



Salt Spring Island Local Trust Committee

Regular Meeting Agenda

Date: Thursday, June 6, 2024
Time: 9:30 a.m.
Location: Meaden Hall
120 Blain Road, Salt Spring Island, BC

	Pages
1. CALL TO ORDER	9:30 AM - 9:30 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	9:35 AM - 9:50 AM
4. DELEGATIONS - 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 May 16, 2024 SSI LTC Regular Meeting</u>	4
For Adoption	
9. CORRESPONDENCE	10:15 AM - 10:20 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 Salt Spring Island Farmers' Institute to LTC - Dated 14 May 2024 - Regarding the CRD Noise Bylaw	14

	For Information	
9.2	F. Atorp to LTC w/ RPM Hutton reply - Dated 16 May 2024 - Regarding the OCP - LUB Update Project	17
	For Information	
9.3	Y. Nejati to LTC - Dated 28 May 2024 - Regarding bylaw enforcement complaint	21
	For Information	
10.	BUSINESS ARISING FROM MINUTES	10:20 AM - 10:25 AM
10.1	Follow-Up Action List	22
	Report dated May 2024	
11.	COMMUNITY INFORMATION MEETING - NONE	
12.	PUBLIC HEARING - NONE	
13.	APPLICATIONS AND REFERRALS - NONE	
14.	LOCAL TRUST COMMITTEE PROJECTS	10:25 AM - 11:00 AM
14.1	Official Community Plan - Land Use Bylaw Update Project	29
	Staff Report	
15.	NEW BUSINESS	11:00 AM - 11:30 AM
15.1	Bylaw Enforcement Policy	53
	Staff Report	
16.	REPORTS	
16.1	Policy and Standing Resolutions List	64
	For Information	
16.2	Future Projects Report	73
	Report dated May 2024	
16.3	Active Projects List	76
	Report dated May 2024	
16.4	Applications with Status Report - None	
16.5	Expense Report - None	

16.6 Islands Trust Conservancy Board Report - None

17. CLOSED MEETING

11:30 AM - 12:00 PM

17.1 Motion to Close the Meeting

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

(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

(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 July 11, 2024 at the Legion Meaden Hall, 120 Blain Road, Salt Spring Island.

19. ADJOURNMENT



Salt Spring Island Local Trust Committee Minutes of Regular Meeting

Date: Thursday, May 16, 2024

Location: Meaden Hall
120 Blain Road, Salt Spring Island

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

Staff Present: Chris Hutton, Regional Planning Manager (RPM)
Chris Buchan, Island Planner
Jason Youmans, Island Planner
Bruce Belcher, Planner 1
Rob Pingle, Legislative Clerk
Warren Dingman, Bylaw Compliance and Enforcement Manager
Lisa Millard, Recorder

Others Present: There were approximately 15 members of the public in attendance.

1. CALL TO ORDER

“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”

Chair Peterson called the meeting to order at 9:30 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted.

3. TOWN HALL AND QUESTIONS

A member of the public requested the following:

- That the minutes identify which Trustee has made specific comments so that the public knows who made the statement;
- That environmental data be collected for the Official Community Plan review; and
- That Sustainable Salt Spring be added to the community groups that are going to be contacted for input into the Official Community Plan review as previously requested in a letter sent to staff.

The Chair replied that the purpose of the minutes is to capture decisions and the input that drives those decisions, that minutes do not necessarily identify individuals but do capture if the

speaker is a member of the public, a trustee, or staff, and that video transcripts of the meetings are posted on the website if one wishes to identify speakers.

The President of the Salt Spring Accommodation Group made the following comments regarding short term vacation rentals:

- Tourism is a vital economic driver for Salt Spring Island and it supports local businesses while generating revenue and employment;
- In 2023 tourism accommodations attracted nearly 50,000 overnight visitors;
- The tax collected by the accommodation providers was approximately \$450,000 (four hundred and fifty thousand dollars), of which \$225,000 (two hundred and twenty five thousand dollars) goes toward affordable housing;
- Seasonal businesses contribute to the local economy with money spent on dining, activities, and in local businesses;
- There is confusion about short term rentals and mixed messages for residents seeking to responsibly and lawfully operate them;
- It is time to recognize short term vacation rentals and regulate them in a constructive way that is complementary to the limited inventory of commercial accommodation units;
- This approach mitigates new development and accommodates visitors by utilizing existing infrastructure;
- The recently enacted BC legislation presents an all or nothing approach and there should be middle ground based on principle residency while limiting speculative home buying and its impact on housing prices; and
- The Salt Spring Accommodation Group calls on the Local Trust Committee to take the following actions: convene local stakeholder's round tables to develop short term rental regulations that incorporate best practices, collect relevant data to inform decision making, investigate a local short term rental licensing mechanism, collaborate with online platforms for data sharing and automated compliance mechanisms, and draft bylaw amendments to define and regulate local short term vacation rentals.

A member of the public stated the following:

- In November, 2023 he received a notice of bylaw infraction;
- He operates a legal bed and breakfast in a secondary seasonal cottage on his 5 (five) acre property;
- He was informed by bylaw enforcement that the infraction related to the square footage of the rental unit and that it was also not certain if they were serving breakfast;
- He did not hear anything back from bylaw enforcement until February, 2024 at which time he received six months worth of fines;
- He has requested the file go to adjudication and has yet to hear back on that request;
- In April, 2024 he corresponded with the bylaw enforcement office regarding a bylaw compliance agreement and he noted that he would look at one but has not received anything to date; and
- He feels he is being unfairly targeted, that he does serve breakfast, that he has not been told what he is not complying with, and that he is being deprived of due process of adjudication.

A Trustee requested that the speaker forward the emails for their information

4. DELEGATIONS - NONE

5. TRUSTEE REPORTS

Trustee Harris reported that the Governance Committee met recently and noted the following:

- The Governance Committee was formed to address the governance review which suggested that Island Trust was in need of restructuring;
- He is the vice-chair of the Governance Committee;
- Canadians are afforded the right to democratic representation under the Canadian constitution and he feels that the Islands Trust has an undemocratic representation factor built into it's structure;
- If Islands Trust were to use a weighted voting model then the Salt Spring and Gabriola Island Local Trust Committees would control the entirety of Island Trust;
- The big decisions regarding policy and spending of tax dollars are made at Trust Council meetings and Salt Spring Island contributes a large share of said tax revenue but does not have corresponding voting power;
- Salt Spring Island needs to be released from Islands Trust by the Province;
- The only way to achieve positive democratic forward movement for the community is to incorporate as a municipality without the inclusion of Islands Trust;
- The Trustee Code of Conduct issue was addressed at the meeting and explained as being about staff feeling safe; and
- He feels he is being targeted as a Trustee and noted that if he has made anyone feel unsafe that is not his goal.

Trustee Patrick reported the following:

- She congratulated Doreen and Wayne Hewitt, recipients of the BC Community Award;
- She participated in the Association of Vancouver Island Coastal Communities convention and attended several meetings;
- BC Ferries held a meeting announcing a new approach for the Ferry Advisory Committees which will, in part, increase the public engagement component;
- She attended a Cortez Community Housing Group forum on water quality and quantity and noted that this month the group will be discussing cooperative housing projects;
- She attended a Ministry of Transportation and Infrastructure meeting which focussed on improved communication;
- She attended a meeting with the Capital Regional District which concentrated on marine issues;
- She attended a Coastal Douglas Fir wildfire workshop; and
- She attended CAO Hiring Committee, Governance Committee, and Regional Planning Committee meetings.

6. CHAIR'S REPORT

Chair Peterson reported the following:

- The Lyackson First Nation and the Cowichan Tribes signed an incremental treaty agreement with the Province that will, in part, see a 312 (three hundred and twelve) hectare parcel of land on Vancouver Island transferred to the Nations;
- He attended the Coastal Douglas Fir wildfire workshop which highlighted the importance to reduce wildfire risk;

- He is participating in the CAO Hiring Committee and it is likely that an interim CAO will be appointed while the selection process continues;
- Islands Trust will be holding a committee of the whole meeting to give consideration to the draft policy statement;
- He attended a Capital Regional District meeting which focused on the overlapping jurisdiction related to marine issues such as the regulation of mooring buoys; and
- The Governance Committee continues to work with a corporate planning group on updating the corporate processes at Islands Trust.

7. CRD DIRECTOR'S REPORT - NONE

8. PREVIOUS MEETINGS

8.1 Draft Minutes of the Salt Spring Island Local Trust Committee

8.1.1 Draft Minutes of the April 11, 2024 Salt Spring Island Local Trust Committee

The following amendments to the minutes were presented for consideration:

On page 2 of the minutes, page 6 of the agenda, seventh bullet should state Trustee Patrick "Attended a meeting with a representative of the Salt Spring Accommodation group".

By general consent, the minutes of the April 11, 2024 Salt Spring Island Local Trust Committee Regular Meeting be adopted as amended.

8.2 Resolutions Without Meeting Report

The report was received.

8.3 Draft Minutes of the Advisory Planning Commissions - None

8.4 Local Trust Committee Public Hearing Record - None

9. CORRESPONDENCE

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

Received for information.

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

Received for information.

9.3 21st Annual Community Award Recipients

SS-2024-047

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee request the Chair to write a letter of congratulations to Doreen and Wayne Hewitt for being recipients of the Community Award.

CARRIED

10. BUSINESS ARISING FROM MINUTES

10.1 Follow-Up Action List

It was noted that a response to the letter from the Minister of Housing was not complete yet.

10.2 Salt Spring Island Local Trust Committee Special Meeting Schedule

Staff summarized the memorandum.

SS-2024-048

It was MOVED and SECONDED

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

CARRIED

11. COMMUNITY INFORMATION MEETING - NONE

12. PUBLIC HEARING – NONE

Item 17 Motion to Close the Meeting (SS-2024-049) was moved up on the agenda to follow Item 12.

The regular meeting was recessed at 10:23 a.m., and reconvened at 12:00 p.m.

13. APPLICATIONS AND REFERRALS

13.1 SS-TUP-2024.1 - M. Ogilvie - Lot 2 Jackson Ave

A Planner summarized the application for a Temporary Use Permit (TUP) for the operation of one food truck and two retail/office spaces which are to be located within a retrofitted shipping container and operated within the Ganges Village Area

The Applicant was present, spoke to the application, and requested that a three year TUP be issued.

Discussion ensued and a Planner clarified that the Local Trust Committee can issue a three year permit.

SS-2024-050

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit SS-TUP-2024.1 (Jackson Avenue) for a duration of three years.

CARRIED

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

The Planner summarized the staff report and stated that the Development Variance Permit (DVP) relates to the siting of an existing carport structure and two proposed additional carports. It as noted that the property is owned by the federal government and rented by the Salt Spring Search and Rescue Society.

The applicant was present, spoke to the application, and indicated that the purpose of the structures is to protect their equipment investments, and that the structures will be temporary and can be removed at the end of the lease term

The Trustees had no questions for the applicant.

SS-2024-051

It was MOVED and SECONDED

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

CARRIED

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

The Planner summarized the staff report and highlighted that one of the proposed subdivision lots requires a waiver on the lot frontage requirement. It was clarified that the lot achieves the minimum frontage requirement of 10 (ten) metres but does not meet the requirement of 10% (ten percent) of total lot size be frontage.

The applicant was present and spoke to the application.

The Trustees had no questions for the applicant.

SS-2024-052

It was MOVED AND SECONDED

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

CARRIED

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

The Planner summarized the staff report and stated that the application proposed amendments to the Land Use Bylaw to vary zoning to allow for four dwellings and one seasonal cottage on the subject property, and that the Local Trust Committee consider the application in relation to the Islands Trust Policy Statement checklist.

The applicant was present and spoke to the application.

Discussion ensued and Trustees commented as follows:

- There is concern that not applicable has been checked on the Trust Policy Statement checklist in the forest section which speaks to maintaining large blocks of forestry land;
- There is concern that not applicable has been checked in the transportation section when the road usage will be changed;
- The addition of four primary dwellings can be considered the equivalent of a subdivision;

- There is density being added to an area that is outside of the fire service zone; and
- There is disagreement on the not applicable designation and these areas of concern should be evaluated.

A Planner clarified that not applicable was checked in the forestry section because there is no change in use and that the application was referred to the Ministry of Transportation and Infrastructure who responded that there were no concerns with the application.

Further discussion ensued and the same points were repeated.

SS-2024-053

It was MOVED and SECONDED

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

CARRIED

Trustee Patrick opposed

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

The Planner summarized the staff report and stated that the application is to rezone the Vesuvius Bay ferry terminal and upland parking area to accommodate renovations and a terminal expansion.

The applicant was present and provided a short presentation on the terminal expansion plans which will be completed in phases.

Discussion ensued and the Trustees noted that this application is in the preliminary stages and that a public engagement process will follow.

SS-2024-054

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee request staff to notify and seek input from all local First Nations, the Capital Regional District, the Ministry of Transportation and Infrastructure and other applicable agencies, regarding proposed amendments to the Salt Spring Island Official Community Plan Bylaw No. 434, 2008 and Salt Spring Island Land Use Bylaw No. 355, 1999 for this application.

