



# Salt Spring Island Local Trust Committee

## Regular Meeting Agenda

Date: January 18, 2022  
Time: 9:30 a.m.  
Location: Community Gospel Chapel  
147 Vesuvius Bay Road, Salt Spring Island, BC

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	<b>Pages</b>
1. CALL TO ORDER	9:30 AM - 9:30 AM
2. APPROVAL OF AGENDA	
3. PREVIOUS MEETINGS	9:30 AM - 9:35 AM
3.1. Draft Minutes of the Salt Spring Island Local Trust Committee	
3.1.1. <u>Draft Minutes of the December 14, 2021 SSI LTC Regular Meeting</u> For Adoption	6
3.2. Resolutions Without Meeting Report - None	
3.3. Draft Minutes of the Advisory Planning Commissions	
3.3.1. <u>Advisory Planning Commission</u>	
3.3.1.1. <u>Draft Minutes of the November 25, 2021 Advisory Planning Commission Meeting</u> For Information	18
3.3.2. <u>Ganges Village Planning Task Force</u>	
3.3.2.1. <u>Minutes of the December 1, 2021 Ganges Village Planning Task Force Meeting</u> For Information	21
3.3.2.2. <u>Draft Minutes of the December 16, 2021 Ganges Village Planning Task Force Meeting</u> For Information	24
3.3.3. <u>Housing Action Program Task Force</u>	
3.3.3.1. <u>Minutes of the December 2, 2021 Housing Action Program Task Force Meeting</u> For Information	28
3.3.3.2. <u>Draft Minutes of the December 15, 2021 Housing Action Program Task Force Meeting</u>	32

For Information

3.4.	Local Trust Committee Public Hearing Record - None		
4.	<b>BUSINESS ARISING FROM MINUTES</b>	9:35 AM - 9:40 AM	
4.1.	<b>Follow-Up Action List</b>		35
	Report dated January 2022		
5.	<b>COMMUNITY INFORMATION MEETING - None</b>		
6.	<b>PUBLIC HEARING - None</b>		
7.	<b>REPORTS</b>	9:40 AM - 10:10 AM	
7.1.	<b>Policy and Standing Resolutions List</b>		48
	For Information		
7.2.	<b>Work Program Top Priorities Report</b>		60
	Report dated January 2022		
7.3.	<b>Projects List</b>		63
	Report dated January 2022		
7.4.	<b>Applications with Status Report</b>		66
	Report dated January 2022		
7.5.	<b>Expense Report</b>		86
	Report dated November 2021		
7.6.	<b>Islands Trust Conservancy Board Report</b>		87
	Report dated November 2021		
7.7.	<b>Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report - None</b>		
7.8.	<b>Ganges Village Planning Task Force - Chair's Update</b>	10:00 AM - 10:05 AM	
	Verbal Report		
7.9.	<b>Housing Action Program Task Force - Chair's Update</b>	10:05 AM - 10:10 AM	
	Verbal Report		
8.	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	10:10 AM - 11:10 AM	

8.1.	<b>Water Sustainability/Protection of the Coastal Douglas-fir Zone and Associated Ecosystems</b>	90
	Water Storage and Wildfire Hazard Development Permit Area - Staff Report	
8.2.	<b>Water Sustainability</b>	108
	Salt Spring Island Watershed Stewardship and Protection Plan - Staff Memorandum	

**9. CLOSED MEETING**

**9.1. Motion to Close the Meeting**

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

(e) the acquisition, disposition or expropriation of land or improvements, if the council considers that disclosure could reasonably be expected to harm the interests of the municipality;

(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose

... and that staff be invited to remain.

**9.2. Motion to Open the Meeting**

The Salt Spring Island Local Trust Committee re-open this meeting to the public subject to Section 89 of the Community Charter.

**9.3. Rise and Report**

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

10.	<b>TRUSTEE REPORTS</b>	12:00 PM - 12:10 PM
	Verbal Report	
11.	<b>CHAIR'S REPORT</b>	12:10 PM - 12:15 PM
	Verbal Report	
12.	<b>CRD DIRECTOR'S REPORT</b>	12:15 PM - 12:20 PM
	Verbal Report	
13.	<b>CORRESPONDENCE</b>	12:20 PM - 12:25 PM
	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>

13.1.	<b>M. Leichter to LTC - Dated January 5, 2022 - Concerning Rezoning applications for additional residences on SSI</b>		112
	For Information		
14.	<b>DELEGATIONS</b>		
14.1.	<b>M. Leichter - Concerning the Affordable Housing Program</b>	12:25 PM - 12:30 PM	114
14.2.	<b>J. McClean - Concerning: 1. the Housing Agreement for Meadowbrook and 2. the Vortex</b>	12:30 PM - 12:35 PM	116
15.	<b>TOWN HALL AND QUESTIONS</b>	12:35 PM - 1:05 PM	
16.	<b>APPLICATIONS AND REFERRALS</b>	1:05 PM - 2:30 PM	
16.1.	<b>SS-RZ-2020.2 - Proposed Bylaw Nos. 523 &amp; 524 - P. Hunt and M. Carr - 125 Churchill Road, SSI</b>		127
	Rezoning from R7 to C4(b) to Permit Commercial Use – Staff Report		
16.2.	<b>SS-DVP-2021.12 - D. Murphy - 181 Main Street, SSI</b>		180
	Development Variance Permit to vary the setback (and steps projecting into a setback) for an existing accessory building to a rear lot line - Staff Report		
16.3.	<b>SS-DVP-2021.20 - R. Raine - 1150 Sunset Drive, SSI</b>		193
	Development Variance Permit for a reduction in the setback to the natural boundary of the sea - Staff Report		
16.4.	<b>SS-ALR-2021.6 - N. Fraser and M. Fraser - 240 Atkins Road, SSI</b>		228
	Non-farm use in the Agricultural Land Reserve - Staff Report		
17.	<b>OTHER BUSINESS</b>	2:30 PM - 3:00 PM	
17.1.	<b>New Business</b>		
17.1.1.	<u>SS-ALR-2021.5 - K. Young and E. Lindstrom - 181 Beddis Road (Beddis Road Garage)</u>		294
	Community Need Request		
17.1.2.	<u>Shoreline Protection Model Bylaw Report</u>		295
	Briefing		
17.1.3.	<u>Applications Summary for 2021</u>		348

Memorandum

- 17.1.4. Request for Electronic Meetings for 2022 Special Business Meetings with the Agricultural Advisory Planning Commission and Salt Spring Island Agricultural Alliance 353

Staff Report

- 17.2. **Gulf Islands Senior Residence Association - Housing Agreement Schedule "A"** 354

For Information

**18. UPCOMING MEETINGS**

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on February 15, 2022 at the Community Gospel Chapel, 147 Vesuvius Bay Road, Salt Spring Island.

**19. ADJOURNMENT**



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

**Date:** Tuesday, December 14, 2021

**Location:** Lions Club, Hart Bradley Memorial Hall  
103 Bonnet Avenue, Salt Spring Island

**Members Present:** Peter Luckham, Chair  
Peter Grove, Local Trustee  
Laura Patrick, Local Trustee

**Staff Present:** Stefan Cermak, Regional Planning Manager (RPM)  
Geordie Gordon, Planner 2  
Rob Pingle, Recorder

**Media and Others Present:** Gulf Islands Driftwood Reporters  
Approximately 12 members of the public

These minutes follow the order of the agenda although the sequence may have varied.

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:30 a.m. Chair Luckham introduced himself, the Trustees and staff and humbly stated gratitude to live and work in Coast Salish First Nations treaty and traditional territory. Chair Luckham reported the meeting will be recorded and posted on the website.

### 2. APPROVAL OF AGENDA

The following additional item was presented for consideration:  
Item 8.2 Protection of Coastal Douglas-fir and Associated Ecosystems Project

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

### 3. PREVIOUS MEETINGS

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

##### 3.1.1 Draft Minutes of the November 9, 2021 SSI LTC Regular Meeting

**By general consent**, the minutes of the November 9, 2021 Salt Spring Island Local Trust Committee Regular meeting were adopted.

##### 3.1.2 Draft Minutes of the October 22, 2021 SS LTC Special Meeting

**By general consent**, the minutes of the **October 22, 2021** Salt Spring Island Local Trust Committee Special meeting were adopted.

**3.1.3 Draft Minutes of the November 18, 2021 SS LTC Special Meeting**

**By general consent**, the minutes of the November 18, 2021 Salt Spring Island Local Trust Committee Special meeting were adopted.

**3.2 Resolutions Without Meeting Report - None**

**3.3 Draft Minutes of the Advisory Planning Commissions**

**3.3.1 Advisory Planning Commission - None**

**3.3.2 Agricultural Advisory Planning Commission - None**

**3.3.3 Ganges Village Planning Task Force**

**3.3.3.1 Minutes of the November 3, 2021 Ganges Village Area Planning Task Force Meeting**

The minutes were received.

**3.3.3.2 Draft Minutes of the November 18, 2021 Ganges Village Planning Task Force Meeting**

The minutes were received.

**3.3.4 Housing Action Program Task Force**

**3.3.4.1 Minutes of the October 7, 2021 Housing Action Task Force Meeting**

The minutes were received.

**3.3.4.2 Minutes of the November 4, 2021 Housing Action Program Task Force Meeting**

The minutes were received.

**3.3.4.3 Draft Minutes of the November 17, 2021 Housing Action Program Task Force Meeting**

The minutes were received.

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

**4. BUSINESS ARISING FROM MINUTES**

**4.1 Follow Up Action List dated November 2021**

The report was received.

**5. COMMUNITY INFORMATION MEETING - None**

**6. PUBLIC HEARING - None**

**7. REPORTS**

**7.1 Policy and Standing Resolutions List**

The report was received.

**7.2 Work Program Top Priorities Report dated December 2021**

The report was received.

**7.3 Projects List dated December 2021**

The report was received.

**7.4 Applications with Status Report dated December 2021**

The report was received.

There was a question regarding the advancement of SS-RZ-2021.2 – 265 Lower Ganges Road. Planner Gordon spoke to the need to find an adequate water supply to allow for the density requested. Trustee Patrick spoke to the need for funding of a solutions lab to source water for affordable housing projects in Ganges.

There was a question regarding the advancement of SS-RZ-2017.2 – 221 Drake Road. Planner Gordon stated that reports from the applicant are required to move the project forward.

**7.5 Expense Report dated October 2021**

The report was received.

**7.6 Islands Trust Conservancy Board Report - None**

**7.7 Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report - None**

Trustee Patrick spoke to the recent meeting and the productive efforts of Kirk Stinchcome.

**7.8 Ganges Village Planning Task Force - Chair's Update**

Acting Chair McClean spoke to the positive work of the Task Force and the learning that is happening for the group especially around reconciliation. There is hope that they produce an integrative document that guides the development of Ganges and unifies the groups operating in the area.

## 7.9 Housing Action Program Task Force - Chair's Update

Chair Heitzmann spoke to the adoption of the motions at the last LTC meeting that will improve housing on the island. Task Force members are working on a review of the OCP. A matrix of the best ideas from the Task Force is being developed for presentation. Connecting with those that are hard to reach is a key factor of the public engagement plan that the Task Force is working on. Trustee Patrick spoke to a workshop retreat that the Ganges Village Area Plan is holding and the possibility of housing being a part of it so that Housing Action Program can engage in the discussion. Chair Heitzmann spoke to the eagerness to engage with the public and the help from the staff being positive but that resources are lacking such as current data.

## 8. LOCAL TRUST COMMITTEE PROJECTS

### 8.1 Ganges Village Area Plan

RPM Cermak spoke to the staff report dated November 23, 2021 regarding funding for the Task Force to hold a two-day workshop.

#### **SS-2021-232**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee endorses the re-allocation of funding within the Ganges Village Area Plan Project budget and additional staff time to have the consultant, Ahne Studio, facilitate a two-day workshop for the Ganges Village Area Plan Task Force.

**CARRIED**

#### **SS-2021-233**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to include a session on housing in the two-day workshop and invite the Housing Action Task Force to participate.

**CARRIED**

### 8.2 Protection of Coastal Douglas-fir and Associated Ecosystems Project

Trustee Patrick spoke to the upcoming staff report regarding wild fire hazard development permit area and water storage. She also spoke to the Coastal Douglas-fir and Associated Ecosystems Conservation Partnerships Conservation Strategy 2021 vision statement released December 2021 (<https://www.cdfcp.ca/>). There was discussion about the active management of the forests and how to share this information with the public. Trustees noted that they would bring it to the attention of the Executive Committee while staff noted that the Islands Trust Conservancy were partners in developing the strategy.

## 9. OTHER BUSINESS

### 9.1 2022 Salt Spring Island Local Trust Committee Regular Meeting Schedule

RPM Cermak presented a staff memorandum dated November 30, 2021 regarding Salt Spring Island Local Trust Committee 2022 Regular Meeting Schedule.

#### **SS-2021-234**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve the proposed 2022 Regular Meeting schedule as presented in Appendix 1 to establish a meeting schedule as required by Salt Spring Island Meeting Procedures Bylaw No. 391.

**CARRIED**

### 9.2 Draft Bylaw No. 529 - Meeting Procedure Bylaw

RPM Cermak presented a staff report dated November 30, 2021 regarding Proposed Procedures Bylaw Amendments.

Chair Luckham spoke to the need to include that discrimination will not be tolerated within the meeting order and decorum section. He also spoke to the need to present a motion in writing prior to the meeting being included in the procedures.

#### **SS-2021-235**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee Bylaw No. 529, cited as "Salt Spring Island Local Trust Committee Meeting Procedure Bylaw No. 529, 2021", be given first, second, and third reading.

**CARRIED**

#### **SS-2021-236**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee Bylaw No. 529, cited as "Salt Spring Island Local Trust Committee Meeting Procedure Bylaw No. 529, 2021", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

#### **SS-2021-237**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to review Section 29 Order and Decorum of Bylaw No. 529 for amendments to include discriminatory remarks and inclusion and respectful conduct language.

**CARRIED**

### 9.3 Standing Resolution for First Nations Consultation for Proposed Antenna Systems

RPM Cermak presented a staff report dated November 26, 2021 regarding Standing Resolution for First Nations Consultation for Proposed Antenna Systems.

**SS-2021-238**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the “Strategy for Antenna Systems” in the Local Trust Area:

- a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;
- b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites;
- c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act;
- d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and
- e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase.

**CARRIED**

**SS-2021-239**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee forward the staff report dated December 14, 2021 to the Regional Planning Committee.

**CARRIED**

**10. CLOSED MEETING**

**10.1 Motion to Close the Meeting**

**SS-2021-240**

At 10:55 a.m., **It was MOVED and SECONDED,** that the Salt Spring Island Local Trust Committee close this meeting to the public subject to Community Charter Section 90 (1):

- (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;
- (g) litigation or potential litigation affecting the municipality; and that staff be invited to remain.

**CARRIED**

**10.2 Motion to Open the Meeting**

**SS-2021- 241**

At 11:21 a.m., **It was MOVED and SECONDED**, that the Salt Spring Island Local Trust Committee re-open this meeting to the public subject to Section 89 of the Community Charter.

**CARRIED**

The meeting recessed for a lunch break at 11:21 a.m. and reconvened at 12:00 p.m.

Gary Holman joined the meeting at 12:00 p.m.

**10.3 Rise and Report**

Chair Luckham reported that the Salt Spring Island Local Trust Committee appointed Freyja Skye to the Housing Action Program Task Force.

**11. TRUSTEE REPORTS**

Trustee Grove presented the following report:

- Attended the hybrid Trust Council meeting via Zoom and appreciated the work of Chair Luckham.
- Next steps on the budget with a potential 5% increase was noted.
- Presented to the Rotary regarding the work of the Islands Trust and the activities happening on Salt Spring.

Trustee Patrick presented the following report:

- Reminded people to complete the Ganges Village survey and the search for more members of the task force.
- The Coastal Douglas Fir and Associated Ecosystems Conservation Partnership Conservation Strategy 2021 was highlighted and she read the vision statement from the December 2021 report.
- Plan H beta test course to support.
- November 19 "Ask Salt Spring" session was well received.
- Attended the hybrid Trust Council meeting in person and noted the passed housing resolution.
- SSIWPA meeting to protect water.
- Impacts of flooding was discussed at a regional meeting.

**12. CHAIR'S REPORT**

Chair Luckham presented the following report:

- Acknowledged the work of Trustee Grove on the budget committee as the chair and that the work is going out to the community for consultation.
- Commented on the other LTC meetings he attended and the regional forum.

**13. CRD DIRECTOR'S REPORT**

Director Holman presented the following report:

- Spoke to the issue of the Seabreeze Inne and the challenges for housing hospital staff and those supported by Community Services.
- The purchase by the Hospital Foundation is good for the community as the funding for Community Services to purchase was not supported by BC Housing.
- Working with both local organizations and any agencies to find alternative housing for the current tenants of the Inne.
- VanCity foreclosure on the Land Bank properties is providing an opportunity for new Non-Governmental Organizations to create housing.
- Open house at the Middle School on December 3rd was a success with about 200 attendees.
- He spoke to the work with the non-profits to act collaboratively and the opportunity for local governments to co-locate their offices in the building.
- Strategic review by SSIWPA is underway and shows promise for addressing drinking water and the North Salt Spring Water Works District (NSWWD) moratorium.
- Noted that for NSWWD to receive funding, it requires they join the Capital Regional District. The Province continues to address this issue by explaining that the need to address the issues by not needing a decision by the NSSWD until a grant is successful.
- Highlighted the improvements to the pathway from the Salt Spring Commons to Drake Road to direct foot traffic away from Fulford-Ganges Road.

#### 14. CORRESPONDENCE

##### 14.1 J. McClean to LTC - Dated October 29, 2021 - Concerning rents at 121 Atkins Road, SSI (Meadowbrook)

The correspondence was received.

##### **SS-2021-242**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee forward the correspondence to the Housing Action Program Task Force.

**CARRIED**

##### 14.2 D. Vega to LTC - Dated November 10, 2021 - Concerning SS LTC Resolution SS-2017-168

The correspondence was received.

##### 14.3 F. Skye to LTC - Dated November 15, 2021 - Concerning Housing Changes in the Agricultural Land Reserve

The correspondence was received.

##### 14.4 M. Best to LTC - Dated November 17, 2021 - Concerning resignation from the Ganges Village Planning Task Force

The correspondence was received.

**14.5 M. and G. Forsyth to LTC, with Trustee Patrick response and RPM Cermak comment - Dated November 23, 2021 - Concerning Housing on the farm**

The correspondence was received.

**14.6 O. McOuat to LTC, and Islands Trust reply - Dated October 19, 2021 -November 29, 2021 - Concerning Rogers Tower Update**

The correspondence was received.

**14.7 Chair Luckham to Cypress Land Services, cc. LTC - Dated November 29, 2021 - Concerning Rogers Cell Tower Proposal in Channel Ridge**

The correspondence was received.

**14.8 K. Martell on behalf of Islands Trust Conservancy to LTC - Dated December 2, 2021 - Concerning conservation covenants**

The correspondence was received.

**15. DELEGATIONS**

**15.1 J. McClean - Concerning a request to the LTC to set a deadline for GISRA to provide rental information on Meadowbrook**

Spoke to the lack of equitable housing on the island and her request for the EF0128 covenant deadline request. Wondered if the rents make housing inaccessible to seniors who are being displaced by the changes at the Seabreeze Inne. Believes the rent changes have been in excess of the provincial rules and that the SS LTC has an obligation to enforce the covenant.

**15.2 L. Maffi - Concerning the Vortex development proposal**

Spoke to her work experience as an anthropologist and that sustaining the natural environment is necessary to ensure community stays connected. Spoke to the connectedness of the First Nations with the community and that the preserve and protect mandate of the Islands Trust was a correction to the colonial aspects of the past European development. Developing on the proposed site is at odds with the work of the Islands Trust's preserve and protect mandate and the need to ensure the community stay connected to the natural environment.

**15.3 D. Rapport - Concerning the Vortex development proposal**

Atmospheric rivers are more likely in the future and create greater potential for impacts on development projects like the Vortex. The concern of sewage discharge during an extreme weather event into Fulford Harbour and the adjacent stream should result in erring on the side of caution to preserve and protect the environment as trustees are elected to maintain.

#### **15.4 F. Attorp - Concerning the Vortex**

Discussed the decisions made at the meeting in 2019 including the lack of First Nation consultation as well as legal pressure by the developer on the planning staff and statements by a trustee supporting the site being developed. Questioned the change of language in the staff reports from the first meeting to the December meeting. Spoke to the work of staff to educate the trustees and the need to pay more attention to them.

#### **16. TOWN HALL AND QUESTIONS**

Chair Luckham opened the Town Hall at 12:54 p.m.

A member of the public spoke to a Driftwood news article regarding housing bylaw enforcement changes by the SS LTC and their receiving of a letter from Bylaw enforcement regarding the use of their property.

Gary Holman left the meeting at 12:56 p.m.

#### **17. APPLICATIONS AND REFERRALS**

##### **17.1 SS-DP-2021.11 - J. Desrochers, Priority Permits Ltd. - 109 Purvis Lane, SSI**

RPM Cermak presented a staff report dated December 2, 2021 regarding a Development Permit for DPA1 (Installation of plastic backlit signs, of signs that do not comply with the local sign bylaw, or of signs that are to be placed more than 5 metres above the ground).

##### **SS-2021-243**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2021.11 (109 Purvis Lane).

**CARRIED**

##### **17.2 SS-DVP-2021.19 - D. McKerrell, Island Marine Construction - 110 Ontario Place, SSI**

Planner Gordon presented a staff report dated November 26, 2021 regarding a Development Variance Permit to permit a deck structure within the setback to the natural boundary of the sea.

Applicant Dave McKerrell spoke to the application.

##### **SS-2021-244**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit SS-DVP-2021.19.

**CARRIED**

##### **17.3 SS-ALR-2021.5 - K. Young - 181 Beddis Road, SSI**

Planner Gordon presented a staff report dated December 1, 2021 regarding Non-farm use to permit temporary parking of vehicles on agricultural land.

Applicants Kimberly Young and Erik Lundstrom spoke to the application.

**SS-2021-245**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.5 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:

- a. Existing and future agricultural use and/or potential of the subject property;
- b. The zoning of the property and intended use;
- c. The surrounding land uses of the subject property;
- d. Whether the Salt Spring Local Trust Committee should support the non-farm use application.

**CARRIED**

**17.4 SS-RZ-2017.3 - J. Colligan - 2188 North End Road, SSI**

Planner Gordon presented a staff report dated November 26, 2021 regarding a proposal to Rezone to Rural Zone Variation to Allow Existing Cottage to be Designated as Affordable Housing.

Applicant Jamie Colligan spoke to the application.

**SS-2021-246**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee Bylaw No. 521, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2019" be read a first time.

**CARRIED**

**SS-2021-247**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request that staff refer Bylaw No. 521 to agencies, organizations, and Local Trust Committees, as identified in the staff report dated December 14, 2021.

**CARRIED**

**SS-2021-248**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee has reviewed the Directives Only Policy Checklist and determined that proposed Draft Bylaw No. 521 is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**SS-2021-249**

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff refer the potable water assessment report dated September 2021 to the Ministry of Forests, Lands, Natural Resource Operations & Rural Development for comment, specifically on sustainable yield and the likelihood of hydraulic connection.

**CARRIED**

**18. UPCOMING MEETINGS**

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on Jan 18, 2022 at the Community Gospel Chapel, 147 Vesuvius Bay Road, Salt Spring Island.

**19. ADJOURNMENT**

**By general consent** the meeting adjourned at 1:41 p.m.

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Peter Luckham, Chair

**CERTIFIED CORRECT:**

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Rob Pingle, Recorder



# Salt Spring Island Advisory Planning Commission

Minutes of a Regular Meeting

**Date of Meeting:** Thursday, November 25, 2021

**Location:** Baptist Church, Lower Level Meeting Room  
520 Lower Ganges Road, Salt Spring Island

**Members Present:** Jeff Thompson, Chair  
Jean Brouard, Commissioner  
Ron Cooke, Commissioner  
Nancy Krieg, Commissioner  
Leigh Large, Commissioner  
Stanley Shapiro, Commissioner

**Regrets:** Francine Carlin, Commissioner  
Neil Morie, Commissioner  
Mairi Welman, Vice Chair

**Staff Present:** Stefan Cermak, Regional Planning Manager (RPM)  
Kristine Mayes, Planner 1  
Sarah Shugar, Recorder

**Media and Others Present:** Laura Patrick, Local Trustee  
Applicant Doug MacAlpine (by phone)

These minutes follow the order of the agenda although the sequence may have varied.

Chair Thompson called the meeting to order at 1:06 p.m.

**1. APPROVAL OF AGENDA**

By general consent the agenda was adopted.

**2. MINUTES OF PREVIOUS MEETING**

**2.1 Draft Minutes of the October 21, 2021 APC Meeting**

By general consent, the minutes of the September 16, 2021 Salt Spring Island Advisory Planning Commission meeting were adopted.

**3. BUSINESS ITEMS**

**3.1 Draft Bylaw No. 527 – Fees Bylaw**

RPM Cermak presented a Staff Memorandum dated November 25, 2021 regarding Referral of Draft Fees Bylaw – Consideration of Community Benefit.

In discussion the following comments and questions were noted:

- There was a question regarding whether the application fees cover all of the costs related to processing an application. RPM Cermak reported generally the fees cover the majority of the costs although in review there is a need to increase for cost recovery for rezoning applications.
- There was a question regarding what the financial impacts would be if more applications were deemed to provide a community benefit. RPM Cermak reported the draft bylaw only applies to Temporary Use Permit (TUP) applications having community benefit and the loss of revenue would likely be minimal.
- There was a question regarding why community benefit is only applied to TUP applications. For example, there could be a reduced fee structure for specific community benefits. RPM Cermak reported any application that is related to protection of the natural environment is reduced.
- There is an option for fee sponsorship when an application is deemed to have significant community benefit such as a non-profit.
- There was a question regarding why this draft bylaw was referred to the APC. Trustee Patrick reported the LTC would like the APC to consider the definition of “community benefit”. RPM Cermak read the definition of community benefit as “Community benefit refers to an application that results in provision of an amenity that is of value to the community and identified in the Official Community Plan as a community amenity”.
- There was a suggestion to include shoreline and lake access as a community benefit.
- There was a suggestion that aging in place design be considered such as crosswalk design etc.
- There was a question regarding the cost savings. RPM Cermak reported a Temporary Use Permit for residential, commercial or industrial use is \$2,150 and a Temporary Use Permit for residential, commercial or industrial use under 95 square meters that provide a community benefit would be \$1,000. Renewal of a Temporary Use Permit for residential, commercial or industrial use is \$700 and renewal of a Temporary Use Permit for residential, commercial or industrial use under 95 square meters that provide a community benefit would be \$350.
- There was a question regarding why the draft bylaw only applies community benefit to TUPs.
- There was a comment that adding requirements may slow down application processing.
- There was a suggestion that providing community benefit could expedite processing of an application. RPM Cermak reported there is an option for extraordinary processing services.

**By general consent**, the Salt Spring Island Advisory Planning Commission recommend the Salt Spring Island Local Trust Committee amend the definition of “community benefit” in the Salt Spring Island Official Community Plan to include Public Access to the Shoreline and Lakes.

**By general consent**, the Salt Spring Island Advisory Planning Commission supports Draft Bylaw No. 527 – Fees Bylaw in principle.

### 3.2 Proposed Bylaw No. 525 – 1351 Mountain Road

Planner Mayes presented a memorandum dated November 16, 2021 regarding an application to make lawful an oversized boathouse and to establish a 15-metre setback from the natural boundary of the sea.

Applicant Doug MacAlpine spoke to the application by phone.

In discussion the following comments and questions were noted:

- There was a question regarding how this application became an issue in the first place. Planner Mayes reported the initial application included a second dwelling and has been reduced to make lawful an oversized boathouse and the 15-metre setback from the natural boundary of the sea was a result of an archaeological overview assessment.
- There was a comment that this property has been developed for decades and nothing new is being built or disturbed.
- There was a question regarding whether the application was referred to the Department of Fisheries and Oceans. Planner Mayes reported there is a crown lease for the dock and date of construction is unknown.
- There was a question regarding the archaeological potential. Planner Mayes reported Proposed Bylaw No. 525 would ensure any new buildings or structures would have to be setback 15-metres from the natural boundary of the sea.
- There was a question regarding whether the applicant supports the proposed bylaw. Applicant MacAlpine reported he supports the draft bylaw.

**It was MOVED and SECONDED,**

That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee to proceed with Proposed Bylaw No. 525.

**CARRIED**

4. **OTHER BUSINESS - none**

5. **ADJOURNMENT**

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

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Jeff Thompson, Chair

**CERTIFIED CORRECT:**

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Sarah Shugar, Recorder



## Ganges Village Area Planning Task Force Meeting Minutes

**Date:** Wednesday, December 1, 2021

**Location:** Baptist Church, Lower Hall  
520 Lower Ganges Road

**Members Present:** Bob MacKie  
David Dunnison  
Jenny McClean  
John Gauld  
Sebastian Moffatt

**Regrets:** None

**Absent:** Jesse Brown

**Staff Present:** Rob Pingle, Recorder

**Others Present:** None

These minutes follow the order of the agenda although the sequence may have varied.

Acting Chair McClean called the meeting to order at 5:33 p.m. and acknowledged the meeting is being held in Coast Salish First Nations treaty and traditional territory.

### 1. AGENDA

#### 1.1 Approval of the Agenda

The following amendments to the agenda was presented for consideration:

Change item 3 to Members Reports

Add to 5.1 General Discussion the following items

- SSI Arts & Culture Facilities Framework report
- Suggestions for improving process going forward
- Case examples of plans that can serve as a model of Ganges.

Member Moffatt arrived at 5:40 p.m.

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

ADOPTED

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## 2. MINUTES OF PREVIOUS MEETINGS

### 2.1 Approval of Draft Minutes for November 18, 2021

**It was MOVED and SECONDED,**

That the minutes of the November 18, 2021 Ganges Village Area Task Force meeting be adopted.

