three islands but due to Covid-19 restrictions only one screening occurred.) EC previously indicated interest from Gabriola and Salt Spring Island.

Regards,

Tim



Islands Trust

## 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 <b>MOVED</b> and <b>SECONDED</b> , 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. <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2013-01-10	SSI-09-13	North Salt Spring Waterworks District Reporting	It was <b>MOVED</b> and <b>SECONDED</b> , 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: <ul style="list-style-type: none"> <li>a) changes in water demand by the North Salt Spring Waterworks District customers with new secondary suites within the pilot area;</li> <li>b) total withdrawal from its system in relation to its licensed capacity;</li> <li>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.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p> <p>*Bylaw 461 was adopted May 2, 2013</p>



Islands Trust

## 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	<p><b>It was <b>MOVED and SECONDED,</b></b> 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):</p> <p>That the Salt Spring Island Local Trust Committee direct staff to administer and enforce Bylaw 484 according to the following policies:</p> <ol style="list-style-type: none"> <li>1. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and pursuant to Local Government Act Section 529, the Salt Spring Island Local Trust Committee considers that the following actions do not constitute maintenance, alteration, or extension, and therefore require a development variance permit application to the Salt Spring Island Local Trust Committee:               <ol style="list-style-type: none"> <li>a) Removal and replacement of the dispersal system in its entirety.</li> </ol> </li> <li>2. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and where a health hazard exists as defined under the B.C. Public Health Act, an Authorized Person may carry out immediate, temporary repairs of the system that result in a further contravention to Bylaw 484 than that existing at the time the repair or alteration was started to prevent or contain the hazard. Permanent repairs or alterations that result in a further contravention of Bylaw 484 than that existing at the time the repair or alteration was started, or 1(a) above, should be supervised by a Professional and will require a development variance permit application to the Salt Spring Island Local Trust Committee following resolution of the emergency.</li> <li>3. “Authorized Person” and “Professional” have the same meaning as in the Sewerage System Regulation.</li> </ol> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## 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	<b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee direct staff to provide a quarterly summary of application tracking.  <b><u>CARRIED</u></b>



Islands Trust

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-08-16	SS-2018-177	Cannabis Regulation	<p><b>It was MOVED and SECONDED,</b> 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:</p> <ul style="list-style-type: none"> <li>• Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.</li> <li>• 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.</li> <li>• The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.</li> <li>• 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:               <ul style="list-style-type: none"> <li>○ Name of the applicant and a description of the proposal in general terms;</li> <li>○ The location of the proposed establishment and the subject site;</li> <li>○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered;</li> <li>○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application;</li> <li>○ How public comments may be submitted to the Local Trust Committee.</li> </ul> </li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## 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	<p><b>It was MOVED and SECONDED,</b> 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.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2019-04-30	SS-2019-88	Families as Stakeholders	<p><b>It was MOVED and SECONDED,</b> 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.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-08-27	SS-2019-153	STVR	<p><b>It was <b>MOVED</b> and <b>SECONDED</b>,</b></p> <p>that the Salt Spring Island Local Trust Committee rescind Resolution SS-2017-120 and adopt the following new short-term vacation rental enforcement policy:</p> <p>that given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short-Term Vacation Rentals (STVRs) that have one or more of the following characteristics will be subject to proactive enforcement:</p> <ol style="list-style-type: none"> <li>1. They are advertised on the Internet, newspapers or other media;</li> <li>2. More than one dwelling on the lot is simultaneously made available for STVRs;</li> <li>3. While the property is rented persons are staying in tents, trailers, or Recreational Vehicles;</li> <li>4. There are issues related to health and safety;</li> <li>5. There is a written complaint by owners or residents on nearby lots about bona fide nuisance issues such as noise or parking congestion related to the STVR;</li> <li>6. The owner of the property uses more than one property on Salt Spring Island as an STVR; that a Short-Term Vacation Rental (STVR) is defined as rental of a dwelling, suite, or cottage in a residential zone for less than 30-day periods;</li> </ol> <p>that a Short-Term Vacation Rental (STVR) is defined as the rental of a dwelling, suite, cottage, camping unit, accessory building or structure for a commercial guest accommodation use in a non commercial or commercial guest accommodation zone for less than a 30-day period;</p> <p>that nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-11-26	SS-2019-253	Reconciliation	<p><b>It was <b>MOVED</b> and <b>SECONDED</b>,</b> that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## 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	<p><b>It was MOVED and SECONDED,</b> 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:</p> <ul style="list-style-type: none"> <li>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</li> <li>b) Applications are for public recreation use and are consistent with the Official Community Plan.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## 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	<p><b>It was <b>MOVED and SECONDED,</b></b> that the Salt Spring Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>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.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## 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	<p><b>It was <b>MOVED</b> and <b>SECONDED</b>,</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>a. there are concerns regarding health and safety;</li> <li>b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;</li> <li>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;</li> <li>d. there are concerns of possible contamination of wells or other drinking water sources;</li> <li>e. unlawful dwellings are in environmentally sensitive areas;</li> <li>f. there are non-permitted campgrounds; and,</li> <li>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.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2021-06-29	SS-2021-111	Bylaw Enforcement Policy on Portable Sawmills	<p><b>It was <b>MOVED</b> and <b>SECONDED</b>,</b></p> <p>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.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## 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	<p><b>It was MOVED and SECONDED,</b> 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.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2021-12-14	SS-2021-237	First Nations Consultation for Proposed Antenna Systems	<p><b>It was MOVED and SECONDED,</b> 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:</p> <ol style="list-style-type: none"> <li>a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;</li> <li>b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites;</li> <li>c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act;</li> <li>d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and</li> <li>e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase</li> </ol> <p style="text-align: right;"><b><u>CARRIED</u></b></p>