CARRIED

SS-2024-055

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee request that staff prepare a draft bylaw to amend the Salt Spring Island Official Community Plan Bylaw No. 355, 2008, to amend the land use designations for Lot 2, Section 9, Range 2 West And Section 10, Range 3 West, North Salt Spring Island, Cowichan District Plan 43894 District Lot 600, Cowichan District (Pin: 532290) And District Lot 2040 Cowichan District Plan VIP75388 from Residential Neighbourhoods (RN) to Shoreline Development (SD).

CARRIED

SS-2024-056

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee request that staff prepare a draft bylaw to amend the Salt Spring Island Land Use Bylaw No. 355, 1999, to rezone Lot 2, Section 9, Range 2 West And Section 10, Range 3 West, North Salt Spring Island, Cowichan District Plan 43894 District Lot 600, Cowichan District (PIN: 532290) And District Lot 2040 Cowichan District Plan VIP75388 from Residential 8 (R8) to Shoreline 3 (S3).

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Official Community Plan - Land Use Bylaw Update Project

The Planner summarized the report and highlighted the following:

- The Advisory Planning Commission (APC) draft terms of reference had been updated based on direction given at the April, 2024 Local Trust Committee meeting;
- The community engagement strategy has been updated;
- The First Nations engagement process will begin shortly; and
- A graphic designer has been contracted to develop some project branding.

In follow up to questions asked by the Local Trust Committee at the April, 2024 Local Trust Committee meeting the Planner stated the following:

- The APC members, not the Local Trust Committee, appoint the Chair of the APC;
- The APC Bylaw states that a local trustee, regional district director, or officer or employee of Islands Trust are not eligible to be an APC member;
- The information that goes to the APC for their review should be vetted by the Local Trust Committee; and
- The Local Trust Committee can determine the criteria that is used to appoint APC members.

Discussion ensued and a Trustee noted their reluctance to referring Official Community Plan work to the unelected body that makes up an Advisory Planning Commission.

SS-2024-057

It was MOVED and SECONDED

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

CARRIED

Trustee Harris opposed

The Planner stated that a grant had been received from the provincial government to undertake a complete community assessment which will focus on the themes of housing, transportation, daily needs and infrastructure. He introduced the consultants hired to work on the community engagement process.

Discussion ensued and Trustees noted it was important to stage engagement events at various times of the day and week as many community members are particularly busy in the summer months.

SS-2024-058

It was MOVED and SECONDED

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

CARRIED

15. NEW BUSINESS

15.1 Mayne Island Local Trust Committee Draft Bylaw No. 193 Referral

SS-2024-059

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee interests are unaffected by the Mayne Island Local Trust Committee Draft Bylaw No. 193.

CARRIED

16. REPORTS

16.1 Policy and Standing Resolutions List

The report was received.

16.2 Future Projects Report

The report was received.

16.3 Active Projects List

The report was received.

16.4 Applications with Status Report

The report was received.

16.5 Expense Report

The report was received.

16.6 Islands Trust Conservancy Board Report

The report was received.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

SS-2024-049

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

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

(1) A part of a council meeting may be closed to the public if the subject matter being considered relates to or is one or more of the following:

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
- and that staff be invited to remain.

CARRIED

17.2 Rise and Report

Chair Peterson rose and reported that Anne Gunn, Stanley Shapiro, and Tim Hiltz were appointed to the Advisory Planning Commission, and that Bejay Mills was appointed to the Agricultural Advisory Planning Commission.

18. UPCOMING MEETINGS

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

19. ADJOURNMENT

By general consent the meeting adjourned at 1:50 p.m.

Timothy Peterson, Chair

Certified Correct:

Lisa Millard, Recorder

From: Laura Patrick
Sent: Tuesday, May 14, 2024 2:00 PM
To: SSInfo
Subject: Fwd: Noise Bylaw;
Attachments: Noise Bylaw 04.docx

Sent from my iPhone

Begin forwarded message:

From: terry.clement.SSIFI@shaw.ca
Date: May 14, 2024 at 13:53:34 PDT
To: Laura Patrick <lpatrick@islandstrust.bc.ca>, Timothy Peterson
<tpeterson@islandstrust.bc.ca>, Jamie Harris <jharris@islandstrust.bc.ca>
Cc: Ron Stepaniuk [REDACTED]
Subject: Noise Bylaw;

Dear Trustees

It has come to the attention of the Salt Spring Island Farmers' Institute that a dispute has arisen between the Bylaw Enforcement Arm of the CRD and a member of Salt Spring Islands' farming community. Although we recognize that we don't have any jurisdictional authority in this matter we feel that the issue and the actions taken by the CRD could significantly impact small scale agricultural production on the island. The attached letter explains our position as an organization.

Yours sincerely,
Terry Clement
President, Salt Spring Island Farmers' Institute

CC Ron Stepaniuk, Secretary



Salt Spring Island Farmers' Institute

Box 661, Salt Spring Island, BC V8K 2W3 (250) 537-4755
Website: www.ssifi.org Email: contact@ssifi.org

May 10, 2024

Gary Holman
CRD - Salt Spring Island Parks and Recreation
108-121 McPhillips Ave
Salt Spring Island BC V8K 2T6

The Salt Spring Island Farmers Institute's stated Aims and Objectives are to *Promote the Theory and Practice of Agriculture*. The Institute has no regulatory authority but advocates for and brings awareness to the importance of agriculture in our community.

Of particular concern is food security and sovereignty and the impacts of climate change on local agriculture which is of heightened concern when living on an island.

Local growers and farmers are critical to a secure and healthy community and by their actions, mitigate the concerns of food security and sovereignty. In addition, anything produced locally helps the local economy and reduces our carbon footprint. The Institute is concerned whenever farming or agricultural activities are being limited or threatened.

Salt Spring Island has few large tracts of agricultural land so farming tends to be small scale operations which happen on land zoned rural as well as land within the Agricultural Land Reserve which can lead to noise and other complaints and conflicts.

Clint Mc Nichol spoke to the Board of Directors at the March 12th meeting and described their chicken breeding operation and ongoing legal battles with a Capital Regional District Noise Bylaw complaint and their efforts to mitigate the noise of the roosters crowing.

After meeting and the Board wrote the following policy.

FI Policy Re: CRD Noise Bylaw

It has come to the attention of the Salt Spring Farmers' Institute (Institute) that the Capital Regional District appears to have changed its approach to noise bylaw enforcement, particularly when it comes to complaints of noise generated by farming activities on non-Agriculture Land Reserve areas. The Institute has a mandate to encourage and where possible be of assistance to persons engaged in food production. We are following with concern a case where such people are facing legal challenges due to

complaints regarding rooster noises. While there are legal issues in this case which may not be clear, we are concerned that precedent may be set which will severely impact food production on Salt Spring.

Furthermore, there are broader issues, such as:

- 1. What constitutes farming?*
- 2. Where can farming take place?*
- 3. What reasonable expectations should property owners living adjacent to a farm have?*
- 4. What level of precautions should a farmer take to protect from impacts on neighbours?*
- 5. Is there an educational approach that could help alleviate such issues?*

The Institute Board of Directors wishes to take a fair and objective approach in dealing with this issue. Based on the above 5 points, the Institute will be considering these and other questions and discussing with other local agricultural organizations. Farming and agricultural activities are critical to any community, therefore, avoiding confrontation between farming activities, residents and bylaw enforcement is paramount.

Sincerely,

Terry Clement
SSIFI President

CC Adam Olson
CC Islands Trust

From: Chris Hutton
Sent: Thursday, May 16, 2024 1:51 PM
To: Frants Attorp; SSIInfo; Laura Patrick; Timothy Peterson; Jamie Harris; Stefan Cermak; Jason Youmans
Cc: Minister, MUNI MUNI:EX; Olsen.MLA, Adam; directorssi; May, Elizabeth - Riding 1A; SSIInfo
Subject: RE: Salt Spring OCP Update Project

Thank you for your note Mr. Attorp,

I am glad to hear your concerns about the need for data-driven information. You have pointed out how important it is for us to have good information when identifying ways to meet our mandate, meet the needs of our community and uphold the standards that we must meet to attain Ministerial Approval. We are grateful for the grant provided to the Salt Spring Local Trust Area to consider the creation of complete communities. Our first step in the preliminary stages of this substantive, multi-year policy project is to gather available data through credible government and local sources. This process is one that is highly technical and will rely on building partnerships to improve data availability and collaboration with source organizations. This work is aimed at better meeting our mandate and governance role as facilitators of the mandate and wider governance. Once synthesized, we look forward to translating that data into information and using that good information to inform the OCP development process.

I must reiterate in no uncertain terms that, until a bylaw is adopted, no new regulatory regime exists except the one that exists today with the 2008 OCP and our existing LUB. In the intervening period, we anticipate that we will revisit and consider information sources.

Thank you for your interest and I hope that you will continue to remain engaged and interested in the project.

Sincerely,

Chris Hutton, RPP, MCIP
Regional Planning Manager
Islands Trust | 250-538-5608

From: Frants Attorp [REDACTED]
Sent: Thursday, May 16, 2024 8:42 AM
To: SSIInfo <ssiinfo@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>; Jamie Harris <jharris@islandstrust.bc.ca>; Stefan Cermak <scermak@islandstrust.bc.ca>; Chris Hutton <chutton@islandstrust.bc.ca>; Jason Youmans <jyoumans@islandstrust.bc.ca>
Cc: Minister, MUNI MUNI:EX <MUNI.Minister@gov.bc.ca>; Olsen.MLA, Adam <Adam.Olsen.MLA@leg.bc.ca>; directorssi <directorssi@crd.bc.ca>; May, Elizabeth - Riding 1A

[<elizabeth.may.c1a@parl.gc.ca>](mailto:elizabeth.may.c1a@parl.gc.ca)

Subject: Salt Spring OCP Update Project

To: Salt Spring Island Local Trust Committee

I am convinced the OCP Update you are now planning is illegal. You may believe Section 3 of the Islands Trust Act has been nullified, but you are mistaken; no local government or agency such as the Islands Trust can ignore provincial legislation.

So where is the environmental focus of the OCP update process? You are going to create a whole new OCP based on BC's Complete Communities Guide which focuses on four key areas of concern: housing, daily needs, transportation, infrastructure. Can you see what's missing?

But even that document includes this first step: "Identifying a community's goals is an important part of preparing to do a complete communities assessment. These goals will inform the scope and scale of an assessment, as well as the data inputs needed to undertake the project." Please tell me where in the current process you are giving the community an opportunity to discuss goals, or a vision for the future, and specifically, the removal of restrictions on growth? You seem to have missed that important step.

In looking at your list of Guiding Documents, I see there is only one very general environmental study: the CRD's Salt Spring Island Watershed Protection Plan. But even that plan contains this: "Attaining sufficient, high quality, and statistically defensible data on water resources is an essential pre-requisite to successful future management."

So where is that "high quality, and statistically defensible data"? A staff report from last year regarding a bylaw to permit ADUs in all zones indicated there is no data regarding water, the environment, servicing, and infrastructure. Furthermore, a January 22, 2021 staff report states: "Due to

the limited technical capacity and resources available on staff, specific regulatory tools on combating climate change, specific transportation studies and measures, specific ecosystem analysis as it relates to environmental regulations, specific quantitative water/waste-water/storm water studies, or any specific quantitative social-economic data analysis on housing will not be part of this Housing Action Program."

Despite this lack of data, the Trust's own Housing Action Program website promises "environmental sustainability" and states: "Issues such as water availability and the moratorium on new connections to the North Salt Spring Waterworks District (NSSWD) community water system, storm-water and sewer systems, active transportation infrastructure, innovative site and building design, arts and culture, and the archaeological significance will all be examined in the process." If there are no studies to support the environmental claims, they amount to little more than greenwash.

I notice that the Housing Action Program Task Force's Summary of Recommendations has now been removed from the Housing Action Program website only to reappear on the list of Guiding Documents for the OCP update. That summary contains this: "Our goal is to support improved housing outcomes for residents of Salt Spring Island, particularly those in greatest need, and in ways that maintain and improve the environmental quality of the island and the surrounding waters of the Salish Sea." Again, where is the data to show this "improvement"? Are these reassurances in the summary also greenwash?

The OCP Update Terms of Reference claims to have this Project Goal: "The goal of the Salt Spring Island OCP-LUB Update Project is to increase housing options and housing equity on the island in ways that integrate: advance the interests of First Nations with treaty and territorial interests in the Salt Spring Island Local Trust Area; enhance Ecosystem integrity and connectivity; and build climate change resiliency. " Again, how can you attain any of the stated environmental goals without having complete and up-to-date data? Is the entire Terms of Reference also a form of greenwash?

Have you forgotten that the minister of municipal affairs has to sign off on the new OCP? Given that you are obviously violating your duty to exercise the precautionary principle and protect the environment as expressed in the Islands Trust Act, I wonder if you will obtain that signature. I respectfully ask that you to go back and start this whole OCP update process over, but this time, in a way that has more integrity and credibility, and leads to a product that respects provincial law and can be shown to truly reflect the wishes of the majority of Salt Spring Island residents.