**CARRIED**

## 3. MEMBERS REPORTS

Acting Chair McClean spoke to her attendance at the SSI Transportation Commission meeting. She shared a document about the major traffic incidents in the Ganges area. She spoke to the difference between the Harbour Walk and the Harbour Path. She would like to discuss the possibility to having a presenter coming to a future meeting to speak to the history of these things.

Member Gauld spoke to his work in affordable housing. He spoke of the societies that are working in the Greater Victoria region and how they interact with BC Housing and funding opportunities. The challenges on Salt Spring are the water access and zoning issues that make it difficult to line up with the funding cycles. He spoke to the opportunity to include zoning for this type of project within the Ganges village area plan to address the challenges.

Member Moffatt spoke to his opportunity to meet with the owner of the property that has Windsor Plywood on it. It was noted that the owner would be interested in relocating Windsor Plywood to allow a new idea to occur on the land if someone helped to find a suitable place for the business to move. There was discussion about the suitability of the site for the current business moving forward and that although time is of the essence it may be better to complete the planning process. There was discussion about how much time was available to address this change opportunity in the community. There was discussion about how the Task Force has the opportunity to assist the LTC Trustees in creating reasonable alternatives.

Member MacKie spoke to being in attendance at the Islands Pathway AGM. There was discussion about the safety of street crossings in the Ganges village area.

Member Dunnison spoke to public art that he saw on a recent trip to Bellingham, WA. He spoke to the efforts that have been made to connect people with the community and the significant First Nations exhibit at the museum.

## 4. ADMINISTRATIVE UPDATE

### 4.1 Ganges Village Area Planning Task Force Resolutions

It was requested that the items be numbered and the complete items be shaded to allow for easier discussion of the incomplete items. This will also allow for the creation of a priority list.

## 5. OTHER BUSINESS

### 5.1 General Discussion

Indigenous collaboration was not discussed.

There was discussion about the CRD tour of the SIMS building. Acting Chair McClean discussed her interest in representing the Task Force as a participant. Member MacKie expressed that he would be interested in attending as well.

There was general consensus that the members attend the tour and report back to the Task Force.

Speaker Invitation to next meeting was not discussed

There was discussion about the SSI Arts & Culture Facilities Framework in relation to the SIMS building. It was noted that there was great interest in the building for the arts. There was discussion about the CRD Parks & Rec Commission work to maintain the building for public use.

There was discussion about the suggestions for improving the process going forward after a member met with Trustee Patrick. It was discussed that it would be more beneficial if the Trustees came to speak to the Task Force directly. It was noted that an electronic version of the report will be shared with all members to allow for more discussion at the next meeting. There was discussion about the staff resources and time available to ensure deep research questions are addressed.

There was discussion about the case examples that could serve as a model for the Ganges village process.

Members Gauld and MacKie left the meeting at 7:16 p.m.

There was discussion about the themes that could be discussed at each meeting.

## 6. ADJOURNMENT

The meeting adjourned at 7:33 p.m.

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Jenny McClean, Acting Chair

CERTIFIED CORRECT:

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Rob Pingle, Recorder



## Ganges Village Area Planning Task Force Meeting Minutes

**Date:** Thursday, December 16, 2021

**Location:** Baptist Church, Lower Hall  
520 Lower Ganges Road

**Members Present:** Bob MacKie  
David Dunnison  
Jenny McClean  
Sebastian Moffatt  
John Gauld

**Regrets:** None

**Absent:** Jesse Brown

**Staff Present:** Louisa Garbo, Island Planner  
Geordie Gordon, Planner 2  
Rob Pingle, Recorder

**Others Present:** Peter Grove, Trustee  
Jennifer Fix, Ahne Studio (by phone)  
Lucas Ozols-Mongeau, Ahne Studio (by phone)  
One member of the public

These minutes follow the order of the agenda although the sequence may have varied.

Acting Chair McClean called the meeting to order at 10:08 a.m. and acknowledged the meeting is being held in Coast Salish First Nations treaty and traditional territory.

### 1. AGENDA

#### 1.1 Approval of the Agenda

By general consent, the agenda was adopted.

### 2. MINUTES OF PREVIOUS MEETINGS

#### 2.1 Approval of Draft Minutes for December 1, 2021

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

That the minutes of the December 1, 2021 Ganges Village Area Task Force meeting be adopted.

**CARRIED**

DRAFT

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### **3. PUBLIC ENGAGEMENT ACTIVITIES UPDATE (AHNE STUDIO)**

There was discussion about the recent Local Trust Meeting resolution to engage Ahne Studio to facilitate the two-day retreat.

Jennifer Fix and Lucas Ozols-Mongeau joined by phone at 10:15 a.m.

Ahne Studio spoke to the engagement activities held in Ganges this month and noted 380 survey participants so far. Lucas did mobile pop-up engagements. The Walk shops, conversation circle, and drop in event were successful. 30 people attended the drop-in event with deep engagement happening on multiple stations focused on planning ideas for the Ganges Village.

Demographic information for the survey participants thus far was discussed to identify who has not been represented in the data collection. Pop-up engagement locations were identified as Creekside Commons, Country Grocer and the Rainbow Road Pool. Waterfront access was a major theme.

School engagement was identified as a next step in the new year as well, as focused virtual sessions in thematic groups. Community agencies have been contacted directly to ensure participation in these virtual sessions.

A member discussed the possible technical issue of the afternoon walk shop session being advertised as full. It was noted that there was a time limit to enrolling so that preparations could be made. There was also discussion of the vaccine passport requirement for the library drop-in event. It was noted that one participant that did not have proof of vaccination was engaged outside the building with a member of the team. Family Place was identified as a good agency to connect with to engage the young families on the island.

Member Moffat arrived at 10:32 a.m.

There was discussion about the high quality engagement at the walk shops and drop-in event.

Next steps were presented by Jennifer and how the information will be shared with the Task Force. The community charrette, a second survey and meeting with a community knowledge keeper was discussed.

Jennifer and Lucas left the meeting at 10:40 a.m.

### **4. MEMBERS REPORTS**

Acting Chair McClean spoke to the resolution by the Local Trust Committee to include the Housing Task Force to participate in the planned design workshop for the Ganges Task Force. The length, timing and content of the workshops were discussed.

There was discussion regarding the need for member reports as part of the agenda.

### **5. ADMINISTRATIVE UPDATE**

**5.1 Draft Bylaw No. 527 – Fees Bylaw - Staff Memorandum**

Planner Gordon presented the Fees Bylaw Memorandum.

There was discussion about the addition of parking to the community amenities list. There was discussion about the intersection of community amenities and temporary use permits. There was discussion about the addition of public art to the list as well as the broadening of the Environmentally Sensitive Areas section. There was discussion about the provision of and maintenance to public boardwalks. There was discussion about the provision of waste removal as a community benefit.

**5.2 Ganges Village Area Planning Task Force Resolutions**

The information was received.

**5.3 2007 Report Review**

There was a question about the 25% local electricity generation item, the lack of action on the item and how this could be addressed in the future. There was discussion about how items can be made actionable for the future plan.

Member MacKie left the meeting at 11:30 a.m.

There was discussion about the specificity of jurisdiction that is required when the Local Area Plan is adopted. It was considered asking staff which items are eligible for a Local Area Plan and which were not, so that the Task Force’s time is used effectively. It was noted that the Salt Spring Island Official Community Plan includes “Others are encouraged to” items that could be relevant to the Task Force and making the Local Area Plan effective. There was discussion about strategic planning versus tactical planning that can be included in the Local Area Plan.

**5.4 Mapping Request update**

Staff asked members to consider the combined layers and the area to be represented in the maps for the next meeting.

**5.5 2022 meeting dates and times**

Staff noted that in 2022 meetings will only be held on third Thursday of the month from 10:00 a.m. to 12:00 noon as resolution number 18 has expired.

**6. OTHER BUSINESS**

**6.1 General Discussion**

There was insufficient time to move to this subject.

**6. ADJOURNMENT**

The meeting adjourned at 12:12 p.m.

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Jenny McClean, Acting Chair

CERTIFIED CORRECT:

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Rob Pingle, Recorder

DRAFT



## Salt Spring Island Housing Action Program Task Force Meeting Minutes

**Date:** Wednesday, December 2, 2021

**Location:** Baptist Church, Lower Level Meeting Room  
520 Lower Ganges Road, Salt Spring Island

**Members Present:** Rhonan Heitzmann, Chair  
Kerrie Proulx, Vice Chair  
Maïkan Bordeleau  
Yvonne Saunders  
Stanley Shapiro  
Daniel Wood

**Absent:** Bryce Chapman

**Regrets:** Nejmah Guermoudi  
Jessica Terezakis

**Staff Present:** Louisa Garbo, Island Planner  
Geordie Gordon, Planner 2  
Rob Pingle, Recorder

**Others Present:** None

These minutes follow the order of the agenda although the sequence may have varied.

The meeting was called to order at 10:10 a.m. Chair Heitzmann welcomed the task force members and acknowledged the meeting is being held in Coast Salish First Nations treaty and traditional territory.

### 1. CALL TO ORDER

#### 1.1 Approval of Agenda

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

### 2. MINUTES OF PREVIOUS MEETINGS

#### 2.1 Approval of Draft Minutes for November 17, 2021

**By general consent**, the minutes of the November 17, 2021 Housing Action Program Task Force meeting were adopted.

### 3. BUSINESS ITEMS

ADOPTED

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### **3.1 Housing Action Program Task Force Resolutions**

The Housing Action Program Task Force Resolutions to November 4, 2021 document was presented.

### **3.2 Draft Bylaw No. 527 – Fees Bylaw - Staff Memorandum**

Staff presented the updated Fees Bylaw for comment on the language of community benefit in the Official Community Plan.

There was discussion about the ability for applicants to have reduced fees when making applications for affordable housing as well as the feasibility of housing agreements to regulate affordable housing.

Additional discussion ensued:

- Concerning the addition of beach access as being a suitable suggestion of community benefit, as was proposed by the Advisory Planning Committee.
- There was discussion about the timeline for making a suggestion of expanding the language of community benefit by the Task Force.
- There was discussion about requesting staff to report back to the Task Force on language used by other local governments regarding community benefit.

**By general consent**, the memorandum was accepted for information and would be kept in mind when the Task Force reviews the Official Community Plan.

### **3.3 Official Community Plan review matrix**

Staff spoke to a matrix process to review the Official Community Plan (OCP).

- There was discussion about how many members could comment on each section of the OCP.
- There was discussion about the equity and efficiency of the matrix presented. The members agreed that they would contact staff regarding the two sections of the OCP that they were most interested in providing feedback and staff would coordinate the work to ensure all relevant sections of the OCP were addressed.

## **4. OTHER BUSINESS**

### **4.1 Vision Statement**

There was a challenge to bring the selected members together to draft a vision statement since the last meeting.

- There was discussion about the Housing Action Plan page on the Islands Trust website.

- There was discussion about how public communication is delivered to the Task Force.
- There was discussion about members submitting comments to Vice Chair Proulx to include in the vision statement.

#### 4.2 Public Engagement

The following discussion points were noted:

- There was discussion about community engagement through the Driftwood newspaper and Salt Spring Exchange website.
- There was discussion about the need to provide context to the work on which the Task Force has already begun.
- There was discussion about the process that staff will take to implement the Task Force ideas with the Local Trust Committee.
- There was discussion about holding a charrette. Meeting to discuss the resolutions that the Task Force have made.

#### 4.3 Lower Income Housing

The following discussion points were noted:

- There was discussion about the issues with Seabreeze Inne and the conflict between social housing and hospital staff housing. Other options for hospital staff housing was discussed.
- There was discussion about the need to move Short-Term Vacation Rentals back into long term housing.
- There was discussion about the Lady Minto having a portal for property owners to identify housing space available to hospital staff for rent.
- There was discussion about the proposed Housing Authority and how it could guide expanded understanding of the building code.
- There was discussion about the ability for tiny homes to fill the gap and members connecting with elected officials to discuss ideas and ways to bridge the gap.
- There was discussion that housing needs to be not only affordable but healthy.
- There was discussion that the anonymous complaint procedure be replaced by a mediation process.

**It was MOVED and SECONDED,**

That the Housing Action Program Task Force appoint Member Bordeleau to research the obstacles to approving tiny homes as lawful dwellings.

**CARRIED**

### 5. ADJOURNMENT

The meeting was adjourned at 12:12 p.m.

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Rhonan Heitzmann, Chair

CERTIFIED CORRECT:

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Rob Pingle, Recorder



# Salt Spring Island Housing Action Program Task Force Meeting Minutes

**Date:** Wednesday, December 15, 2021

**Location:** Baptist Church, Lower Level Meeting Room  
520 Lower Ganges Road, Salt Spring Island

**Members Present:** Rhonan Heitzmann, Chair  
Kerrie Proulx, Vice Chair  
Maïkan Bordeleau  
Stanley Shapiro  
Daniel Wood  
Bryce Chapman  
Nejmah Guermoudi  
Jessica Terezakis

**Absent:** Yvonne Saunders

**Staff Present:** Jenn Baddeley, Recorder

**Others Present:** None

These minutes follow the order of the agenda although the sequence may have varied.

The meeting was called to order at 5:09 PM Chair Heitzmann welcomed the task force members and acknowledged the meeting is being held in Coast Salish First Nations treaty and traditional territory.

## 1. CALL TO ORDER

### 1.1 Approval of Agenda

The following amendments were proposed under Other Business:

- 4.1 Membership
- 4.2 Tiny Home Village Pilot Project & OCP Review
- 4.3 Letter of Rationale
- 4.4 Matrix Update (time permitting)

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

Member Guermoudi arrived at 5:13 PM.

## 2. MINUTES OF PREVIOUS MEETINGS

### 2.1 Approval of Draft Minutes for December 2, 2021

DRAFT

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By general consent, the minutes of the December 2, 2021 Housing Action Program Task Force meeting were adopted.

### **3. ADMINISTRATIVE UPDATE**

#### **3.1 Housing Action Program Task Force Resolutions**

The Housing Action Program Task Force (HAPTF) Resolutions to November 17, 2021 document was presented.

There was a question regarding what level of public engagement the HAPTF is able to currently conduct. There was discussion that the HAPTF is able to provide feedback to staff on what the Task Force would like to see for public engagement and how to make public engagement events more personalized to the Task Force goals. It was also noted that the Ganges Village Planning Task Force is currently conducting public engagement events and that public fatigue is a concern.

It was noted that the public engagement event, 'Coffee with a Planner', has started. There was concern that the timing of the 'Coffee with a Planner' event may not be able to reach all audiences.

It was noted that Chair Heitzmann was invited to speak at the December 14, 2021 Local Trust Committee (LTC) Regular Meeting. Chair Heitzmann noted that while presenting to the Local Trust Committee, he mentioned the concern about reaching all affected public with public engagement methods. Chair Heitzmann noted to the LTC that it is important that the HAPTF be able to share their rationale for the decisions they make with the public.

It was noted that housing is not the only project the HAPTF is working on, but that the Task Force is also participating in an Official Community Plan (OCP) Review.

During the LTC Regular Meeting, the Local Trust Committee asked Chair Heitzmann how the Trustees are able to assist with the HAPTF goals. Chair Heitzmann responded that the Task Force needs:

- A platform to communicate with the community.
- The data which identifies how many accessory dwellings are being used on Salt Spring Island legally and illegally, and if the data isn't available, the resources to obtain the data.

### **4. OTHER BUSINESS**

#### **4.1 Membership**

The following discussion points were noted:

- There is concern about the number of members currently participating and how that may affect capacity.

- It was noted that the HAPTF started with 12 members and is now down to 9 members, though a new member has recently joined and will be at the next meeting.
- There was discussion regarding future HAPTF members and the number of members needed.

**By general consent**, staff are requested to provide the list of applicants who have applied to the Housing Action Planning Task Force.

#### **4.2 Tiny Home Village and OCP Review**

The following discussion points were noted:

- Member Bordeleau reported on the meetings they had with various levels of government regarding tiny homes.
- The environmental sustainability of tiny homes.
- Discussed the definition of what a tiny home is and the difference.
- Ensuring affordable rent controls and the prevention of Airbnbs.
- Finding a proponent and acquiring land to place the tiny home village on.
- Concerns regarding water and the North Salt Spring Water Works.

#### **4.3 Letter of Rationale**

The following discussion points were noted by Chair Heitzmann, drafted by Vice Chair Proulx:

- Concerns regarding house pricing.
- Concerns regarding keeping employees due to limited housing.

There was general discussion regarding the points drafted by Vice Chair Proulx and the letter of rationale.

#### **4.4 Matrix Update**

The Housing Action Program Task Force did not have time to discuss this item.

### **5. ADJOURNMENT**

The meeting was adjourned at 7:10 PM.

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Rhonan Heitzmann, Chair

CERTIFIED CORRECT:

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Jenn Baddeley, Recorder

## Follow Up Action Report

### Salt Spring Island

27-Jul-2021

Activity	Responsibility	Dates	Status
<p><b>1</b> Salt Spring Island Watershed Protection Alliance (SSIWPA) Coordinator's Report - Correspondence to LTC, dated June 25, 2021 - Concerning Ecosystem Resilience Mapping</p> <p>That the Salt Spring Island Local Trust Committee direct staff to report back regarding options and recommendations for Watershed Ecosystem Resilience Mapping at the next LTC meeting.</p>	Jason Youmans		In Progress
<p><b>2</b> OTHER BUSINESS - Closure of Dormant Bylaws</p> <p>That the Salt Spring Island Local Trust Committee request staff to amend Bylaw No. 493, cited as 'Piers Island Official Community Plan By-law, 1980, Amendment No. 1, 2016' by including numerical Greenhouse Gas (GHG) reduction targets.</p>	Daniela Murphy Stefan Cermak		In Progress
<p><b>3</b> SS-DVP-2021.11 - K. Isherwood - 106 McKenzie Crescent, Piers Island</p> <p>That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust an Assessment Report, completed by an eligible consulting archaeologist, which determines whether the proposed development activities presented in SS-DVP-2021.11 are likely to damage or alter any unrecorded portions of the protected archaeological site on the subject property (106 McKenzie Crescent).</p>	Daniela Murphy Geordie Gordon		Completed

## Follow Up Action Report

### Salt Spring Island

27-Jul-2021

Activity	Responsibility	Dates	Status
<p>4 SS-RZ-2017.2 - F. Dos Santos - 221 Drake Road, SSI (Dragonfly Commons)</p> <p>That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a water management report prepared by a Professional Engineer or Geoscientist providing:</p> <ul style="list-style-type: none"> <li>a. Identification of all proposed water sources (e.g. well water, greywater, rainwater);</li> <li>b. Identification of how each type of water use (e.g. in-house, irrigation, fire) will be serviced;</li> <li>c. Identification of water quality analysis and treatment options (if required);</li> <li>d. Identification of small water systems operator for water supply system;</li> <li>e. An estimate of the total number of occupants the available groundwater will support based on the sustainable yield of the well (as approved in the water license) and use of supplementary water sources (e.g., greywater, rainwater);</li> <li>f. An estimate of how many dwelling units the proposed water supply system would service based on occupancy rates consistent with the provincial Design Guidelines for Rural Residential Community Water Systems or the BC census, and;</li> </ul>	<p>Daniela Murphy Geordie Gordon</p>		<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

#### 27-Jul-2021

Activity	Responsibility	Dates	Status
<p>g. A continuous monitoring plan for the water levels in the source groundwater well and an observation well.</p>			
<p>5 SS-RZ-2017.2 - F. Dos Santos - 221 Drake Road, SSI (Dragonfly Commons)</p> <p>That the Salt Spring Island Local Trust Committee endorse staff entering into a Cost Recovery Agreement with the applicant for file SS-RZ-2017.2, pursuant to Trust Council policy and Salt Spring Island Local Trust Committee Bylaw No. 428, required for Island Trust legal review of all covenants related to the subject application.</p>	<p>Geordie Gordon Stefan Cermak</p>		<p>In Progress</p>

#### 31-Aug-2021

Activity	Responsibility	Dates	Status
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## Follow Up Action Report

### Salt Spring Island

#### 31-Aug-2021

Activity	Responsibility	Dates	Status
<p>1 Housing Action Program</p> <p>That the Salt Spring Island Local Trust Committee request staff to work with the Housing Action Program Task Force and report back on options to coordinate a multi-jurisdictional meeting with representation from the Province, Capital Regional District and the Salt Spring Island Local Trust Committee, including the Housing Action Program Task Force and Trustees in order to work together and effect change in the supply of diverse housing options on Salt Spring Island.</p>	<p>Louisa Garbo</p>		<p>In Progress</p>
<p>2 CORRESPONDENCE - J. McClean to LTC, Dated July 21, 2021 - Concerning current rental charges for Meadowbrook</p> <p>That the Salt Spring Island Local Trust Committee request Gulf Islands Seniors Residential Association (GISRA) to provide a report regarding current rental rates at the Meadowbrook Seniors Residence.</p>	<p>Geordie Gordon</p>		<p>Completed</p>

#### 09-Nov-2021

Activity	Responsibility	Dates	Status
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## Follow Up Action Report

### Salt Spring Island

09-Nov-2021

Activity	Responsibility	Dates	Status
<p>1 BUSINESS ARISING FROM MINUTES</p> <p>That the Salt Spring Island Local Trust Committee request staff to report back regarding options for a Wildfire Hazard Development Permit Area and water storage</p>	<p>Jason Youmans</p>		<p>Completed</p>
<p>2 NEW BUSINESS</p> <p>Meadowbrook Rental Charges</p> <p>That the Salt Spring Island Local Trust Committee request the Gulf Islands Seniors Residential Association provide a completed Schedule A to Bylaw No. 364.</p>	<p>Geordie Gordon Gillian Nicol</p>		<p>In Progress</p>
<p>3 Housing Action Program and Other Updates</p> <p>That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation and request staff to report back on potential bylaw amendments to permit accessory dwelling units in all zones.</p>	<p>Louisa Garbo</p>		<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

#### 14-Dec-2021

Activity	Responsibility	Dates	Status
<p>1 PREVIOUS MEETINGS</p> <p>Draft Minutes of the November 9, 2021 SSI LTC Regular Meeting</p> <p>By general consent, the minutes of the November 9, 2021 Salt Spring Island Local Trust Committee Regular meeting were adopted.</p> <p>Draft Minutes of the October 22, 2021 SS LTC Special Meeting</p> <p>By general consent, the minutes of the October 22, 2021 Salt Spring Island Local Trust Committee Special meeting were adopted.</p> <p>Draft Minutes of the November 18, 2021 SS LTC Special Meeting</p> <p>By general consent, the minutes of the November 18, 2021 Salt Spring Island Local Trust Committee Special meeting were adopted.</p>	<p>Jennifer Baddeley Rob Pingle</p>		<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

14-Dec-2021

Activity	Responsibility	Dates	Status
<p><b>2 GANGES VILLAGE AREA PLAN</b></p> <p>That the Salt Spring Island Local Trust Committee endorses the re-allocation of funding within the Ganges Village Area Plan Project budget and additional staff time to have the consultant, Ahne Studio, facilitate a two-day workshop for the Ganges Village Area Plan Task Force.</p> <p>That the Salt Spring Island Local Trust Committee request staff to include a session on Housing in the two-day workshop and invite the Housing Action Task Force to participate.</p>	<p>Louisa Garbo Rob Pingle</p>		<p>In Progress</p>
<p><b>3 OTHER BUSINESS - SALT SPRING ISLAND LOCAL TRUST COMMITTEE REGULAR MEETING SCHEDULE</b></p> <p>That the Salt Spring Island Local Trust Committee approve the proposed 2022 Regular Meeting schedule as presented in Appendix 1 to establish a meeting schedule as required by Salt Spring Island Meeting Procedures Bylaw No. 391.</p>	<p>Rob Pingle</p>		<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

14-Dec-2021

Activity	Responsibility	Dates	Status
<p>4 OTHER BUSINESS - DRAFT BYLAW NO. 529 MEETING PROCEDURE BYLAW</p> <p>That the Salt Spring Island Local Trust Committee Bylaw No. 529, cited as "Salt Spring Island Local Trust Committee Meeting Procedure Bylaw No. 529, 2021", be given first, second, and third reading.</p> <p>That the Salt Spring Island Local Trust Committee Bylaw No. 529, cited as "Salt Spring Island Local Trust Committee 529 Bylaw, 2021", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.</p>	<p>Daniela Murphy Stefan Cermak</p>		<p>Completed</p>
<p>5 OTHER BUSINESS - DRAFT BYLAW NO. 529 MEETING PROCEDURE BYLAW</p> <p>That the Salt Spring Island Local Trust Committee request staff to review Section 29 Order and Decorum of Bylaw No 529 for amendments to include discriminatory remarks and inclusion and respectful conduct language.</p>	<p>Daniela Murphy Stefan Cermak</p>		<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

14-Dec-2021

Activity	Responsibility	Dates	Status
<p>6 OTHER BUSINESS - Standing Resolution for First Nations Consultation for Proposed Antenna Systems</p> <p>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> <ul style="list-style-type: none"> <li>a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;</li> <li>b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites;</li> <li>c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act;</li> <li>d. The proponent will obtain and provide an Archeological Impact</li> </ul>	<p>Daniela Murphy Kristine Mayes</p>		<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

14-Dec-2021

Activity	Responsibility	Dates	Status
<p>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</p> <p>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> <p>That the Salt Spring Island Local Trust Committee forward the staff report dated December 14, 2021 to the Regional Planning Committee.</p>			
<p><b>7 RISE AND REPORT</b></p> <p>Chair Luckham reported that the Salt Spring Island Local Trust Committee appointed Freyja Skye to the Housing Action Program Task Force.</p>	<p>Daniela Murphy Louisa Garbo Rob Pingle</p>		<p>Completed</p>
<p><b>8 APPLICATIONS AND REFERRALS - SS-DP-2021.11 - J. Desrochers, Priority Permits Ltd. - 109 Purvis Lane, SSI</b></p> <p>That the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2021.11 (109 Purvis Lane).</p>	<p>Daniela Murphy Kristine Mayes</p>		<p>Completed</p>

## Follow Up Action Report

### Salt Spring Island

#### 14-Dec-2021

Activity	Responsibility	Dates	Status
<p>9 APPLICATIONS AND REFERRALS - SS-DVP-2021.19 - D. McKerrell, Island Marine Construction - 110 Ontario Place, SSI</p> <p>That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2021.19.</p>	<p>Daniela Murphy Geordie Gordon</p>		<p>Completed</p>
<p>10 APPLICATIONS AND REFERRALS - SS-ALR-2021.5 - K. Young - 181 Beddis Road, SSI</p> <p>That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.5 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:</p> <ul style="list-style-type: none"> <li>a. Existing and future agricultural use and/or potential of the subject property;</li> <li>b. The zoning of the property and intended use;</li> <li>c. The surrounding land uses of the subject property;</li> <li>d. Whether the Salt Spring Local Trust Committee should support the non-farm use application.</li> </ul>	<p>Geordie Gordon Rob Pingle</p>		<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

14-Dec-2021

Activity	Responsibility	Dates	Status
<p>11 APPLICATIONS AND REFERRALS - SS-RZ-2017.3 - J. Colligan - 2188 North End Road, SSI</p> <p>That the Salt Spring Island Local Trust Committee Bylaw No. 521, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2019" be read a first time.</p> <p>That the Salt Spring Island Local Trust Committee request that staff refer Bylaw No. 521 to agencies, organizations, and Local Trust Committees, as identified in the staff report dated December 14, 2021.</p> <p>That the Salt Spring Island Local Trust Committee request staff refer the potable water assessment report dated September 2021 to the Ministry of Forests, Lands, Natural Resource Operations &amp; Rural Development for comment, specifically on sustainable yield and the likelihood of hydraulic connection.</p>	<p>Daniela Murphy Geordie Gordon</p>		<p>In Progress</p>

## Follow Up Action Report

### Salt Spring Island

14-Dec-2021

Activity	Responsibility	Dates	Status
<p>12 APPLICATIONS AND REFERRALS - SS-RZ-2017.3 - J. Colligan - 2188 North End Road, SSI</p> <p>That the Salt Spring Island Local Trust Committee has reviewed the Directives Only Policy Checklist and determined that proposed Draft Bylaw No. 521 is not contrary to or at variance with the Islands Trust Policy Statement.</p>	<p>Geordie Gordon</p>		<p>In Progress</p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2010-02-04	SSI-11-10	Bylaw Enforcement Reports	<p>It was <b>MOVED</b> and <b>SECONDED</b>, that the Salt Spring Island Local Trust Committee directs staff to provide quarterly in-camera and public reports on on-going and current bylaw enforcement investigations and actions in the Salt Spring Local Trust Area.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2013-01-10	SSI-09-13	North Salt Spring Waterworks District Reporting	<p>It was <b>MOVED</b> and <b>SECONDED</b>, that the Salt Spring Island Local Trust Committee request the North Salt Spring Waterworks District to report back to the Local Trust Committee every two years from the date of adoption of Proposed Bylaw 461 on:</p> <ul style="list-style-type: none"> <li>a) changes in water demand by the North Salt Spring Waterworks District customers with new secondary suites within the pilot area;</li> <li>b) total withdrawal from its system in relation to its licensed capacity;</li> <li>c) impacts on the Maxwell Lake, St. Mary Lake, and the district's water supply in general that can be attributed to the introduction of secondary suites within the pilot area.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p> <p>*Bylaw 461 was adopted May 2, 2013</p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2016-06-02	SS-2016-114	Grantville Neighbourhood lawful non-conforming sewage disposal field repair or replacement	<p><b>It was <b>MOVED and SECONDED,</b></b> that the Salt Spring Island Local Trust Committee adopt “Standing Resolution 2” as specified in Appendix 2 of the staff report dated May 25, 2016. (shown below):</p> <p>That the Salt Spring Island Local Trust Committee direct staff to administer and enforce Bylaw 484 according to the following policies:</p> <ol style="list-style-type: none"> <li>1. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and pursuant to Local Government Act Section 529, the Salt Spring Island Local Trust Committee considers that the following actions do not constitute maintenance, alteration, or extension, and therefore require a development variance permit application to the Salt Spring Island Local Trust Committee:               <ol style="list-style-type: none"> <li>a) Removal and replacement of the dispersal system in its entirety.</li> </ol> </li> <li>2. Where a sewage disposal field or septage pit is lawfully non-conforming with respect to Bylaw 484, and where a health hazard exists as defined under the B.C. Public Health Act, an Authorized Person may carry out immediate, temporary repairs of the system that result in a further contravention to Bylaw 484 than that existing at the time the repair or alteration was started to prevent or contain the hazard. Permanent repairs or alterations that result in a further contravention of Bylaw 484 than that existing at the time the repair or alteration was started, or 1(a) above, should be supervised by a Professional and will require a development variance permit application to the Salt Spring Island Local Trust Committee following resolution of the emergency.</li> <li>3. “Authorized Person” and “Professional” have the same meaning as in the Sewerage System Regulation.</li> </ol> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