## Future Projects Report

### Salt Spring Island

1. <i>OCP Amendments</i>	Responsible	Date Received
<ul style="list-style-type: none"> <li>·First Nations Heritage and Cultural Site Protection (Jan. 2015)</li> <li>·Piers Island Bill 27 OCP Update (Dec. 2015)</li> <li>·Marine Environment Protection (Foreshore Audit) (June 2016)</li> <li>·Official Community Plan Review (Nov. 2017)</li> <li>·Development of a Music Strategy (June 2020)</li> <li>·Waste Transfer Stations (Waste Management Plan) (July 2020)</li> <li>·Add a map of the Salish Sea Trail (Oct. 2021)</li> <li>·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)</li> </ul>		06-Oct-2020

2. <i>Land Use Bylaw Amendments</i>	Responsible	Date Received

## Future Projects Report

### Salt Spring Island

- 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)

06-Oct-2020

### 3. Direct Bylaw Enforcement

Responsible

Date Received

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

06-Oct-2020

### 4. Administrative Processes and Procedures

Responsible

Date Received

## Future Projects Report

### Salt Spring Island

·Land Use Contracts (Feb. 2015)

06-Oct-2020

·Soil Removal Bylaw update (Feb. 2015)

·Adding requirement for signs in the Development Procedures Bylaw (Jan 2020)

·Improving Communications (Mine permits for aggregate pits and quarries.) (Jan. 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

## 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.

Louisa Garbo

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.

## Salt Spring Island

**4.** *Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection.*

**Responsible**

**Dates**

Currently includes:

1. Coordination of SSIWPA;
2. Development of Proof of Water Bylaw;
3. Weston Lake Water Availability Study;
4. Watershed Strategic Plan;
5. Ongoing well-monitoring.

Sept. 6, 2022: Draft Lake Weston Study recieved, referred to various agencies and organizations; and to coordinate a discussion with POLIS and other groups for Water Sustainability Act consideratons.

April 2022: Draft Weston Lake Study being reviewed by staff; Contract issued for phase 2 of Watershed Strategic Plan; staff seeking LTC direction on reduced SSIWPA budget.