Yours truly,

Frants Attorp

From: Yashar Nejati [REDACTED]
Sent: May 28, 2024 11:01 AM
To: Jamie Harris; Laura Patrick; Timothy Peterson
Subject: bylaw enforcement complaint - [REDACTED]

Hello Trustees,

I am writing to bring to your attention what appears to be bylaw officer Bruno Novais using false pretences to conduct an inspection of our property.

Mr. Novais has written stating:

- *"The LTC wants a confirmation on whether or not the seasonal cottage is of legal size."*
- *"LTC wants a report on the cottage, and I was ordered take the measurements."*
- *"I was directed by management to inspect your property in order to provide the LTC with a report."*

From my conversation with Trustee Harris yesterday, it seems that the LTC has not directed bylaw enforcement to conduct an inspection. Obviously, I am ***extremely concerned*** that a bylaw enforcement appears to be using false pretences to conduct an inspection.

Has the LTC in fact ordered a report as stated by Mr. Novais?

I look forward to hearing from you.

Regards,
Yashar

Yashar Nejati
[REDACTED]



Follow Up Action Report

Salt Spring Island

15-Feb-2024

Activity	Responsibility	Dates	Status
<p>1 Minister of Housing to Chair LTC - Dated 8 Jan 2024 - Regarding Housing Statues (Residential Development) Amendment Act, 2023 (Bill 44)</p> <p>That the Salt Spring Island Local Trust Committee request Chair Peterson to respond to Minister of Housing letter dated January 8, 2024 regarding Housing Statues Amendment Act, 2023 (Bill 44).</p>	<p>Chris Hutton Kalyaan Selvakumar</p>	<p>Target: 30-May-2024</p>	<p>In Progress</p>

07-Mar-2024

Activity	Responsibility	Dates	Status
<p>1 Official Community Plan - Land Use Bylaw: Project Terms of Reference</p> <p>That the Salt Spring Island Local Trust Committee create a new special Advisory Planning Commission for the OCP-LUB Update Project.</p>	<p>Jason Youmans</p>	<p>Target: 06-Jun-2024</p>	<p>In Progress</p>
<p>2 Official Community Plan - Land Use Bylaw: Project Terms of Reference</p> <p>That the Salt Spring Island Local Trust Committee direct staff to provide a draft Project Charter based on the discussions on the Terms of Reference in Appendix 1.</p>	<p>Jason Youmans</p>	<p>Target: 16-May-2024</p>	<p>In Progress</p>
<p>3 Official Community Plan - Land Use Bylaw: Project Terms of Reference</p> <p>That the Salt Spring Island Trust Committee direct staff to provide a draft scope of services for review and comment for a planning consultant to undertake the work specified in the Terms of Reference in Appendix 1 as discussed and the OCP-LUB Update Project Business Case.</p>	<p>Jason Youmans</p>	<p>Target: 06-Jun-2024</p>	<p>Completed</p>



Follow Up Action Report

Salt Spring Island

07-Mar-2024

Activity	Responsibility	Dates	Status
<p>4 Policy and Standing Resolutions List</p> <p>That the Salt Spring Island Local Trust Committee request staff to draft a revision to the standing resolution on Unlawful Dwellings on page 133 of the agenda package.</p>	Warren Dingman		Completed

11-Apr-2024

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



Follow Up Action Report

Salt Spring Island

11-Apr-2024

Activity	Responsibility	Dates	Status
<p>3 Standing Resolution SS-2019-153 regarding Short Term Vacation Rentals That the Salt Spring Island Local Trust Committee rescind Standing Resolution SS-2019-153 and that staff report back on further considerations regarding proactive management of Short Term Vacation Rental's by March 1, 2025.</p>	Warren Dingman	Target: 01-Mar-2025	In Progress
<p>4 That the Salt Spring Island Local Trust Committee request staff to prepare a staff report on 265 Furness Road and report back to the Trustees.</p>	Chris Buchan	Target: 11-Jul-2024	In Progress

16-May-2024

Activity	Responsibility	Dates	Status
<p>1 21st Annual Community Award Recipients that the Salt Spring Island Local Trust Committee request the Chair to write a letter of congratulations to Doreen and Wayne Hewitt for being recipients of the Community Award.</p>	Chris Hutton		In Progress
<p>2 Salt Spring Island Local Trust Committee Special Meeting Schedule that the Salt Spring Island Local Trust Committee request staff to schedule an in person Special Meeting at 3pm on Monday June 17, 2024 at the Legion Meaden Hall, 120 Blain Road, Salt Spring Island.</p>	Rob Pingle	Target: 17-Jun-2024	Completed

Follow Up Action Report

Salt Spring Island

16-May-2024

Activity	Responsibility	Dates	Status
<p>3 SS-TUP-2024.1 - M. Ogilvie - Lot 2 Jackson Ave</p> <p>that the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit SS-TUP-2024.1 (Jackson Avenue) for a duration of three years.</p>	Rob Pingle		Completed
<p>4 SS-DVP-2023.20 - C. Bowden - 261 Fulford-Ganges Road, SSI</p> <p>that the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit application SS-DVP-2023.20 (Bowden)</p>	Rob Pingle		Completed
<p>5 SS-SUB-2023.3 - P. Frisch - 784 Vesuvius Bay Road, SSI</p> <p>that the Salt Spring Island Local Trust Committee exempt Lot A of proposed subdivision (SS-SUB-2023.3, 784 Vesuvius Bay Road) from the 10% minimum frontage requirement under Section 5.3.1 of Salt Spring Island Land Use Bylaw No. 355 and Section 512 of the Local Government Act.</p>	Bruce Belcher		Completed



Follow Up Action Report

Salt Spring Island

16-May-2024

Activity	Responsibility	Dates	Status
<p>6 SS-RZ-2022.1 - M. Gelb - 1172 Musgrave Road</p> <p>that the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 536, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2023" (SS-RZ-2022.1, Section 50 Musgrave Road) is not contrary to or at variance with the Islands Trust Policy Statement.</p>	Chris Buchan		Completed
<p>7 SS-RZ-2024.1 - BC Ferry Corporation - Vesuvius Bay Ferry Terminal, SSI</p> <p>that the Salt Spring Island Local Trust Committee request staff to notify and seek input from all local First Nations, the Capital Regional District, the Ministry of Transportation and Infrastructure and other applicable agencies, regarding proposed amendments to the Salt Spring Island Official Community Plan Bylaw No. 434, 2008 and Salt Spring Island Land Use Bylaw No. 355, 1999 for this application.</p>	Chris Buchan		In Progress



Follow Up Action Report

Salt Spring Island

16-May-2024

Activity	Responsibility	Dates	Status
<p>8 SS-RZ-2024.1 - BC Ferry Corporation - Vesuvius Bay Ferry Terminal, SSI that the Salt Spring Island Local Trust Committee request that staff prepare a draft bylaw to amend the Salt Spring Island Official Community Plan Bylaw No. 355, 2008, to amend the land use designations for Lot 2, Section 9, Range 2 West And Section 10, Range 3 West, North Salt Spring Island, Cowichan District Plan 43894 District Lot 600, Cowichan District (Pin: 532290) And District Lot 2040 Cowichan District Plan VIP75388 from Residential Neighbourhoods (RN) to Shoreline Development (SD).</p>	Chris Buchan		In Progress
<p>9 SS-RZ-2024.1 - BC Ferry Corporation - Vesuvius Bay Ferry Terminal, SSI that the Salt Spring Island Local Trust Committee request that staff prepare a draft bylaw to amend the Salt Spring Island Land Use Bylaw No. 355, 1999, to rezone Lot 2, Section 9, Range 2 West And Section 10, Range 3 West, North Salt Spring Island, Cowichan District Plan 43894 District Lot 600, Cowichan District (PIN: 532290) And District Lot 2040 Cowichan District Plan VIP75388 from Residential 8 (R8) to Shoreline 3 (S3).</p>	Chris Buchan		In Progress
<p>10 Official Community Plan - Land Use Bylaw Update Project that the Salt Spring Island Local Trust Committee endorse the OCP-LUB Update Project Advisory Planning Commission Terms of Reference attached as Appendix 1.</p>	Jason Youmans		Completed



Follow Up Action Report

Salt Spring Island

16-May-2024

Activity	Responsibility	Dates	Status
<p>11 Official Community Plan - Land Use Bylaw Update Project that the Salt Spring Island Local Trust Committee endorse the Complete Communities Assessment Community Engagement and Communications Plan attached as Appendix 2.</p>	Jason Youmans		Completed
<p>12 Mayne Island Local Trust Committee Draft Bylaw No. 193 Referral that the Salt Spring Island Local Trust Committee interests are unaffected by the Mayne Island Local Trust Committee Draft Bylaw No. 193.</p>	Rob Pingle		Completed



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

DATE OF MEETING: June 6, 2024
TO: Salt Spring Island Local Trust Committee
FROM: Jason Youmans, Island Planner
Salt Spring Island Team
COPY: Chris Hutton, Regional Planning Manager
SUBJECT: OCP-LUB Update Project

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee amend the OCP-LUB Update Project Terms of Reference as shown in Appendix 1 and endorse the document as amended.
2. That the Salt Spring Island Local Trust Committee endorse the consultant scope of services attached as Appendix 2.
3. That the Salt Spring Island Local Trust Committee select Option [X] as the working title for the Salt Spring Island OCP-LUB Update Project.
4. That the Salt Spring Island Local Trust Committee direct staff to prepare an analysis of major budget needs in the 2025/26 fiscal year, with proposed business case revisions to the Salt Spring Island Local Trust Committee Major Projects.

REPORT SUMMARY

The primary purpose of this report is provide, for Salt Spring Island Local Trust Committee (SS LTC) consideration, a draft scope of services for a consultant to provide community engagement support and other planning services as part of SS LTC’s OCP-LUB Update Project. This report also recommends:

- minor amendments to the project terms of reference
- that SS LTC select an easily identifiable project name around which to begin building branded project content; and
- that SS LTC begin the process of developing business cases for major SS LTC projects for the 2025/26 fiscal year.

BACKGROUND

SS LTC continues to build the suite of project management documents needed to advance the OCP-LUB Update Project in a transparent and predictable manner.

At its meeting of March 7, 2024, SS LTC passed the following resolution:

SS-2024-021

It was MOVED and SECONDED,

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

CARRIED

Trustee Harris Opposed

The draft scope of services attached as Appendix 2 to this staff report addresses the above resolution.

Outstanding resolutions regarding project management documents for the OCP-LUB update project are as follows:

SS-2024-020

It was MOVED and SECONDED,

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

CARRIED

Trustee Harris Opposed

Staff will deliver a project charter in a future staff report. In the interim, the project Terms of Reference provides sufficient guidance for staff to continue to advance the project.

ANALYSIS

OCP-LUB Update Project Terms of Reference

The amendments proposed to the OCP-LUB Update Project Terms of Reference reflect the fact that while Islands Trust is committed to reconciliation with First Nations that have treaty and territorial interests in the Islands Trust Area, the organization does not yet have sufficiently strong relationships in place to enable project co-design in a timeframe that aligns with SS LTC's goals. This is particularly true for Salt Spring Island, where 13 Nations have identified interests, which introduces an unknown level of project risk. A commitment to building relationship through this project by meeting a high standard of engagement is potential alternative, and warrants further contemplation.

As with all planning projects, staff recommend that SS LTC strive for early and ongoing engagement with interested Nations, and with Indigenous people on Salt Spring Island.

SS LTC has engaged the services of Indigenous Relations advisor Sue Hallatt to provide guidance in the development of a First Nations engagement approach for SS LTC projects. That work is ongoing.

Consultant Scope of Services

The draft consultant scope of services attached as Appendix 2 reflects what staff consider to be the support needed to deliver a targeted OCP-LUB Update Project.

It is divided into deliverables across the 2024/25 and 2025/26 fiscal years. Because of Islands Trust annual budgeting process, the consultant can only be engaged one fiscal year at a time, so the attached scope of services describes what would be needed in each fiscal year over two years.

The consultant scope of services assumes significant consultant involvement not only in the community engagement aspects of the project, but the policy development components as well, recognizing the staff resource constraints in the Salt Spring Island office.

It is staff's intent that staff will undertake development of the Land Use Bylaw amendments to be created based on OCP changes.

Project Title

The OCP-LUB Update Project needs a name and associated branding that will make it easily recognizable in the community for the duration of the project. As it is a housing-forward targeted update, staff suggest that this be the focus of the project name. Staff provide the following options for SS LTC's consideration:

- 1) Home on Salt Spring: Planning for a Diverse Community
- 2) Housing Options, Housing Equity: A Community Plan for Us All
- 3) Our Island Home: Housing Solutions in a Special Place
- 4) Where we Live: A Community Plan to Honour People and Place
- 5) Island Workers, Island Homes: Planning for a Resilient Community

SS LTC is free to choose from the options above, mix and match as appropriate, or indeed propose an entirely new project name if none of the above options capture the SS LTC's project intent.