Islands Trust

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2017-03-02	SS-2017-16	Quarterly Application Summary Staff Reports	<b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee direct staff to provide a quarterly summary of application tracking.  <b><u>CARRIED</u></b>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-08-16	SS-2018-177	Cannabis Regulation	<p><b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:</p> <ul style="list-style-type: none"> <li>• Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.</li> <li>• The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.</li> <li>• The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.</li> <li>• However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:               <ul style="list-style-type: none"> <li>○ Name of the applicant and a description of the proposal in general terms;</li> <li>○ The location of the proposed establishment and the subject site;</li> <li>○ The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered;</li> <li>○ The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application;</li> <li>○ How public comments may be submitted to the Local Trust Committee.</li> </ul> </li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2018-12-06	SS-2018-278	Cannabis – Processing of Notice to Local Authorities	<p><b>It was MOVED and SECONDED,</b> That the Salt Spring Island Local Trust Committee adopt the following standing resolution: that the Salt Spring Island Local Trust Committee request that Notices of Intention to apply for a Federal Cannabis License be included in the Local Trust Committee Regular Meeting agenda package.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2019-04-30	SS-2019-88	Families as Stakeholders	<p><b>It was MOVED and SECONDED,</b> That the Salt Spring Island Local Committee direct staff to include families as stakeholders in Project Charters and to propose family oriented engagement techniques, or to explain why such inclusion is not appropriate.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-08-27	SS-2019-153	STVR	<p><b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee rescind Resolution SS-2017-120 and adopt the following new short-term vacation rental enforcement policy:</p> <p>that given finite resources available for enforcement activities and in order to ensure the most effective results for enforcement activities, Short-Term Vacation Rentals (STVRs) that have one or more of the following characteristics will be subject to proactive enforcement:</p> <ol style="list-style-type: none"> <li>1. They are advertised on the Internet, newspapers or other media;</li> <li>2. More than one dwelling on the lot is simultaneously made available for STVRs;</li> <li>3. While the property is rented persons are staying in tents, trailers, or Recreational Vehicles;</li> <li>4. There are issues related to health and safety;</li> <li>5. There is a written complaint by owners or residents on nearby lots about bona fide nuisance issues such as noise or parking congestion related to the STVR;</li> <li>6. The owner of the property uses more than one property on Salt Spring Island as an STVR; that a Short-Term Vacation Rental (STVR) is defined as rental of a dwelling, suite, or cottage in a residential zone for less than 30-day periods;</li> </ol> <p>that a Short-Term Vacation Rental (STVR) is defined as the rental of a dwelling, suite, cottage, camping unit, accessory building or structure for a commercial guest accommodation use in a non commercial or commercial guest accommodation zone for less than a 30-day period;</p> <p>that nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-11-26	SS-2019-253	Reconciliation	<p><b>It was <b>MOVED</b> and <b>SECONDED</b>,</b> that the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:</p> <p>Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:</p> <ul style="list-style-type: none"> <li>a) Annually, write a letter to First Nations, (re) introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history;</li> <li>d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;</li> <li>e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations’ traditional territories within the Islands Trust Area.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2019-12-17	SS-2019-275	Referral of Items to the Agricultural Advisory Planning Commission	<p><b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee refer Agricultural Land Commission applications directly to the Agricultural Advisory Planning Commission, prior to consideration by the Salt Spring Island Local Trust Committee when:</p> <ul style="list-style-type: none"> <li>a) Applications demonstrate either that local farming or the greater community would benefit and conditions of Official Community Plan policy B.6.2.2.16 apply, or</li> <li>b) Applications are for public recreation use and are consistent with the Official Community Plan.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2020-04-28	SS-2020-045	Policy Options for Bylaw Enforcement Compliance on Unlawful Uses	<p><b>It was <b>MOVED and SECONDED,</b></b> that the Salt Spring Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ul style="list-style-type: none"> <li>a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and that staff are directed to continue with enforcement until the use is ceased.</li> <li>b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, temporarily cease.</li> <li>c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee; bylaw enforcement actions, including the issuing of notices, will continue.</li> <li>d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.</li> </ul> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2020-10-06	SS-2020-145	Enforcement Policy during COVID-19 Public Health Emergency	<p><b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee adopt the following enforcement policy while there is a public health emergency declared for COVID-19: Enforcement activities will be deferred for vessels in contravention of section 3.19.1 of the Salt Spring Island Land Use Bylaw No. 355 for the following Shoreline zones S1 and S4 under the following conditions;</p> <ol style="list-style-type: none"> <li>1. Must at all times comply with provincial and federal laws pertaining to navigation and safety equipment;</li> <li>2. Must be registered, insured, seaworthy and immediately ready for cruising in local waters;</li> <li>3. No disposal of sewage into the marine environment;</li> <li>4. Must not be used as a short-term rental;</li> </ol> <p>Failure to meet the above referenced conditions will make vessels subject to enforcement. And that the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities at any time.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2020-10-06	SS-2020-146	Enforcement Policy during COVID-19 Public Health Emergency	<p><b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee adopt the following enforcement policy while there is a public health emergency declared for Covid-19: Enforcement activities will be deferred for food and liquor serving premises affected by Orders of the Provincial Health Officer, as well as cafes and coffee shops, in order to permit the use of temporary cover or enclosed outdoor areas to expand outdoor seating and that the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities at any time.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-06-29  Amended 2021-11-09	SS-2021-109  SS-2021-214	Unlawful Dwellings	<p><b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force's recommendation to amend standing resolution SS-2021-109 to state that enforcement activities will be deferred for all 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> <ol style="list-style-type: none"> <li>a. there are concerns regarding health and safety;</li> <li>b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system;</li> <li>c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings;</li> <li>d. there are concerns of possible contamination of wells or other drinking water sources;</li> <li>e. unlawful dwellings are in environmentally sensitive areas;</li> <li>f. there are non-permitted campgrounds; and,</li> <li>g. that the Salt Spring Island Local Trust Committee may give direction to resume enforcement activities on any property that poses risk to the health and safety of the neighbouring residents and the residents on the property in question.</li> </ol> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2021-06-29	SS-2021-111	Bylaw Enforcement Policy on Portable Sawmills	<p><b>It was MOVED and SECONDED,</b> that the Salt Spring Island Local Trust Committee adopt the following enforcement policy: Enforcement on portable sawmills will be deferred while the Local Trust Committee considers amendments to the Land Use Bylaw.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE POLICY & STANDING RESOLUTIONS LIST

Date	Resolution Number	Topic	Resolution
2021-11-09	SS-2021-213	Residential Use in Commercial Accommodations	<p><b>It was MOVED and SECONDED,</b> That the Salt Spring Island Local Trust Committee endorse the Housing Action Program Task Force’s recommendation to defer enforcement of residential use in commercial accommodations, such as cabins, hotels, guest houses, and motels that provide long-term (more than 30 days) residency in order to offer an interim solution to the housing needs on Salt Spring Island.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>
2021-12-14	SS-2021-238	First Nations Consultation for Proposed Antenna Systems	<p><b>It was MOVED and SECONDED,</b> That the Salt Spring Island Local Trust Committee adopt the following standing resolution with respect to First Nations consultation in accordance with the “Strategy for Antenna Systems” in the Local Trust Area:</p> <ol style="list-style-type: none"> <li>a. The proponent will consult with the Local Trust Area representative during the pre-consultation phase to determine proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential and obtain a list of First Nations rights and title holders;</li> <li>b. The proponent is recommended to undertake consultation during the pre-consultation phase with the Islands Trust and a First Nations cultural knowledge holder for the siting of the proposed antenna system as it relates to cultural and sacred sites;</li> <li>c. The proponent will obtain and provide a BC Archaeological Information request response from the BC Archaeology Branch to confirm proximity of the proposed antenna system to known archaeological sites and/or areas of archaeological potential including permit requirements under the Heritage Conservation Act;</li> <li>d. The proponent will obtain and provide an Archeological Impact Assessment for antenna systems proposed to be sited on or within 100 metres of a known archaeological site or cultural/sacred site identified by a First Nations cultural knowledge holder; and</li> <li>e. The proponent will provide written notice – including, if applicable, the Archeological Impact Assessment – sent by regular mail or hand delivered to all First Nations rights and title holders identified during the pre-consultation phase</li> </ol> <p style="text-align: right;"><b><u>CARRIED</u></b></p>

## Top Priorities Report

### Salt Spring Island

1. <i>Water Sustainability - coordinate multiple jurisdictions in planning for water sustainability and watershed protection.</i>	Responsible	Dates
<p><u>Currently includes:</u> Coordination of SSIWPA; Development of Proof of Water Bylaw; Weston Lake Water Availability Study; Watershed Strategic Plan; Ongoing well-monitoring.</p> <p>Nov. 19, 2021: kick off meeting with Econics for phase 1 of Watershed Strategic Plan: a Situational Analysis</p> <p>July 15, 2021: Signed MOU submitted to CRD for Weston Lake Study. RFP posted (Nov. 2021)</p> <p>May 25, 2021: LTC approves project charter of Watershed Protection Plan</p> <p>April 27, 2021: MOU approved for Weston Lake Assessment</p> <p>March 11, 2021 - TC budget approve: \$75,500 special tax requisition for 2021/22 SSIWPA; up to \$80,000 from surplus funds to spend on a watershed strategic plan and Weston Lake Watershed Assessment</p>	<p>Jason Youmans William Shulba</p>	<p>Rec'd: 07-Jun-2012 Target: 30-Dec-2022</p>
2. <i>Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)</i>	Responsible	Dates
<p>Oct. 5, 2021 - SSLTC endorse 2022/23 business case that includes: First Nations engagement, funds for a density bonus zoning appraisal report, a fire ecology analysis and workshop, and education and communication materials.</p> <p>Science Working Group Meetings: Nov. 18, 2020; April 12, 2021; June 15, 2021; July 13, 2021</p>	<p>Jason Youmans</p>	<p>Rec'd: 17-Dec-2019 Target: 01-Dec-2022</p>

## Top Priorities Report

### Salt Spring Island

April 27, 2021 - education materials received

July 28, 2020 - Project Charter endorsed. Phase 1: Information gathering and analyzing, consultation, and education.

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

#### Responsible

#### Dates

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 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.

Louisa Garbo

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

#### 4. *Housing Action Program*

#### Responsible

#### Dates

Nov. 18, 2021 - SS LTC meet with members of agricultural community - request staff to amend Bylaw 527 (housing in the ALC and large farming properties) and send out to referrals

Nov. 9, 2021 - SSLTC pass numerous resolutions including: deferring enforcement for unpermitted residential use in specific circumstances, requesting RPC to consider expediting affordable housing applications, request potential bylaw amendments to permit accessory dwelling units (including secondary suites).

Louisa Garbo

Rec'd: 06-Oct-2020  
Target: 01-Oct-2022

## Top Priorities Report

### Salt Spring Island

April 27, 2021-12 persons appointed to Housing Task Force. Task Force Meetings ongoing.

Jan. 22, 2021 - Project Charter. Adopted.

Dec. 15, 2020 - LTC resolves that any further consideration of Bylaw No. 471 (TUPs for Residential use) take place in the context of LTC's 'Housing Challenges and Solutions' project.

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## Salt Spring Island

### 1. *OCP Amendments*

Responsible

Date Received

- 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)

06-Oct-2020

### 2. *Land Use Bylaw Amendments*

Responsible

Date Received

## Projects Report

### Salt Spring Island

- Housing for Farm Workers and Residential Options in the ALC (Nov. 2008) 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)

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### 3. *Direct Bylaw Enforcement*

- |   | Responsible | Date Received |
|---|-------------|---------------|
| ·Bylaw Enforcement Policies (Feb. 2015)         |             | 06-Oct-2020   |
| ·Short Term Vacation Rentals (STVRs) (May 2017) |             |               |

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### 4. *Administrative Processes and Procedures*

- |   | Responsible | Date Received |
|---|-------------|---------------|
| ·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) |             |               |
-



## Projects Report

### Salt Spring Island

5. <i>Advocate</i>	Responsible	Date Received
·none listed		06-Oct-2020

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**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
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SS-ALR-2021.4 Moonshine Mama's Kitchens Ltd.

**Planner:** Kristine Mayes

**Planning Status**

**Status Date:** 18-Nov-2021

Follow-up email to applicant re. application status - no response received

**Status Date:** 02-Sep-2021

Site Visit

**Status Date:** 27-Aug-2021

Planner Mayes assigned to file - SS-ALR-2021.4

File Number	Applicant Name	Date Received	Purpose
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SS-ALR-2021.5 Young, Kimberly 06-Oct-2021 Non-Farm Use - 181 Beddis Road

**Planner:** Geordie Gordon

**Planning Status**

**Status Date:** 06-Jan-2022

AAPC meeting canceled due to weather

**Status Date:** 14-Dec-2021

LTC referral to AAPC

**Status Date:** 20-Oct-2021

Site visit



**Agricultural Land Reserve**

File Number	Applicant Name	Date Received	Purpose
SS-ALR-2021.6	Fraser, Noella	30-Nov-2021	Non-Farm Use - 240 Atkins Road

**Planner:** Geordie Gordon

**Planning Status**

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**Status Date:** 20-Dec-2021

Site visit

**Status Date:** 01-Dec-2021

Files assigned to Planner Gordon - SS-ALR-2021.6

**Development Permit**

File Number	Applicant Name	Date Received	Purpose
SS-DP-2018.14	Kirsten Reite Architecture	18-Sep-2018	Proposed development of 17 commercial accommodation units, a restaurant, retail space, reception area, and 2 parking lots (former Fulford Inn property) in DPA2 / DPA3 / DPA6 & DPA7 - 2621 & 2661 Fulford-Ganges Road, SSI

**Planner:** Jason Youmans

**Planning Status**

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**Status Date:** 26-Oct-2021

Planner meets with applicant and consulting team

**Status Date:** 01-Oct-2021

Updated architectural and professional reports received

**Status Date:** 01-Sep-2021

Planner provides comprehensive DP guideline assessment



Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2020.15	El Loco Taco	18-Dec-2020	Amend Existing Permit - 106 Lower Ganges RD

Planner: Geordie Gordon

Planning Status

**Status Date:** 26-Nov-2021

Applicant indicates work with MoTI is on-going. Indicates that it will likely be Spring 2022 before applicant is ready to proceed.

**Status Date:** 27-Oct-2021

Application deferred at request of applicant - applicant to work with MoTI

**Status Date:** 03-Sep-2021

Site visit with owner and applicant

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.10	Nagel, Uta	14-Sep-2021	Carport and Shed within DPA 4, 6 & 7 - 770 Beaver Point Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 30-Nov-2021

Phone call regarding next steps for application to move forward

**Status Date:** 29-Oct-2021

Site Visit

**Status Date:** 14-Sep-2021

Planner Mayes assigned to file - SS-DP-2021.10

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.12	Schweighardt, Dale	07-Dec-2021	Amendment for expanded patio space - 126 Upper Ganges Road

Planner: Geordie Gordon

Planning Status

**Status Date:** 21-Dec-2021

File assigned to Planner Gordon - SS-DP-2021.12



Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.13	Priority Permits LTD	17-Dec-2021	DPA1 - signs - 116 Fulford-Ganges Road

Planner: Kristine Mayes

Planning Status

Status Date: 21-Dec-2021

File assigned to Planner Mayes SS-DP-2021.13

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.14	SALT SPRING	21-Dec-2021	Amendment to SS-DP-2011.5 & SS-DP-2015.2 - 189 Beddis Road

ISLAND FARMLAND  
TRUST SOCIETY

Planner: Stefan Cermak

Planning Status

Status Date: 07-Jan-2022

RPM Cermak assigned to file - SS-DP-2021.14

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.4	UCG Universal	15-Mar-2021	NEW TASTING ROOM, WASHROOM/ACCESSORY BUILDING,

Consulting Group LTD

CARETAKER'S COTTAGE, 4-PLEX - 270 Furness Road

Planner: Kristine Mayes

Planning Status

Status Date: 09-Dec-2021

DVP for retaining wall opened

Status Date: 30-Nov-2021

Vegetation & Watercourse reports submitted

Status Date: 22-Sep-2021

Applicant advised removing tasting room - DAI requirements updated



Development Permit

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.5	Miss Crofton's Housing Corporation	19-Mar-2021	To increase density in-order to build 10 small rental cottages - 265 Lower Ganges Road

Planner: Geordie Gordon

Planning Status

**Status Date:** 14-Dec-2021

Verbal update to LTC - DP dependent on RZ proceeding. Viable water source required for RZ.

**Status Date:** 05-Oct-2021

Staff request update from applicant

**Status Date:** 25-May-2021

To be processed concurrently with SS-RZ-2021.2 - initial RZ report pending resolution of some RZ issues.

File Number	Applicant Name	Date Received	Purpose
SS-DP-2021.8	Aurora Professional Group INC	12-Jul-2021	Development within DPA6 - DP/DVP regarding disposal field and setback to natural boundary of the sea - 371 Isabella Point Road

Planner: Geordie Gordon

Planning Status

**Status Date:** 20-Sep-2021

See associated SS-DVP-2021.13

**Status Date:** 18-Aug-2021

Email to applicant

**Status Date:** 10-Aug-2021

Planner Gordon assigned to file - SS-DP-2021.8



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.12	Murphy, David	11-Jun-2021	Vary the setback for an accessory building to a lot line - 181 Main Street

Planner: Kristine Mayes

Planning Status

**Status Date:** 06-Jan-2022

Report to 18JAN2022 SSILTC meeting

**Status Date:** 16-Nov-2021

Applicant did provide surveyed site plan - applicant advised staff recommendation to LTC would be to request surveyed site plan. Report to 18JAN2022 meeting

**Status Date:** 23-Jul-2021

Site Visit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.13	Aurora Professional Group INC	12-Jul-2021	Development within DPA6 - DP/DVP regarding disposal field and setback to natural boundary of the sea - 371 Isabella Point Road

Planner: Geordie Gordon

Planning Status

**Status Date:** 09-Nov-2021

Update regarding timing of additional information requested by planner

**Status Date:** 15-Sep-2021

Email correspondence with applicant, applicant indicates DP/DVP will be updated to cover existing retaining wall. Application on hold pending amendment.

**Status Date:** 09-Sep-2021

Site Visit



Development Variance Permit

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

Planner: Kristine Mayes

Planning Status

**Status Date:** 30-Nov-2021

Phone call regarding next steps for application to move forward

**Status Date:** 29-Oct-2021

Site Visit

**Status Date:** 14-Sep-2021

Planner Mayes assigned to file - SS-DVP-2021.17

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.18	Warrior, Velvet	05-Oct-2021	Permit for Retaining Wall - 82 McKenzie Cres, Piers Island

Planner: Kristine Mayes

Planning Status

**Status Date:** 22-Oct-2021

Corresponded with applicant re. timeline and process

**Status Date:** 07-Oct-2021

File assigned to Planner Mayes - SS-DVP-2021.18



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.20	Raine, Richard	02-Nov-2021	DVP for addition to existing house - 1150 Sunset Drive, SSI

Planner: Geordie Gordon

Planning Status

**Status Date:** 22-Dec-2021

mail out

**Status Date:** 18-Nov-2021

Site Visit

**Status Date:** 03-Nov-2021

File assigned to Planner Gordon - SS-DVP-2021.20

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.21	Island Marine	02-Nov-2021	DVP for marine float size - Lot 12 & 13 Secret Island

Construction

Planner: Kristine Mayes

Planning Status

**Status Date:** 23-Dec-2021

Requested photos and additional information from applicant

**Status Date:** 09-Nov-2021

File assigned to Planner Mayes - SS-DVP-2021.21

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.22	UCG	09-Dec-2021	Setback Variance for Brewery and Retaining Wall - 270 Furness Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 13-Dec-2021

File forwarded to planner for review - SS-DVP-2021.22



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.23	Shalhaf, Sina	13-Dec-2021	Variance for structure setback to a water body - 150 Margolin Drive

Planner: Kristine Mayes

Planning Status

**Status Date:** 21-Dec-2021

File Assigned to Planner Mayes - SS-DVP-2021.23

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.24	Kirsten Reite Architecture	20-Dec-2021	Follows on expiry of pervious permit SS-DVP-2018.17.

Proposed variance to permit: The siting of sewage system tanks, sewage disposal fields, commercial guest accommodation units; and a sub-electrical room. - 2621 & 2661 Fulford-Ganges Road, SSI

Planner: Jason Youmans

Planning Status

**Status Date:** 23-Dec-2021

Planner Youmans assigned to the file - SS-DVP-2021.24

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2021.4	Welsh, Greg	18-Feb-2021	To build a garage of the same size, quality and kind as the one which burned down in 2020, on the same foundation - 150 Drake Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 02-Dec-2021

Follow-up on closure request

**Status Date:** 01-Nov-2021

CRD advised structures in parkland removed

**Status Date:** 22-Sep-2021

Follow-up on closure request - no response



Development Variance Permit

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

Planner: Kristine Mayes

Planning Status

**Status Date:** 01-Sep-2021

Revised site plan required

**Status Date:** 18-Jun-2021

Site Visit

**Status Date:** 04-Mar-2021

File assigned to Planner Mayes - SS-DVP-2021.7

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2022.1	Aurora Professional Group INC	06-Jan-2022	Variance regarding disposal field and setback to natural boundary of the sea - Clam Shell Island

Planner: Geordie Gordon

Planning Status

**Status Date:** 07-Jan-2022

File assigned to Planner Gordon - SS-DVP-2022.1

File Number	Applicant Name	Date Received	Purpose
SS-DVP-2022.2	Fevang, Carol	10-Jan-2022	Variance to construct waterfront retaining wall - 105 McKenzie Cres - Piers Island

Planner: Rob Pingle

Planning Status

**Status Date:**



Liquor Control Branch

File Number	Applicant Name	Date Received	Purpose
SS-LCB-2021.2	Salt Spring Apple Company LTD Planner: Geordie Gordon	18-Oct-2021	LCRB Lounge and Patio Endorsement - 529 Fulford-Ganges Road
<b>Planning Status</b>			
<u>Status Date:</u> 05-Jan-2022 Open house mail out. Scheduled for Jan 27, 2022\n			
<u>Status Date:</u> 26-Oct-2021 File assigned to Planner Gordon - SS-LCB-2021.2			

File Number	Applicant Name	Date Received	Purpose
SS-LCB-2021.3	Mobys Pub Planner: Geordie Gordon	07-Dec-2021	Permanent License for Patio Space - 126 Upper Ganges Road, SSI
<b>Planning Status</b>			
<u>Status Date:</u> 21-Dec-2021 File assigned to Planner Gordon - SS-LCB-2021.3			

Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2017.2	Fernando & Tammy Dos Santos Planner: Geordie Gordon	15-Feb-2017	Proposal to permit 30 affordable housing dwelling units and common building - 221 Drake Road, SSI.
<b>Planning Status</b>			
<u>Status Date:</u> 16-Dec-2021 MoTI updates referral response - road upgrade request removed			
<u>Status Date:</u> 14-Dec-2021 Verbal update to LTC - applicant still to provide requested information (e.g. water management plan) to LTC			
<u>Status Date:</u> 01-Dec-2021 Discussion w/ MoTI and applicant re: Drake Rd upgrades. MoTI to provide further info.			



Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2017.3	Colligan, Jamie	05-Apr-2017	Proposal to Rezone to Rural Zone Variation to Allow Existing Cottage to be Designated as Affordable Housing - 2188 North End Road, SSI

Planner: Geordie Gordon

Planning Status

**Status Date:** 04-Jan-2022

Bylaw referral sent out

**Status Date:** 14-Dec-2021

LTC gives first reading and refers bylaw

**Status Date:** 01-Nov-2021

Applicant provides new pump test report

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2019.1	Nick Williams & Emily Myers	22-Feb-2019	Proposal to change current zoning from R7 to C6 Variance for Industrial Use - 248 Upper Ganges Road, SSI

Planner: Geordie Gordon

Planning Status

**Status Date:** 07-Oct-2021

Applicant indicates work on reports is underway

**Status Date:** 20-Sep-2021

Planner requested update on reports.

**Status Date:** 16-Jun-2021

Applicant indicates that a professional engineer has been engaged, reports to be forthcoming over next several months.



Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2020.1	MacAlpine, Doug	29-Jan-2020	Proposal to amend zoning to permit a 60 square meter boathouse and additional dwelling - 1351 Mountain Road, SSI

Planner: Kristine Mayes

Planning Status

**Status Date:** 25-Nov-2021

Proposed Bylaw No. 525 considered at 25NOV2021 APC meeting (recommended bylaw proceed)

**Status Date:** 28-Oct-2021

Report to 09NOV2021 SSILTC meeting

**Status Date:** 29-Jun-2021

Staff directed to draft bylaw for boathouse

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2020.2	Peter Hunt / Meghan Carr	29-Oct-2020	Rezoning of R7 to C2 - 125 Churchill Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 06-Jan-2022

Third Report to 18JAN20200 SSILTC meeting

**Status Date:** 25-Nov-2021

Applicant advised not available to attend 14DEC2021 meeting - staff report deferred to 18JAN2022 meeting

**Status Date:** 12-Nov-2021

Applicant advised NSSWD line cut and replaced with tank supplied by bulk water - staff advised requirements for CRD & MoTI permits, OCP policy variances



Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2021.1	Sea Isle Development Group	28-Jan-2021	Rezoning from existing R6 to R2 to permit the construction of a 6 unit Strata Development - 114 Swanson Rd

Planner: Geordie Gordon

Planning Status

**Status Date:** 01-Sep-2021

Email to applicant on steps to take to amend zoning application. Re-review would be required.

**Status Date:** 07-Jun-2021

CRD indicates sewer capacity request must come from applicant

**Status Date:** 27-Apr-2021

Preliminary report to LTC, application advanced

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2021.2	Miss Crofton's Housing Corporation	19-Mar-2021	Increase current density to build 10 small rental cottages - 265 Lower Ganges Road

Planner: Geordie Gordon

Planning Status

**Status Date:** 14-Dec-2021

verbal update to LTC - staff do not consider current ground water source to be viable due to salt water intrusion.

**Status Date:** 05-Oct-2021

Applicant indicates consultant work on-going

**Status Date:** 05-Oct-2021

Staff update requested from applicant



Rezoning

File Number	Applicant Name	Date Received	Purpose
SS-RZ-2021.3	Chapman, Bryce	14-Jun-2021	To amend OCP land use designation from Channel Ridge Residential (CRR) on the East side of the property to Residential Designation (RN) and to amend Land Use Bylaw zoning from R6(a) to R8 on same portion - 361 Sunset Drive

Planner: Geordie Gordon

Planning Status

**Status Date:** 22-Oct-2021

Planner response to applicant questions on density in Channel Ridge

**Status Date:** 24-Aug-2021

Site Visit

**Status Date:** 06-Jul-2021

File assigned to Planner Gordon

Soil Deposit and Removal

File Number	Applicant Name	Date Received	Purpose
SS-SDP-2021.1	Fedje, Mark	01-Apr-2021	Deposit approximately 180 m3 of rock - 001-032-402 - Piers Island

Planner: Kristine Mayes

Planning Status

**Status Date:** 14-Oct-2021

BCA advises no HCA permit required

**Status Date:** 23-Sep-2021

BCLS site plan received

**Status Date:** 12-May-2021

Advised applicant BCLS site plan required (geotech site plan inconsistent with photos/TAPIS property boundaries)



**Strata Conversion**

File Number	Applicant Name	Date Received	Purpose
SS-SC-2018.2	Wilson, Dulcy	15-May-2018	Proposed strata conversion - 162 / 164 Maliview Drive, SSI

**Planner:** Kristine Mayes

**Planning Status**

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**Status Date:** 29-Apr-2021

Advised applicant of additional reports required by CRD

**Status Date:** 09-Mar-2021

Corresponded with BCLS over phone/email re. strata plan

**Status Date:** 21-Jan-2021

Met with Applicant - overviewed requirements (need amended survey & CRD BI report)

**Subdivision**

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2011.2	Spencer's Excavating	29-Apr-2011	Proposed 4 Lot Subdivision - 250 Collins Road, SSI

**Planner:** Geordie Gordon

**Planning Status**

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**Status Date:** 13-Jul-2021

Revised site plan received. Strata subdivision.

**Status Date:** 25-Feb-2021

applicant waiting for storm water plan approval from MOTI

**Status Date:** 24-Feb-2021

Status update requested from applicant.



Subdivision

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2020.1    Polaris Land Surveying Inc    26-Aug-2020    Proposed 3 Lot Subdivision - 455 Blackburn Road, SSI

Planner: Geordie Gordon

Planning Status

**Status Date:** 24-Sep-2021

Applicant indicates other covenant work is required by MoTI, letter of undertaking to be provided once that covenant is finalized.

**Status Date:** 20-Sep-2021

email to applicant regarding some outstanding subdivision requirements.