Nov. 19, 2021: kick off meeting with Econics for phase 1 of Watershed Strategic Plan: a Situational Analysis

July 15, 2021: Signed MOU submitted to CRD for Weston Lake Study. RFP posted (Nov. 2021)

May 25, 2021: LTC approves project charter of Watershed Protection Plan

April 27, 2021: MOU approved for Weston Lake Assessment

March 11, 2021 - TC budget approve: \$75,500 special tax requisition for 2021/22 SSIWPA; up to \$80,000 from surplus funds to spend on a watershed strategic plan and Weston Lake Watershed Assessment

Anthony Fotino  
Chris Hutton  
William Shulba

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



Print Date: November 9, 2023

Follow Up Action List

## Active Projects Report

### Salt Spring Island

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**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
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SS-ALR-2023.1	Polaris Land Surveying	19-May-2023	ALR - Subdivision boundary adjustment - 271 Beddis Road
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**Planner:** Charly Caproff

**Planning Status**

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**Status Date:** 17-Oct-2023

LTC approved following recommendation:\nThat the Salt Spring Island Local Trust Committee supports application SS-ALR-2023.1 and requests staff to forward the application to the Agricultural Land Commission for further consideration.\nStaff have forwarded to ALC for further consideration.

**Status Date:** 03-Oct-2023

Application for Oct 12 LTC

**Status Date:** 03-Oct-2023

Uploaded to Escribe

File Number	Applicant Name	Date Received	Purpose
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SS-ALR-2023.2	Polaris Land Surveying	14-Sep-2023	Subdivision Proposal - 710 Cranberry Rd, SSI
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**Planner:** Charly Caproff

**Planning Status**

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**Status Date:** 09-Nov-2023

Uploaded to escribe for Nov 16 LTC

**Status Date:** 27-Sep-2023

File assigned to Planner Caproff



Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.10	Nagel, Uta	14-Sep-2021	Delegated DPA 4, 6 & 7 - Carport and Shed - 770 Beaver Point Road

Planner: Charly Caproff

Planning Status

**Status Date:** 23-Oct-2023

File reassigned to Planner Caproff

**Status Date:** 14-Oct-2022

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

**Status Date:** 31-Aug-2022

File reassigned to Planner Testemale

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.4	UCG Universal Consulting Group LTD	15-Mar-2021	DPA2 - NEW TASTING ROOM, WASHROOM/ACCESSORY BUILDING, CARETAKER'S COTTAGE, 4-PLEX - 270 Furness Road

Planner: Anthony Fotino

Planning Status

**Status Date:** 01-Feb-2023

Planner received updated materials

**Status Date:** 31-Aug-2022

File reassigned to Planner Fotino

**Status Date:** 01-Feb-2022

Follow-up email to applicant re. application status



Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2022.5	Polaris Land Surveying	04-May-2022	Delegated DPA7 Permit to allow subdivision - 536 Beaver Point Road, SSI

Planner: Chris Buchan

Planning Status

**Status Date:** 09-Mar-2023

Applicant to submit required reports

**Status Date:** 03-Feb-2023

Meeting booked with applicant - w/ Buchan

**Status Date:** 31-Jan-2023

In applicants court - to submit revised RAPR report

File Number	Applicant Name	Date Received	Purpose
SS-DP-2022.7	Polaris Land Surveying	10-Aug-2022	Delegated DPA3 Dock - 250 Collins Road, SSI

INC

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



Development Permit

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:** 10-Jul-2023

Applicant provided geotech addendum, waiting on RPBio

**Status Date:** 27-Mar-2023

Chris B additional check in with applicant.

**Status Date:** 03-Feb-2023

Applicant to submit updated reports - after which a delegated dp memo to be drafted

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.3	Archeus Architecture & Design INC	25-May-2023	Delegated DPA 7 Permit for Building renovation - 1525 Beddis Road, SSI

Planner: Chris Buchan

Planning Status

**Status Date:** 10-Jul-2023

Application in queu, pending Planner review

**Status Date:** 30-May-2023

File assigned to Planner Buchan

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



**Development Permit**

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.8	Black, Stuart	24-Aug-2023	Delegated DPA3 - 365 Isabella Point RD, SSI

**Planner:** Chris Buchan

**Planning Status**

**Status Date:** 24-Aug-2023

File assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DP-2023.9	Ogilvie, Martin	28-Sep-2023	DPA 2 - Permission to clear land to install services - Lot 2 Jackson Ave, SSI