Staff have entered into a small contract with a graphic designer to develop a project logo once the project name is finalized.

Major Project Business Cases

The OCP-LUB Update Project as captured in the project Terms of Reference endorsed by SS LTC is a more substantial undertaking than that which was proposed in the business case SS LTC submitted to Islands Trust Council for the 2024/25 fiscal year. Additionally, work on the project has not proceeded in accordance with the original forecast timelines. As such, due to scope and timeline changes, the bulk of the policy development work on the project is going to take place in fiscal year 2025/26. Staff would like to return at an upcoming meeting with an analysis of budget options to fund this work, and impacts on other SS LTC projects, such as Ganges Village Planning.

Rationale for Recommendation

- 1. That the Salt Spring Island Local Trust Committee amend the OCP-LUB Update Project Terms of Reference as shown in Appendix 1.**

Staff Comment: As discussed above, the proposed amendments bring the project Terms of Reference in line with SS LTC's existing relationships with area First Nations and ensures that expectations around project engagement can be met. The OCP-LUB update project is an opportunity to improve relationships and seek opportunities for collaboration, but goals in this regard should be attainable.

- 2. That the Salt Spring Island Local Trust Committee endorse the consultant scope of services attached as Appendix 2.**

Staff Comment: Endorsing the proposed scope of services enables staff to develop and post a Request for Proposals to begin the process of seeking a planning consultant to support SS LTC's OCP-LUB Update Project.

3. That the Salt Spring Island Local Trust Committee endorse selection X as the working title for the Salt Spring Island OCP-LUB Update Project.

Staff Comment: The project names proposed above reflect staff understanding of the intent of the project. Staff do not have a particular recommendation of one project name over another, but advise that a tag line is valuable to building community awareness of the project and what it is intended to achieve. SS LTC is welcome to propose alternatives.

4. That the Salt Spring Island Local Trust Committee direct staff to prepare an analysis of major budget needs in the 2025/26 fiscal year, with proposed business case revisions to the Salt Spring Island Local Trust Committee Major Projects.

Staff Comment: This resolution is important to ensure that SS LTC and staff have a clear understanding of resource requirements to complete this project and the impact that may have on other SS LTC initiatives.

ALTERNATIVES

1. OCP-LUB Update Project Terms of Reference

SS LTC is not obliged to accept the recommended amendments to the project Terms of Reference. If this is the case, no resolution is required and the Terms of Reference will remain as endorsed at the April 11 regular meeting. Alternatively, SS LTC may have other amendments that it wishes to make to the Terms of Reference, in which case it could consider the following resolution:

That the Salt Spring Island Local Trust Committee request staff to amend the Salt Spring Island OCP-LUB Update Project Terms of Reference as follows, and endorse the document as amended:

By

- 1) XXXXXXXXXXX
- 2) XXXXXXXXXXX

If SS LTC wishes to see its requested changes in the Terms of Reference before endorsing it, staff will incorporate the changes and return at the subsequent regular meeting for endorsement.

2. Consultant Scope of Services

If SS LTC wishes to make changes to the proposed Consultant Scope of Services it can use the following resolution:

That the Salt Spring Island Local Trust Committee request staff to amend the Consultant Scope of Services attached as Appendix 2 as follows, and endorse the document as amended:

By:

- 1) XXXXXXXXXXX
- 2) XXXXXXXXXXX

If SS LTC wishes to see its requested changes in the Consultant Scope of Services before endorsing it, staff will incorporate the changes and return at the subsequent regular meeting for endorsement.

3. Project Name

If none of the proposed project names are to SS LTC’s satisfaction, it may select its own alternative. If such as the case, it could consider using the following resolution:

That the Salt Spring Island Local Trust Committee direct staff to use the following name for the Salt Spring Island OCP-LUB Update Project:

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

4. Major Project Business Cases

There is no alternative to staff providing this information, as SS LTC must begin developing business cases for the coming fiscal year in accordance with the Islands Trust budget cycle.

NEXT STEPS

If SS LTC accepts staff’s recommendations it will take the following next steps:

- Amend the project Terms of Reference as directed and post it to the project website
- Develop and post an RFP for a planning consultant based on the Consultant Scope of Services
- Provide the selected project name to contracted graphic designer to develop project branding and begin developing public-facing project materials

Submitted By:	Jason Youmans, Island Planner	May 29, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	May 29, 2024

ATTACHMENTS

1. OCP-LUB Update Project Terms of Reference – Proposed Amendments
2. OCP-LUB Update Project Consultant Scope of Services (Draft)



Salt Spring Island OCP-LUB Update Project Terms of Reference

Contents

BACKGROUND/CONTEXT	2
PURPOSE.....	2
PROJECT GOALS.....	2
PROCESS GOALS	2
PROJECT SCOPE	<u>3</u>
PLANNING PROCESS AND TIMELINE.....	<u>44</u>
COMMUNITY ENGAGEMENT	<u>7</u>
PROJECT ADVISORY COMMISSION.....	<u>88</u>
SUBJECT-AREA CONSULTANT-LED WORKING GROUPS	<u>8</u>
KEY COMMUNITY INTEREST HOLDERS	<u>99</u>
ROLES AND RESPONSIBILITIES	<u>9</u>
RELATIONSHIP TO OTHER INITIATIVES	<u>10</u>
BUDGET	<u>11</u>
DELIVERABLES	<u>11</u>
PROJECT CHANGE MANAGEMENT	<u>11</u>

BACKGROUND/CONTEXT

An Official Community Plan (OCP) is a statement of objectives and policies to guide local government decisions on planning and land use within the plan's geographic area.

Taken together, the policies that comprise an OCP form the medium-term vision of a community and provide predictability for residents about the community's priorities and the type of land use change they can expect to observe around them. Section 473 of the [Local Government Act](#) describes the required content of an OCP. Section 474 of the *Act* describes optional content that local governments *may* include in their OCPs.

Salt Spring Island OCP Bylaw No. 434 was adopted in 2008 and has undergone only a handful of amendments since that time; the last being a modest change to industrial lands policy in 2020.

A land use bylaw is the set of regulations that determines how land on the islands is used today. It includes matters such as:

- Uses
- Lot sizes
- Density
- Building location
- Building height

Salt Spring Island Land Use Bylaw No. 355 (adopted in 1999) was never comprehensively updated to enact the policy direction expressed in the OCP.

PURPOSE

The purpose of the Salt Spring Island OCP-LUB Update Project is to modernize the Salt Spring Island official community plan and land use bylaw to provide a framework that will guide residential growth and change on Salt Spring Island over the next decade or more. It will do so in a manner that addresses contemporary challenges while remaining consistent with the Islands Trust Policy Statement.

PROJECT GOALS

The goal of the Salt Spring Island OCP-LUB Update Project is to **increase housing options and housing equity** on the island in ways that integrate:

- The interests of First Nations with treaty and territorial interests in the Salt Spring Island Local Trust Area;
- Ecosystem integrity and connectivity; and
- Climate change resiliency.

PROCESS GOALS

The goals of the Salt Spring Island OCP-LUB Update Project process are to:

- Strengthen relationships with area First Nations through their early and ongoing engagement in ~~the design and execution of~~ a project process that reflects shared values;
- Ensure broad opportunities for community input through a robust public engagement process that reflects the diversity of the community;
- Ensure the Salt Spring Island OCP and LUB are consistent with the Islands Trust Policy Statement;
- Build on the strengths of the existing OCP by retaining those elements that continue to reflect the Island's aspirations; and

- Where appropriate, analyze and incorporate the evidence and recommendations of other governments, agencies, and non-governmental organizations and consider enacting policy and regulatory changes accordingly.

PROJECT SCOPE

The scope of the Salt Spring Island OCP-LUB Update Project will be guided by focus on the above-noted goal and consistency with the [Islands Trust Policy Statement](#).

The five themes below will define the structural parameters of the project:

A. Engage First Nations ~~in Process Design and Execution~~ Early and Ongoing

Thirteen (13) Nations have treaty and territorial interests in Salt Spring Island and many Indigenous people call the island home. Because a substantive update to the Salt Spring OCP and LUB may guide change on the Island for at least a decade, it is anticipated that area First Nations will take a significant interest in the OCP-LUB Update Project. It is important for SS LTC to understand those Nation's interests in the island and strive for a project process where those interests are understood and considered. For several years, First Nations with treaty and territorial interests on Salt Spring Island have told the Salt Spring Island Local Trust Committee (SS LTC) that they want to be at the table from the earliest days of major projects. As a substantive update to the Salt Spring OCP and LUB will guide change on the Island for at least a decade, it is anticipated that area First Nations will take a significant interest in the OCP-LUB Update Project and expect a level of involvement beyond simply commenting on policies as they are developed. This will take an investment of both time and budget, but will result in a product that is responsive to the [Islands Trust Reconciliation Declaration](#).

B. Update, Streamline and Build On Content in the Existing OCP and LUB

The existing OCP will be used as the point of departure for the update. While a number of community priorities have emerged that merit attention, Salt Spring Island Local Trust Area remains within the Islands Trust Area, and the OCP must be consistent with the Object of the Islands Trust. Therefore, it is anticipated that environmental protection and growth management policies in the current document will endure, albeit in a refreshed form. The Islands Trust Policy Statement is currently undergoing a major amendment, the results of which will inform the scale of change that a renewed OCP can invite. Experience has demonstrated that the current OCP is too prescriptive in areas where greater flexibility may be required to achieve community objectives.

The Land Use Bylaw will then be updated in accordance with the policy direction of the OCP.

This project will also be used to update demographic, contextual and technical information in both the OCP and LUB and to review the required content of OCPs under Section 473 of the [Local Government Act](#). Amendments will be drafted to communicate clearly and in plain language to improve accessibility of the document.

C. Use Existing Reports and Plans to Inform Policy and Regulation

Over the past five years Islands Trust and a number of local agencies and advocacy groups have published reports and plans that identify recommended actions for the LTC in high priority areas and other land use topics. These reports and plans should be the first point of reference as SS LTC considers updates to, and development of new, OCP policies and LUB regulations.

Guiding documents will include, but are not limited to:

- Islands Trust Reconciliation Action Plan
- Salt Spring Island Watershed Protection Plan
- Summary of Recommendations (SS LTC Housing Action Program Task Force)
- Homes for Islanders (Salt Spring Solutions)
- Salt Spring Island Community Wildfire Resiliency Plan (Capital Regional District), Salt Spring Island Active Transportation Plan (Capital Regional District)
- Salt Spring Island Area Farm Plan Renewal (Salt Spring Island Agricultural Alliance)

D. Use Islands Trust Housing Project Toolkit

This project will apply the project methodology proposed in the Islands Trust Housing Toolkit, which sets out a structured approach to LTC action on addressing housing issues. In particular, this project will use the Suitable Land Analysis that has been developed as part of the Toolkit to identify areas of the island that are more, or less, suitable for residential development. The data and mapping inputs into the Suitable Land Analysis will be customized to Salt Spring Island and developed in a transparent and engaged manner.

E. Update Existing Development Permit Areas and Consider New Development Permit Areas

Existing development permit areas should be revisited to ensure they are consistent with current best practices and evidence-based planning. Additional development permit areas should be considered, such as wildfire resiliency DPA and watershed protection DPA.

F. Develop Indicators to Monitor Success

Through this project a small suite of indicators will be developed and included in the OCP by which SS LTC and the general public can measure whether the goals of the update project are being achieved.

PLANNING PROCESS AND TIMELINE

The OCP/LUB Update Project is expected to take 30 months. Figure 1 provides an overview of the process, while Table 1 outlines the planning process showing key project phases, key activities and deliverables. While project activities are reasonably well defined, public engagement activities can be adapted based on the feedback of a Project Advisory Committee and other community interest holders, provided it meets overall project timelines and objectives.