**Status Date:** 29-Jun-2021

LTC approves several requests required for subdivision (DP/DVP/frontage/water treatment)

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2020.3    Wey Mayenburg Land Surveying Inc.    21-Dec-2020    Proposed 3 lot subdivision - 521 Mansell Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 17-Feb-2021

Applicant supplied letter from ALC advising ALC application for subdivision not required

**Status Date:** 22-Jan-2021

Subdivision Review Form sent to MoTI & applicant

**Status Date:** 22-Dec-2020

File assigned to Planner Mayes - SS-SUB-2020.3



Subdivision

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2021.1	Polaris Land Surveying Inc	19-Jan-2021	4-Lot Subdivision - 536 Beaver Point Road, SSI
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Planner: Kristine Mayes

Planning Status

**Status Date:** 30-Apr-2021

PLR received from MoTI

**Status Date:** 18-Feb-2021

Referral Response sent to MoTI

**Status Date:** 08-Feb-2021

Site Visit

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2021.2	Polaris Land Surveying Inc	25-Jan-2021	Proposed 2 lot boundary adjustment and acquisition of road dedication to ensure all remains are within the cemetery boundary - 744 LOWER GANGES RD
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Planner: Kristine Mayes

Planning Status

**Status Date:** 08-Jun-2021

PLR received from MoTI

**Status Date:** 23-Feb-2021

Referral Response sent to MoTI

**Status Date:** 08-Feb-2021

Site Visit



Subdivision

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.3	Shalbaf, Sina	31-Mar-2021	2 lot subdivision 150 Margolin Drive

Planner: Kristine Mayes

Planning Status

**Status Date:** 10-Jun-2021

PLR received from MoTI

**Status Date:** 28-May-2021

Site Visit

**Status Date:** 28-May-2021

Referral Response sent to MoTI

File Number	Applicant Name	Date Received	Purpose
SS-SUB-2021.4	Massender, Ian (Matthew)	27-Aug-2021	Boundary Adjustment - 244 Rainbow Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 23-Nov-2021

Septic report received

**Status Date:** 18-Nov-2021

PLRS received from MoTI

**Status Date:** 18-Oct-2021

Referral Response sent to MoTI



Subdivision

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2021.5    Polaris Land Surveying Inc    16-Sep-2021    Boundary adjustment - 1201/1231 Beaver Point Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 10-Dec-2021  
Revised site plan required to complete referral response

**Status Date:** 16-Sep-2021  
Planner Mayes assigned to the file - SS-SUB-2021.5

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2021.6    MiCo Properties    17-Nov-2021    Two Lot Subdivision - 1281 Fulford-Ganges Road

Planner: Kristine Mayes

Planning Status

**Status Date:** 14-Dec-2021  
Revised site plan required to complete referral response

**Status Date:** 19-Nov-2021  
File assigned to Planner Mayes - SS-SUB-2021.6

File Number	Applicant Name	Date Received	Purpose
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SS-SUB-2021.7    Juengst, Patricia    13-Dec-2021    2 Lot Subdivision - 007-521-031

Planner: Kristine Mayes

Planning Status

**Status Date:** 15-Dec-2021  
Referral Response sent to MoTI

**Status Date:** 14-Dec-2021  
Planner Mayes assigned to file - SS-SUB-2021.7

# Islands Trust

LTC EXP SUMMARY REPORT F2022  
Invoices posted to Month ending November 2021

655 Salt Spring	Invoices posted to Month ending November 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-655	LTC "Trustee Expenses"	<u>1,985.00</u>	<u>0.00</u>	<u>1,985.00</u>
		<u>1,985.00</u>	<u>0.00</u>	<u>1,985.00</u>
LTC Local				
65200-655	LTC - Local Exp - LTC Meeting Expenses	6,072.00	3,638.15	2,433.85
65210-655	LTC - Local Exp - APC Meeting Expenses	1,110.00	1,220.30	-110.30
65220-655	LTC - Local Exp - Communications	1,500.00	0.00	1,500.00
65230-655	LTC - Local Exp - Special Projects	<u>1,471.00</u>	<u>0.00</u>	<u>1,471.00</u>
TOTAL LTC Local Expense		<u>10,153.00</u>	<u>4,858.45</u>	<u>5,294.55</u>
Projects				
73001-655-4020	Salt Spring Ganges Village Area Planning	65,000.00	43,390.21	21,609.79
73001-655-4034	SSIWPA Coordinator Expense	60,000.00	39,832.50	20,167.50
73001-655-4035	SSIWPA Events & Communications Expense	13,740.00	771.90	12,968.10
73001-655-4036	SSIWPA Meetings Expense	1,760.00	725.70	1,034.30
73001-655-4037	SSIWPA Project - Weston Lake	30,000.00	0.00	30,000.00
73001-655-4038	SSIWPA Project - Watershed Protection Plan	50,000.00	0.00	50,000.00
73001-655-4113	Salt Spring Protect CDF Ecosystem	5,000.00	1,106.11	3,893.89
73001-655-4119	Salt Spring Housing Challenges & Solutions	45,000.00	3,428.10	41,571.90
73001-655-4122	Salt Spring Healthy Watersheds Initiative	<u>5,000.00</u>	<u>0.00</u>	<u>5,000.00</u>
TOTAL Project Expenses		<u>275,500.00</u>	<u>89,254.52</u>	<u>186,245.48</u>



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

### HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 23, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

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

#### 1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Manager welcomed Carmen Smith as the new acting Communications Specialist, noting she was not able to make this meeting, but will be introduced at the January 25, 2022 meeting.

#### 2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Ecosystem Protection Specialist presented the revised Climate Change project charter. Board members discussed contributions, mitigation and adaptation to climate change, criteria for projects, costs, and staff time. Purpose statement for the program was revised to: *'To conduct a pilot analysis of climate change impacts, including the opportunities for ITC properties to contribute to climate change mitigation and adaptation where possible, for 2—3 ITC Nature Reserves, as a first step in adapting ITC's work to best protect local species and ecosystems through climate futures.'*
- The Species at Risk Project Coordinator presented the Species at Risk project charter which was approved as is.
- The ITC Manager provided an overview to Board members of current staff workloads, and changes over the last three years, and commented that there have been several changes in Islands Trust and ITC administrative systems. ITC staff plan to bring suggestions to the Board in January on how to prioritize work items and manage staff workload, to prevent staff burnout and best meet the goals of the ITC Board.
- ITC Meeting Procedure and Bylaw Amendment decision request was deferred to the January 25, 2022 ITC Board Meeting.
- The Islands Trust Conservancy Board (ITCB) directed staff to schedule the 2022 ITCB meeting dates of March 15<sup>th</sup>, May 24<sup>th</sup>, October 4<sup>th</sup>, and November 22<sup>nd</sup>, 2022 as electronic meetings, and list the Victoria office boardroom as the public meeting location.
- The ITCB approved the attendance for Trustees Fast, Fenton, Stamford and Smith to attend the Salish Sea Ecosystem Conference, and allocated up to \$200 for registration.



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

### 3. COVENANT AND PROPERTY ACQUISITIONS

- The Ecosystems Protection Specialist reported both the Moss Mountain (Salt Spring) Pare-Baile (North Pender) NAPTEP covenants were successfully signed and registered in October and the tax exemption certificates were issued.
- The Ecosystem Protection Specialist presented a conservation proposal to expand the Nighthawk Hill NAPTEP covenant (North Pender) to Board members; noted this was an extension of the current covenant.

### 4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Property Management Specialist presented the 2021 Nature Reserves monitoring report to the board. Report was accepted as is.
- The ITC Covenant Management and Outreach Specialist presented the 2021 Covenant monitoring report to the board. The report was accepted as is, and staff were directed to address issues identified in the report.
- The ITC Manager presented a development variance permit (DVP) referral for a Hornby DVP application adjacent to an ITC conservation covenant. The Board moved that ITC staff respond to the Hornby Island Local Trust Committee recommending that the development variance permit be declined because of insufficient setback distance from the ITC Covenant and the protected prairie oak (Garry oak) habitat and that the landowner be encouraged to cancel their plans for the construction of a pool in Garry oak habitat. The Board also recommended actions to protect the covenant should the Hornby Island Local Trust Committee approve the application.

### 5. COMMUNICATIONS AND OUTREACH

- The Ecosystem Protection Specialist briefed board members on bull kelp mapping for the Islands Trust area. Board members suggested making the mapping public and available to researchers, and keeping track of data requests.
- The ITCB accepted the Public Acquisitions Report and the Public Covenants Report (for information)
- Correspondence was received from Margaret Taylor, a Gabriola Island resident. Her letter raised concerns of development on Gabriola. The ITC Board directed staff to forward the letter to the Gabriola Island Local Trust Committee and requested that the Chair respond to Ms. Taylor.

### 6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Manager provided the 2022-23 budget request to the Board for information, including the updated business case for a Strategic Fundraising position. The budget request was approved at the October ITCB meeting.



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

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To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



File No.: 6500-20 – Water Sustainability

6500-20 – Protection of the Coastal Douglas-fir Zone and Associated Ecosystems

DATE OF MEETING: January 18, 2022

TO: Salt Spring Island Local Trust Committee

FROM: Jason Youmans, Island Planner  
Salt Spring Island Team

SUBJECT: Project Scoping – Water Storage Bylaw Amendments and Wildfire Development Permit Area

## REPORT SUMMARY

The purpose of this staff report is to provide the Salt Spring Island Local Trust Committee (SS LTC) with preliminary information concerning potential approaches to developing water storage requirements and/or a wildfire hazard development permit area – requests that have been made of the SS LTC by North Salt Spring Water District (NSSWD) and Salt Spring Island Fire Rescue (SSIFR) respectively.

This report does not provide any recommendations as it is assumed to be for the SS LTC’s general discussion, but does provide some alternative options if the SS LTC decides it wants to further pursue the work considered here.

## BACKGROUND

At its meeting of November 9, 2021 the SS LTC passed the following resolution:

### SS-2021-203

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff to report back regarding options for a Wildfire Development Permit Area and water storage.

Direction to report back on water storage options followed on a letter received by SS LTC from the North Salt Spring Water District at its November 9, 2021 meeting. That letter, attached as Appendix 1, contained the following resolution from a recent NSSWD board meeting:

Moved by B. Pyper

Seconded by M. McAllister

**Motion:** That, the Trustees direct staff to engage Island’s Trust by sending a letter requesting they either, amend the Salt Spring Island Land Use Bylaw or create a new bylaw addressing water conservation requirements for new or expanding developments on Salt Spring Island.

It is presumed that direction to provide options for the development of a Wildfire Hazard DPA originates both from recognition of the risks posed by increasingly dry summers due to climate change, and, in part, from a letter the SS LTC received from SSIFR in May 2019 and which is attached here as Appendix 2.

That letter stated, in part:

Salt Spring Island Fire Rescue recommends that the Salt Spring Islands Local Trust Committee consider addition of a Wildfire Hazard Development Permit Area (DPA) within the Salt Spring Island Official Community Plan (OCP).

## ANALYSIS

### Policy/Regulatory

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

Development of water storage and/or conservation bylaw amendments and a wildfire hazard DPA would be consistent with the following key Islands Trust Policy Statement directive policies:

#### *Water Storage/Conservation*

3.3.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

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

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

4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses<sup>18</sup>.

#### *Wildfire Hazard Development Permit Area*

5.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

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

Development of water storage and/or conservation bylaw amendments and a wildfire hazard DPA would be consistent with the Salt Spring Island Official Community Plan, in particular the following objectives and policies:

*Water Storage/Conservation*

**C.3.2.1 OBJECTIVES**

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

And;

- C.3.2.2.8 The Local Trust Committee will consult, assist and cooperate with water districts in supply and demand management by providing data and supporting efforts to coordinate activities.

*Wildfire Hazard Development Permit Area*

**A.7.1 OBJECTIVES**

- A.7.1.1 To identify and guide development away from areas known to have natural hazards, such as unstable slopes, highly erodible soils, wildfire, or the potential for flooding.

And;

- A.7.2.8 The Local Trust Committee will support efforts to reduce and mitigate wildfire hazards, including supporting Fire Smart education initiatives and will give consideration to designation of development permit areas for wildfire hazard.

***Land Use Bylaw:***

It is likely feasible to amend the Salt Spring Island Land Use Bylaw to include certain water storage/conservation provisions. See "Issues and Opportunities" below for further discussion.

A wildfire hazard DPA must be designated, described and justified within an OCP although it is possible to have DP guidelines within a land use bylaw. It may be feasible that some FireSmart principles could be addressed via the Land Use Bylaw.

***Islands Trust Conservancy :***

Bylaw amendments to require water conservation/storage are not anticipated to impact the interests of Islands Trust Conservancy (ITC).

A wildfire hazard DPA could impact the interests of Islands Trust conservancy and the lands held or covenanted by that body. Such a DPA would be developed in consultation with the ITC.

## **Issues and Opportunities**

### *Water Storage/Conservation Bylaw Amendments - Feasibility*

The SS LTC could amend either the Salt Spring Island Land Use Bylaw or Official Community Plan to include water storage/conservation requirements.

#### *Land Use Bylaw Approach*

As noted in the letter from NSSWD attached as Appendix 1, other islands within the Islands Trust area already have water storage requirements within their land use bylaws that apply in water-stressed areas (see Appendices 3 and 4). Staff are confident that SS LTC could do similar on Salt Spring Island, as Section 479(4)(d) of the [Local Government Act](#) permits the adoption of bylaws that prescribe “different standards of works and services provided.”

A project to develop such bylaw amendments would have to consider:

- Whether it should apply only within the boundaries of the NSSWD service area, include other community water system service areas that were supportive, or apply across the entirety of the Island, or other configurations;
- Whether such a bylaw would apply only to new subdivisions, new single-family home construction, significant renovations, and/or to new multi-family/commercial/general employment development as well; and
- What storage volumes are appropriate.

The letter from NSSWD attached as Appendix 1 also requests that SS LTC consider bylaws requiring drip irrigation and landscape mulching. On first pass, this seems to be outside what the SS LTC can regulate through its [Local Government Act](#) Section 479 zoning powers, but staff could investigate this further in the course of the project if pursued.

#### *Official Community Plan Approach*

Section 488(1)(i) of the [Local Government Act](#) allows local governments to create a development permit area for the purpose of the “establishment of objectives to promote water conservation.”

The Regional District of Nanaimo exercised this authority in its creation of the [Yellow Point Aquifer Protection DPA](#) which requires the installation of 18,000 litres of rainwater storage for all new dwelling units in the permit area.

Staff provide this example simply to demonstrate that the SS LTC could likely implement a water conservation/storage DPA applicable in known water-stressed areas of the island, or potentially across the Island as a whole, or other configurations.

Amending the OCP to introduce a new development permit area may be a significantly greater undertaking with more rigorous process requirements than amending the Land Use Bylaw.

### Wildfire Hazard Development Permit Area Bylaw Amendments - Feasibility

Wildfire hazard DPAs are authorized under Section 488(1)(b) of the Local Government Act, which allows development permit areas to be established for the “protection of development from hazardous conditions.”

Numerous other jurisdictions such as [Squamish](#) and the [District of North Vancouver](#) have enacted wildfire hazard DPAs which could serve as useful references if the SS LTC chooses to proceed with one on Salt Spring Island.

Under Section 491(2) of the Local Government Act, hazardous area DPAs, particularly for wildfire hazard, may:

- (a) *specify areas of land that may be subject to flooding, mud flows, torrents of debris, erosion, land slip, rock falls, subsidence, tsunami, avalanche or wildfire, or to another hazard if this other hazard is specified under section 488 (1)(b), as areas that must remain free of development, except in accordance with any conditions contained in the permit;*
- (c) *in relation to wildfire hazard, include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures;*
- (d) *in relation to wildfire hazard, establish restrictions on the type and placement of trees and other vegetation in proximity to the development.*

It should be noted here that local governments typically use wildfire hazard development permit areas as a way to reduce the risk of damage to man-made infrastructure from wildfire. They are not generally applied as a tool to minimize wildfire risk within forests themselves through fuel management or thinning, nor have they been used for protection of the Coastal Douglas-fir zone and associated ecosystems.

### Resourcing/Budgets/Relationship to Existing Projects

There are no staff resources to initiate new projects in addition to ongoing work programs at the present time. Undertaking either of the initiatives referenced in this report would require restructuring existing projects and staff work programs to prioritize this work. Additionally, the window to submit business cases for the fiscal 2022/23 Trust Council budget is closed and public engagement is underway based on the budget Trust Council approved for engagement in December 2021.

#### *Water Storage/Conservation*

Given that the window to submit budget requests for the 2022/23 Trust Council budget has closed, work on a water storage/conservation project would have to be funded from the general Local Planning Services project budget – if staff time was freed from other commitments. The most the SS LTC could secure for this initiative would be \$5,000.

#### *Wildfire Hazard DPA*

Given that the window to submit budget requests for the 2022/23 Trust Council budget has closed, work on the development of a Wildfire Hazard DPA would have to fit within the tasks envisioned in the 2022/23 SS LTC Business Case for the Protection of the Coastal Douglas-fir Zone and Associated Ecosystems Project, which includes:

First Nations Consultation: \$3,500

Consultant – Density Bonus Zoning Appraisal Report: \$4,000

Consultant – Fire Ecology Risk Analysis: \$12,000  
Fire Ecology Risk Reduction Workshop: \$5,000  
Regulatory and Policy Development: \$5,000  
Communications and Education Materials: \$2,500  
**Total: \$32,000**

It is feasible that the 2022/23 deliverables above could lay the groundwork for a future wildfire hazard DPA; however, it is premature to assume that is what the consultants, risk analysis, and workshop will recommend. Moreover, ongoing coordination with the SSIFR is required to ensure the latest hazard, risk and vulnerability assessment information is available.

### Project Approaches

#### *Water Storage/Conservation Bylaw Amendments*

This project would be best considered a sub-project of the SS LTC's greater [Water Sustainability Project](#). However, the Water Sustainability Project is already over-subscribed with project deliverables including:

- Weston Lake Water Availability and Climate Change Assessment;
- Proof of Water Bylaw amendments;
- Development of a Watershed Stewardship and Protection Strategic Plan;
- Ongoing SSIWPA support; and
- Groundwater and lake level monitoring

Most development in the NSSWD area is currently restricted by the water moratorium imposed in 2014. Thus the SS LTC may consider placing this item on the project list for action at a future time.

If the SS LTC wishes to undertake this project, staff recommend that the SS LTC also direct that work on the "Proof of Water at Time of Subdivision" bylaw amendment sub-project be paused or abandoned. Work on that file has taken longer than anticipated as staff try to reconcile differing agency perspectives on the subject.

#### *Wildfire Hazard Development Permit Area*

Staff recommend that if the SS LTC wishes to pursue a new wildfire development permit area that work over the next fiscal year be limited to:

- 1) Ongoing discussion and participation with SSIFR about development of a new Salt Spring Island Community Wildfire Resiliency Plan.

In 2020 SSIFR, the Capital Regional District, in partnership with SSIFR, received a provincial Community Resiliency Investment grant through the [FireSmart Community Funding and Support Program](#) to undertake development of a new Community Wildfire Resiliency Plan for the CRD's electoral areas, including Salt Spring Island in 2021. This plan is proposed to include updated wildfire risk mapping. It is staff's understanding that no consultant has yet been hired to lead this work, and as such its completion date is unknown.

It would be difficult for Islands Trust to move forward in developing a wildfire hazard development permit area in the absence of the risk mapping that would likely inform the boundaries of that DPA. It might also be possible to use the Community Wildfire Resiliency Plan process as an opportunity to start developing the general themes or guidelines that might be included in a future wildfire hazard DPA.

- 2) Assessing the outcomes of SS LTC's fire ecology and risk assessment work that is planned under the Protection of the CDF and Associated Ecosystems project umbrella; and
- 3) Consideration of preliminary groundwork for a successful grant application through the [FireSmart Community Funding and Support Program](#) where up to \$10,000 can be available to offset the costs of developing new wildfire hazard DPAs, with additional funding available for other types of FireSmart initiatives. Grant applications to the FireSmart fund require engagement with a British Columbia Wildfire Services regional wildfire prevention officer, so some level of lead time is required ahead of the grant application to determine what the wildfire prevention officer would consider to be the Island's priorities.

It is worth noting here that the FireSmart [grant information package](#) specifies that the only mode of DPA that can be developed through that funding stream is one to "Establish Development Permit Areas for Wildfire Hazard in order to establish requirements for the exterior design and finish of buildings." This may be a more narrowly-defined DPA than what the SS LTC envisions and not appropriate to achieve its objectives. Regional District of Okanagan Similkmeen staff [recently concluded](#) that such a DPA would not be in that community's interest. While FireSmart grant money may be limited to DPAs focussed on exterior building finishes, Section 491(2) of the Local Government Act appears to allow greater latitude for what a wildfire hazard DPA could include, and could potentially also be combined with an environmental protection DPA. SS LTC will note that in the RDOS example above, the regional district hired a professional consultant to develop draft DPA guidelines.

The SS LTC submitted a budget business case for the 2022/23 Trust Council budget that includes \$22,000 earmarked for wildfire-related work, so the SS LTC will be advancing wildfire-related initiatives over the course of the coming year, even if not directly in the form of DPA development.

If the SS LTC would like to pursue a wildfire development permit area, this should be made the principle focus of its Protection of the Coastal Douglas-fir Zone and Associated Ecosystems Project and the project charter (attached as Appendix 5) should be revised accordingly. Staff do not have the capacity to embark on an additional new project.

### **Consultation**

Detailed consultation approaches for water storage/conservation or wildfire hazard development permit areas will be developed if the SS LTC chooses to pursue either of the projects referenced here.

### ***Timeline***

Estimated timelines for either project will be provided in draft project charters if the SS LTC chooses to pursue either of the projects referenced here.

### ***Protocols***

Should the SS LTC choose to pursue either of the projects referenced here staff will verify if any Islands Trust, [Islands Trust Conservancy](#) or Local Trust Committee agreements exist and whether or not they are relevant to the consultation/engagement process (i.e. protocols, MOUs, LOAs).

### ***Agencies***

Development of either water storage/conservation bylaw amendments or a new wildfire hazard DPA will require both coordination with agencies on the front-end and formal referral to those agencies once draft legislation has been developed.

## **First Nations**

Staff do not anticipate that First Nations with treaty of territorial interests on Salt Spring Island will have significant interest in the development of new bylaw amendments concerning water storage/conservation. Nonetheless, they would be engaged early in the process to determine what interests they may have and how they would like to participate in the project process.

It is, however, quite possible that First Nations may have significant interest in the development of a wildfire hazard development permit area on Salt Spring Island. As more treaties are settled, current Crown lands on the Island could come to be under Indigenous ownership and stewardship and Nations may wish to ensure that local government regulations do not impede their objectives for those lands. Additionally, area First Nations have a long history of using controlled burns as a method of land management and may wish to see that such practices are considered within any proposed new regulations. Area First Nations would need to be engaged early in the process to determine what interests they may have and how they would like to participate in the project process.

## **Rationale for Recommendation**

Staff have no recommendations to make at the present time.

## **ALTERNATIVES**

### **1. Develop a Project Charter for a Water Storage/Conservation Project**

If the SS LTC wishes to pursue a bylaw amendment project related to water storage/conservation within the North Salt Spring Waterworks District it can direct staff to return with a project charter framing such a project.

If the SS LTC endorses a project charter at a future meeting, staff will likely propose a concurrent resolution at that time to put further work on the SS LTC's Proof of Water at Time of Subdivision project on hold as staff will not have the capacity to devote to both simultaneously.

If the SS LTC considers this direction it would be helpful for the SS LTC to provide staff with some understanding of what it hopes to achieve through such a project so that staff can provide some analysis and/or options and structure a project charter that will best achieve the SS LTC's objectives.

### **2. Amend Protection of the Coastal Douglas-fir Zone and Associated Ecosystems Project Charter to Emphasize Wildfire Risk Mitigation and the Development of a Wildfire Hazard Development Permit Area.**

In its business case to Islands Trust Financial Planning Committee for the 2022/23 fiscal year the SS LTC requested \$22,000 in project funds to be used for wildfire risk research and planning. As such, it seems that the SS LTC's Protection of the Coastal Douglas-fir Zone and Associated Ecosystems Project has already begun to shift toward a greater emphasis on wildfire risk mitigation rather than a primarily conservation-oriented initiative to protect the island's forests from clearcut logging as it began. If indeed this is the intent of the SS LTC then it should request amending the project charter appropriately. Recommended wording for this resolution is as follows:

*That the Salt Spring Island Local Trust Committee request staff to amend Protection of the Coastal Douglas-fir Zone and Associated Ecosystems Project Charter v1.1 to emphasize wildfire risk mitigation and the exploration of a Wildfire Hazard Development Permit Area and other FireSmart initiatives.*

If the SS LTC considers making the above resolution it would be helpful for the SS LTC to provide staff with some understanding of what it hopes to achieve through such a project so that staff can provide some analysis and/or options and structure a project charter that will best achieve the SS LTC's objectives.

### 3. Maintain Current Projects

Staff are currently fully assigned for the current and upcoming fiscal year assuming the proposed 2022/23 Trust Council budget is approved as drafted. Therefore, staff recommend no further scope expansion and a disciplined approach to achieving the existing approved project deliverables. If the SS LTC concurs, and elects not to further pursue either of the project amendments referenced above, staff will continue to work on already-assigned projects.

As they relate to both Water Sustainability and Protection of the Coastal Douglas-fir Zone and Associated Ecosystems, these include:

- Proof of Water at Time of Subdivision: Staff have developed a robust suite of potential bylaw amendments that have been reviewed by both SSIWPA's technical working group and water staff from the provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). Staff are in the final stages of trying to reconcile proposed amendments with comments received from FLNRORD staff.
- Protection of the Coastal Douglas-fir Zone and Associated Ecosystems Project: The draft Trust Council Budget for 2022/23 includes a \$32,000 budget for the SS LTC's Protection of the CDF and Associated Ecosystems Project.

If staff are not re-directed to work on the development of a Wildfire Hazard DPA, staff will continue to execute the SS LTC's Protection of the CDF and Associated Ecosystems project as reflected in the business case that was provided to Trust Council. Given that the SS LTC has already begun to shift that project in the direction of wildfire risk-reduction through its Trust Council budget request, SS LTC can anticipate that staff will return at a future meeting with a revised project charter for discussion.

### 4. Add Projects to Project List

Recognizing the limited staff and financial resources to pursue either of the project amendments referenced here at present, the SS LTC can add them to the projects long list for consideration when additional staff or financial resources are available.

Recommended wording for such a resolution would be as follows:

*That the Salt Spring Island Local Trust Committee add "Water Storage/Conservation" bylaw amendments to its projects list.*

And/Or

*That the Salt Spring Island Local Trust Committee add "Wildfire Hazard Development Permit Area" to its project list.*

The implication of the above resolutions are that these projects will be added to the SS LTC's projects long list for consideration when additional staff or financial resources become available.

## NEXT STEPS

Staff will carry out the direction of the SS LTC.

Submitted By:	Jason Youmans, Island Planner	January 10, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	January 10, 2022

**ATTACHMENTS**

1. Letter – North Salt Spring Waterworks District to Salt Spring Island Local Trust Committee – October 8, 2021
2. Letter – Salt Spring Island Fire Rescue to Salt Spring Island Local Trust Committee – May 30, 2019
3. Excerpt - Saturna Island Land Use Bylaw – Water Storage Requirements
4. Excerpt – South Pender Island Land Use Bylaw – Water Storage Requirements
5. Project Charter - Protection of the Coastal Douglas-fir Zone and Associated Ecosystems v1.1

Stefan Cermak  
Regional Planning Manager - Islands Trust  
1 – 500 Lower Ganges Road  
Salt Spring Island, BC V8K 2N8

October 8, 2021

Dear Stefan,

North Salt Spring Waterworks District (NSSWD) is the largest water district on Salt Spring Island. We are responsible for providing potable water to the majority of homes and businesses, including in our community's town center of Ganges. In 2014, a moratorium on any new water connections within our district was put in place. This measure was enacted, and is still in place today, because of the finite capacity of our water supplies. An unfortunate outcome of the moratorium is that new housing development within our district is very restricted. We have long acknowledged the tension between our mandate to responsibly manage limited water resources and our community's need to increase housing supply and options. It is a predicament without a clear resolve or horizon. In an effort to work collaboratively with Islands Trust, the NSSWD Board passed the following resolution during their Sept 23<sup>rd</sup>, 2021 meeting:

Moved by B. Pyper

Seconded by M. McAllister

**Motion:** That, the Trustees direct staff to engage Island's Trust by sending a letter requesting they either, amend the Salt Spring Island Land Use Bylaw or create a new bylaw addressing water conservation requirements for new or expanding developments on Salt Spring Island.

The NSSWD is hopeful Islands Trust will be supportive and amend the Salt Spring Island Land Use Bylaw to include water conservation conditions. Like both the South Pender Island Land Use Bylaw (No 114) and the Saturna Island Land Use Bylaw (No 119) NSSWD would like to see rainwater catchment with cisterns for storage, with a minimum of two months of water storage, included in the Salt Spring Island Land Use Bylaw for any new construction or modifications to an existing structure. Additional conservation measures that could also be incorporated into Islands Trust bylaws for Salt Spring Island include onsite drip irrigation, mulching for all plantings (both food and ornamental), low water demand planting, low water use plumbing fixtures, requiring applicants to produce a water budget detailing water usage and all conservation measures being incorporated into the development. As well as actively promoting the incorporation of grey and/or storm water recover and reuse within the development.

Sincerely,



Don Pickle, District Manager



Salt Spring Island Fire Rescue.  
105 Lower Ganges Rd.  
Salt Spring Island, BC  
V8K 2T1

Emergency: 911  
Office: 250 537-2531  
Fax: 250 537-2507  
Email: [ageorge@saltspringfire.com](mailto:ageorge@saltspringfire.com)  
Web: [www.saltspringfire.com](http://www.saltspringfire.com)



Salt Spring Island Local Trust Committee

May 30<sup>th</sup>, 2019

Salt Spring Island Fire Rescue recommends that the Salt Spring Islands Local Trust Committee consider addition of a Wildfire Hazard Development Permit Area (DPA) within the Salt Spring Island Official Community Plan (OCP).

Wildfire risk is already identified as a key objective within the Salt Spring Island OCP (A.7.1.1): "To identify and guide development away from areas known to have natural hazards, such as unstable slopes, highly erodible soils, wildfire, or the potential for flooding."