**Planner:** Chris Buchan

**Planning Status**

**Status Date:** 05-Oct-2023

File assigned to Planner Buchan

**Development Variance Permit**

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

**Planner:** Charly Caproff

**Planning Status**

**Status Date:** 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.

**Status Date:** 14-Oct-2022

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



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.22	UCG	09-Dec-2021	Setback Variance for Brewery and Retaining Wall - 270 Furness Road

Planner: Anthony Fotino

Planning Status

**Status Date:** 31-Aug-2022

File reassigned to Planner Fotino

**Status Date:** 25-Apr-2022

File reassigned to Jason Youmans.

**Status Date:** 13-Dec-2021

File forwarded to planner for review - SS-DVP-2021.22

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

Planner: Chris Buchan

Planning Status

**Status Date:** 10-Aug-2023

File reassigned to Planner Buchan

**Status Date:** 02-Feb-2023

Planner waiting for information from applicant.

**Status Date:** 25-Apr-2022

File reassigned to Planner Stephen Baugh.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.12 Polaris Land Surveying 02-May-2022 Variances to allow a boundary adjustment - 744 Lower Ganges Road, SSI

Planner: Charly Caproff

Planning Status

**Status Date:** 15-Sep-2023

Correspondence sent to MOTI SUB approving officer

**Status Date:** 14-Sep-2023

Emailed applicant regarding restrictive covenant on title

**Status Date:** 10-Aug-2023

File re-assigned to Planner Caproff

File Number	Applicant Name	Date Received	Purpose
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SS-DVP-2022.13 Polaris Land Surveying 04-May-2022 Variances to allow subdivision - 536 Beaver Point Road, SSI

Planner: Chris Buchan

Planning Status

**Status Date:** 27-Mar-2023

On Chris B's workplan for May

**Status Date:** 31-Jan-2023

Buchan completed background analysis - requested meeting with applicant in the first week of Feb

**Status Date:** 12-Jan-2023

Planner Buchan assigned to file

File Number	Applicant Name	Date Received	Purpose
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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:** 29-Jun-2023

File assigned to Planner Buchan



Development Variance Permit

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

Planner: Anthony Fotino

Planning Status

Status Date:

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.15	Johns Southward LLP	28-Aug-2023	Variance of floor area coverage - 351 Mountain Park DR, SSI

Planner: Charly Caproff

Planning Status

Status Date: 09-Nov-2023

Uploaded to escribe for Nov 16 LTC

Status Date: 20-Oct-2023

Draft permit and notice submitted for review. Site visit Oct 26

Status Date: 28-Aug-2023

File assigned to Planner Caproff

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.16	Maten, Alan	28-Aug-2023	Lot line setback variance - 131 Northern Way, SSI

Planner: Chris Buchan

Planning Status

Status Date:



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.17	Salt Spring Mercantile	29-Aug-2023	Lot line setback variance for accessory buildings - 2915 Fulford-Ganges Rd, SSI

Planner: Charly Caproff

Planning Status

**Status Date:** 09-Nov-2023

Uploaded to escribe for Nov 16 LTC

**Status Date:** 20-Oct-2023

Draft permit and notice sent for review. Site visit on Oct 26.

**Status Date:** 20-Sep-2023

Reached out to applicant. Will likely proceed to Nov 16 LTC. Need to check DP.

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.18	REEVE, BRYAN/SYLVA	27-Sep-2023	DVP - Variance for Turn-around/parking spot - SS-DVP-2023.18 - 103 Tantramar Dr

Planner: Charly Caproff

Planning Status

**Status Date:** 20-Oct-2023

Site visit finds that what has been developed does not match site plan submitted. Retaining wall in MOTI ROW.

**Status Date:** 17-Oct-2023

Contacted applicant for greater information re: variances. In correspondence folder.

**Status Date:** 17-Oct-2023

Applicant available early November. This will proceed to Dec LTC.