Figure 1: Planning Process Timeline

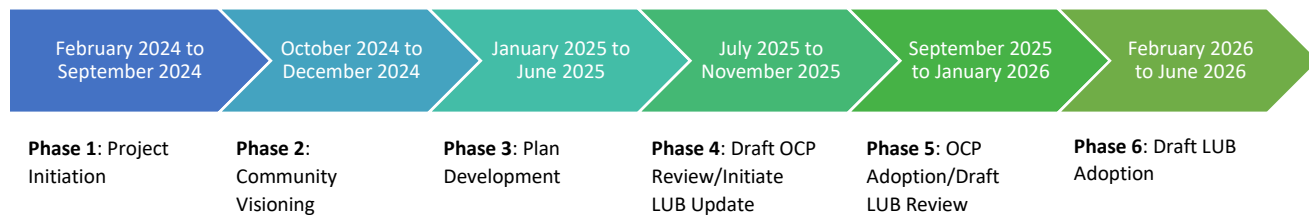


Table 1: Planning Process

PHASE	ACTIVITIES	KEY DELIVERABLES
<p>Phase 1</p> <p>PROJECT INITIATION</p> <p>February 2024 to September 2024</p>	<p><i>Early First Nations Engagement</i></p> <ul style="list-style-type: none"> • Advise of intention to launch OCP/LUB update project • Engage in discussions about co-development of project processinterests in process and outcomes • Understand capacity expectations to participate 	<p>Letters of Understanding with individual Nations or organizations representing multiple Nations</p>
	<p><i>Research and Analysis</i></p> <ul style="list-style-type: none"> • Complete Communities Assessment undertaken by consultant • Compile Baseline Conditions Report • Compile OCP policies that have not been implemented 	<p>Complete Communities Assessment Report</p> <p>Baseline Conditions Report</p> <p>Unimplemented Policies Report</p>
	<p><i>Community Engagement Preparation</i></p> <ul style="list-style-type: none"> • Procurement and Onboarding of Project Consultants • Develop project website and other communication materials • Identify key community interest holders • Form Project Advisory Committee • Confirm Engagement Strategy 	<p>Engagement Strategy</p> <p>Establish Project Advisory Committee</p> <p>Establish Consultant-Led Working Groups</p>
<p>Phase 2:</p> <p>TARGETED COMMUNITY VISIONING</p> <p>October 2024 to December 2024</p>	<p><i>Ongoing First Nations Engagement</i></p> <ul style="list-style-type: none"> • Understand First Nations vision and goals for Salt Spring Island 	<p>Phase 2 First Nations Engagement Summary</p>
	<p>Develop housing options and housing equity vision statement, identify key issues and assess priorities. This could include:</p> <ul style="list-style-type: none"> • Community events/workshops • Community-led group interest holder meetings • Community survey • Interest holder interviews • Meetings tailored to particular demographics or specific interest areas 	<p>Phase 2 Engagement Summary</p> <p>Vision Statement</p> <p>Comprehensive list of planning issues and priorities</p>

PHASE	ACTIVITIES	KEY DELIVERABLES
Phase 3: OCP DEVELOPMENT January 2025 to June 2025	Develop and explore policy options related to key issues through: <ul style="list-style-type: none"> • Project Advisory Committee meetings • Form consultant-led subject-area working groups as needed 	Preferred Policy Options
	Staff development of Draft OCP amendments	Draft OCP amendments
Phase 4: DRAFT OCP REVIEW and INITIATE LUB UPDATE	<i>Ongoing First Nations Engagement</i> <ul style="list-style-type: none"> • First Nations review of Draft OCP amendments 	Phase 4 Engagement Summary
	<ul style="list-style-type: none"> • Community events/open house to review Draft OCP amendments • Interest holder meetings • Survey to assess reception to the Draft OCP amendments 	Phase 4 Engagement Summary Final Draft OCP
July 2025 to November 2025	Staff development of Draft LUB amendments	Draft LUB amendments
Phase 5: OCP ADOPTION	<ul style="list-style-type: none"> • Final edits to the Draft OCP • Public Hearing • Executive Committee approval • Ministerial approval 	Adopted OCP Monitoring Plan
and DRAFT LUB REVIEW	<i>Ongoing First Nations Engagement</i> <ul style="list-style-type: none"> • First Nations review of Draft LUB amendments 	Phase 5 First Nations Engagement Summary
September 2025 to January 2026	<ul style="list-style-type: none"> • Community events/open house to review Draft LUB amendments • Interest holder meetings • Survey to assess reception to the Draft LUB amendments 	Phase 5 Engagement Summary Final Draft LUB
Phase 6: LUB ADOPTION February 2026 to June 2026	<ul style="list-style-type: none"> • Final edits to the Draft LUB • Public Hearing • Executive Committee approval 	Adopted LUB

PROJECT COMMUNICATIONS

Project communications will be addressed in detail through a standalone project engagement strategy and plan. In general, however, project communications will include the following component parts:

- A memorable project name and tagline¹
- A core visual style and suite of complementary graphics to be used for all initiatives and communication tactics throughout the project and corresponding engagement process. These graphics will be informed by the four integrated themes of the project: Housing options and housing equity; reconciliation with Indigenous People; ecosystem connectivity, and climate change resilience
- Tools and tactics to reach underrepresented segments of the population that are typically harder to reach through engagement processes
- Key messages that form the basis for communication materials, e.g., media releases, invitations, subscriber notices, posters, and enable the project team to speak with “one voice”, ensuring clear, concise, and consistent messaging across all communication. Key messages provide context, manage expectations around process and outcomes, and encourage people to become involved in the process. Key messages also communicate how participants’ input will be used. Engagement best practices suggest that participants will expect to know:
 - The project goals, boundaries or scope of the OCP-LUB update and the engagement process, i.e., what parts of the OCP-LUB are on the table vs. off the table at this time
 - how their input will be used to inform the OCP-LUB update
 - who will make the final decision, informed by community feedback, on the vision, goals, and land use concepts identified OCP-LUB
 - when and how the OCP and LUB updates will be adopted and implemented
- Accessing the following media channels as appropriate or available:
 - Social media
 - Print media
 - Print/digital promotion
 - Partnerships - Use local interest holding groups to amplify project messaging
 - Engagement Platform(s) Software

COMMUNITY ENGAGEMENT

Community engagement and participation is a fundamental part of the OCP/LUB Update planning process. While SS LTC retains final authority over whether the plan is adopted, a strong level of input and ownership is important for the plan’s legitimacy. The planning process will seek to be equitable and reach a broad spectrum of the community.

Community members will be able to participate in the planning process for the Salt Spring Island OCP/LUB Update in a number of ways, including:

- Applying to join the OCP-LUB Update Project Advisory Commission
- Being recruited to a consultant-led working group
- Participating in community-led engagement activities
- Completing community surveys
- Attending open houses
- Sharing ideas and thoughts with SS LTC when the plan is presented at LTC open meetings and/or public hearings

¹ If appropriate

The Salt Spring Island Local Trust Committee has requested that staff apply the principles of [Beyond Inclusion – Equity in Public Engagement](#) to this project. Those principles are:

- 1) Invite participation within an authentic and accountable engagement process
- 2) Plan early and proactively
- 3) Establish respectful relationships with Indigenous Peoples
- 4) Engage the internal diversity of a community
- 5) Work in a reciprocal relationship with communities
- 6) Tailor engagement plans to the context
- 7) Commit to ongoing learning and improvement
- 8) Advance systemic equity

A separate project engagement strategy and project engagement plan will be developed to implement the LTC's equity-focused engagement approach.

Engagement with First Nations and Indigenous island residents will be considered in a separate, but linked, First Nations engagement approach.

PROJECT ADVISORY COMMISSION

A Project Advisory Planning Commission will be established as a special advisory planning commission to provide advice to the Project Team and act as a filter before project materials are provided to SS LTC for consideration.

The Project Advisory Commission will be comprised of up to 7 individuals from the community, ideally with broad geographic, social, cultural and professional representation.

Key roles of the OCP-LUB APC will be to:

- Advise on community engagement to ensure broad outreach is effectively undertaken throughout the community;
- Promote the project and public engagement opportunities within the community;
- Provide support to staff and consultants at public engagement events;
- Review background documents as directed by staff; and
- Provide feedback to staff and SS LTC on plan concepts, policy options, and the draft plan

SUBJECT-AREA CONSULTANT-LED WORKING GROUPS

The consultant to lead engagement and policy option development on this project will establish subject-area working groups if the need for specialized expertise is identified.

The following subject-area working groups could be established:

- Housing Options and Housing Equity Working Group
- Climate Change Resiliency Working Group (with the following potential sub-groups):
 - Freshwater Sub-Group
 - Forest/Wildfire Sub-Group
 - Shoreline Sub-Group
- Short-term Rentals Working Group
- And other working groups, as needed.

Key roles of the consultant-led working groups will be:

- To review and synthesize relevant documents; and
- To provide policy advice based on document review and professional expertise

AGENCY WORKING GROUP

A working group of staff from government agencies with jurisdiction over various Salt Spring Island services will be convened to ensure that those interests are appropriately reflected in the planning process and final documents.

KEY COMMUNITY INTEREST HOLDERS

Table 3: Key Community Interest Holders

RESIDENTS	ADVOCACY GROUPS	SERVICE GROUPS	AGENCIES
Of Salt Spring Island Of British Columbia <ul style="list-style-type: none"> • Property owners • Renters • Seniors • Students and youth • Healthcare workers 	Advocacy groups are organizations that use various forms of advocacy to influence public opinion and public policy Examples on Salt Spring Island could include: <ul style="list-style-type: none"> • Chamber of Commerce • SSI Community Health Society 	Service groups are organizations that provide tangible social or physical services to the community Examples on Salt Spring Island could include <ul style="list-style-type: none"> • Islanders Working Against Violence • Salt Spring Conservancy 	Agencies are generally government or government-like organizations that provide physical or social services Examples on Salt Spring Island are: <ul style="list-style-type: none"> • Capital Regional District (CRD) • North Salt Spring Waterworks District (NSSWD)

ROLES AND RESPONSIBILITIES

Salt Spring Island Local Trust Committee

SS LTC are the project champions. They set the project priorities, allocate resources and are the ultimate approval authority.

Planning Staff

This project will be managed by the Regional Planning Manager, and coordinated by an Island Planner, with support from other planners and administrative staff as required. Staff will oversee consultants undertaking community engagement, technical studies and data acquisition and processing. Staff will lead the actual policy writing.

OCP-LUB Update Project Advisory Committee

The OCP-LUB Update Project Advisory Committee will provide advice to Planning Staff and SS LTC on matters concerning the project. It will receive draft strategies from staff or consultants before implementation, and review draft summaries and reports before submission to SS LTC. The Project Advisory Committee will have the opportunity to review the draft OCP or sections thereof as they are completed and make recommendations to staff for amendment before submission to SS LTC.

Residents and General Public

All individuals with an interest in the local area will be invited to participate in the planning process through providing input to identify issues and opportunities and review draft OCP concepts, plans and guidelines.

Interest Holder Groups

Interest holder groups such as service and advocacy groups will contribute to the planning process in the same way as residents, but may also be the subject of focussed consultation with respect to their particular areas of interest. Interest holder groups can also help with outreach, issue identification, opportunities and actions and reviewing policy options.

Consultants

Consultants may be retained to provide expertise or to undertake studies to supplement the expertise of the Project Team. Special topic areas could include community engagement, wildfire risk mitigation, watershed protection, and hazard areas.

RELATIONSHIP TO OTHER INITIATIVES

The OCP/LUB Update Project will ensure that the OCP advances, or considers opportunities to advance, other Islands Trust, agency, or community initiatives. Current initiatives that will influence the content of the OCP and LUB are:

Islands Trust Policy Statement: The Islands Trust Policy Statement is currently undergoing a renewal process of its own. It is anticipated that by the time a renewed Salt Spring Island OCP is ready for adoption the Policy Statement project will be complete. Any OCP adopted by the Salt Spring Island Local Trust Committee must be consistent with the Islands Trust Policy Statement.

Islands Trust Reconciliation Action Plan: The Islands Trust Reconciliation Action Plan describes the organization's path toward better relationships with the First Nations with treaty and territorial interests in the Islands Trust Area. The Salt Spring Island OCP-LUB Update Process should advance that plan, particularly Actions 3.2, 3.3 and 3.4.

Salt Spring Island Watershed Protection Plan: The Salt Spring Island Local Trust Committee recently endorsed a Watershed Protection Plan for the Island. The OCP-LUB Update Process should consider opportunities to advance the recommended actions of that plan.

Salt Spring Island Community Wildfire Resiliency Plan: The CRD recently completed a Wildfire Resiliency Plan for the island. This plan contains several actions that SS LTC can consider to support community wildfire resiliency. These actions could be advanced through the OCP-LUB Update Process. Alternatively, policies proposed through the OCP-LUB Update Process should not be inconsistent with the recommendations of the Resiliency Plan.

Salt Spring Island Active Transportation Network Plan: The CRD recently completed an Active Transportation Network Plan for the Island. The renewed OCP should facilitate or complement the actions proposed in that plan.

Current non-governmental initiatives that could influence the OCP-LUB Update Process include:

Transition Salt Spring Climate Action Plan 2.0: The 2020 Climate Action Plan authored by Transition Salt Spring provides a range of recommended actions that SS LTC could take to advance climate change resilience in the community. The OCP Update Process should consider opportunities to advance those recommended actions.

Salt Spring Solutions Homes for Islanders: This 2023 publication from Salt Spring Solutions proposes a range of initiatives that SS LTC could consider to advance housing options for middle and low-income earners on Salt Spring Island. The OCP Update Process should consider opportunities to implement the recommended actions of this report.