The purpose of a Wildfire Hazard DPA is to identify areas that may be affected by wildfire and reduce wildfire risk and protect the environmental, economic and social/cultural values that reside within the existing forest interface areas: the optimal goals for the Wildfire Hazard DPA regulations will be to both reduce wildfire risk to the built environment of Salt Spring Island and to conserve the forest ecosystems which define its cultural heritage.

Reducing wildfire hazard involves a multi-layered approach that includes education, community-prevention activities, as well as subdivision design, and building and landscape design that include Fire Smart measures. This DPA is only one of the tools necessary to address wildfire risk within Salt Spring Island.

And Salt Spring Island has already recognized Fire Smart education initiatives and has committed to "give consideration" to wildfire hazard DPAs within the OCP (A.7.2.8): "The Local Trust Committee will support efforts to reduce and mitigate wildfire hazards, including supporting Fire Smart education initiatives and will give consideration to designation of development permit areas for wildfire hazard."

The establishment of a Wildfire Hazard DPA would require construction of new homes to standards that would ensure they are not vulnerable to wildfire or add to the wildfire risk profile of a community. This type of legislation would be similar to DPAs for both flood-plain and geotechnical hazard areas.

A Community Wildfire Protection Plan (CWPP), created for Salt Spring Island in 2005, also recommended legislation to reduce risks from wildfire hazards (page 3):

**Excerpt – Saturna Island Land Use Bylaw No. 119****2.17 Water Storage**

A building permit shall not be issued for any new residential building, visitor accommodation unit, or addition to a residential building or visitor accommodation unit in the water management area depicted on Schedule C unless a building on the lot is equipped with a water catchment system and cistern(s) for the storage of rainwater. Minimum cistern capacity is required as follows:

8

A minimum cistern capacity of 21820 litres (4800 gallons) is required for any new construction of a residence or visitor accommodation unit, or any addition to a residence or visitor accommodation unit that exceeds 11.6 square metres (125 square feet) of floor area.

Excerpt – South Pender Island Land Use Bylaw No. 114

**3.14 Groundwater Protection**

- (1) A building permit shall not be issued for a new building to be used as a *dwelling* on a lot in the RR(1), RR(2) or RR(3) zones unless a *building* on the lot is equipped with a rainwater catchment system and cistern(s) for the storage of rainwater with a minimum cistern capacity of 9,000 litres (1980 gallons).

**Purpose:** *Implement the ‘Protecting the Coastal Douglas-fir Zone & Associated Ecosystems: An Islands Trust Toolkit’ on Salt Spring Island.*

**Background:** *In 2018, the Islands Trust developed a Toolkit that outlined methods for protecting the Coastal Douglas-fir and associated ecosystems. In 2019, the Salt Spring Island Local Trust Committee (LTC) identified ‘Protection of the Coastal Douglas Fir Ecosystem’ as a Strategic Priority item for the 2018-2022 term. This project will implement the LTC’s Strategic Priority and the Islands Trust’s Toolkit.*

*From project launch, this project is anticipated to take place over two years in three phases:*

*Phase 1: Information Gathering and Analyzing, Consultation and Education*

*Phase 2: Policy and Regulation Development, Consultation and Education*

*Phase 3: Implementation and Education*

*The detailed workplan in this project charter addresses only Project Phase 1 in detail. Greater detail for Phases 2 and 3 will be developed following Phase 1 deliverables and determination of appropriate next steps*

**Objectives**

*Per the Toolkit, the objectives of this project are:*

- *maintain contiguous forest cover;*
- *protect and restore functioning ecosystems;*
- *protect watershed ecology; and*
- *honour Coast Salish cultural heritage.*

*An additional objective, not included in the Toolkit, is as follows:*

- *Minimize wildfire risk*

*This project aims to educate the public about the importance of CDF protection, to protect the Coastal Douglas-Fir zone and associated ecosystems on Salt Spring Island, and to develop policies for future CDF ecosystem advocacy.*

**In Scope**

- *Collaborate with Ecological Research Network and IT Conservancy staff developing and distributing educational materials*
- *Collaborate with community groups, conservation groups, and individuals to advance a broad set of tools for protection of the Coastal Douglas-fir zone*
- *Public participation level to be “Involve” on the IAP2 Spectrum (work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered)*
- *Consider incentive/reward options to protect CDF on private land (eg. density-bonus zoning)*
- *Collaborate with LPC planner to develop a model CDF Protection DPA*
- *Consider new Coastal Douglas-Fir ecosystem Development Permit Area*
- *Consider additional policies and resolutions to advocate to other agencies and Islands Trust bodies for the protection of the Coastal Douglas-Fir ecosystem*
- *Consider stronger OCP policy to support CDF protection*
- *Consider LUB amendments to help reduce impacts of development on CDF ecosystems*
- *Develop suitable project performance measures and monitor outcomes*

**Out of Scope**

- *Protection of all SSI Coastal Douglas fir*
- *-OCP amendments not identified in Toolkit*
- *LUB amendments not identified in Toolkit*
- *Ongoing future advocacy*
- *Ongoing education*

<b>Workplan Overview – Phase 1</b>	
<b>Deliverable/Milestone</b>	<b>Projected Completion Date</b>
<i>Development and Promotion of Educational Materials</i>	December 2020
<i>CDF Data Gap and Criteria Working Group</i>	November 2020
<i>CDF Data and Target Area Mapping (based on Data Gap Workshop)</i>	February 2020
<i>First Nations, Stakeholder and Public Consultation - Round 1</i>	December 2020
<i>Work with LPC to develop DPA or other bylaw templates</i>	TBD
<b>Workplan Overview – Phase 2</b>	
<b>Deliverable/Milestone</b>	<b>Projected Completion Date</b>
<i>Development of policy and regulation (bylaw readings)</i>	2021
<i>First Nations, Stakeholder and Public Consultation – Round 2</i>	2021
<i>Education and Communications (cont.)</i>	2021
<i>First Nations, Stakeholder and Public Consultation – Round 3</i>	2021
<b>Workplan Overview – Phase 3</b>	
<b>Deliverable/Milestone</b>	<b>Projected Completion Date</b>
<i>Bylaw adoption</i>	2022
<i>First Nations, Stakeholder and Public Consultation – Round 4</i>	2022
<i>Education and Communications (cont.)</i>	2022

<b>Project Team</b>	
Jason Youmans, Island Planner	<i>Project Manager</i>
Stefan Cermak, RPM Planner 1	<i>Oversight &amp; Support</i>
LPC Planner	<i>Planning and Technical Support</i>
Senior Freshwater Specialist	<i>Coordinate SSI and Trust-wide CDF protection work</i>
Senior Intergovernmental Policy Advisor	<i>Watershed Ecology Support</i>
ITC Ecosystem Protection Specialist	<i>First Nations Consultation Support</i>
Jackie O’Neal	<i>Private land ecosystem protection support</i>
OAA/PTA	<i>GIS Tech and Mapping Support</i>
<b>RPM Approval:</b> Stefan Cermak <b>Date:</b> July 16, 2020	<b>LTC Endorsement:</b> Resolution #: SS-2020-107 <b>Date:</b> July 28, 2020

<b>Budget – Project Phase 1</b>		
<b>Budget Sources: LTC Project Budget and LTC Communications Budget</b>		
<b>Fiscal</b>	<b>Item</b>	<b>Cost</b>
2020/21	Education and Communication Materials	\$4,000
2020/21	Data gap identification and Priority Setting; Analysis and Mapping	\$2,500
2020/21	First Nations, Stakeholder and Public Consultation – Round 1	\$2,500
<b>Total</b>		<b>\$9,000</b>

PROJECT CHARTER PHASE 1 - WORK PLAN DETAIL			
Meeting	Deliverable/Milestone	Target Duration	Cost
LTC	Review of Toolkit and options for the SSI LTC	February 18, 2020	\$0
LTC	LTC endorse revised project charter	July 28, 2020	\$3,500 \$0
LTC	Project kick-off event (special meeting webinar) <ul style="list-style-type: none"> <li>Open to the public</li> <li>Guest presenters (biodiversity, water, fire, First Nations)</li> <li>Q&amp;A with project manager</li> </ul>	September 2020 (date TBD)	\$1,000 Cost anticipates advertising and honoraria if necessary
	Development and promotion of CDF Information/Education Materials (produced by external parties)	Rolling, over 6 months	\$1,500 (LTC Communications budget) \$2,500 (LTC project budget) \$4,000 (SSIWPA)
	First Nation Consultation – Round 1 <ul style="list-style-type: none"> <li>Direct contact with band/nation staff to gauge level of interest and options for participation</li> <li>Involve First Nations in their preferred way</li> </ul>	6 months	TBD based on level of interest
	Data Gap and Criteria Development Working Group <ul style="list-style-type: none"> <li>Scientists and policy makers, by invitation of staff</li> </ul>	September/October 2020	\$2,500 (if in-person – room rental, catering, etc) Less if online Cost anticipates honoraria if necessary
LTC	Report to LTC on data gap working group/workshop, request direction to fill data gaps and apply criteria <ul style="list-style-type: none"> <li>Anticipate UBC Conservation Decision Lab to provide pro bono analysis and mapping services</li> </ul>	November 10, 2020	\$0
	Receipt of mapping reflecting application of criteria developed above	January 2021	
	Public Consultation Round 1: Education and information Gathering (Why is the CDF zone important, what are the tools we have to protect it, and how should those tools be deployed?) <ul style="list-style-type: none"> <li>Stakeholder Meetings <ul style="list-style-type: none"> <li>Direct contact and preliminary discussions with potentially affected land owners</li> <li>Online meetings with development industry groups (real estate, trades, etc) and environment-oriented groups (SSI Conservancy, Water Preservation Society, etc)</li> </ul> </li> <li>Online Education and Information Sharing</li> </ul>	January to March 2021	\$1,500

	<ul style="list-style-type: none"> <li>• Online Survey: concerns, aspirations, did you know, etc. <ul style="list-style-type: none"> <li>○ For general public</li> </ul> </li> <li>• APC Meeting</li> <li>• Regular notification when new information is posted to project webpage</li> <li>• Open house (online?) updating project progress</li> </ul>		
LTC	<p>Summarize all information to LTC about:</p> <ul style="list-style-type: none"> <li>• Stakeholder and public feedback</li> <li>• Target areas for protection through regulation, incentive, or compensation</li> </ul> <p>And recommendations for next steps in Phase 2</p>	March 2021	\$0
<b>TOTAL</b>		8 months	<b>\$9,000</b>

File No.: 6500-20 – Water  
Sustainability

DATE OF MEETING: January 18, 2022  
TO: Salt Spring Island Local Trust Committee  
FROM: Jason Youmans, Island Planner  
Salt Spring Island Team  
COPY: William Shulba, Senior Freshwater Specialist  
SUBJECT: Project Update - Salt Spring Island Watersheds Stewardship and Protection Strategic Plan

## PURPOSE

The purpose of this memo is to update the Salt Spring Island Local Trust Committee on the status and next steps of Phase 1 of the Salt Spring Island Watersheds Stewardship and Protection Strategic Plan Project.

It supplements a verbal presentation that will be given to the SS LTC at its regular meeting of January 18, 2022.

## BACKGROUND

On March 25, 2021, Salt Spring Island Local Trust Committee endorsed a project charter to develop, under the guidance of a qualified consultant, a strategic plan to guide and prioritize watershed protection work on a 5-to-10 year basis (LTC Resolution #: SS-2021-98). The objective of this work is to better support Salt Spring Island Watershed Protection Alliance (SSIWPA) member agencies in advancing effective, equitable, and modernized land and water use planning.

In Fall 2021 staff undertook a competitive process to engage a firm to lead this work and Econics Services was the successful proponent. Econics is a Victoria-based firm whose mission is to help sustain water systems and the communities that depend on them. They were selected in part because of their experience with similar programs across Canada, previous program evaluation projects, and their work in 2021 facilitating development of Islands Trust's federation-wide Freshwater Sustainability Strategy (received by Trust Council on December 1, 2021).

Phase 1 of the Salt Spring Island the project involves producing a situation analysis and options identification report. This phase is also looking at SSIWPA's strengths and weaknesses, how it can be improved, or alternatives to it. The project flow diagram for Phase 1 can be found in Attachment 1.

The project formally kicked off on November 19, with Islands Trust's project team comprised of Jason Youmans and William Shulba. SSIWPA coordinator Shannon Cowan is providing logistical support to Econics as well as necessary background information and documentation.

Work completed to date includes the following:

- **Interviews** – 14 interviews were conducted involving 15 informants (one session included two people). Interviewees include staff, contractors, elected officials and volunteers from Islands Trust, the Capital

Regional District, water service providers, the Provincial Government, and community non-governmental organizations;

- **SSIWPA Workshop** – a virtual workshop was held on December 13, involving 17 attendees from the SSIWPA Steering Committee, its Technical Working Group, and support staff from government agencies. Econics also attended and presented to the November 25 SSIWPA quarterly meeting; and
- **Literature Review** – Econics reviewed several dozen documents that provide key context for the program review.

At the December 13 SSIWPA workshop, Econics presented preliminary findings, noting that these are broad, initial observations and do not necessarily reflect what will be found in the final report. These include the following:

1. SSIWPA has evolved considerably over its eight-year history;
2. No SSIWPA participant or stakeholder they spoke to is completely happy. In particular, people are frustrated that SSIWPA’s role seems to be limited to “coordination”, rather than leading science-related projects and programs;
3. Everybody appreciates the need for a “big tent” – a forum where all stakeholders and responsible agencies can gather to coordinate activities and exchange information. The role of a staffed coordinator is seen as necessary to make this possible; and
4. SSIWPA has been instrumental in a number of significant accomplishments since its inception.

Econics also provided several more specific observations about various facets of SSIWPA including, for example:

- There is ongoing tension about the role of volunteer/ community science;
- Coordination to date with First Nations or Indigenous organizations has been very limited; and
- There is ongoing debate about whether the focus should be on drinking water specifically or watershed protection more generally.

## NEXT STEPS

Next steps are as follows:

- Econics is now preparing its draft Phase 1 report, which will be completed in early February;
- Draft results will be presented to SSIWPA Steering Committee at its 28 January meeting;
- Input from both SS LTC and SSIWPA meetings will be used to revise the Phase 1 report, which will be finalized by 28 February at the latest; and
- Subject to the report’s recommendations, Phase 2 of this project will include developing a Salt Spring Island Watershed Stewardship and Protection Strategic Plan.

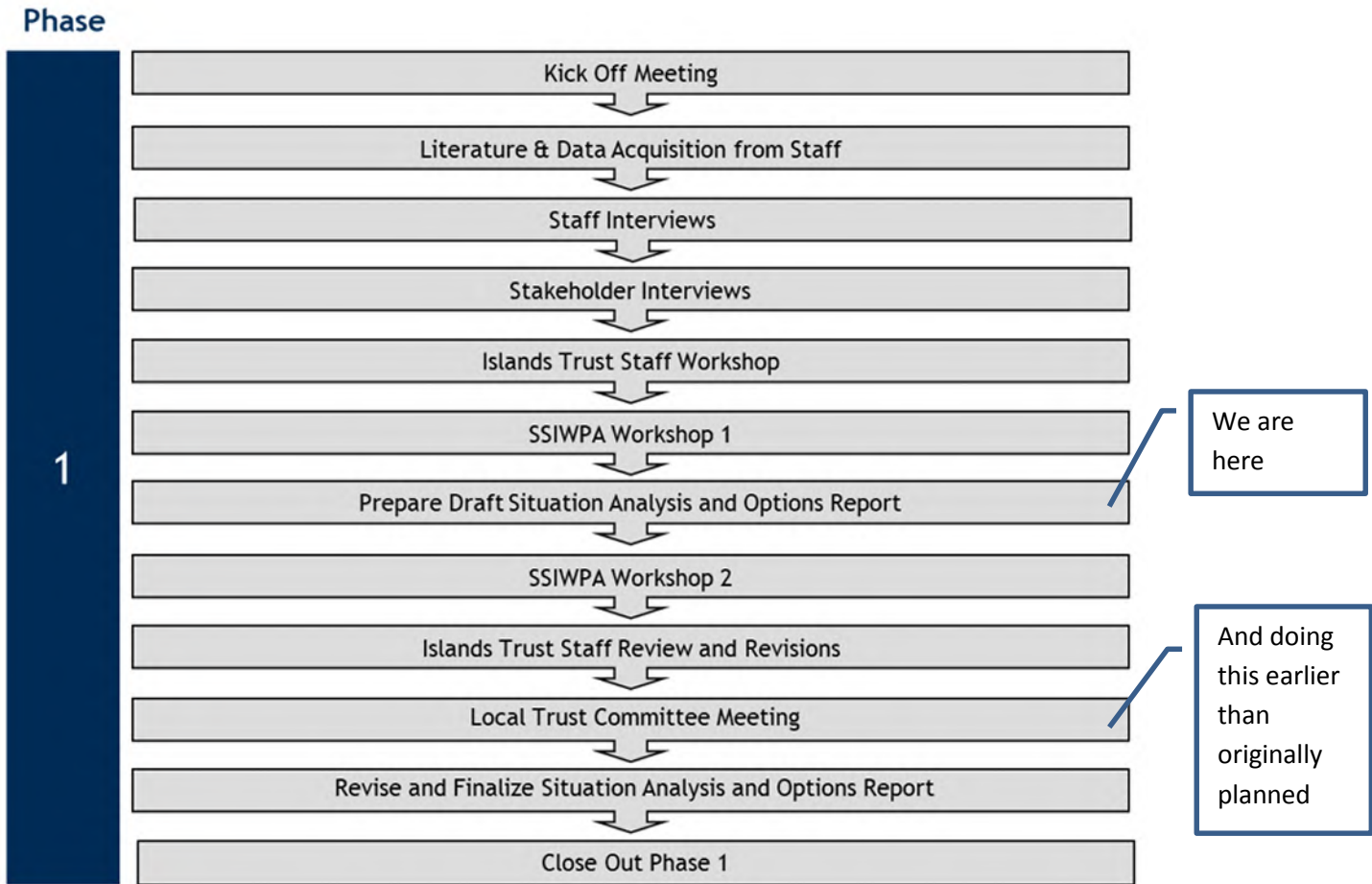
All work will build on and support implementation of the federation-wide Islands Trust Freshwater Sustainability Strategy.

Submitted By:	Jason Youmans, Island Planner	January 6, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	January 10, 2022

## ATTACHMENTS

1. Attachment 1: Project Flow Diagram

ATTACHMENT 1: PROJECT FLOW DIAGRAM



**Maxine Leichter  
Salt Spring Island, BC**

**Date:** January 5, 2021  
**To:** SSI Trustees Peter Luckham, Peter Grove and Laura Patrick  
**From:** Maxine Leichter  
**Regarding:** Rezoning applications for additional residences on Salt Spring

**Recommendations:**

1. Direct staff to create a list of additional residential permissions that have been authorized through rezoning since 2008 and whether or not each has a housing agreement promising that the units be affordable.
2. Do not authorize any additional up-zoning for residential use until this information is known.

**The Salt Spring Island Official Community Plan states:**

*“B.2.1.2.1 Zoning changes should be avoided if they would likely result in a larger island population than is expected under the development potential zoned in 2008. Exceptions to this policy are to be few and minor and only to achieve affordable housing and other objectives of this Plan.”*

I asked staff if they know how many residential permissions have been granted through rezoning since 2008 and was told that this is not known. That means, there is no accounting of this critical information. If this OCP section is to have any real-life meaning, this accounting must be done because otherwise it isn't possible to know if any further such rezoning meets the criteria of this OCP section.

Even without an official count, a casual review reveals cause for concern.

**There appear to be more than a FEW rezonings granted since 2008.**

Since 2008, permission have been granted for 44 affordable housing units that have been developed and at least 26 for affordable units that have not been developed. Additionally, properties have been rezoned to allow another 1,598 suite residences and 411 cottage residences. Additionally many other residential permissions have been added since 2008. This is NOT a few.

If one counts only the permissions granted for true affordable housing units (with a housing agreement), these might qualify as a few. However, the other residential permissions appear to be in violation of this OCP policy.

**OCP Section does not use the word “density”.**

A false argument has been used to justify the number of rezonings by saying they are not “densities”. This interpretation is not consistent with the plain meaning of the language in the OCP. The OCP policy does not contain the word “densities” or “density”. The policy refers to “a larger island population”. Allowing more residences will allow a larger island population unless there is evidence otherwise. No such evidence has been presented. Therefore, unless there is some further explanation, the term “densities” is not relevant.

**Many rezonings granted since 2008 do NOT meet the criteria of being affordable.**

Since the OCP policy stipulates that added densities must be for affordable housing AND meet other objectives of this plan, additional residences with no requirement to be affordable are not consistent with this policy. It is not sufficient to assume that since a unit is a suite or a cottage that it will automatically be affordable.

Since 2008, permissions have been added for at least 2,193 suites and 411 cottages with no requirement that they be affordable. Several rezonings have added other residential permissions since 2008 without a requirement that they be affordable.

**Therefore, adding any residential zoning at this point is in clear violation of OCP policy B.2.1.2.1 and therefore should not be approved by the Salt Spring Local Trust Committee, the Islands Trust Executive Committee or the Provincial Ministry.**

## **Delegation to Salt Spring Island Local Trust Committee Meeting January 18, 2022**

**From: Maxine Leichter**

This delegation responds to the motion passed at your November 2021 meeting to address lack of affordable housing: *"That the Salt Spring LTC endorse the HAPTF recommendation and request staff to report back on potential bylaw amendments to permit accessory dwelling units in all zones."*

We need to take a more productive approach. The first step in solving a problem is identifying the cause. Lack of affordable housing is widespread over North America and Europe. Some causes are:

1. Income inequality resulting in many people who can afford expensive housing while many others struggle to find appropriate housing.
2. High cost of construction.
3. Low interest rates which encourage investment in property
4. Existing cottages and suites being used as vacation rentals.
5. Zoning restrictions in urban areas

Solutions to the first problem must come from the federal and provincial levels. These include increasing taxes on incomes, investments, inheritance. A provincial tax on property sales could provide funding for affordable housing. Not much can be done about the cost of construction and interest rates are a federal jurisdiction.

Next is vacation rentals. You ordered a crackdown. For two years, we heard about progress. Since then, we have heard nothing. Today, on VERBO, I counted 14 short term vacation rentals with kitchens. In the past Bed and Breakfasts weren't allowed to have kitchens. What happened to enforcement against kitchens and vacation rentals?

The fourth cause is zoning. In urban areas, single family zoning has restricted construction of more affordable multi-family housing. Urban areas can support multi-family housing because they have community water and sewer. We do not have that capacity. Urban areas are expected to be urban. We are supposed to be rural. So that solution also doesn't apply here where we have very limited water and sewage treatment capacity.

Let's learn from what we've already done. Past up-zonings have not made a dent in the problem. In fact, the problem is worse. We need to know why. I know for a fact that many existing cottages occupied by retirees and family members, not necessary workers.

The Islands Trust is supposed to be a protected area. This should be the most important consideration in decision making. This area cannot be protected unless the natural environment is protected. Experience shows that increasing zoning will not solve the problem in the short term. But over time, it will do great harm, completely changing the natural environment and the rural character of our island. There won't be anything left of what has made this island special. There will be even more lack of sufficient services and problems with water supply and a worse quality of life for everyone living here.

So how to help solve this problem? First put the responsibility where it lies, primarily on higher levels of government. Encourage advocates to direct their efforts there, where they will have the most effect.

What can we do here? To determine what will be effective, a systematic approach is essential. Determine strategies based on experience and information and be clear on our goals. We need to distinguish between housing for different groups and decide how to address each. These include:

1. The “hard to house”, i.e. people with disabilities who may or may not be working
2. Low wage workers
3. Government workers, like RCMP, hospital, teachers, CRD, etc.
4. Other island workers who cannot find housing
5. Summer seasonal workers

Next, let’s answer these questions and more. Let’s make sure we are not making false assumptions about our exiting subsidized housing. Let’s find out:

1. Which of these groups is the current subsidized housing for? How much do we have and how much do we need or want to provide?
  2. How much of our subsidized housing is targeted to island workers? The answer may be “none”. If so, can some of this housing be targeted to workers?
  3. How much worker housing is being provided by employers?
  4. How much worker housing do we need at various cost levels?
  5. How can we overcome barriers to reserving housing for island workers?
  6. Why have previous up-zonings not provided much worker housing?
  7. Lots of workers do find housing. Is there something are they different from those who cannot?
- The answer may provide new ideas on meeting worker housing needs.

Before any more steps are taken to address this issue, let’s get the answers to these questions and others. Let’s learn from the past. Strategies enacted in the absence of information do not have a high success rate.

Jenny McClean Delegation:

**Concerning Housing Covenant ES01282 for Meadowbrook:**

I would like the trustees to report to whether or not they are going to require GISRA to speak to their obligations under the covenant ES01282. I appreciate that they did ask GISRA, however, GISRA did not provide the information.

Is it the case that GISRA has not record of their rents since opening and also, is there no power within the LTC to ensure that covenants on affordability are met?

**Concerning the Vortex:**

Dear Trustees,

I am concerned with the proposal for the Vortex development near such an undisturbed stream that travels to the ocean at the head of Fulford Harbour. I have learned that sewage contains pharmaceuticals, and other harmful contaminants that seep into the surrounding areas. The stream that runs through the property proposed to be the new Vortex development will be damaged by the development. There is no way to ensure that it will not be. I am very concerned.

Sincerely,

Jenny McClean

01 FEB 20 11 13

ES01282

LAND TITLE ACT  
FORM C (Section 219.81)  
Province of  
British Columbia

LAND TITLE OFFICE  
VICTORIA

**GENERAL INSTRUMENT - PART 1**

Page 1 of 11 Pages

1. APPLICATION: (Name, address, phone no. & signature of applicant, applicant's solicitor or agent)  
McKimm & Lott, #10241 (for pick up by Sidney Registry Services)

01 01/02/20 11:13:53 01 VI  
CHARGE

2. Parcel Identifier(s) and Legal Description(s) of Land:  
(PID) (Legal Description)  
024-814-431 Lot A, Section 3, Range 3 East, North Salt Spring Island,  
Cowichan District, Plan VIP70848

3. Nature of Interest:	Document Reference	Person entitled to interest
Description Section 219 Covenant	Entire Instrument	Registered Owner

4. TERMS: Part 2 of this instrument consists of (select one only)  
(a) Filed Standard Charge Terms ( ) D.F. No.  
(b) Express Charge Terms (X) Annexed as Part 2  
(c) Release ( ) There is no part 2 to this instrument

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. Transferor(s):  
GULF ISLANDS SENIORS RESIDENCE ASSOCIATION (Inc. #38999), a society incorporated under the laws of the Province of British Columbia and having its office at 121 Atkins Road, Salt Spring Island, BC V8K 2R6

6. Transferee(s):  
SALT SPRING ISLAND LOCAL TRUST COMMITTEE, a corporation under the *Islands Trust Act*, having an office at #200 - 1627 Fort Street, Victoria, BC V8R 1H8

7. Additional or Modified Terms: N/A

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

Officer Signature(s)

Execution Date

Party(ies) Signature(s)

01/01/12

GULF ISLANDS SENIORS RESIDENCE ASSOCIATION, by its authorized signatories:

Name:

TIMOTHY F. LOTT  
201 - 118 FULLERD-GANGES ROAD  
SALT SPRING ISLAND, B.C. V8K 2S4  
BARRISTER & SOLICITOR

Name: Mary Toyne



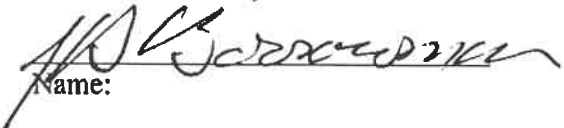
(As to all signatures)

Officer Certification:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Evidence Act, R.S.B.C., C114, 17ke  
affidavits for use in British Columbia and certifies the matters set out in part 5 of the Land Title Act as they pertain to the execution of this instrument.

LAND TITLE ACT  
FORM D

EXECUTIONS CONTINUED

Officer Signature(s)	Execution Date			Transferor/Borrower/Party Signature(s)
 <b>LINDA JOAN ADAMS</b> <b>Commissioner for Taking Affidavits</b> <b>for British Columbia</b> #1206 - 115 Fulford-Ganges Road Salt Spring island, British Columbia V8K 2T9 Ph (250) 537-9144	Y	M	D	SALT SPRING ISLAND LOCAL TRUST COMMITTEE, by its authorized signatories
(as to all signatures)	01	02	09	 Name:
				 Name:

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**TERMS OF INSTRUMENT  
PART 2**

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

**BYLAW NO. 364**

**HOUSING AGREEMENT AND SECTION 219 COVENANT**

**THIS AGREEMENT DATED FOR REFERENCE** the 25th day of July, 2000

**BETWEEN:**

**GULF ISLANDS SENIORS RESIDENCE ASSOCIATION**  
(Inc. No. S-38999) a society incorporated under the laws of the  
Province of British Columbia and having its office at 121 Atkins  
Road, Salt Spring Island, BC V8K 2R6

(the "Owner")

**AND:**

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**  
a corporation under the *Islands Trust Act*, having an office at  
#200 - 1627 Fort Street, Victoria, BC V8R 1H8

(the "Trust Committee")

**WHEREAS:**

- A. The Owner has applied to the Trust Committee for rezoning of the Lands to permit the construction of a seniors' supportive housing complex on the Lands, more particularly described in this Agreement;
- B. The Trust Committee may, pursuant to s.905 (1) of the *Local Government Act*, enter into an agreement with an owner of land that includes terms and conditions regarding the occupancy of housing units located on those lands;
- C. Section 219 of the *Land Title Act* permits the registration of a covenant of a negative or positive nature in favour of the Trust Committee in respect of the use of land or construction on land;

- D. The Owner and the Trust Committee wish to enter into this Agreement to provide for the construction and occupation of Dwelling Units by Seniors, and agree that this Agreement is both a section 219 covenant under the *Land Title Act* and a housing agreement under Section 905 of the *Local Government Act*; and
- E. The Trust Committee has, by bylaw, authorized the execution of this Agreement and the Owner has duly authorized the execution of this Agreement;

**THIS AGREEMENT** is evidence that in consideration of \$2.00 paid by the Trust Committee to the Owner (the receipt of which is acknowledged by the Owner), and in consideration of the "promises exchanged below, the Trust Committee and the Owner agree, as covenants granted by the Owner to the Trust Committee under s. 219 of the *Land Title Act*, and as a housing agreement between the Owner and the Trust Committee under s. 905(1) of the *Local Government Act*, as follows:

1. **Definitions - In this Agreement:**

"Consumer Price Index" means the All-Items Consumer Price Index for British Columbia, as compiled and published by Statistics Canada or its successor;

"Dwelling Unit" means one or more rooms in a building that are used, or constructed so as to be capable of being used, for the residential use of a single household, and containing a common access, one kitchen, and eating, sleeping and living areas;

"Housing Complex" means the Seniors' Supportive Housing Complex to be constructed and maintained under the Agreement;

"Lands" means Lot A, Section 3, Range 3 East, North Salt Spring Island, Cowichan District, Plan VIP70848;

"New Housing Price Index" means the New Housing Price Index for Victoria, British Columbia, as compiled and published by Statistics Canada or its successor;

"Owner" means the registered owner of the Lands from time to time and any parcels into which the lands are subdivided; and

"Senior" means an individual aged 65 years or over.