## Applications

### Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.5	Taylor, Brent	17-Apr-2023	To allow a larger dock size that will serve all 3 proposed lots - 250 Collins Road, SSI

**Planner:** Anthony Fotino

#### Planning Status

**Status Date:** 18-Apr-2023

File assigned to Planner Fotino

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.7	Kanoena Holding LTD	20-Apr-2023	Variance to allow for increased size of seasonal cottage and increased floor area of accessory buildings - 120 Mansell Road, SSI

**Planner:** Chris Buchan

#### Planning Status

**Status Date:** 25-May-2023

File Assigned to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2023.9	Miller, Dennis	03-May-2023	DVP - Divide ALR lot into two sections via common property roadway - 2101 Fulford-Ganges Road

**Planner:** Chris Buchan

#### Planning Status

**Status Date:** 04-May-2023

Planner Buchan assigned to SS-DVP-2023.9



Rezoning

File Number	Applicant Name	Date Received	Purpose
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SS-RZ-2017.2	Fernando & Tammy Dos Santos	15-Feb-2017	Proposal to permit 30 affordable housing dwelling units and common building - 221 Drake Road, SSI.
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Planner: Anthony Fotino

Planning Status

**Status Date:** 31-Aug-2022

File reassigned to Planner Fotino

**Status Date:** 19-Jul-2022

File transferred to Planner Youmans

**Status Date:** 29-Apr-2022

Meeting with applicant and W. Shulba. Applicant indicates water system management/ownership work is on-going.

File Number	Applicant Name	Date Received	Purpose
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SS-RZ-2022.1	Pilot Yellow Adventures Inc	26-Oct-2022	Rezoning property to allow for four SFD - Sec 50 Musgrave Road, SSI
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Planner: Anthony Fotino

Planning Status

**Status Date:** 12-Oct-2023

Bylaw given first and second reading

**Status Date:** 02-Nov-2022

File assigned to Planner Fotino

File Number	Applicant Name	Date Received	Purpose
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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
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Planner: Anthony Fotino

Planning Status

**Status Date:** 10-Jan-2023

File assigned to Planner Fotino



Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2023.1	GIVERYN GARDENS LTD	27-Sep-2023	Rezoning to retire Land use contract - 104 Atkins Road
<b>Planner:</b> Anthony Fotino			
<b>Planning Status</b>			
<b>Status Date:</b> 28-Sep-2023			
File assigned to Planner Fotino			

Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2022.2	Kerrigan, Neil	27-Jun-2022	Pond construction - 155 Alexander BLVD, SSI
<b>Planner:</b> Chris Buchan			
<b>Planning Status</b>			
<b>Status Date:</b> 27-Mar-2023			
Chris B to contact applicant in May regarding next steps / application options			
<b>Status Date:</b> 27-Jan-2023			
Planner contacted applicant, site visit conducted.			
<b>Status Date:</b> 27-Jan-2023			
File on hold until confirmation is received from I.T. Conservancy regarding land covenant option.			



Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2011.2	Spencer's Excavating	29-Apr-2011	Proposed 4 Lot Subdivision - 159 Collins Road, SSI

Planner: Anthony Fotino

Planning Status

**Status Date:** 12-Oct-2022

File assigned to Planner Fotino

**Status Date:** 20-Jul-2022

File assigned to Planner Zupanec

**Status Date:** 04-Jul-2022

Follow up to request approved storm water management plan copy.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.2	Polaris Land Surveying Inc	25-Jan-2021	Proposed 2 lot boundary adjustment and acquisition of road dedication to ensure all remains are within the cemetery boundary - 744 LOWER GANGES RD

Planner: Charly Caproff

Planning Status

**Status Date:** 10-Aug-2023

File re-assigned to Planner Caproff

**Status Date:** 03-Oct-2022

Applicant working on PLR conditions.

**Status Date:** 24-Jun-2022

File re-assigned to Planner Baugh



Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.3	Shalhaf, Sina	31-Mar-2021	2 lot subdivision 150 Margolin Drive

Planner: Charly Caproff

Planning Status

**Status Date:** 20-Sep-2023

File reassigned to Planner Caproff

**Status Date:** 12-Oct-2022

Email to appl and MoTI. Condition 4 (potable water met) with condition for treatment covenant for both wells.