BUDGET

Item Descriptions	Total Budget Cost
Early and ongoing consultation with 13 First Nations with treaty and territorial interests on SSI	\$26,000
Consultant to conduct and facilitate a robust and inclusive public engagement program and policy options development	\$50,000
Consultants to provide technical review if required	\$10,000
Communication and educational info, printouts, mail-outs, brochures, posting of meetings and legal notifications	\$9,000
Technical support on virtual and in-person sessions, and facility rental for in-person sessions, open houses and community engagement meetings	\$3,000
Total	\$96,000

DELIVERABLES

The following deliverables will be achieved through the Salt Spring Island OCP-LUB Update Project:

1. Updated Salt Spring Island Official Community Plan
2. Updated Salt Spring Island Land Use Bylaw
3. Monitoring Plan

PROJECT CHANGE MANAGEMENT

A change management structure is proposed to ensure that the project achieves its intended objectives and outcomes on time and on budget. However, it is also understood that new information or developments often emerge in the course of public policy processes that may impact the original project plan. The Regional Planning Manager will bring forward substantial changes that would affect the project budget or timeline outlined in this Terms of Reference for LTC and approval. The evaluation will assess the following, as necessary:

- Budget and schedule impacts
- Alignment to the project objectives
- Contract implications
- Relational implications (public, inter-governmental)
- Feasibility and benefits of the change
- Complexity and/or difficulty of the change options requested
- Scale of the change solutions proposed
- Risk to the project in implementing the change
- Risk to the project in not implementing the change
- Impact on the project in implementing the change (time, resources, finance, quality)

May 28, 2024

Draft Scope of Services for OCP-LUB Update Planning Consultant

INTRODUCTION

The Salt Spring Island Local Trust Committee is seeking proposals from qualified consultants with recent experience in official community plan and bylaw development as well as equity-focused community engagement to support a targeted update to the Salt Spring Island Official Community Plan and Land Use Bylaw. The work will include the design – and delivery alongside staff – of community and interest-holder engagement.

Technical tasks for the consultant will include:

- review and implementation assessment of housing-related policy directions proposed in recent community-generated reports
- plan audit and housing policy gap analysis
- analysis of community engagement results
- development of targeted updates to the OCP's community vision and relevant objectives as they relate to residential land uses
- development of new policy options and drafting of next policy directions for residential land uses

This a housing-focused update, although all changes should also advance the integrated mandates of:

- Reconciliation with Indigenous peoples
- Climate Change resilience and
- Ecological integrity

This proposed Scope of Services reflects work that will span two fiscal years. Because of Islands Trust's annual budget process it will require two RFPs; one for fiscal year 2024/25 and one for fiscal 2025/26 once the project budget for that year is approved.

BACKGROUND

Like almost all communities in British Columbia, the Salt Spring Island Local Trust Area continues to struggle with a housing crisis. The high cost and limited availability of real estate and the traditional form that modern residential development has taken on the island means that there are few housing options for working families entering the market, small units for independent seniors, or homes to rent. Addressing this issue in the Islands Trust Area brings particular challenges, as solutions must be considered in the context of the Islands Trust object to preserve the natural environment and the area's unique amenities, and the resource constraints that characterize a rural island.

The overarching goals of this Salt Spring Island Local Trust Committee project is to **increase housing options and housing equity** on the island in ways that integrate:

- The interests of First Nations with treaty and territorial interests in the Salt Spring Island Local Trust Area;
- Ecosystem integrity and connectivity; and
- Climate change resiliency.

Several recent reports from Islands Trust and other local agencies and organizations help to inform the context of the OCP-LUB Update. These include:

- Salt Spring Island Complete Communities Assessment (*in progress*)
- Islands Trust Reconciliation Action Plan
- Salt Spring Island Watershed Protection Plan
- Summary of Recommendations (SS LTC Housing Action Program Task Force)
- Homes for Islanders (Salt Spring Solutions)
- Salt Spring Island Community Wildfire Resiliency Plan (Capital Regional District),
- Salt Spring Island Active Transportation Plan (Capital Regional District)
- Salt Spring Island Area Farm Plan Renewal (Salt Spring Island Agricultural Alliance)
- Salt Spring Island Climate Action Plan (Transition Salt Spring)
- Salt Spring Island Housing Needs Report (new one anticipated 2025, Capital Regional District, 2020)

THE COMMUNITY

With a population of nearly 12,000 people, plus many tourists and seasonal residents, Salt Spring Island is the largest, most populated, and most visited of BC's Gulf Islands. It has a rural character, with natural areas, agriculture, an artisan community, and an emphasis on health, wellness, and sustainability that appeals to residents and visitors alike. The island has three public elementary schools and a large high school that draws students from around the Gulf Islands. It has a hospital with a 24-hour emergency department, and an RCMP station staffed with on-island officers. The median age of Salt Spring Island residents is 56.4 years, more than a decade older than the provincial average of 42.8.

Land use planning is administered by the Islands Trust. The Islands Trust is a unique federation of local governments, with a provincial mandate to preserve and protect the unique amenities and environment. The Salt Spring Island Local Trust Committee develops and adopts community plans and land use bylaws for the Salt Spring Island Local Trust Area. The Capital Regional District provides a range of services on the island, as do a handful of improvement districts. The largest of these improvement districts, the North Salt Spring Waterworks District, provides potable water to more than 2,100 residential and commercial lots from two surface water sources.

Salt Spring Island is home to a rich biodiversity and a variety of ecosystems. In and around the area, there are 48 species at risk. The area is critical habitat for Dun Skipper butterflies, Gray's Desert-parsley and two species at risk: the Little Brown Bat and Sharp-tailed snake. Islands Trust acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial and honours the rich history, stewardship, and cultural heritage that embody this place we all call home. There are 13 First Nations with treaty and territorial interests in the Salt Spring Island Local Trust Area and Islands

Trust Council is committed to establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous Peoples.

PROJECT PURPOSE

Planning goals of the OCP-LUB Update Project are as follows:

Increase housing options and housing equity on the island in ways that integrate:

- The interests of First Nations with treaty and territorial interests in the Salt Spring Island Local Trust Area;
- Ecosystem integrity and connectivity; and
- Climate change resiliency.

Residential land use policies that emerge from this project should be either neutral in their impact on, or ideally advance, the integrated themes above.

Process goals of the OCP-LUB update project are as follows:

- Strengthen relationships with area First Nations through their early and ongoing engagement in a project process that reflects shared values;¹
- Ensure broad opportunities for community input through a robust public engagement process that reflects the diversity of the community;
- Ensure the Salt Spring Island OCP and LUB are consistent with the Islands Trust Policy Statement;
- Build on the strengths of the existing OCP by retaining those elements that continue to reflect the Island's aspirations; and
- Where appropriate, analyze and incorporate the evidence and recommendations of other governments, agencies, and non-governmental organizations and consider enacting policy and regulatory changes accordingly.

Expectations of the project consultant are as follows:

- Provide an equity-based community engagement and communications plan informed by [Beyond Inclusion: Equity in Public Engagement](#)
- Work with staff to develop targeted OCP amendments that balance planning and technical expertise with local values and community knowledge, to revise the OCP in a way that is embraced by the community
- Work with staff to develop OCP amendments that are clear and provide consistent guidance and direction for Council, staff, and the community at large
- Confirm the residential context of existing Land Use Designations or propose alternative Land Use Designations
- Articulate an updated community vision, and residential land use goals and objectives that

¹ This is not a responsibility of the project consultant

capture the unique context of Salt Spring Island

- Assess residential land use needs based on current data and projections; including linkages to the Complete Communities Assessment, housing needs assessment, community climate action and GHG profile, growth projections, and available land base
- Develop policies to manage the Ganges Village Area boundary and Fulford Village Area boundary and any future expansion
- Develop a new wildfire resilience development permit area in consultation with Salt Spring Island Fire Rescue and other relevant agencies, guided by the findings of the Salt Spring Island Wildfire Resilience Plan
- Develop additional development areas, or amend existing, to address project goals

FINAL DELIVERABLES

At the completion of the OCP Update, SS LTC expects to receive the following deliverables:

- Recommended amendments to relevant OCP vision, goals, objectives and policies, identifying the specific sections or clauses of the OCP to be amended
- A detailed Community Engagement Summary report
- An Action Plan for the OCP, including recommended OCP amendments that lists priorities for action along with the timeframe for implementation (immediate/short/medium/long term), and monitoring and evaluation metrics
- All maps in shapefile file format or another ESRI ArcGIS compatible format, plus a user-friendly format to be integrated on the Islands Trust website
- Delivery of all documents and materials collected throughout the project, to be retained as part of the public record
- Attendance at relevant SS LTC meetings

DESCRIPTION OF WORK

The following is an outline of the expected works to be completed. Additional topics and tasks may be added to the work plan as the project unfolds and new issues are identified.

FISCAL 2024/25 (to March 31, 2025)

Anticipated budget: \$50,000

Phase 1² – Project Initiation

- Convene key staff and consultant team for introduction and understanding of expectations

² See project phases and timelines in project Terms of Reference

- Develop and establish a roster of local resources with skills and expertise
- Develop a detailed Work Plan that aligns with the phases described in the project Terms of Reference, noting responsibilities for the consultant(s) and planning staff
- Develop, with staff, a detailed community and interest holder Community Engagement and Communications Plan to maximize local resources, existing events and identify opportunities for meaningful public participation in a practical context and using multiple platforms. The engagement plan should be developed to align with the phases set out in the Terms of Reference/Work Plan
- Consultation with OCP Advisory Committee to confirm approach established through initial meetings with staff
- Identify any missing expertise and develop a strategy to enhance the team, potentially with the use of sub-contractors

Phase 1 Deliverables

- A detailed Work Plan, with key deliverables, and a timeline with clearly defined and trackable milestones
- A comprehensive Community Engagement and Communications Plan
- Work Plan and Community Engagement and Communications Plan to be presented to SS LTC at a public meeting

Phase Two – Targeted Community Visioning

A. Plan Audit and Reports Review: Technical Review and Issues Identification

- Conduct a thorough review of the current OCP identifying areas that need improvement relative to the stated project goals
- Conduct a thorough review of recent relevant plans and supporting documents completed by the Salt Spring Island Local Trust Committee and other agencies and organizations that may inform the new OCP, providing observations about implementation relative to existing OCP and LUB policies
- Meet with planning staff, OCP Advisory Committee, and trustees to identify additional issues that need to be addressed in the OCP Review
- Report results of Technical Review and issues identified
- Prepare community engagement and interest-holder consultation materials to confirm findings with the public
- Interim Deliverables:
 - Report summarizing conclusions from OCP review and Gap Analysis
 - Report summarizing results of review of relevant plans and policies
 - Summary of Key Issues
 - Presentation of findings from Technical Review and Key Issues to OCP Advisory

Committee

- Prepare “Backgrounder” information packages on each of the Key Issues and topics identified³, with options, in preparation for engagement activities

B. Community and Interest-Holder Engagement

- Assist staff to prepare launch of community and interest-holder consultations
- Provide the public with results of work completed to date and Backgrounders about the intersection of residential land use and Indigenous reconciliation, climate change resiliency and ecological integrity
- Support staff presentation of findings of plan audit to the public and support public participation in further issue identification and validation
- Review current Vision, Goals and Objectives, both general and residential
-
- Lead community review of existing OCP vision and objectives to assess validity
- Interim Deliverables:
 - Analysis of community engagement results
 - Presentation of engagement summary to staff

C. Vision, Goals and Objectives

- Draft proposed amendments to Community Vision using knowledge gained from technical review of current OCP, engagement activities, and evaluation of community values
- Draft proposed amendments to General Goals and Objectives and Residential Land Use Objectives using knowledge gained from technical review and engagement activities

Phase 2 Deliverables

- First draft of the following revised OCP elements:
 - Revised Vision
 - Revised General Goals and Objectives; Revised Residential Land Use Objectives
- Present revised Vision, Goals and Objectives to Advisory Committee and LTC
- Summary report of works completed in Phase 2

³ Presumed to be the intersection of residential land use and Indigenous reconciliation, climate change resiliency and ecological integrity.

FISCAL 2025/26

Anticipated budget: \$50,000

Phase 3 – OCP Development

A. Community and Interest Holder Consultation

- Support staff to host public session to present, discuss, and confirm results of engagement activities undertaken in Phase 2
- Review draft revised Vision, Goals and Objectives:
 - Support staff to present proposed amendments to the public
 - Seek improvements for next draft
- Support staff to present and seek community input on options for growth management, guided by the outcomes of the Complete Community Assessment

Interim Deliverables

- Summary of results from public engagement on growth management
 - Community Map and refreshed OCP Maps markups and drafts

B. OCP Policy and Action Development

- Review Land Use Designations and propose revisions where appropriate to confirm future directions set in policies
- Draft Policies, Strategies and Actions using knowledge gained from technical review, consultation to date, and development of draft Vision, Goals and Objectives
- Draft new Wildfire Resilience development permit area
- Review existing Development Permit Areas and their guidelines against revised vision, goals and objectives, and in consideration of project goals
 - Draft amendments to existing DPAs or draft new ones
- Recommend amendments to OCP Maps based on new information gained through technical review, community consultation, and development trends
- Develop indicators with staff that reflect project goals will allow for realistic monitoring over the next 10 years

Phase 3 Deliverables

- Submit refined draft OCP amendments that include:
 - Draft Vision, and General Goals and Objectives
 - Draft Residential Land Use Goals and Objectives

- Draft Policies, Strategies, and Actions
- Draft Land Use Designations
- Draft Wildfire Resilience development permit area
- Draft additional development permit area amendments of new development permit areas
- Draft Indicators as developed through consultation with staff
- Present draft bylaw amendments to OCP Advisory Committee

Phase 4 – Draft OCP Review

A. Community and Interest Holder Consultation

- Present draft OCP bylaw amendments to the community
- Review and confirm what was heard in Phase Two Community Consultations
- Confirm Growth Management Strategies, Land Use Designations, Development Permit Areas, and OCP Maps
- Seek input on anything missing from the proposed OCP amendments

B. Final Revisions

- Make final changes following community engagement activities
- Prepare OCP amendments for final presentation

Phase 3 Deliverables

- Presentation of Final Draft OCP amendments and maps
 - Final Presentation to OCP Advisory Committee
 - Final Presentation to Staff
 - Final Presentation to SS LTC



DATE OF MEETING: June 6, 2024
 TO: Salt Spring Island Local Trust Committee
 FROM: Warren Dingman, Manager of Compliance and Enforcement
 Salt Spring Island Team
 SUBJECT: Bylaw File Update and Proposed Enforcement Policy

RECOMMENDATION

1. That the Salt Spring Local Trust Committee direct staff to close files for non-permitted dwellings where there are no concerns about health and safety; inadequate septic systems; and there are no contraventions in environmentally sensitive areas.
2. That the Salt Spring Island Local Trust Committee direct staff to revise and edit the proposed Bylaw Compliance and Enforcement Policy as necessary and bring it forward for future consideration.