2. **Construction and Maintenance - The Owner covenants and agrees:**

- (a) to design, construct and maintain a Seniors' Supportive Housing Complex on the Lands in accordance with the terms of Salt Spring Island Local Trust Committee Bylaw No. 362 (as it exists upon its adoption) and this Agreement;
- (b) that the Lands must be used only in accordance with this Agreement; and
- (c) that the Lands must be used only for the construction, use and occupation of Dwelling Units for Seniors.

**3. Occupancy -**

- (a) With the exception of one Dwelling Unit which may be occupied by the manager of the Housing Complex or other employee of the Owner, the Owner must not permit a Dwelling Unit to be occupied as a residence by any person other than an individual who resides in the Dwelling Unit on a full-time basis and who is:
  - (i) a Senior; or
  - (ii) living in the Dwelling Unit with a Senior in a spousal relationship, or as a caregiver to the Senior.
- (b) An individual occupying a Dwelling Unit under section 3(1)(b) in a spousal relationship with a Senior may continue to occupy that Dwelling Unit after such time as the Senior has vacated the Dwelling Unit due to death, illness or other causes.

**4. Availability and Rental of Dwelling Units - The Owner must:**

- (a) Rent or lease a Dwelling Unit only on a month-to-month basis or by a lease agreement not to exceed three years, including any rights of renewal; and
- (b) Specify in every lease or tenancy agreement the existence of this Agreement and the occupancy restrictions applicable to the Dwelling Unit, and provide each tenant with a copy of this Agreement.

**5. Maximum Rent -**

- (a) The Owner must not charge a Tenant occupying a Dwelling Unit a monthly rent amount (not including charges for support services) greater than the amount set out in the following table, during the first 12-month period of that Dwelling Unit's occupancy:

Size of Unit	Maximum Monthly Rent for First 12 Month Period of Occupancy
1 bedroom	\$ 850.00
2 bedroom	\$1,075.00

- (b) Prior to the first rental of any Dwelling Unit, the amounts set out in Section 5(a) may be adjusted by the Owner semi-annually from the date of this Agreement in accordance with changes in the New Housing Price Index.

- (c) Despite Section 5(a), the Owner may charge the first tenant of a Dwelling Unit more than the amount set out if the Owner has first received from the Trust Committee written approval of the higher initial rent.
  - (d) After the first rental of any Dwelling Unit, the Owners must not increase the rent charge for the Dwelling Unit over any period of time by an amount greater than the percentage increase in the Consumer Price Index during that same period of time, unless the Owner has received from the Trust Committee written approval of the higher rent charge.
  - (e) Despite Section 5(d), no rent increase for a Dwelling Unit may be greater than that permitted under the *Residential Tenancy Act*.
  - (f) The Owners must provide to the Trust Committee a record of rental charges for each month of occupancy of a Dwelling Unit, as well as sufficient additional information to demonstrate compliance with this Agreement, provided that the Trust Committee must not make such a request more frequently than once in any year.
6. **Order to Comply** - If the Owner is in default of the performance or observance of this Agreement, the Trust Committee may give the Owner a notice of default requiring the Owner to comply with this Agreement within the time stated in the notice.
  7. **Statutory Declaration** - Within five days after receiving notice from the Trust Committee, the Owner must deliver to the Trust Committee a statutory declaration, substantially in the form attached as Schedule "A", sworn by the Owner, or a knowledgeable director, officer, or employee of any corporate Owner, under oath before a commissioner for taking affidavits in British Columbia, containing all of the information required to complete the statutory declaration.
  8. **Specific Performance of Agreement** - The Owner agrees that the Trust Committee is entitled to obtain an order for specific performance of this Agreement and a prohibitory or mandatory injunction in respect of any breach by the Owner of this Agreement. Further, the Owner agrees that the foregoing provision is reasonable given the public interest in restricting the occupancy of each Dwelling Unit on the Lands in accordance with this Agreement.
  9. **No Public Law Duty** - Wherever in this Agreement an act, determination, consent, approval or agreement of the Trust Committee is provided for, such act, determination, consent, approval or agreement may be done or made in accordance with the terms of this Agreement and no public law duty, whether arising from the principles of procedural fairness or the rules of natural justice, shall have any application.
  10. **No Waiver** - No condoning, excusing or overlooking by the Trust Committee of any default under this Agreement, nor any consent, approval, or agreement whether written or otherwise shall be taken to operate as a waiver by the Trust Committee of any subsequent default or of the necessity for further consent, approval or agreement in respect of a subsequent matter requiring it under this Agreement, or in any way to defeat or affect the rights or remedies of the Trust Committee.

11. **Arbitration** - Any matter in dispute between the parties under this Agreement, including any disputes as to whether a particular individual is eligible to occupy a Dwelling Unit, must be referred to a single arbitrator if the parties can agree on one, and otherwise to three arbitrators, one to be appointed by each of the parties and the third by those two so appointed, and the matter must be resolved in accordance with the provisions of the *Commercial Arbitration Act* of British Columbia.
12. **Notice on Title** - The Owner acknowledges and agrees that this Agreement constitutes both a covenant under section 219 of the *Land Title Act* and a housing agreement under Section 905 of the *Local Government Act*, and agrees that the Trust Committee must file in the Land Title Office a notice that the Lands are subject to this Agreement, and that, once the notice is filed, this Agreement is binding on all persons who acquire an interest in the Lands.
13. **Covenant Runs with the Land** - Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted by the Owner to the Trust Committee in accordance with Section 219 of the *Land Title Act* in respect of the Lands and this Agreement burdens the Lands and runs with it and binds the Owner's successors in title and binds every parcel into which it is consolidated or subdivided by any means, including, by subdivision or by strata plan.
14. **Limitation on Owner's Obligations** - The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Lands.
15. **Amendment and Termination** - This Agreement may not be modified or amended except by bylaw of the Trust Committee, upon an agreement in writing between the Trust Committee and the Owner. This Agreement may be terminated or discharged by the Trust Committee without the consent or agreement of the Owner.
16. **Notices** - Any notice required to be given pursuant to this Agreement shall be in writing and shall be given to the Owner or the Trust Committee, as the case may be, at the address first above written, or to any other address of which either the Owner or the Trust Committee may advise the others in writing in accordance with this paragraph. Notice to the Trust Committee must be addressed to the Secretary of the Islands Trust. If given in person or by facsimile transmission, such notice will be deemed to be received when delivered and, if mailed, such notice will be deemed to have been received on the tenth business day after the date of mailing except in the event of an interruption in mail service, when such notice will be deemed to be received only when actually received by the party to whom it is addressed.
17. **Enurement** - This Agreement shall enure to the benefit of and be binding on the Trust Committee and its successors and on the Owner and its heirs, successors, personal representatives, administrators, assignees, and successors in title.
18. **Remedies Cumulative** - The remedies of the Trust Committee specified in this Agreement are cumulative and are in addition to any remedies of the Trust Committee at law or in equity. No remedy shall be deemed to be exclusive, and the Trust Committee may from time to time have recourse to one or more or all of the available remedies specified herein or at law or in equity.
19. **Severability** - Each covenant and agreement contained in this Agreement is, and shall be construed to be, a separate and independent covenant or agreement and the breach of any such covenant or agreement by the Owner shall not discharge or relieve the Owner from its obligations to perform. If any term or provision of this Agreement, or its application to

any person or circumstance shall to any extent be invalid and unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected, and each term and provision of this Agreement shall be valid and shall be enforced to the extent permitted by law.

20. **Joint and Several** - In the case of more than one Owner, the grants, covenants, conditions, provisions, agreements, rights, powers, privileges and liabilities of the Owner shall be construed and held to be several as well as joint.
21. **Included Words** - Wherever the singular or the masculine is used in this Agreement, it shall be deemed to include the plural or the feminine, or the body politic or corporate, where the context or the parties so require.
22. **Governing Law** - This Agreement shall be governed by and construed in accordance with the laws of the province of British Columbia.
23. **Joint Venture** - Nothing in this Agreement shall constitute the Owner as an agent, joint venturer or partner of the Trust Committee or give the Owner any authority or power to bind the Trust Committee in any way.
24. **Time of Essence** - Time is of the essence in this Agreement.
25. **Further Assurances** - The parties shall execute and do all such further deeds, acts, things and assurances as they reasonably require to carry out the intent of this Agreement.
26. **No Fettering of Statutory Discretion** - No consent or approval given by the Trust Committee under this Agreement shall derogate from or bind the Trust Committee in the exercise of any statutory duty, power or discretion.
27. **Release of this Agreement** - The Trust Committee agrees that within a reasonable time after a demand by the Owner, the Trust Committee must execute and deliver to the Owner a discharge of this Agreement, executed in registerable form, discharging this Agreement from the Lands if:
  - (a) The Land has not been rezoned to permit the Housing Complex on or before September 30, 2000, or
  - (b) A bylaw of the Trust Committee has come into force repealing the rezoning and restoring the zoning of the Lands to that existing on the reference date of this Agreement, or
  - (c) The Canada Mortgage and Housing Corporation, or the lender, becomes mortgagee in possession.
28. **Priority** - The owner agrees to do everything necessary at the Owner's expense to ensure that this Agreement is registered against title to the Lands with priority over all financial charges, liens and encumbrances registered or pending at the time of application for registration of this agreement.

29. **Deed and Contract -** By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.

**AS EVIDENCE** of their agreement to be bound by the above terms, the parties each have executed and delivered this Agreement under seal by executing Part I of the *Land Title Act* Form C to which this Agreement is attached and which forms part of this Agreement.

**SCHEDULE "A" TO THE HOUSING AGREEMENT**

CANADA	)	IN THE MATTER OF A HOUSING
	)	AGREEMENT WITH THE SALT
PROVINCE OF BRITISH	)	SPRING ISLAND LOCAL TRUST
COLUMBIA	)	COMMITTEE ("Housing Agreement")

I, \_\_\_\_\_ of \_\_\_\_\_ do solemnly declare:

- 1. This declaration is made with respect to the Housing Complex legally or otherwise described as follows:

(INSERT LEGAL DESCRIPTION AND CIVIC ADDRESS)

- 2. That I am the Owner of the Housing Complex and make this declaration to the best of my personal knowledge.

(or)

That I am the \_\_\_\_\_ (director, officer, employee) of the Owner of the Housing Complex and (make this declaration to the best of my personal knowledge) (or; have been informed by \_\_\_\_\_ and believe the statements in this declaration to be true).

- 3. This declaration is made pursuant to the Housing Agreement in respect of the Housing Complex.
- 4. The individuals who reside in the Housing Complex meet the requirements specified in Section 3 of the Housing Agreement.
- 5. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the *Canada Evidence Act*.

**SWORN BEFORE ME** at \_\_\_\_\_ )  
 \_\_\_\_\_, in the Province )  
 of British Columbia, this \_\_\_\_ day of )  
 \_\_\_\_\_, 20\_\_\_\_. )

\_\_\_\_\_  
A Commissioner for taking Affidavits in the Province of British Columbia.

\_\_\_\_\_  
Signature of person making declaration

END OF DOCUMENT

File No.: SS-RZ-2020.2  
*X-ref: SS-BP-2019.89 & SS-BE-2019.68*

DATE OF MEETING: January 18, 2022  
TO: Salt Spring Island Local Trust Committee  
FROM: Kristine Mayes, Planner 1, Salt Spring Island Team  
COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team  
SUBJECT: Rezoning (Bylaw Amendment) from Residential 7 (R7) to Commercial 4 Variant  
Applicant: P. Hunt & M. Carr  
Location: 125 Churchill Road, Salt Spring Island (PID: 017-873-134)

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee proceed no further with application SS-RZ-2020.2 (125 Churchill Road) for the following reasons:
  - a. The application is at variance with Islands Trust Policy Statement Directives Policy 4.4.2; and
  - b. The application is at variance with Salt Spring Island Official Community Plan No. 434 policy C.3.2.2.1 and objective A.4.3.3.

## REPORT SUMMARY

This staff report brings back an application which proposes amendments to the [Salt Spring Island Land Use Bylaw No. 355](#) and the [Salt Spring Island Official Community Plan No. 434](#) (OCP) to make lawful a restaurant (bakery) and two commercial accommodation units following referral of Proposed Bylaws No. 523 & 524 and replacement of the potable water supply for commercial uses from a community water system to bulk water supply. The applicant has submitted a letter (Appendix No. 1) requesting the application be amended to make lawful the commercial guest accommodation units and permit the temporary operation of the bakery with primarily off-site sales until it can be relocated. Staff recommend the Salt Spring Island Local Trust Committee (SS LTC) proceed no further as the amended application supplying the commercial uses with bulk water is at variance with Islands Trust Policy Statement Directives Policy 4.4.2 (Appendix No. 2), and OCP policy C.3.2.2.1 and objective A.4.3.3 (Appendix No. 3).

## BACKGROUND

This report follows a second staff report to the June 29, 2021 meeting of the SS LTC where the following resolutions were passed (a memorandum, staff reports (including site context and photos), proposed bylaws, referral responses, and correspondence can be found on the [Salt Spring Island Current Applications webpage](#)):

### SS-2021-132

**It was MOVED and SECONDED,**

That Salt Spring Island Local Trust Committee Bylaw No. 523, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2021", be read a first time (SS-RZ-2020.2, 125 Churchill Road).

**CARRIED**

### SS-2021-133

**It was MOVED and SECONDED,**

That Salt Spring Island Local Trust Committee Bylaw No. 524, cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2021", be read a first time (SS-RZ-2020.2, 125 Churchill Road).

**CARRIED**

### SS-2021-134

**It was MOVED and SECONDED,**

That the Salt Spring Island Local Trust Committee request staff refer Proposed Bylaws No. 523 and 524 to agencies, organizations and First Nations, as identified in this staff report dated June 15, 2021 (SS-RZ- 2020.2, 125 Churchill Road).

**CARRIED**

## ANALYSIS

### Policy/Regulatory

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

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

An assessment of the application relative to the Islands Trust Policy Statement (ITPS) was undertaken following first reading of the proposed bylaws (Appendix No. 2). The following ITPS directive policy is pertinent to this report:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.

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

The following OCP policy and objective (Appendix No. 3) are pertinent to this report:

- C.3.2.2.1 When the Local Trust Committee receives rezoning applications for land inside the boundaries of a community water system, it will refer the application to the operators of the affected system. They will be asked if water could be supplied to the proposed new development, considering the needs of their existing customers and the provision of water for firefighting, and any properties already zoned for further development. When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or under-developed properties already zoned for further development. Should such zoning changes be proposed, the applicant could be encouraged to suggest other water supplies so that the application could be considered. Examples are rainwater catchment, groundwater use or a water *conservation* program.
- The Local Trust Committee could make an exception to the above policy within the North Salt Spring Waterworks District to allow community facilities or *affordable housing* projects to proceed. However such changes should only be made if the Committee is satisfied that the District is likely to receive a sufficiently larger water license.
- A.4.3.3 To reflect the finite nature of islands by identifying limits to residential, commercial and institutional growth tailored to the community's land base and ecological carrying capacity. Special attention should be paid to ensuring that the human use of potable water can be sustained without negative impact on other values and uses for natural water bodies.

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

The following LUB regulations are pertinent to this report:

- 3.13.2 The total *floor area* used for *home-based business use* on any *lot* must not exceed 50 per cent of the total *floor area* of *dwelling* and permitted *residential accessory buildings* on the *lot*, up to a maximum of 70 square metres for *lots* that are 1.2 ha or less in area and 150 square metres for *lots* that are greater than 1.2 ha in area.
- 3.13.3 A *home-based business* must be operated by a person permanently residing on the premises in which the *home-based business* is conducted. Not more than three additional persons (or full-time equivalency) not residing in the *dwelling unit* may be employed in *home-based business uses* on any *lots* that are 1.2 ha or less in area and not more than four additional persons (or full-time equivalency) for *lots* that are greater than 1.2 ha in area.
- 3.13.4 There must be no exterior indication of the existence of the *home-based business*, either by stored materials, parking, displays, lighting or by any other variation from the customary *residential* character of the *lot*, *dwelling unit*, *seasonal cottage* or *accessory building*, with the exception of *signs* permitted by this Bylaw. *Parking spaces* for *home-based businesses* must be located on the *lot* where the *home-based business* is located, be visually buffered from neighbouring properties and the road, and be located at least 3 m from any *side lot line* and 7.6 m from the *rear lot line* and the *front lot line*. Vehicle storage must comply with Section 3.10 of this Bylaw.
- 3.13.6 Only the following occupations may be conducted as a *home-based business*:
- (b) Production of arts, crafts, music, fabric items, jewellery, food and drink items and other comparable products.
  - (c) Sales of products produced on the same *lot*.

## Issues and Opportunities

### Alternative Water Supply

Following the conclusion of the referral response period, in September 2021, staff requested a meeting with the applicant to discuss the responses received prior to reconsideration of the application by the SS LTC. Subsequently,

the applicant requested consideration be deferred as they were working toward removal of the North Salt Spring Waterworks District (NSSWD) connection for the commercial uses following NSSWD’s referral response not recommending approval of the proposed bylaws (Appendix No. 4) in accordance with Sections 28 & 29 of [NSSWD Bylaw No. 301](#). Furthermore, the applicant advised that potable water for the commercial uses (2,500 litres per day – 1,600 for the restaurant and 900 (450 x 2) for the two commercial guest accommodation units) would now be supplied by bulk water delivery stored in a 3,000 imperial gallon tank (13,638 litres). Following receipt of this information, staff requested the Senior Freshwater Specialist review the amended application on the basis of bulk water on October 19, 2021. No response has been received at time of submission of this report. Staff will verbally indicate if a response has been received subsequent to submission of this report at the SS LTC meeting. Staff advised the applicant that the works undertaken required a building permit (plumbing) from the Capital Regional District in addition to a water system permit from Island Health (which includes regulatory requirements such as ensuring the water is supplied from an approved source and that it is regularly tested). Staff noted further analysis would be required and that it was possible a rezoning application on the basis of relying on the purchase of bulk water may not be supportable. The applicant was requested to provide further information as to whether the required permits were obtained and the rationale as to why the applicant did not wish to install potable water supply alternatives (rainwater catchment or a groundwater well) as noted under OCP Policy C.3.2.2.1. On December 21, 2021, the applicant advised they are awaiting inspection from the NSSWD to disconnect the waterline. Staff note no precedent was found for a permanent zoning change on the basis of bulk water – within the Islands Trust area or provincially – likely due to the difficulty of ensuring provision of potable water from an approved source in perpetuity for increased intensity of use. As such, staff cannot recommend proceeding with a revised application on the basis of bulk water supply for the commercial uses on the lot. Should the SS LTC wish to request the applicant provide a report for a groundwater well or installation of a rainwater catchment system in accordance with OCP Policy C.3.2.2.1, an alternate recommendation has been provided for consideration.

Proposed Amendments to the Rezoning Application

On December 21, 2021 the applicant advised they are seeking to relocate the restaurant (bakery) business and requested the option to continue reduced commercial activities (no restaurant, primarily off-site wholesale and market sales) on the subject property until a suitable space could be located. Staff recommended the applicant supply a letter outlining their request to the SS LTC which was subsequently provided on January 2, 2022 (Appendix No. 1). In consideration of the applicant’s request, staff have extracted relevant home-based business regulations regarding floor area allowances, number of employees, parking and what occupations may be conducted as a home-based business. It is possible that the proposed reduction of commercial activities may meet Subsections 3.13.4 and 3.13.6, with further information on the number of employees to be supplied to determine compliance with Subsection 3.13.3 – however, as noted in the initial staff report, the floor area of accessory buildings on the subject property far exceeds the allowable 70 square metres (see below table) permitted on the subject property (contravening Subsection 3.13.2). The excess accessory building floor area was the negating factor in the ability to apply for a Temporary Use Permit (TUP) as a Development Variance Permit (DVP) would have been required to address the additional 45 square metres of accessory building floor area (excluding one building 25 square metres or less) on the subject property. If the required DVP was applied for and granted, this would vary ‘use’ in contravention of [498\(2\)\(a\)](#) of the *Local Government Act* as a large portion of the accessory building floor area in excess of the permitted 70 square metres (approximately 130 square meters) services various commercial uses.

*Restaurant (accessory) building	75m <sup>2</sup> (approx.)	75m <sup>2</sup>
*Cabin (accessory) building	25m <sup>2</sup> (approx.)	25m <sup>2</sup>
*Glamp (accessory) structure	unknown (>10m <sup>2</sup> )	>10m <sup>2</sup>
*Bathroom accessory building	unknown (+/-10m <sup>2</sup> )	+/- 10m <sup>2</sup>
*Outhouse (servicing restaurant)	unknown (<10m <sup>2</sup> )	<10m <sup>2</sup>
Shed	unknown (>10m <sup>2</sup> )	>10m <sup>2</sup>
Total:		<b>+/- 140m<sup>2</sup> to +/- 115m<sup>2</sup>, excluding one building 25m<sup>2</sup> or less</b>

\*+/- 130m<sup>2</sup> servicing commercial use

Staff note the application in its current form (restaurant and two commercial guest accommodation units) could be put into abeyance for a period of up to six months, following which, the application would be classified as dormant

and potentially closed at the direction of the SS LTC. In combination with standing resolution SS-2021-010, such direction could provide the applicant time to find a new location for the bakery (as well as revise the rezoning application for the two commercial guest accommodation units to address concerns regarding the potable water supply). A revised rezoning application could also address the excess accessory building floor area on the subject property and explore the potential future use of the oversized accessory building currently housing the bakery.

Parking on MoTI Highway Right of Way

Following consideration of the application at the June 29, 2021 SS LTC meeting, the Islands Trust received several pieces of correspondence – three letters and a 44-signature petition – in opposition to the application and/or referencing concerns in respect to the overflow parking on the Ministry of Transportation and Infrastructure (MoTI) highway right of way across from the subject property. The issue of parking has been explored in various staff reports – following the preliminary staff report, the applicant submitted a parking study demonstrating the required number of parking spaces in accordance with the LUB were available on the lot. Notwithstanding, parking along the highway right of way remains a common occurrence during operating hours despite the reduced commercial activities. MoTI’s referral response (Appendix No. 4) recommends approval of the proposed bylaws subject to removal of the signage suggesting parking for the businesses along the highway citing safety concern for the travelling public; widening of the existing access if it is too narrow for traffic and suggesting an increased number of parking stalls; and advising deposit of gravel on the shoulder requires a permit. Should the SS LTC wish to proceed with the application at this time (or put the application in abeyance alternate recommendations to rescind (and replace) resolution SS-2021-010 to address concerns regarding overflow parking along the highway right of way has been provided for consideration.

**Consultation**

Referrals of rezoning bylaws to agencies, organizations and First Nations rights and title holders commenced on August 5, 2021 with the referral response period ending on September 20, 2021. Staff note correspondence for a bylaw amendment may be received up until the end of the public hearing. A summary of the responses received up until November 25, 2021 has been collated in Table No. 1 (referral responses are collated within the appended referral report (Appendix No. 4)).

Statutory notification of the proposed rezoning will be made in accordance with [Section 466](#) of the *Local Government Act* and [Salt Spring Island Development Procedures Bylaw No. 304](#) at time of public hearing. Staff recommend that all neighbours fronting or directly abutting Churchill Road be notified of the proposed bylaw amendment as increased traffic is an identified issue for this application.

Correspondence relating to this application can be found on the [Salt Spring Island Current Applications webpage](#).

	Interests Unaffected	Approval Recommended	Conditional Approval Recommended	Approval not Recommended	Response Not Received
<b>Public Agencies</b>					
Ministry of Transportation and Infrastructure		X			See Referral Report for comments
Ministry of Agriculture, Food and Fisheries		X			See Referral Report for comments
Agricultural Land Commission		X			See Referral Report for comments
Vancouver Island Health Authority				X	
Salt Spring Island Fire Protection District				X	
BC Assessment Authority				X	
BC Transit		X			See Referral Report for comments
CRD Building Inspection				X	
<b>Community Agencies/Group</b>					
North Salt Spring Waterworks District				X	See Referral Report for comments
Salt Spring Island Transportation Commission				X	
CRD Parks and Recreation Commission	X				
CRD Economic Development Commission				X	
Chamber of Commerce				X	
Island Pathways		X			See Referral Report for comments
SSI Advisory Planning Commission		X			See Referral Report for resolution
SSI Agricultural Advisory Planning Commission	X				See Referral Report for resolution
SSI Agricultural Alliance				X	
<b>Local Trust Committees</b>					
North Pender Island Local Trust Committee		X			
Galiano Island Local Trust Committee		X			
Thetis Island Local Trust Committee		X			
Mayne Island Local Trust Committee		X			
Cowichan Valley Regional District		X			
<b>First Nations</b>					
Cowichan Tribes		X			See Referral Report for comments
Halalt First Nation				X	
Lake Cowichan First Nation				X	
Lyackson First Nation				X	See Referral Report for comments
Penelakut Tribe				X	
Stz'uminus First Nation				X	
Malahat First Nation	X				See Referral Report for comments
Pauquachin First Nation				X	
Tsartlip First Nation				X	
Tsawout First Nation	X				
Tseyicum First Nation				X	
Semiahmoo First Nation				X	
Tsawwassen First Nation	X				
Hul'gu'gum Treaty Group (for information only)					
Ts'ixw'ey Treaty Association (for information only)					

**Table 1:** Referral Response Summary for the Proposed Bylaws

## Rationale for Recommendation

Staff note the mechanisms for consideration of the applicant's request to amend the application to make lawful the commercial guest accommodation units and permit the temporary operation of the bakery with primarily off-site sales until it can be relocated are limited. Removing the restaurant (bakery) from the rezoning application and requesting permission to operate it on a reduced and temporary basis can only be done by way of a TUP as the commercial activities on the subject property exceed applicable home-based business regulations and the excess of accessory building floor area – much of it dedicated to commercial uses (+/- 130 square metres) – would exceed the SS LTC's legislated authority under the *Local Government Act* to grant the required Development Variance and Temporary Use permits.

Subsequent to the removal of the NSSWD connection and replacement with bulk water supply, staff note the application will be at variance with ITPS directive policy 4.4.2 which notes the SS LTC in their bylaws shall "...ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for". Additionally, the change to bulk potable water to supply the commercial uses on the subject property is at variance with OCP policy C.3.2.2.1 and objective A.4.3.3. As such, staff recommend the application should proceed no further.

## ALTERNATIVES

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

### 1. Request the Applicant Submit a Report for an Other Potable Water Supply

The SS LTC may wish to request the applicant submit a report for a different source of potable water for the commercial uses on the subject property. Staff advise that the implications of this alternative are increased processing time and potentially increased costs to the applicant. Recommended wording for resolution:

*That Salt Spring Island Local Trust Committee request the applicant (SS-RZ-2020.2, 125 Churchill Road) submit to the Islands Trust one of the following:*

- a. A pumping test from a Hydrologist carried out at a constant rate for a minimum period of 12-hours and recovery phase monitoring until 90 percent recovery has been achieved, and a water quality analysis that demonstrates that the groundwater from a well is potable or can be made potable (in accordance with the Heath Canada Guidelines for Canadian Drinking Water Quality) with a treatment system customarily used in a dwelling unit which includes a plan of the subject property indicating the well locations where the water sample was taken and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan; or*
- b. A report from a Professional Engineer demonstrating a rainwater storage, treatment, and delivery system for potable water designed in accordance with Canadian Standards Association rainwater harvesting system standard CSA B805-18 capable of supplying the daily required volume of water with a storage capacity of 30 days for all proposed Commercial uses.*

### 2. Rescind (and Replace) Resolution Deferring Bylaw Enforcement Action

The SS LTC may wish to rescind the resolution deferring bylaw enforcement action on the subject property and replace it with a comparable resolution which addresses parking concerns along Churchill Road to ensure overflow parking is not occurring along the MoTI highway right of way (and instead off-site). Recommended wording for resolution:

*That Salt Spring Island Local Trust Committee rescind resolution SS-2021-010*

*That the Salt Spring Island Local Trust Committee determine that there is a community need to process SS-RZ-2020.2 (125 Churchill Road) while the prohibited use is continuing and direct staff, per standing resolution SS-2020-045, to temporarily cease bylaw enforcement action for one restaurant and two commercial guest accommodation units until consideration of SS-RZ-2020.2 provided that:*

- a. *additional parking spaces for the uses must not be located on a highway and must instead be located on the lot on which the use, building or structure being served is located; or*
- b. *additional parking spaces for the uses must be located on off-site in accordance with Section 7.7 of Salt Spring Island Land Use Bylaw No. 355.”*

**3. Put the Application into Abeyance for a Period of Six Months**

The SS LTC may wish to put the application into abeyance for a period of six months to provide the applicant time to find a new location for the bakery (as well as revise the rezoning application for the two commercial guest accommodation units to address concerns regarding the potable water supply). Recommended wording for resolution:

*That Salt Spring Island Local Trust Committee agree that application SS-RZ-2020.2 (125 Churchill Road) be put into abeyance for a period of six months.*

**NEXT STEPS**

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

Submitted By:	Kristine Mayes, Planner 1	January 5, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	January 10, 2022

**APPENDICES**

- 1. Applicant Letter date January 2, 2022
- 2. Islands Trust Policy Statement Directives Only Checklist
- 3. OCP Policies
- 4. Referral Responses

**From:** [Francis Bread](#)  
**Sent:** Sunday, January 2, 2022 1:40 PM  
**To:** [Kristine Mayes](#)  
**Subject:** 125 Churchill Rd

---

The parties at 125 Churchill Road wish to revise our application for rezoning which would allow for the continued operation of two bnb suites and the temporary operation of the bakery (without the cafe/restaurant). We plan to continue running the bakery with primary off-site sales (eg. markets, wholesale) while we search for another brick and mortar location on the island. The relocation of the bakery could take up to 12 months. The bakery operating without the attached café (as it has been doing since August of 2021 as a compromise to the few complainers [REDACTED]) sees very little traffic along Churchill Road.