**Status Date:** 28-Sep-2022

Hydrologist's well report received.

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.6	MiCo Properties	17-Nov-2021	Two Lot Subdivision - 1281 Fulford-Ganges Road

Planner: Charly Caproff

Planning Status

**Status Date:** 01-Aug-2023

File assigned to Planner Caproff

**Status Date:** 31-Jul-2023

MOTI PLR letter received

**Status Date:** 08-Aug-2022

A PLRS letter has not been issued. MOTI is waiting for referral responses from CRD and VIHA. Reminders for referral comments were sent by Owen Page on March 3, 2022 and responses have not been received as of yet.



Subdivision

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2022.1	Polaris Land Surveying INC	10-Jun-2022	3 lot subdivision - 250 Collins Road
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Planner: Chris Buchan

Planning Status

**Status Date:** 31-Jan-2023  
PLR referral response prepared for review

**Status Date:** 27-Jan-2023  
PLR referral response under preparation

**Status Date:** 12-Jan-2023  
File transferred to Planner Buchan

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2022.2	Polaris Land Surveying	13-Jun-2022	Boundary Line Adjustment - 271 Beddis Road, SSI
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Planner: Charly Caproff

Planning Status

**Status Date:** 01-Aug-2023  
Planner Caproff assigned to file

**Status Date:** 31-Jul-2023  
MOTI PLR letter received

**Status Date:** 22-Aug-2022  
Referral response sent to MOTI



Subdivision

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2022.3	Polaris Land Surveying Inc <b>Planner:</b> Chris Buchan	15-Jul-2022	3 lots Conventional Subdivision - 115 Lumley Road, SSI
<b>Planning Status</b>			
<b>Status Date:</b> 27-Mar-2023 Chris B to assess and inquire on CSR applicability.			
<b>Status Date:</b> 16-Mar-2023 PLRS letter received from MOTI			
<b>Status Date:</b> 24-Aug-2022 Referral response sent to MOTI			

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2022.4	Polaris Land Surveying Inc <b>Planner:</b> Charly Caproff	14-Nov-2022	Proposed 2 lot conventional Subdivision, 373 Wright Road, Salt Spring Island
<b>Planning Status</b>			
<b>Status Date:</b> 25-Jul-2023 PLR letter received from MOTI			
<b>Status Date:</b> 25-Jul-2023 File assigned to Planner Caproff			
<b>Status Date:</b> 21-Nov-2022 referral response sent			



Subdivision

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

Planner: Bruce Belcher

Planning Status

**Status Date:** 19-Jun-2023

Received PLR

**Status Date:** 19-Apr-2023

Referral Response sent to MoTI

**Status Date:** 23-Feb-2023

File re-assigned to Planner Belcher

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

Planner: Bruce Belcher

Planning Status

**Status Date:** 26-Sep-2023

Referral Response sent to MOTI

**Status Date:** 31-Jul-2023

Planner Belcher assigned to the file

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2023.4	Polaris Land Surveying Inc	06-Sep-2023	Proposed 4 Lot Conventional Subdivision - 291 Long Harbour Road, SSI

Planner: Charly Caproff

Planning Status

**Status Date:** 18-Sep-2023

File assigned to Planner Caproff



**Temporary and Industrial Use Permit**

File Number	Applicant Name	Date Received	Purpose
SS-TUP-2023.1	SaltyDog Retreat Kennel and Dog Rescue	20-Apr-2023	Temporary Use Permit for a dog kennel - 130 Blackburn Road, SSI
<b>Planner:</b> Chris Buchan			
<b>Planning Status</b>			
<b>Status Date:</b> 21-Apr-2023 File assigned to Planner Buchan			

File Number	Applicant Name	Date Received	Purpose
SS-TUP-2023.2	Robert Blaney Design	24-Apr-2023	Temporary Use Permit for a Geodesic Dome and STVR - 805 Vesuvius Bay Road
<b>Planner:</b> Chris Buchan			
<b>Planning Status</b>			
<b>Status Date:</b> 27-Apr-2023 Planner Buchan assigned to SS-TUP-2023.2			