REPORT SUMMARY

The purpose of this report is to provide a brief overview of the current number of open enforcement files on Salt Spring and to present a Bylaw Enforcement Policy document for review and consideration by the Local Trust Committee. The proposal is to incorporate all current standing resolutions for compliance and enforcement into a single document and to provide clarity on enforcement policies and allow staff discretion to close files.

CURRENT FILES

There 236 open files for Salt Spring and they are broken down as follows:

Development Permit	Foreshore	Home Occupation	Siting	Soil	STVR	Unenclosed Vehicle	Non-permitted dwelling	Density	Other land use
37	3	7	21	6	77	3	45	1	35

A total of 19 new files have been opened this year, and this is a slightly slower pace than in previous years, and the top concerns are the lack of development permits for work underway in designated Development Permit Areas, and non-permitted land uses such as the operation of campgrounds and the storage of derelict vehicles or travel trailers.

There remain 45 open files for non-permitted dwellings and it is recommended that they files be closed and that bylaw staff focus on other areas. Current Trust Council policies do not permit closure of such files as they are not minor contraventions and there is no compliance. Enforcement on the open short-term vacation rental files will remain a priority for the up-coming summer season.

TRUST COUNCIL POLICY

Trust Council Policy 5.5.1, which is attached, provides direction to staff and Local Trust Committees on when compliance and enforcement investigations will be commenced and closed; the priority of investigation; the role of Local Trust Committees in bylaw enforcement; use of mediation; when legal action should be commenced; confidentiality of complainants; and bylaw notice debt. However, it does not contain policies for the following:

- 1. Notice of Site inspections
- 2. Time to Comply
- 3. Frivolous or vexatious complaints
- 4. Definition of minor contraventions
- 5. Use of discretion

Trust Council policy states that Local Trust Committees can close files and adopt policies to address specific issues regarding compliance and enforcement, and the proposed policy document is an opportunity to ensure that those issues are addressed in an open and transparent manner, and to allow the Local Trust Committee the opportunity to provide additional direction to staff on how to conduct bylaw enforcement.

PROPOSED SALT SPRING ENFORCEMENT POLICIES

The proposed policy contains the current policies adopted by standing resolution and it also provides additional policies on when site inspections are to occur, or not occur, when files should be closed at the discretion of staff, and it also proposes proactive enforcement for siting and use permits. It also includes consideration on whether or not those subject to compliant should face enforcement or penalties if they are financially unable to comply.

RATIONALE FOR RECOMMENDATION

There are a large number of files for non-permitted dwellings that are covered by a deferred enforcement policy adopted by standing resolution. Those files should be closed in order to ensure that property owners are aware that they are no longer subject to enforcement or that the properties are being monitored by bylaw staff.

In regards to the policy document, local governments throughout British Columbia have bylaw enforcement policy documents that provide direction to staff regarding how bylaw compliance will be sought and how enforcement will be conducted. Within the Islands Trust, Local Trust Committees have been establishing such policies piecemeal and for individual issues through the adoption of standing resolutions. Establishing the policies into one document that can be readily accessed by staff and the general public should ensure a more efficient and open and transparent access to information and policies, and a better understanding of how bylaw enforcement is conducted.

ALTERNATIVES

- 1. That the Salt Spring Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Manager – Compliance and Enforcement	May 21, 2024
---------------	--	--------------

Attachments

- 1. Proposed Bylaw Enforcement Policy
- 2. Trust Council Policy 5.5.1

PROPOSED

Salt Spring Island Local Trust Committee Bylaw Enforcement Policy

Bylaw Enforcement Policy No. 1, effective ____XXX_____, 2024

Revision No. 1

Purpose

To establish policies and procedures for bylaw enforcement in the Salt Spring Island Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., that are within the authority of the Local Trust Committee to enforce, and that will ensure polices and procedures are efficient, transparent, reasonable, and consistent with local community standards.

PART A

1.0 Application

This policy will apply to the Salt Spring Island Local Trust Area and the enforcement of all applicable regulatory bylaws.

2.0 Definitions & Abbreviations

BEN – bylaw enforcement notice

LUB – Land Use Bylaw

LTC – Local Trust Committee

Minor structure – any structure that does not require a building permit, and that is not located in a development permit area or located within any other environmentally sensitive area

Respondent – a property owner whose property is subject to a bylaw enforcement complaint

3.0 References

Salt Spring Island Official Community Plan Bylaw No. 434

Salt Spring Island Land Use Bylaw No. 355

Salt Spring Island Soil Removal Bylaw No. 418

Piers Island Land Use Bylaw No 373

CRD – Zoning Bylaw (Planning Area No. 4) No. 103 (Prevost and Associated Islands)

4.0 Priorities

- 4.1** Enforcement on short-term vacation rentals that have no resident owner or operator on the property are a priority.
- 4.2** Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas, or other environmentally sensitive areas, or there are concerns about health and safety, or the lack of an approved septic system.
- 4.3** Enforcement on unlawful land uses where a property owner has submitted a planning application are a priority.
 - 4.3.1** If the applicant does not receive approval from the Local Trust Committee to continue the unlawful land use based on consideration of community needs while a planning application is being considered; enforcement will continue, including the issuance of violation notices or legal action.

5.0 Inspection

- 5.1** Bylaw Enforcement Officers are authorized under section 2.6.1 of the Salt Spring Island Land Use Bylaw No. 355 to enter any lot at any reasonable time to determine if regulations are being observed.
- 5.2** At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.3** Bylaw Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections.
- 5.4** If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.
- 5.5** If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

6.0 Enforcement Procedures

- 6.1** If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant bylaw.
- 6.2** Bylaw Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3** If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately.
- 6.4** If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application.
- 6.5** If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.
- 6.6** Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety

concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.

- 6.7 Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Compliance and Enforcement.

7.0 Closing Files

- 7.1 If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.
- 7.2 If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.
- 7.3 If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers can use their discretion to close the file.
- 7.4 If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.
- 7.5 If a Respondent is financially unable to comply with the LUB, the Manager of Bylaw Compliance and Enforcement can use his discretion to close the file.
- 7.6 If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the Manager of Bylaw Compliance and Enforcement can use their discretion to close the file unless there is work on a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.
- 7.7 The LTC will be notified when any file is closed.

8.0 Communications

- 8.1 When a file is opened and an investigation commenced, Respondents will be advised of the Trust Council Policy that authorized the opening of the file and that an investigation has commenced.
- 8.2 Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.
- 8.3 The Manager of Compliance and Enforcement will communicate with Trustees or the LTC if there are questions or concerns regarding individual files.
- 8.4 The Manager of Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting. **Alternative:** the Manager of Compliance and Enforcement will be available during regular meeting town hall sessions to answer questions regarding bylaw enforcement.

9.0 Reporting

- 9.1 The LTC will receive regular reporting for open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.

- 9.2 The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement on Salt Spring Island that they believe the LTC needs to be aware of.
- 9.3 The Manager of Compliance and Enforcement will maintain the Salt Spring Island Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.

PART B

Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy

Appointment of Screening Officers

Pursuant to section 7.2 of the Salt Spring Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 446, 2010, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Manager of Compliance and Enforcement; and
- 3) Bylaw Compliance and Enforcement Assistant.

Screening Officer Powers and Duties

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the Salt Spring Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

- 1) Regional Planning Manager. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, only the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 2) Manager of Compliance and Enforcement. In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, only the Manager of Compliance and Enforcement, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;
- 3) Bylaw Compliance and Enforcement Assistant. In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

Authorized Reasons to Cancel Bylaw Violation Notices

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

1. Voluntary compliance has been achieved with the LUB.

2. The Bylaw Violation Notice was issued to the wrong person;
3. The Bylaw Violation Notice was not completed properly.
4. It is unreasonable for the person to pay the penalty;
5. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists;
6. A permit exists or has been obtained that authorises the alleged contravention;
7. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:
 - a. The evidence is inadequate to show a contravention;
 - b. Incorrect information was relied on in issuing the Bylaw Violation Notice;
 - c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator.
8. It is not in the public interest to proceed to adjudication for one of the following reasons:
 - a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
 - b. An LTC resolution has deferred enforcement on the specific contravention;
 - c. The LTC has closed the file.
 - d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.



Policy:	5.5.1
Approved By:	Trust Council
Approval Date:	March 11, 1995
Amendment Date(s):	June 6, 1997; June 6, 1998; June 13, 2003; December 5, 2003; December 10, 2004; June 17, 2005; March 10, 2006; March 13, 2019, December 2, 2021
Policy Holder:	Director of Local Planning Services

BYLAW COMPLIANCE AND ENFORCEMENT

Purpose

The purpose of the bylaw compliance and enforcement program is to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.

A. Definitions

1. "Long-form information" means a complaint sworn before a Provincial Court judge by a bylaw compliance and enforcement officer

B. Policy

1. COMPLIANCE

- 1.1 Compliance is sought through a combination of education, mediation and enforcement techniques. Bylaw compliance is primarily sought through an attempt to achieve voluntary compliance. Voluntary compliance is indicated by a commitment to corrective action as soon as reasonably possible and the cessation of unlawful activity.

2. BEST PRACTICES MANUAL

- 2.1 The Bylaw Compliance and Enforcement Manager will maintain a best practices operating manual in accordance with the administrative fairness principles outlined in the BC Ombudsperson's report "[Bylaw Enforcement: Best Practices Guide for Local Governments](#)", March, 2016.

3. COMMENCING INVESTIGATIONS

- 3.1 Bylaw investigations may be commenced and an investigation file opened in one or more of the following circumstances:
 - 3.1.1 in response to written complaints of an alleged contravention made by any person;
 - 3.1.2 bylaw contraventions appear to occur in setbacks from water bodies or in development permit areas;
 - 3.1.3 bylaw contraventions appear to cause health and safety issues;
 - 3.1.4 bylaw contraventions appear to occur as part of a building permit process or other permitting process administered by a local government or the

- Islands Trust;
- 3.1.5 a referral is received from a permitting agency that identifies alleged land use bylaw contraventions associated with the permit request;
- 3.1.6 advertisements exist for apparently unlawful uses;
- 3.1.7 a Local Trust Committee directs staff to commence an investigation.

4. CLOSING INVESTIGATIONS

- 4.1 Bylaw investigation files can be closed in one or more of the following circumstances:
 - 4.1.1 if no contravention existed;
 - 4.1.2 if compliance has been achieved;
 - 4.1.3 on direction of a Local Trust Committee;
 - 4.1.4 if the Director of Local Planning Services concurs with the Bylaw Compliance and Enforcement Manager that the contravention is of a minor character and does not suit the public interest to enforce.

5. PRIORITY OF INVESTIGATION

- 5.1 The workload for bylaw investigations will be prioritized as follows:
 - 5.1.1 by specific direction of a Local Trust Committee;
 - 5.1.2 health and safety issues;
 - 5.1.3 adverse environmental impact that could result in irreversible damage if not prevented in a timely fashion;
 - 5.1.4 contraventions of land use bylaws and other bylaws.

6. MEDIATION

- 6.1 Bylaw investigation efforts to gain compliance should be conducted using the principles and techniques employed in mediation.
- 6.2 Persons alleged to have committed contraventions and complainants may be invited to participate in a process designed to:
 - 6.2.1 provide full information and exchange of information;
 - 6.2.2 confirm facts;
 - 6.2.3 explore opportunities for compliance;
 - 6.2.4 negotiate a timeline for compliance;
 - 6.2.5 reach a compliance solution.