We undertook the expensive, emotionally exhausting and time-consuming application for rezoning under the advice of the planning staff in order to legitimize our home-based businesses - which have provided much appreciated amenities to the community for 17 years: an art gallery/sculpture park, a well-reviewed B&B and a phenomenally popular well-loved bakery. The modest amendments we requested in the application have been supported by 1000's of people and accepted by all referred parties except the water board (a solution for which was accepted by the water board but then denied by the Island Trust).

We hope that through our willingness to compromise we can find a democratic solution in order to continue to contribute to the cultural infrastructure and food security of the community.

--

Celia Duthie & Nicholas Hunt  
Peter Hunt & Meghan Carr  
Francis Bread  
Duthie Gallery & B & B  
Salt Spring Island, BC, Canada  
250-537-9606



## ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: SS-RZ-2020.2

### PURPOSE

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

### POLICY STATEMENT

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

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

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

### DIRECTIVES ONLY CHECKLIST

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

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

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

### PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

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

### PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

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

CONSISTENT	No.	DIRECTIVE POLICY
	<b>4.3</b>	<b>Wildlife and Vegetation</b>
	<b>4.4</b>	<b>Freshwater Resources</b>
x	<b>4.4.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	<b>4.4.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	<b>4.5</b>	<b>Coastal Areas and Marine Shorelands</b>
N/A	<b>4.5.8</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	<b>4.5.9</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	<b>4.5.10</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	<b>4.5.11</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	<b>4.6</b>	<b>Soils and Other Resources</b>
N/A	<b>4.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

## PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

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

CONSISTENT	No.	DIRECTIVE POLICY
	<b>5.5</b>	<b>Recreation</b>
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
✓	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
	<i>In compliance with Trust Policy</i>
x	<p><b>Not in compliance with Trust Policy for the following reasons:</b></p> <ul style="list-style-type: none"> <li>Density/intensity of land use is not to be increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.</li> </ul>

## ATTACHMENT 3 – POLICIES

### OFFICIAL COMMUNITY PLAN No. 434

OCP Objective/Policy	Complies	Planner Comments
<b>Objective A.4.3.3</b> To reflect the finite nature of islands by identifying limits to residential, commercial and institutional growth tailored to the community's land base and ecological carrying capacity. Special attention should be paid to ensuring that the human use of potable water can be sustained without negative impact on other values and uses for natural water bodies.	no	The zoning amendment proposes a moderate increase of potable water volume. However, the applicant is proposing to supply the commercial uses with bulk water in response to the North Salt Spring Waterworks District referral response which did not recommend approval.
<b>Objective A.4.4.2</b> To recognize the importance of our island community's traditional sense of cohesiveness, self-reliance and interconnectedness. To enhance and celebrate these values through the support of community-building events, activities and land uses.	yes	The zoning amendment proposes to make lawful a bakery, which has received a large volume of public correspondence in support of the application.
<b>Objective A.4.6.1</b> To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character.	yes	The zoning amendment proposes to make lawful a bakery, which has received a large volume of public correspondence in support of the application.
<b>Objective A.4.6.2</b> To maintain and encourage a diverse and creative community by providing a wide range of opportunities and locations for earning a living that are compatible with and can take advantage of the protection and preservation of the island's beauty and character. In particular, to encourage small, locally owned businesses whose revenues remain on the island, especially those which expand local production and consumption to meet the needs of islanders.	yes	The zoning amendment proposes to make lawful a small locally owned bakery business.
<b>Objective A.4.6.3</b> To encourage living-wage, meaningful, year-round employment and income-generating opportunities that especially enable young people and families to remain on the island.	yes	The bakery is operated by young people and operates year round (providing year-round employment for 4 employees)
<b>Policy A.6.6.2</b> The Local Trust Committee will consider the energy efficiency attributes and climate change adaptation and mitigation impacts in all rezoning applications that propose an increase in density or significant change of use.	maybe	The applicant has advised they intend to add to current water catchments to capture rainwater to use to water plans and grass for water conservation purposes.
<b>Objective B.2.3.1.3</b> To create future settlement patterns that reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and public transit.	yes	The bakery is within walking distance to Ganges Village and is located along a bus route and pedestrian trail.
<b>Policy B.2.3.2.3</b> Village containment boundaries for Ganges, Fulford and Channel Ridge Village are identified by the Village Designations on Map 1. The intent of village containment boundaries is to keep village development compact, and prevent 'leap frog' development, reduce the need for additional infrastructure and services, minimize the loss of rural lands, and minimize impacts on sensitive ecosystems and other <i>environmentally sensitive areas</i> . The Local Trust Committee should not approve rezoning applications that would allow large new commercial, institutional or multifamily development outside Village Designations. Exceptions should be made for new village or hamlet applications, for applications to provide <i>affordable housing</i> , for neighbourhood convenience stores and for home based businesses as outlined in Section B.3.2. Expansion or extension of containment boundaries should only be considered where there are no available sites within the containment boundaries. Any such expansion or extension should incorporate land next to an existing boundary, lands which do not contain sensitive ecosystems, lands which do not exhibit geo-technical or other hazards, lands that are along existing transportation routes, and lands which can provide efficient access to potable water and other services.	no	The zoning amendment proposes "leap frog" development in rural lands.

<b>Policy B.2.4.2.2</b> Zones within the Residential Neighbourhoods Designation will continue to accommodate the <i>medium density residential uses</i> and the other compatible land uses allowed in the existing bylaw. Existing commercial, <i>general employment</i> and multi-family zones will also remain, but zoning changes should not be made to locate more of these zones on additional lands in this Designation, with the exception of multiple-family <i>affordable housing</i> projects.	no	The zoning amendment proposes to rezone the subject property from R7 to a C4 variant.
<b>Objective B.3.1.1.2</b> To allow visitor accommodation to develop in a way that will best retain and distribute the resulting economic benefits and reduce any negative impacts; to avoid concentrating benefits and impacts in only a few locations.	yes	The zoning amendment proposes to make lawful two commercial guest accommodation units operated by the property owners.
<b>Objective B.3.1.1.5</b> To encourage tourism that blends well with the community and complements the rural, peaceful nature of the island, and to avoid the development of tourist attractions that are unrelated to the island's natural environment, social base or cultural heritage.	yes	The zoning amendment proposes to make lawful a bakery and two commercial guest accommodation units.
<b>Policy B.3.1.2.2</b> <i>Bed and Breakfast</i> operations will continue to be allowed as home based businesses in residential areas.	N/A	Bed and breakfasts are permitted in the R7 zone – the CA4 zone variant would not permit home-based businesses.
<b>Policy B.3.1.2.3</b> The Local Trust Committee will not support the operation of transient accommodation units in residential zones unless they are operated as home based businesses.	yes	The 2 commercial guest accommodation units are operated by the owners of the subject property.
<b>Policy B.3.1.2.7</b> No additional properties on Salt Spring Island should be zoned for resorts, hotels or motels until the percentage of built units has reached at least 80 per cent of the current (2008) development potential. Future levels of development around lakes and streams should be restricted if there would be negative impacts on the supply or quality of freshwater resources.	yes	The draft bylaw proposes to make lawful two commercial guest accommodation units under 25m <sup>2</sup> .
<b>Policy B.3.1.2.8</b> To manage the impact of commercial tourist accommodation zones located in residential areas, the Local Trust Committee could consider retaining zoning to: a. limit the maximum number of tourist accommodation units in any one operation to 50 units. b. establish an appropriate total floor area for tourist operations and for the accessory uses currently allowed in commercial tourism accommodation zones. c. establish standards for vegetation screening next to residential property. d. establish density and standards for campgrounds.	yes	a. the draft bylaw proposes to limit the tourist accommodation units to 2; b. the draft bylaw proposes floor area limits for each cabin (25 square metres); c. the draft bylaw proposes standards for vegetation screening; d. No campground permitted.
<b>Objective B.5.1.1.3</b> To encourage the commercial viability of island villages and to retain traditional village functions.	no	The zoning amendment proposes commercial uses outside village designations.
<b>Objective B.5.1.1.5</b> To avoid the development of commercial strips along roads leading into island villages.	yes	The zoning amendment proposes a potential commercial strip (as a nearby property along Upper Ganges Road is also undergoing a rezoning to General Employment and Commercial Services.
<b>Policy B.5.1.2.3</b> To protect the economic vitality of island villages, the Local Trust Committee should not consider rezoning applications that would result in large new retail stores, restaurants, office complexes and multi-family developments outside Village Designations. Exceptions are: <i>home-based businesses</i> and industries, neighbourhood convenience stores, campgrounds, the commercial uses specifically allowed in other Designations and the potential development of a new village as outlined in Policy B. 2.3.2.2.	no	The zoning amendment proposes a restaurant and offices outside village designations.
<b>Policy B.5.1.2.4</b> To retain the traditional function of island villages, the Local Trust Committee should not consider rezoning applications that would result in the following land uses outside the Village Designations: post offices, banks and credit unions, liquor stores, and libraries.	yes	This application proposed to rezone a Residential 7 property to a Commercial 4 variant.
<b>Policy B.5.1.2.9</b> The Local Trust Committee may consider making changes to zoning to establish maximum floor area limits on commercial and <i>general employment</i> uses.	yes	The draft bylaw proposes a floor area limit for the restaurant and commercial guest accommodation units.

<p><b>Policy B.5.1.2.10</b> When considering rezoning applications, the Local Trust Committee should ensure that zoning boundaries between residential and non-residential uses are primarily created along rear parcel lines, as opposed to public roads. Non-residential uses should be well screened from residential uses.</p>	<p>yes</p>	<p>The zoning amendment is proposed along two highways, a rear lot line and an interior side lot line. The non-residential uses are generally well screened from residential uses with the exception of one of the commercial guest accommodation units (Glamp) which overlooks the neighbouring property. The draft bylaw proposes standards for vegetation screening.</p>
<p><b>Policy B.6.2.2.17</b> When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure the availability of water for farming would not be reduced because of a zoning change. If a rezoning application would result in an increase in water use, the Local Trust Committee will ask the Agricultural Advisory Committee for advice about the potential impacts on farming.</p>	<p>yes</p>	<p>The Agricultural Advisory Planning Commission has recommended proceeding with the proposed bylaws.</p>
<p><b>Policy B.6.2.2.19</b> When it considers rezoning applications for land that borders or drains into <i>agricultural land</i>, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming. For example, the Committee could require that a vegetation buffer be maintained on land that is being rezoned next to farm land, if the proposed use could result in conflicts with a farming operation. The Committee should also ensure that a zoning change would not result in detrimental changes to natural drainage or pollution of water supplies. The Agricultural Advisory Committee will be asked for advice about rezoning applications on land that borders or drains into <i>agricultural land</i>.</p>	<p>yes</p>	<p>The draft bylaw proposes standards for vegetation screening. The Ministry of Agriculture and Agricultural Land Commission and support the requirement for a vegetative screen. The Agricultural Advisory Planning Commission has recommended proceeding with the proposed bylaws.</p>
<p><b>Policy C.2.2.2.15</b> When considering rezoning applications, the Local Trust Committee should ensure that the proposed zoning change supports the development of <i>non-automotive</i> transportation and public transit service.</p>	<p>yes</p>	<p>The bakery is within walking distance to Ganges Village and is located along a bus route and pedestrian trail.</p>
<p><b>Policy C.2.3.2.6</b> The form and character of large new commercial and <i>general employment parking lots</i> will be managed through the Development Permit process.</p>	<p>yes</p>	<p>The draft bylaw proposes to add the subject property into DPA2.</p>
<p><b>Objective C.3.2.1.1</b> To ensure that the potential water demand of development within community water systems does not exceed the licensed capacity, or the amount of water that can be safely withdrawn from each system's water source.</p>	<p>no</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply.</p>
<p><b>Objective C.3.2.1.2</b> To reduce, delay or avoid the impacts of withdrawing additional water from surface water bodies.</p>	<p>maybe</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply.</p>
<p><b>Objective C.3.2.1.3</b> To ensure that zoning changes in the North Salt Spring Waterworks District do not result in such a level of development that water cannot be supplied to needed public facilities or would not be available for firefighting purposes. In particular, to ensure that water remains available for hospital and school expansion, and <i>affordable housing</i>.</p>	<p>maybe</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply.</p>
<p><b>Objective C.3.2.1.4</b> To encourage a variety of <i>conservation</i> methods in all community water systems</p>	<p>maybe</p>	<p>The applicant has advised they intend to add to current water catchments to capture rainwater to use to water plans and grass for water conservation purposes.</p>
<p><b>Objective C.3.2.1.5</b> To ensure that zoning changes within the boundaries of water systems do not result in such a level of demand on island water sources that agricultural activities cannot obtain water.</p>	<p>maybe</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply.</p>

<p><b>Policy C.3.2.2.1</b> When the Local Trust Committee receives rezoning applications for land inside the boundaries of a community water system, it will refer the application to the operators of the affected system. They will be asked if water could be supplied to the proposed new development, considering the needs of their existing customers and the provision of water for firefighting, and any properties already zoned for further development. When it considers zoning changes within a community water system, the Local Trust Committee will also consider the amount and percentage of any remaining supply capacity that would be used by the proposed new use. The Committee will not make zoning changes within a community water system if the change would mean water could not be supplied (under the existing license) to existing customers. It should not normally make zoning changes if the change would mean water could not also be supplied to vacant or under-developed properties already zoned for further development. Should such zoning changes be proposed, the applicant could be encouraged to suggest other water supplies so that the application could be considered. Examples are rainwater catchment, groundwater use or a water <i>conservation</i> program.</p> <p>The Local Trust Committee could make an exception to the above policy within the North Salt Spring Waterworks District to allow community facilities or <i>affordable housing</i> projects to proceed. However such changes should only be made if the Committee is satisfied that the District is likely to receive a sufficiently larger water license.</p>	<p>No</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply.</p>
<p><b>Policy C.3.2.2.2</b> In addition to policy C.3.2.2.1, the Local Trust Committee should not make zoning changes within the North Salt Spring Waterworks District that could mean that water will not be available (under the District's existing license) for the following projects (in order of priority):</p> <ol style="list-style-type: none"> <li>essential services such as hospitals and schools needed within the district to serve the island's projected population.</li> <li>special needs and <i>affordable housing</i> needed by the community.</li> </ol> <p>The Local Trust Committee could make an exception to this policy so that one of the above projects could proceed before another of higher priority. However, it must be satisfied that the District will receive a sufficiently larger water license in time to serve the higher priority project when it is needed.</p>	<p>maybe</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply. The proposed uses are not priority projects identified within this policy.</p>
<p><b>Policy C.3.2.2.5</b> The Local Trust Committee will continue to cooperate with community water system operators to ensure water supply issues are considered before zoning changes are made. The Committee should also continue to assist in the development of better estimates of projected water demands and supply potential. The Committee could consider zoning changes that would limit land uses with a high water demand. The Committee particularly recognizes that this Plan could critically affect the North Salt Spring Waterworks District's ability to meet future needs and will cooperate with the District to address this issue.</p>	<p>maybe</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply.</p>
<p><b>Policy C.3.2.2.6</b> The Local Trust Committee will continue to encourage water <i>conservation</i> through guidelines for xeriscape landscaping of commercial, <i>general employment</i> and multi-family developments in island villages.</p>	<p>maybe</p>	<p>No guidelines for xeriscape landscaping of commercial developments are available (and the subject property is located just outside of the boundaries of Ganges Village)</p>
<p><b>Policy C.3.2.2.11</b> When the Local Trust Committee receives applications for zoning changes within a water system's boundaries, and the zoning change would increase the demand for water, the Committee will consider the impacts on agriculture, as further outlined in Section B.6.2.</p>	<p>maybe</p>	<p>North Salt Spring Waterworks District has declined to supply the water to the commercial uses – the applicant is proposing bulk water as a potable water supply.</p>
<p><b>Policy C.4.2.3.1</b> When the Local Trust Committee receives rezoning applications for land without community sewer service, it should ask for evidence that the expected amount of sewage can be treated on site and effluent disposed of on-site without it reaching the surface of the land, discharging into a body of water, or contaminating a supply of potable water.</p>	<p>yes</p>	<p>The applicant has supplied a septic report for 38 seats. The draft bylaw proposes this limit to the number of indoor and outdoor seats.</p>



## Referrals: Bylaw SS-523

Agency	Sent	Received
<p><b>Advisory Planning Commission Salt Spring</b></p> <p><i>Advisory Planning Commission Salt Spring Island: Chairman and Commissioners ;</i></p> <p><i>Comment:</i> That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw Nos. 523 and 524 proceed, subject to the following recommendations: - Request the Ministry of Transportation and Infrastructure (MOTI) to provide guidance regarding parking on the roadway; - Suggest that the applicant consider providing additional parking on the property to relieve roadside parking; and -Ensure that the septic capacity is adequate.</p>	05-Aug-2021	12-Aug-2021
<p><b>Agricultural Advisory Planning Commission - Salt Spring</b></p> <p><i>1-500 Lower Ganges Road:</i></p> <p><i>Comment:</i> That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw Nos. 523 and 524 proceed for the following reason: The rezoning, when consistent with the proposed bylaw would not impinge on or obstruct any agricultural operations in the area and the business would provide one more retail outlet for local farm and related agricultural products.</p>	05-Aug-2021	12-Aug-2021
<p><b>Agricultural Land Commission</b></p> <p><i>Rm. 133 4940 Canada Way:</i></p> <p><i>Comment:</i> The ALC recognizes that the Property is not within the ALR; however, the southern perimeter borders the ALR across Churchill Road and the western perimeter borders the ALR across Upper Ganges Road. Conflicts can arise on the boundary between agricultural and non-agricultural uses; as such ALC staff are pleased to see that the Proposal includes a requirement for vegetated buffer on the Property. ALC staff do not object to the Proposal. Please see detailed response.</p>	05-Aug-2021	27-Sep-2021
<p><b>BC Assessment Authority</b></p> <p><i>Policy, Audit and Legal Services: Cathie McIntyre</i></p>	05-Aug-2021	
<p><b>BC Transit</b></p> <p><i>520 Gorge Road East: Myrna Moore</i></p> <p><i>Comment:</i> Transit-Supportive Land Use and Design The proposed development should make consideration to the access and connectivity of transit stops for pedestrians: - BC Transit support for this application is contingent on the provision of safe and formalized pedestrian access to and from the subject property and nearby transit access along Upper Ganges Rd. This would include providing pedestrian access from the proposed development site along Churchill Hill Rd. to Upper Ganges Rd. There is an existing pedestrian connection immediately south of the property along Upper Ganges Rd. BC Transit Recommendations: -Please consider well-marked and accessible pathway connections in order to support pedestrian connectivity and transit use of area residents to and from the development site on Churchill Rd. and Upper Ganges Rd. BC Transit Level of Support -BC Transit has no objection to the development.</p>	05-Aug-2021	12-Aug-2021
<p><b>Capital Regional District - All Referrals Christine Condron</b></p> <p><i>625 Fisgard Street:</i></p>	05-Aug-2021	30-Aug-2021

## Referrals: Bylaw SS-523

Agency	Sent	Received
<i>Comment:</i> Parks & Environmental Services - Interests Unaffected		
<b>Capital Regional District - SSI Building Inspection</b> 206-18 Fulford-Ganges Road:	05-Aug-2021	
<b>Capital Regional District - SSI Economic Dev Commission</b> 145 Vesuvius Bay Road:	05-Aug-2021	
<b>Capital Regional District - SSI Parks and Recreation</b> 145 Vesuvius Bay Road:	05-Aug-2021	
<b>Capital Regional District - SSI Senior Manager</b> 145 Vesuvius Bay Road: . . <i>Comment:</i> Interests Unaffected.	05-Aug-2021	23-Aug-2021
<b>Capital Regional District - SSI Transportation Commission</b> 145 Vesuvius Bay Road:	05-Aug-2021	
<b>Chamber of Commerce</b> 121 Lower Ganges Road: Janet Clouston	05-Aug-2021	
<b>Cowichan Tribes</b> <i>Chief and Council:</i> <i>Comment:</i> Cowichan Tribes would not oppose the rezoning if the expansion of the business is minimal, as it appears to be, and the applicant is properly made aware of archaeological potential in the area. We'd also ask that the applicant be required to limit to the extent possible the creation of impervious surfaces to only that amount needed to achieve parking requirements.	05-Aug-2021	17-Aug-2021
<b>Cowichan Valley Regional District</b> 175 Ingram Street: Mike Tippett <i>Comment:</i> Interests Unaffected.	05-Aug-2021	10-Aug-2021
<b>Front Counter BC</b> FrontCounterBC@gov.bc.ca:	05-Aug-2021	
<b>Galiano Island Local Trust Committee</b> 200 - 1627 Fort Street: . . <i>Comment:</i> Interests Unaffected.	05-Aug-2021	07-Sep-2021
<b>Halalt First Nation</b> 7973 Chemainus Rd: & Council Chief	05-Aug-2021	

## Referrals: Bylaw SS-523

Agency	Sent	Received
<p><b>Hulquminum Treaty Group</b>  <i>PO Box 21028: . .</i></p>	05-Aug-2021	
<p><b>Lake Cowichan First Nation</b>  <i>313B Deer Road: Carole Livingstone</i></p>	05-Aug-2021	
<p><b>Lyackson First Nation</b>  <i>7973A Chemainus Road: Linda Aidnell</i>  <i>Comment: Please see substantive response. Lyackson First Nation cannot support the proposed bylaws as presented.</i></p>	05-Aug-2021	07-Oct-2021
<p><b>Malahat First Nation</b>  <i>110 Thunder Road, RR4:</i>  <i>Comment: Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the issuance of this bylaw amendment and other related amendments.</i></p>	05-Aug-2021	15-Sep-2021
<p><b>Mayne Island Local Trust Committee</b>  <i>Islands Trust: . .</i>  <i>Comment: Interests Unaffected.</i></p>	05-Aug-2021	27-Sep-2021
<p><b>Ministry of Agriculture</b>  <i>PO Box 9099, Stn. Prov. Govt.:</i>  <i>Comment: From an agricultural perspective, the Ministry offers the following comments: - The 0.89 ha Subject Property is not located within the Agricultural Land Reserve (ALR) but does border a property in the ALR to the south across Churchill Road as well as a property in the ALR to the west across Upper Ganges Road. In viewing these two properties on Google Earth, it appears that portions of each property are cleared and used for agricultural production. - Ministry staff support the Bylaw requirement that a vegetative screen is provided and maintained within the buffer area on the Subject Property. - Ultimately, the proposed zoning bylaw amendments will likely have a minimal, if any, impact on the two adjacent agricultural properties.</i></p>	05-Aug-2021	07-Sep-2021
<p><b>Ministry of Transportation and Infrastructure</b>  <i>Vancouver Island District Office: . .</i></p>	05-Aug-2021	18-Aug-2021 25-Aug-2021

## Referrals: Bylaw SS-523

Agency	Sent	Received
<p><i>Comment:</i> Response 2021-08-18: Approval recommended subject to conditions outlined below:            - Please send us a conceptual plan for this development, that shows where accesses are going to be proposed and how parking will be accommodated onsite. Response 2021-08-25: Approval recommended subject to conditions outlined below: - The following is information and items that need to be addressed: - It has been brought to the Ministry's attention that the property owner has deposited gravel on to the shoulder of Churchill Road. The Ministry does not allow road works unless a permit application has been reviewed and resulted in a permit from the Ministry. In future, please contact the Saanich Area Office to apply for a permit before commencing any road works. - All signs that have been posted on Churchill Road to suggest parking for the business must be removed. The Ministry does not allow signage for parking and in this situation it is becoming a safety concern for the traveling public. - If the existing access into the property is too narrow for additional traffic I would suggest widening it. Additionally, the cafe has a seating capacity of 24 with more additional seating on the outdoor patio and deck. It appears that there is not enough parking on site to accommodate the capacity of the cafe as it has resulted in the public parking alongside Churchill Road. I would suggest increasing the number of parking stalls on site to address this issue.</p>		
<p><b>North Pender Island Local Trust Committee</b></p> <p><i>Islands Trust:</i> . .</p> <p><i>Comment:</i> Interests Unaffected.</p>	05-Aug-2021	28-Oct-2021
<p><b>North Salt Spring Waterworks District</b></p> <p><i>761 Upper Ganges Road:</i> The Manager</p> <p><i>Comment:</i> Approval not recommended due to the reason outlined below: 125 Churchill Road is currently served by NSSWD and has a 3/4" service connection under a residential service classification for a single family dwelling. Section 28 of NSSWD Bylaw 301 (regulating the distribution and use of water) states "no person shall use Water for any use other than the use specified on the application for the premises to which it is delivered, nor take or permit it to be taken from the premises except in the event of an emergency. The intended purpose for a water connection is determined by the service classification of the connection. Section 29 of NSSWD Bylaw 301 (regulating the distribution and use of water) states "no person to whose premises Water is supplied will make or permit any additional connection to the service of either temporary or permanent nature, for the purpose of supplying water to another structure, building or house trailer, recreational vehicle on the premises, or for any other premises, without the permission of the Trustees. NSSWD does not support approval of these two bylaws as the applicant is in contravention of NSSWD Bylaw 301 (regulating the distribution and use of water.</p>	05-Aug-2021	13-Aug-2021
<p><b>Pauquachin First Nation</b></p> <p><i>9010 West Saanich Road:</i></p> <p><i>Comment:</i></p>	05-Aug-2021	
<p><b>Penelakut Tribe</b></p> <p><i>Chief and Council:</i> Denise James</p> <p><i>Comment:</i></p>	05-Aug-2021	

## Referrals: Bylaw SS-523

Agency	Sent	Received
<b>Salt Spring Fire-Rescue</b> 105 Lower Ganges Road: Arjuna George	05-Aug-2021	
<b>Semiahmoo First Nation</b> 16049 Beach Rd:	05-Aug-2021	
<b>SSI Agricultural Alliance</b> 106 Old Scott Road:	05-Aug-2021	
<b>SSI Partners Creating Pathways - Island Pathways</b> PO Box 684: . . <i>Comment:</i> Please see substantive response. Suggestion of a public amenity in the form of an off-road pathway. Support for BC Transit's response.	05-Aug-2021	23-Nov-2021
<b>Stz'uminus First Nation</b> 12611 A Trans Canada Hwy: Chenoa Akey	05-Aug-2021	
<b>Te'Mexw Treaty Association</b> 13D Cooper Road:	05-Aug-2021	
<b>Thetis Island Local Trust Committee</b> Northern Office: . . <i>Comment:</i> Interests Unaffected.	05-Aug-2021	28-Sep-2021
<b>Tsartlip First Nation</b> PO Box 70: Karen Harry <i>Comment:</i>	05-Aug-2021	
<b>Tsawout First Nation</b> PO Box 121, 7725 Tetayut Road: Gwen Underwood <i>Comment:</i> Upon review of the provided information, Tsawout First Nation does not have any concerns with the proposed changes to the bylaw.	05-Aug-2021	06-Aug-2021
<b>Tsawwassen First Nation</b> 1926 Tsawwassen Drive: <i>Comment:</i> No concerns or comments regarding this file at this time.	05-Aug-2021	31-Aug-2021
<b>Tseycum First Nation</b> 1210 Totem Lane: <i>Comment:</i>	05-Aug-2021	
<b>Vancouver Island Health Authority</b> 1952 Bay Street: . .	05-Aug-2021	

# BYLAW REFERRAL FORM RESPONSE SUMMARY


Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area  
\_\_\_\_\_  
(Island)

  
\_\_\_\_\_  
(Signature)

2021-08-10  
\_\_\_\_\_  
(Date)

523 and 524  
\_\_\_\_\_  
(Bylaw Number)

Manager of Community Planning  
\_\_\_\_\_  
(Title)

Cowichan Valley Regional District  
\_\_\_\_\_  
(Agency)

### 3. BUSINESS ITEMS

#### 3.1 Election of Chair

Planner Mayes announced the election procedures.

Planner Mayes called for nominations for Chair. Commissioner Eagle was nominated and accepted the nomination. Planner Mayes called three times for further nominations. Hearing none, she declared the nominations closed. Commissioner Eagle was elected Chair by acclamation.

Planner Mayes called for nominations for Vice Chair. Commissioner Brochu-Ingram was nominated and accepted the nomination. Planner Mayes called three times for further nominations. Hearing none, she declared the nominations closed. Commissioner Brochu-Ingram was elected Vice Chair by acclamation.

#### 3.2 **SS-RZ-2020.2 - Peter Hunt / Meghan Carr - 125 Churchill Road**

Planner Mayes presented a memorandum dated July 29, 2021 regarding proposed amendments to the Salt Spring Island Land Use Bylaw No. 355 and the Salt Spring Island Official Community Plan No. 434 (OCP) to make lawful a restaurant and two commercial accommodation units.

Member Steinman and Doug Pepper joined the meeting at 3:15 p.m.