7. LEGAL ACTION

- 7.1 If unlawful activity does not cease or if compliance is not achieved, a bylaw enforcement officer may:
 - 7.1.1 issue a bylaw violation notice; or
 - 7.1.2 make recommendations to the Local Trust Committee on how to proceed, including taking civil action or closing the investigation without compliance.
- 7.2 Immediate legal action may be recommended to Local Trust Committees or bylaw violation notices issued if impacts of unlawful activity risk serious harm to persons or the environment.
- 7.3 Offence Act prosecutions may be recommended to the Local Trust Committees under

the following conditions:

- 7.3.1 Offence Act prosecutions are to be used only for serious land use permit contraventions.
- 7.3.2 A long-form information may be sworn only after approval by a local trust committee; and
- 7.3.3 Executive Committee has approved legal funding for the prosecution; and
- 7.3.4 The long-form information has been reviewed and prepared by legal counsel.

8. BYLAW NOTICE DEBT

- 8.1 Debts incurred as the result of default on bylaw notices may be cancelled if the Director of Local Planning Services and the Bylaw Compliance and Enforcement Manager concur that contraventions on the subject property no longer exist, and it is not in the interest of Islands Trust to pursue the debt.

9. CONFIDENTIALITY

- 9.1 Information in regards to a complainant is kept confidential. However, confidentiality cannot be guaranteed should litigation proceed against the violator or where a request for information is received under the *Freedom of Information and Protection of Privacy Act*.

10. LOCAL TRUST COMMITTEES, TRUST COUNCIL, AND TRUSTEES

- 10.1 Trustees will be immediately advised when a bylaw investigation file is opened indicating the type and area where the contravention is alleged to occur but names and addresses of the complainant and alleged violator will not be communicated.
- 10.2 Trustees may make a written complaint alleging a bylaw contravention.
- 10.3 Local Trust Committees and trustees are not to be involved in the investigation of a complaint or the preparation of bylaw enforcement reports.
- 10.4 Local Trust Committees may make bylaw enforcement policies to direct compliance and enforcement in regards to specific issues.
- 10.5 Local Trust Committees may request reports about specific investigations or about general enforcement activity in the Local Trust Area.
- 10.6 Trust Council will be informed of the volume and type of bylaw enforcement files bi-annually.

C. Legislated References

- 1. [Islands Trust Act](#)
- 2. [Offence Act](#)

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- [BC Ombudsperson's report "Bylaw Enforcement: Best Practices Guide for Local Governments", March, 2016](#)
- [BC Local Government Bylaws>Bylaw Enforcement](#)



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 MOVED and SECONDED , that the Salt Spring Island Local Trust Committee directs staff to provide quarterly in-camera and public reports on on-going and current bylaw enforcement investigations and actions in the Salt Spring Local Trust Area. <p style="text-align: right;"><u>CARRIED</u></p>
2013-01-10	SSI-09-13	North Salt Spring Waterworks District Reporting	It was MOVED and SECONDED , that the Salt Spring Island Local Trust Committee request the North Salt Spring Waterworks District to report back to the Local Trust Committee every two years from the date of adoption of Proposed Bylaw 461 on: <ul style="list-style-type: none"> a) changes in water demand by the North Salt Spring Waterworks District customers with new secondary suites within the pilot area; b) total withdrawal from its system in relation to its licensed capacity; c) impacts on the Maxwell Lake, St. Mary Lake, and the district's water supply in general that can be attributed to the introduction of secondary suites within the pilot area. <p style="text-align: right;"><u>CARRIED</u></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>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt “Standing Resolution 2” as specified in Appendix 2 of the staff report dated May 25, 2016. (shown below):</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"> 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"> a) Removal and replacement of the dispersal system in its entirety. 2. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and where a health hazard exists as defined under the B.C. Public Health Act, an Authorized Person may carry out immediate, temporary repairs of the system that result in a further contravention to Bylaw 484 than that existing at the time the repair or alteration was started to prevent or contain the hazard. Permanent repairs or alterations that result in a further contravention of Bylaw 484 than that existing at the time the repair or alteration was started, or 1(a) above, should be supervised by a Professional and will require a development variance permit application to the Salt Spring Island Local Trust Committee following resolution of the emergency. 3. “Authorized Person” and “Professional” have the same meaning as in the Sewerage System Regulation. <p style="text-align: right;"><u>CARRIED</u></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	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee direct staff to provide a quarterly summary of application tracking.</p> <p style="text-align: right;"><u>CARRIED</u></p>
2018-08-16	SS-2018-177	Cannabis Regulation	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> • Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. • The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. • The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal. • However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: <ul style="list-style-type: none"> ○ Name of the applicant and a description of the proposal in general terms; ○ The location of the proposed establishment and the subject site; ○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered; ○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; ○ How public comments may be submitted to the Local Trust Committee. <p style="text-align: right;"><u>CARRIED</u></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>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee adopt the following standing resolution: that the Salt Spring Island Local Trust Committee request that Notices of Intention to apply for a Federal Cannabis License be included in the Local Trust Committee Regular Meeting agenda package.</p> <p style="text-align: right;"><u>CARRIED</u></p>
2019-04-30	SS-2019-88	Families as Stakeholders	<p>It was MOVED and SECONDED, That the Salt Spring Island Local Committee direct staff to include families as stakeholders in Project Charters and to propose family oriented engagement techniques, or to explain why such inclusion is not appropriate.</p> <p style="text-align: right;"><u>CARRIED</u></p>



SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-11-26	SS-2019-253	Reconciliation	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</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"> a) Annually, write a letter to First Nations, (re) introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations’ traditional territories within the Islands Trust Area. <p style="text-align: right;"><u>CARRIED</u></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>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee refer Agricultural Land Commission applications directly to the Agricultural Advisory Planning Commission, prior to consideration by the Salt Spring Island Local Trust Committee when:</p> <ul style="list-style-type: none"> a) Applications demonstrate either that local farming or the greater community would benefit and conditions of Official Community Plan policy B.6.2.2.16 apply, or b) Applications are for public recreation use and are consistent with the Official Community Plan. <p style="text-align: right;"><u>CARRIED</u></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>It was <u>MOVED</u> and <u>SECONDED</u>, that the Salt Spring Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ol style="list-style-type: none"> a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, temporarily cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue. d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application. <p style="text-align: right;"><u>CARRIED</u></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>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to amend standing resolution SS-2021-109 to state that enforcement activities will be deferred for all existing unlawful dwellings being used for residential purposes until there are safe, secure appropriate housing options that are affordable for all demographics and household types in perpetuity, except in the following circumstances:</p> <ul style="list-style-type: none"> a. there are concerns regarding health and safety; b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; d. there are concerns of possible contamination of wells or other drinking water sources; e. unlawful dwellings are in environmentally sensitive areas; f. there are non-permitted campgrounds; and, g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question. <p style="text-align: right;"><u>CARRIED</u></p>
2021-06-29	SS-2021-111	Bylaw Enforcement Policy on Portable Sawmills	<p>It was MOVED and SECONDED, that the Salt Spring Island Local Trust Committee adopt the following enforcement policy: Enforcement on portable sawmills will be deferred while the Local Trust Committee considers amendments to the Land Use Bylaw.</p> <p style="text-align: right;"><u>CARRIED</u></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>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force’s recommendation to defer enforcement of residential use in commercial accommodations, such as cabins, hotels, guest houses, and motels that provide long-term (more than 30 days) residency in order to offer an interim solution to the housing needs on Salt Spring Island.</p> <p style="text-align: right;"><u>CARRIED</u></p>
2021-12-14	SS-2021-237	First Nations Consultation for Proposed Antenna Systems	<p>It was MOVED and SECONDED, That the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the “Strategy for Antenna Systems” in the Local Trust Area:</p> <ol style="list-style-type: none"> a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders; b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites; c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act; d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase <p style="text-align: right;"><u>CARRIED</u></p>

Future Projects Report

Salt Spring Island

1. <i>OCP Amendments</i>	Responsible	Date Received
<ul style="list-style-type: none"> ·First Nations Heritage and Cultural Site Protection (Jan. 2015) ·Piers Island Bill 27 OCP Update (Dec. 2015) ·Marine Environment Protection (Foreshore Audit) (June 2016) ·Official Community Plan Review (Nov. 2017) ·Development of a Music Strategy (June 2020) ·Waste Transfer Stations (Waste Management Plan) (July 2020) ·Add a map of the Salish Sea Trail (Oct. 2021) ·Add public access to lake and marine shorelines as an eligible community amenity in Section H.3.2 of the Salt Spring Island Official Community Plan (Feb. 2022) 		06-Oct-2020

2. <i>Land Use Bylaw Amendments</i>	Responsible	Date Received

Future Projects Report

Salt Spring Island

06-Oct-2020

- Outer Islands (Feb. 2015)
- LUB Update: Affordable Housing (June 2015)
- Accessory Buildings Without a Principle Use (Dec. 2016)
- Technical and Minor Amendments (Mar. 2017)
 - Limit fence height to 2.4m; increase dock width from 1.2m to 1.5m; culverts as structures in waterbody setbacks
- Reduce Permitted Lot Coverage in Rural Upland Zones (Aug. 2018)
- Ganges Village Planning - Harbourwalk (Oct. 2019)
- Commercial Truck Parking and Storage (July 2020)
- Regulate Cannabis Production (Sept. 2020)
- Portable Sawmills (Nov. 2020)
- Review of the residential zoning of islets (Jul. 2022)
- Impacts of future lake levels of St. Mary Lake (Aug. 2022)

3. Direct Bylaw Enforcement

Responsible

Date Received

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

06-Oct-2020

4. Administrative Processes and Procedures

Responsible

Date Received

Future Projects Report

Salt Spring Island

·Land Use Contracts (Feb. 2015)

06-Oct-2020

·Soil Removal Bylaw update (Feb. 2015)

·Improving Communications (Mine permits for aggregate pits and quarries.) (Jan. 2020)

·Adding requirement for signs in the Development Procedures Bylaw (Sep 2020)

·including discriminatory remarks and inclusion and respectful conduct language to Sec 29 Order and Decorum of Bylaw 529 (Dec 2021)

5. *Advocate*

Responsible

Date Received

·none listed

06-Oct-2020

Salt Spring Island

1. OCP-LUB Update

Responsible

Dates

Next Steps:

2023-12:

- Issue RFP for Complete Communities Grant (project dependency)
- Report Project Plans for OCP-LUB Project to LTC for approval

Chris Hutton

Chris Buchan

Jason Youmans

Rec'd: 01-Apr-2023

Target: 12-Dec-2025

Most Recent:

2023-11: Ongoing First Nations Engagement, Terms of Reference approved by

Description:

There has been no comprehensive review of the SS OCP since its adoption in 2008, nor any review of the Land Use Bylaw since 1999. The need to update these bylaws is a priority in response to policy, social, and technological change and to address contemporary community challenges the current document no longer serves. Those challenges include a lack of affordable housing and housing options, growth pressures, climate resiliency planning, infrastructure issues (such as the water moratorium), workforce stability challenges, transportation networks, and First Nations Reconciliation. The SS OCP update is intended to provide a framework to guide the development of a complete community by diversifying and increasing housing options at appropriate locations, advancing First Nations Reconciliation, reducing infrastructure costs, reducing greenhouse gas (GHG) emissions, and improving walkability. The Land Use Bylaw update will improve land use planning regulation to ensure that regulations match the needs and expectations of land use in the community, in consideration of the OCP.

Salt Spring Island

2. *Ganges (Shiya'hwt/Syowt) Village Planning*

Responsible

Dates

May 18, 2023 - Project abeyed during additional work related to the LTC Work Program relating to grant applications and OCP-LUB Project Scoping.

Chris Hutton
Jason Youmans

Rec'd: 08-Jun-2020
Target: 31-Mar-2022

March 26 & 27, 2022-AHNE facilitates a workshop with GVTF. Final Report of all engagement activities anticipated for April or May LTC meeting.

Nov. 9, 2021 - Ahne Studio finalizes engagement plan with SS LTC and task force. Ahne and staff begin numerous engagement activities including: survey, ideas fair, walk shops, stakeholder virtual events, school engagement, pop-up engage3ment and community design charrette.

Task Force Meetings are ongoing.

March 11, 2021-TC approved \$97,000 project budget

Nov. 10 2020 - Project Charter, Public Engagement Framework, and Task Force Terms of Reference adopted. Endorsed applying for C2C funding.

Dec 14, 2022 - SS LTC endorsed funding for the Task Force to have a two-day workshop facilitated by Ahne Studio.

April 19, 2022 - Ahne Studio presented the engagement summary to SS LTC.

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:
 - To be brought forward following report out on well-monitoring
3. Weston Lake Water Availability Study:
 - Project completed, now working through follow-up resolutions.
4. Watershed Strategic Plan:
 - May 14, 2024: Plan developed. Implementation process under consideration.
5. Ongoing well-monitoring:
 - May 14, 2024: Synthesizing data to target report out in next 4 months.
 - Sept. 6, 2022: 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.
 - 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

Chris Buchan
Jason Youmans
William Shulba

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



Active Projects Report

Salt Spring Island

SSIWPA; up to \$80,000 from surplus funds to spend on a watershed strategic plan and Weston Lake Watershed Assessment