In discussion the following comments and questions were noted:

- There was a comment that the subject property had an art gallery and whether the proposed bylaws include a cultural space/art gallery. Planner Mayes reported the rezoning application is specific to a restaurant and two commercial accommodation units and any additional uses may require a legislative mechanism such as a Temporary Use Permit.
- There was a question regarding the proximity to properties within the Agricultural Land Reserve (ALR). Planner Mayes reported the properties to the south and west of the subject property are within the ALR.
- There was a question regarding whether there has been public input. Planner Mayes reported the application is in the first stage of referral process including referral to various agencies.
- There was a question regarding septic capacity and water availability impacts. Planner Mayes reported the property is serviced by North Salt Spring Waterworks District and the applicants have proposed a septic system with capacity for the bakery to have 38 seats.
- There was a question regarding whether there has been any evidence that the neighbouring properties within the ALR are impacted by the proposed uses on the subject property. Planner Mayes reported she is not aware of any complaints regarding impacts to the neighbouring properties that are within the ALR.
- There was a comment that cars have parked in front of a neighbouring farm stand and that may need to be addressed.
- There was a question regarding whether the AAPC would be consulted following public consultation. Planner Mayes reported the Local Trust Committee referred the application to the AAPC and the LTC could re-refer the application to the AAPC further along in the

process. A public hearing will also be an opportunity for the community to provide input on the application.

- There was a suggestion for the staff report to address local farming concerns as part of the public consultation process.

**It was MOVED and SECONDED,**

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw Nos. 523 and 524 proceed for the following reason: The rezoning, when consistent with the proposed bylaw would not impinge on or obstruct any agricultural operations in the area and the business would provide one more retail outlet for local farm and related agricultural products.

**CARRIED**

**3.3 SS-RZ-2017.2 - Fernando & Tammy Dos Santos - 221 Drake Road, SSI**

Planner Gordon presented a memorandum dated July 12, 2021 regarding an update on an existing rezoning application to permit 30 affordable housing units on the subject property at 221 Drake Road.

**It was MOVED and SECONDED,**

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that the Salt Spring Island Local Trust Committee proceed with proposed Bylaw No. 505, subject to the following recommendation: that a water management plan is completed to the satisfaction of the Islands Trust.

**CARRIED**

**4. OTHER BUSINESS**

**4.1 Future Meetings**

Planning Team Assistant Pingle reported in person meetings may be required on September 30, 2021.

**5. ADJOURNMENT**

**By general consent** the meeting adjourned at 3:42 p.m.

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Bree Eagle, Chair

**CERTIFIED CORRECT:**

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Sarah Shugar, Recorder

### 3. BUSINESS ITEMS

#### 3.1 Election of the Chair

Planner Mayes announced the election procedures.

Planner Mayes called for nominations for Chair. Commissioner Cooke was nominated and declined the nomination. Commissioner Thompson was nominated and accepted the nomination. Planner Mayes called three times for further nominations. Hearing none, she declared the nominations closed. Commissioner Thompson was elected Chair by acclamation.

Planner Mayes called for nominations for Vice Chair. Commissioner Welman was nominated and accepted the nomination. Planner Mayes called three times for further nominations. Hearing none, she declared the nominations closed. Commissioner Welman was elected Vice Chair by acclamation.

#### 3.2 **SS-RZ-2020.2 - Peter Hunt / Meghan Carr - 125 Churchill Road**

Planner Mayes presented a memorandum dated July 29, 2021 regarding proposes amendments to the Salt Spring Island Land Use Bylaw No. 355 (LUB) and the Salt Spring Island Official Community Plan No. 434 (OCP) to make lawful a restaurant and two commercial accommodation units.

In discussion the following comments and questions were noted:

- There was a question regarding whether there have been complaints and/or concerns from the neighbours. Planner Mayes reported the rezoning application was triggered by a building permit review for a change of use from accessory to commercial , as a commercial use is not permitted on the subject property.
- There was a comment that the rezoning application addresses the septic capacity and the issues identified in the staff report are traffic and parking. There was a question regarding further clarification of authority over traffic and parking concerns. Planner Mayes reported the application is in the referral process including a referral to the Ministry of Transportation and Infrastructure (MOTI) and MOTI may require a commercial access to the property or street parking requirements. The Local Trust Committee has recognized that parking is a concern. The LUB does not require parking spaces for outdoor seats.
- There was a question regarding whether parking requirements and traffic impacts are within the Islands Trust jurisdiction. Planner Mayes reported impacts on the neighbourhood are considered as part of a rezoning application process. The applicants have provided a parking plan to meet parking requirements as per the LUB. The Islands Trust has the authority to require parking spaces for uses on a lot.
- There was a question regarding whether there are neighbourhood concerns regarding parking.
- There was a suggestion to increase the parking spaces on the property to reduce the demand for street parking.
- There was a question regarding regulation of septic capacity. The applicants have proposed a septic system with capacity for 38 seats.

**It was MOVED and SECONDED,**

That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw Nos. 523 and 524 proceed, subject to the following recommendations:

- Request the Ministry of Transportation and Infrastructure (MOTI) to provide guidance regarding parking on the roadway;
- Suggest that the applicant consider providing additional parking on the property to relieve roadside parking; and
- Ensure that the septic capacity is adequate.

**CARRIED**

### **3.3 Ganges Village Area Planning Project**

Planner Garbo introduced herself as project lead. Planner Gordon presented a PowerPoint presentation regarding the Ganges Village Area Planning Project. Planner Garbo reported a consultant has been engaged to lead the public engagement process.

In discussion the following comments and questions were noted:

- There was a suggestion to include economic development in the project objectives.
- There was a question regarding the selection process for the public engagement consultant. Planner Garbo reported the selection process for the consultant is not a public process.
- There was a question regarding whether this is the time to provide input regarding Ganges Village. Planner Garbo reported the APC would be consulted to provide input as part of the public engagement plan.

### **3.4 Salt Spring Housing Action Program Project**

Planner Gordon presented a PowerPoint presentation regarding the Salt Spring Housing Action Program Project. Planner Garbo reported staff would lead the public engagement process.

In discussion the following comments and questions were noted:

- There was a question regarding whether there is a target completion date for this project. Planner Garbo reported the target completion date is 2-years and a detailed timeline document is available on the project page of the website.
- There was a question regarding Agricultural Land Reserve (ALR) within the Ganges Study Area.
- There was a comment regarding a past design proposal for a three-story building on the Ganges Marina property and a question regarding First Nation interests in the Ganges Marina area. Planner Garbo reported staff is working with Senior Intergovernmental Policy Advisor Lisa Wilcox on coordination and early and ongoing consultation with First Nations.

## **4. OTHER BUSINESS**

### **4.1 Future Meetings**

Planning Team Assistant Pingle reported in person meetings may be required on September 30, 2021.

## Development Referral Response

August 12, 2021

Development Location: 125 Churchill Road

Local Government: Salt Spring Island Local Trust Committee

Transit System: Salt Spring Island Transit System

Local Government Referral Number:

### Development Proposal

The proposed bylaws would rezone the subject property from Residential 7 (R7) to Commercial 4 variant b (C4(b)) to permit:

- indoor retail sales;
- indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items (provided water consumption does not exceed 1,600 litres/day);
- one restaurant not exceeding a total floor area of 110 square metres with a maximum of 38 indoor and outdoor seats; and,
- two commercial guest accommodation units not to exceed 25 square metres each.

### Transit Context

The proposed development is located near:

- 4 Long Harbour
  - This route connect the Ganges Village to the Long Harbour Ferry from Monday to Friday with 3 trips Mondays to Thursdays, 3 trips on Fridays, 4 trips on Saturdays, and 3 trips on Sundays.

### Transit-Supportive Land Use and Design

The proposed development should make consideration to the access and connectivity of transit stops for pedestrians:

- BC Transit support for this application is contingent on the provision of safe and formalized pedestrian access to and from the subject property and nearby transit access along Upper Ganges Rd. This would include providing pedestrian access from the proposed development site along Churchill Hill Rd. to Upper Ganges Rd. There is an existing pedestrian connection immediately south of the property along Upper Ganges Rd.

### Infrastructure

#### Bus Stops and Stations

- Some rural community systems do not have physical bus stops. Only in these situations can customers 'wave' a bus down on designated roads. This particular location features a “wave” a bus down at this location.

#### BC Transit Recommendations:

- Please consider well-marked and accessible pathway connections in order to support pedestrian connectivity and transit use of area residents to and from the development site on Churchill Rd. and Upper Ganges Rd.

#### BC Transit Level of Support

- BC Transit has no objection to the development.

Thank you for the opportunity to review this proposed development. If you have any questions or would like further comments on this proposal, please contact:

Frank Arellano, MUP  
Transit Planner  
BC Transit  
Email: farellano@bctransit.com

# BYLAW REFERRAL FORM RESPONSE SUMMARY

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

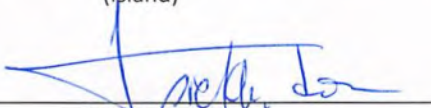
125 Churchill Road, Lot 3 Sections 3 & 4 East, North Salt Spring Island, Cowichan District, Plan VIP 54776 is currently served by North Salt Spring Waterworks District (NSSWD) and has a 3/4" (19 mm) service connection under a residential service classification for a single family dwelling.

Section 28 of NSSWD Bylaw 301 (regulating the distribution and use of water) states "no person shall use Water for any use other than the use specified on the Application for the premises to which it is delivered, nor take or permit it to be taken from the premises except in the event of an Emergency. The intended purpose for a water connection is determined by the service classification of the connection".

Section 29 of NSSWD Bylaw 301 (regulating the distribution and use of water) states "no person to whose premises Water is supplied will make or permit any additional connection to the service of either temporary or permanent nature, for the purpose of supplying Water to another structure, building or house trailer, recreational vehicle on the premises, or for any other premises, without the permission of the Trustees".

NSSWD does not support approval of these two bylaws as the applicant is in contravention of NSSWD Bylaw 301 (regulating the distribution and use of water).

Salt Spring Island Trust Area  
(Island)

  
(Signature)

13 Aug 2021  
(Date)

523 and 524  
(Bylaw Number)

District Manager  
(Title)

North Salt Spring Waterworks District  
(Agency)

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Please send us a conceptual plan for this development, that shows where accesses are going to be proposed and how parking will be accommodated onsite.

Salt Spring Island Trust Area  
\_\_\_\_\_  
(Island)

*Halcy Leesch*  
\_\_\_\_\_  
(Signature)

August 18, 2021  
\_\_\_\_\_  
(Date)

523 and 524  
\_\_\_\_\_  
(Bylaw Number)

Development Services Officer  
\_\_\_\_\_  
(Title)

BC Ministry of Transportation and Infrastructure  
\_\_\_\_\_  
(Agency)

**From:** Shayla Burnham <[sburnham@crd.bc.ca](mailto:sburnham@crd.bc.ca)>  
**Sent:** Monday, August 23, 2021 10:36 AM  
**To:** Daniela Murphy  
**Subject:** RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)

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

Good morning Daniela,

On behalf of Karla Campbell, Salt Spring Island Senior Manager, please be advised that the Capital Regional District (CRD) interests are unaffected.

Please let me know if you have any questions.

Thank you,

**Shayla Burnham | Committee Clerk**

Salt Spring Island Parks and Recreation | Capital Regional District  
108-121 McPhillips Road, Salt Spring Island, BC, V8K 2T6  
T: 250.538-4304 | E: [sburnham@crd.bc.ca](mailto:sburnham@crd.bc.ca)



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**From:** Daniela Murphy [<mailto:dmurphy@islandstrust.bc.ca>]  
**Sent:** Thursday, August 05, 2021 2:29 PM  
**To:** Karla Campbell <[kcampbell@crd.bc.ca](mailto:kcampbell@crd.bc.ca)>; Christine Condon <[ccondron@crd.bc.ca](mailto:ccondron@crd.bc.ca)>; [chris.laughlin@viha.ca](mailto:chris.laughlin@viha.ca); [chamber@saltspringchamber.com](mailto:chamber@saltspringchamber.com); [info@nsswaterworks.ca](mailto:info@nsswaterworks.ca); [dlundy@saltspringfire.com](mailto:dlundy@saltspringfire.com); [info@islandpathways.ca](mailto:info@islandpathways.ca); [annemacey@shaw.ca](mailto:annemacey@shaw.ca); 'Elizabeth White' <[elizwhite@saltspring.com](mailto:elizwhite@saltspring.com)>; [Martin.Collins@gov.bc.ca](mailto:Martin.Collins@gov.bc.ca); McIntyre, Cathie BCA:EX <[cathie.mcintyre@bcassessment.ca](mailto:cathie.mcintyre@bcassessment.ca)>; [developmentreferrals@BCTransit.com](mailto:developmentreferrals@BCTransit.com); [doug.pepper@gov.bc.ca](mailto:doug.pepper@gov.bc.ca); Leech, Haley TRAN:EX <[Haley.Leech@gov.bc.ca](mailto:Haley.Leech@gov.bc.ca)>; [FrontCounterBC@gov.bc.ca](mailto:FrontCounterBC@gov.bc.ca); Jas Chonk <[jchonk@islandstrust.bc.ca](mailto:jchonk@islandstrust.bc.ca)>; Becky McErlan <[bmcerlean@islandstrust.bc.ca](mailto:bmcerlean@islandstrust.bc.ca)>; [mtippett@cvrld.bc.ca](mailto:mtippett@cvrld.bc.ca)  
**Cc:** Jessica Arnet <[jarnet@crd.bc.ca](mailto:jarnet@crd.bc.ca)>; Kristine Mayes <[kmayes@islandstrust.bc.ca](mailto:kmayes@islandstrust.bc.ca)>; Rob Pingle <[rpingle@islandstrust.bc.ca](mailto:rpingle@islandstrust.bc.ca)>; [Shannon.lambie@gov.bc.ca](mailto:Shannon.lambie@gov.bc.ca)  
**Subject:** Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Dear Referral Coordinator,

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaws: Bylaw No. 523 cited as "Salt Spring Island Official Community Plan 2008, Amendment No. 1, 2021, and Bylaws No. 524

# BYLAW REFERRAL FORM RESPONSE SUMMARY

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

The following is information and items that need to be addressed:

- It has been brought to the Ministry's attention that the property owner has deposited gravel on to the shoulder of Churchill Road. The Ministry does not allow road works unless a permit application has been reviewed and resulted in a permit from the Ministry. In future, please contact the Saanich Area Office to apply for a permit before commencing any road works.
- All signs that have been posted on Churchill Road to suggest parking for the business must be removed. The Ministry does not allow signage for parking and in this situation it is becoming a safety concern for the traveling public.
- If the existing access into the property is too narrow for additional traffic I would suggest widening it. Additionally, the cafe has a seating capacity of 24 with more additional seating on the outdoor patio and deck. It appears that there is not enough parking on site to accommodate the capacity of the cafe as it has resulted in the public parking alongside Churchill Road. I would suggest increasing the number of parking stalls on site to address this issue.

Salt Spring Island Trust Area  
(Island)

*Haley Lesch*  
(Signature)

August 18, 2021  
(Date)

523 and 524  
(Bylaw Number)

Development Services Officer  
(Title)

BC Ministry of Transportation and Infrastructure  
(Agency)

# CRD Staff Referral Response Form

Referral No.: SS-BL-523 SS-BL-524 (125 Churchill Road) Dated August 30, 2021

	Interests Unaffected	Approval recommended for reasons outlined	Approval recommended subject to conditions	Approval <i>not</i> recommended due to reasons outlined	Comments
Executive Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Finance & Technology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Integrated Water Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Legislative Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Parks & Environmental Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Planning & Protective Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

**From:** Don Pickle <districtmanager@nsswaterworks.ca>  
**Sent:** Friday, September 3, 2021 2:31 PM  
**To:** info@francisbread.com  
**Cc:** SSInfo; BISaltspring  
**Subject:** FW: SS-RZ-2020.2 Francis Bread  
**Attachments:** 125 Churchill Road Non Permitted Water Use Ltr.pdf

Hi Meghan and Peter,

Please review the attached letter outlining our concerns with your application for rezoning of 125 Churchill Rd. I am available to meet with you to discuss further.

Sincerely,

Don Pickle  
District Manager/Corporate Officer



761 Upper Ganges Road  
Salt Spring Island, B.C. V8K 1S1  
250 537 9902

-----Original Message-----

**From:** Francis Bread <info@francisbread.com>  
**Sent:** September-02-21 9:44 AM  
**To:** Info - North Salt Spring Waterworks District <info@nsswaterworks.ca>  
**Subject:** SS-RZ-2020.2 Francis Bread

Hi,

Hoping to set up a meeting with North Salt Spring Water District district manager Don Pickle concerning application at 125 churchill road SS-RZ-2020.2.

We would to clarify the reasons you outlined for “not approving” our application referral. You can contact us via email or at 778-700-7059

Kind regards

Meghan + Peter

Francis Bread

September 3, 2021

Peter Hunt and Meghan Carr  
125 Churchill Road  
Salt Spring Island, B.C. V8K 2R3

**Re: Non-Permitted water use at 125 Churchill Road**

Dear Peter and Meghan:

It has been brought to the attention of the North Salt Spring Waterworks District (NSSWD) that you may be using water from the District's water system for commercial enterprise(s) in contravention of the NSSWD Water Distribution Regulation Bylaw 301. The District's records indicate that your property at 125 Churchill Road was approved for a water connection as a residential property. However, we have been advised that in addition to residential use, the property is being used as part of a commercial enterprise that includes a bakery and vacation rentals being operated out of outbuildings. You have indicated that the connection to NSSWD's system that was originally approved for the residence is being used to service these buildings as well.

The following provisions of NSSWD's Water Distribution Regulation Bylaw No. 301 are relevant:

*13. Without limiting section 23 of this Bylaw, no person shall change or add or permit any change or addition to the number or type of fixtures on a commercial or industrial premise without prior permission of the trustees, who may refuse such permission on the following grounds:*

- a) the proposed change or addition does not comply with the provisions of this and other applicable bylaws of the District;*
- b) the proposed addition or change requires a larger service connection than the current service connection or any proposed service connection;*
- c) the Trustees determine that if the proposed change or addition were approved, District would have an insufficient Water supply to provide the premises with a supply of Water;*
- d) the Trustees determine that if the proposed change or addition were approved, the District would not have a sufficient Water supply to provide any other parcel or parcels*

*with an adequate supply of Water; or*

*e) there are fees relating to the premises that are owing under this or another bylaw of the District.*

*23. No person to whose premises water is supplied by the District shall make or permit any connection, addition or change to the works other than is shown or indicated on their approved connection application without prior permission of the Trustees.*

*28. No person shall use water for any use other than the use specified on the application for the premises to which it is delivered, nor take or permit it to be taken from the premises, except in the event of an emergency. The intended purpose for a water connection is determined by the service classification of the connection.*

*29. No person to whose premises Water is supplied will make or permit any additional connection to the service of either temporary or permanent nature, for the purpose of supplying Water to another structure, building or house trailer, recreational vehicle on the premises, or for any other premises, without the permission of the Trustees.*

*32. No person shall use Water for any purpose other than that required for normal domestic use, except by written permission of the Trustees. Applicants shall state the purpose, the time of use, the amount of water required, and any relevant information requested by the Trustees. The Trustees may require special works to be installed or altered and impose additional charges.*

Note in particular section 28 of the Bylaw, which states “the intended purpose for a water connection is determined by the service classification of the connection” - 125 Churchill Road is supplied by a ¾” residential water service connection for one single family dwelling.

In order for the District to determine the extent of the bylaw infractions that are occurring, please confirm the number of units at the above noted property that are using the District’s water from the supplied ¾” residential water service connection, as well as the use you are making of the units.

We note the Bylaw contains the following penalties that may be imposed if there is a breach of the Bylaw.

*42. The Trustees may, on 24 hours written notice, turn off the supply of water to any person in default of the regulations of this by-law. The person in default shall not be entitled to receive any further water from the District until such person has remedied the default. It*

North Salt Spring Waterworks District • 761 Upper Ganges Road • Salt Spring Island, B.C. • V8K 1S1 • Canada

Telephone: 250.537.9902 • Fax: 250.537.1956

Email: [districtmanager@nsswaterworks.ca](mailto:districtmanager@nsswaterworks.ca) • [www.northsaltspringwaterworks.ca](http://www.northsaltspringwaterworks.ca)

*shall be unlawful for any person whose water has been turned off pursuant to this section, to turn such water on again or take any water from the District works until such time as the Trustees again turn on the water.*

*43. A person who commits an offence under this by-law is liable on summary conviction to a penalty in accordance with the Offence Act. ... a court injunction may be sought to cease the activity or remedy the condition if the property owner does not comply with the notice as immediate action is required because non-compliance might result in damage to property or the water system. Steps may also be taken to lay a charge under the provisions of the Offence Act. A penalty of up to six months in jail or a \$2,000 fine, or both, could be imposed by the Court if a summary conviction is obtained from the Court.*

A copy of this bylaw is available for your reference on our website.

Thank you for your prompt attention to this matter, and I look forward to hearing from you.

Sincerely,



Don Pickle  
District Manager  
North Salt Spring Waterworks District  
250-537-9902

cc: [ssiinfo@isln distrust.bc.ca](mailto:ssiinfo@isln distrust.bc.ca) (your file: SS-RZ-2020.2)

[bisaltspring@crd.bc.ca](mailto:bisaltspring@crd.bc.ca)

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area  
\_\_\_\_\_  
(Island)

*J. Chonk*  
\_\_\_\_\_

(Signature)

September 7, 2021  
\_\_\_\_\_

(Date)

523 and 524  
\_\_\_\_\_  
(Bylaw Number)

Jas Chonk, Legislative Clerk  
\_\_\_\_\_  
(Title)

Galiano Island Local Trust Committee  
\_\_\_\_\_  
(Agency)



September 7, 2021

Kristine Mayes  
Planner – Salt Spring Island  
Islands Trust  
**Sent by email**

Dear Kristine:

**Re: Bylaws 523 & 524 – 125 Churchill Road (PID: 017-873-134) – The Subject Property**

Thank you for providing the opportunity for Ministry of Agriculture, Food and Fisheries (Ministry) staff to comment on Bylaws 523 & 524 that proposes to permit indoor retail sales, indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items, one restaurant not exceeding a total floor area of 110 square metres with a maximum of 38 indoor and outdoor seats, and two commercial guest accommodation units not to exceed 25 square metres each on the Subject Property.

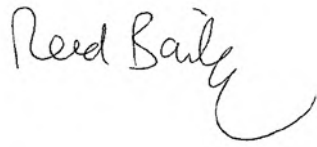
From an agricultural perspective, the Ministry offers the following comments:

- The 0.89 ha Subject Property is not located within the Agricultural Land Reserve (ALR) but does border a property in the ALR to the south across Churchill Road as well as a property in the ALR to the west across Upper Ganges Road. In viewing these two properties on Google Earth, it appears that portions of each property are cleared and used for agricultural production.
- Ministry staff support the Bylaw requirement that a vegetative screen is provided and maintained within the buffer area on the Subject Property.
- Ultimately, the proposed zoning bylaw amendments will likely have a minimal, if any, impact on the two adjacent agricultural properties.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,

A handwritten signature in black ink that reads "Reed Bailey". The signature is written in a cursive style with a long, sweeping underline.

Reed Bailey  
Land Use Planner  
778-698-3455  
[Reed.Bailey@gov.bc.ca](mailto:Reed.Bailey@gov.bc.ca)

Doug Pepper

Doug Pepper, P.Ag.  
Regional Agrologist  
250-737-2417  
[Doug.Pepper@gov.bc.ca](mailto:Doug.Pepper@gov.bc.ca)

cc: Shannon Lambie, Regional Planner – Agricultural Land Commission

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area  
\_\_\_\_\_  
(Island)

*J. Chonk*  
\_\_\_\_\_

(Signature)

September 27, 2021  
\_\_\_\_\_  
(Date)

523 and 524  
\_\_\_\_\_  
(Bylaw Number)

Jas Chonk, Legislative Clerk  
\_\_\_\_\_  
(Title)

Mayne Island Local Trust Committee  
\_\_\_\_\_  
(Agency)

**From:** Kristine Mayes  
**Sent:** Tuesday, September 28, 2021 8:59 AM  
**To:** Daniela Murphy  
**Subject:** FW: ALC Response to 125 Churchill Road referral  
**Attachments:** ALC Response - 125 Churchill Road.pdf

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

**Kristine Mayes**

Planner 1 | Islands Trust | T: 250-538-5607

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**From:** Lambie, Shannon ALC:EX <[Shannon.Lambie@gov.bc.ca](mailto:Shannon.Lambie@gov.bc.ca)>  
**Sent:** Monday, September 27, 2021 3:23 PM  
**To:** Kristine Mayes <[kmayes@islandstrust.bc.ca](mailto:kmayes@islandstrust.bc.ca)>  
**Subject:** ALC Response to 125 Churchill Road referral

Dear Kristine,

Please find attached the Agricultural Land Commission's response with respect to proposed rezoning for 125 Churchill Road.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

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

Sincerely,

**Shannon Lambie**

Island and South Coast Regional Planner | Agricultural Land Commission  
201-4940 Canada Way, Burnaby, BC, V5G 4K6 | T 236-468-2026 **(NEW)**  
[shannon.lambie@gov.bc.ca](mailto:shannon.lambie@gov.bc.ca) | [www.alc.gov.bc.ca](http://www.alc.gov.bc.ca)



**Agricultural Land Commission**  
201 – 4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000 | Fax: 604 660-7033

September 27, 2021

Reply to the attention of Shannon Lambie  
Local Government File: SS-RZ-2020.2

Kristine Mayes  
Planner – Salt Spring Island  
Islands Trust  
kmayes@islandstrust.bc.ca

**Re: Bylaws 523 & 524 – 125 Churchill Road (PID: 017-873-134)**

Thank you for forwarding a draft copy of Bylaw No. 523 *Salt Spring Island Official Community Plan 2008, Amendment No. 1, 2021*, and Bylaw No. 524 *Salt Spring Island Land Use Bylaw 1999, Amendment No. 1, 2021* (the “Proposal”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Proposal is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The Proposal seeks to rezone the subject property identified as 125 Churchill Road; PID: 017-873-134 (the “Property”) from *Residential 7 (R7)* to *Commercial 4 variant b (C4(b))* in order to accommodate indoor retail sales; indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items (provided water consumption does not exceed 1,600 litres/day); one restaurant not exceeding a total floor area of 110 square metres with a maximum of 38 indoor and outdoor seats; and, two commercial guest accommodation units not to exceed 25 square metres each.

The ALC recognizes that the Property is not within the ALR; however, the southern perimeter borders the ALR across Churchill Road and the western perimeter borders the ALR across Upper Ganges Road. Conflicts can arise on the boundary between agricultural and non-agricultural uses; as such ALC staff are pleased to see that the Proposal includes a requirement for vegetated buffer on the Property. ALC staff do not object to the Proposal.

\*\*\*\*\*

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

This response does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

If you have any questions about the above comments, please contact the undersigned at 236-468-2026 or by e-mail ([shannon.lambie@gov.bc.ca](mailto:shannon.lambie@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "S. Lambie". The signature is written in a cursive, slightly slanted style.

Shannon Lambie, Regional Planner

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

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Salt Spring Island Trust Area  
(Island)

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Jaime Dubyna

(Signature)

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September 28, 2021

(Date)

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523 and 524

(Bylaw Number)

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Jaime Dubyna, Island Planner

(Title)

---

Thetis Local Trust Committee

(Agency)

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area  
\_\_\_\_\_  
(Island)

*J. Chonk*  
\_\_\_\_\_

(Signature)

October 28, 2021  
\_\_\_\_\_

(Date)

523 and 524  
\_\_\_\_\_  
(Bylaw Number)

Jas Chonk, Legislative Clerk  
\_\_\_\_\_  
(Title)

North Pender Island Local Trust Committee  
\_\_\_\_\_

(Agency)

-----Original Message-----

From: Jean Gelwicks <[REDACTED]>

Sent: Tuesday, November 23, 2021 9:30 AM

To: Kristine Mayes <[kmayes@islandstrust.bc.ca](mailto:kmayes@islandstrust.bc.ca)>

Subject: Attention Khristine Mayes, planner re: Project SS-RZ-2020.2

Attention Khristine Mayes, Planner

Please see our attached letter. Jean

November 23, 2021  
Partners Creating Pathways Committee  
Island Pathways

SSI Local Trust Committee  
Lower Ganges Road  
Salt Spring Island, BC  
*Attention: Khristine Mayes, Planner*

Re: Project SS-RZ-2020.2

We are responding to the application to the LTC for proposed rezoning of the property at 125 Churchill Road.

Partners Creating Pathways is a committee of the non-profit Islands Pathway Society and has been an active and successful advocate for improved pedestrian safety on Salt Spring. We have just celebrated the completion of an over 10-year Ganges Village Pathway Network Project, which included an off-road section of pathway on Upper Ganges Road that crosses Churchill Road at the applicant's property.

While the current use of the property is providing a welcome local home-based bakery service to islanders, the proposal to allow a 38 seat restaurant and two commercial accommodation units will inevitably and significantly increase the number a Island Pathways and frequency of visitors to the site.

We propose that the LTC take this opportunity to require a public amenity in the form of an off-road pathway to connect the existing Upper Ganges pathway and the CRD pathway from Churchill Road to Long Harbour Road (crossing Madrona Creek).

In this regard, we fully support BC Transit in its response to the proposed rezoning application:

**"Transit-Supportive Land Use and Design**

The proposed development should make consideration to the access and connectivity of transit stops for pedestrians:

BC Transit support for this application is contingent on the provision of safe and formalized pedestrian access to and from the subject property and nearby transit access along Upper Ganges Rd. This would include providing pedestrian access from the proposed development site along Churchill Hill Rd. to Upper Ganges Rd. There is an existing pedestrian connection immediately south of the property along Upper Ganges Rd."

We would be pleased to work with the applicant, the CRD and the Ministry of Transportation and Infrastructure on this initiative.

Sincerely,  
Jean Gelwicks, Chair of Partners Creating Pathways Committee

**From:** Casey Dick-Wyatt <[REDACTED]>  
**Sent:** Friday, August 6, 2021 11:44 AM  
**To:** Daniela Murphy <dmurphy@islandstrust.bc.ca>  
**Cc:** Kristine Mayes <kmayes@islandstrust.bc.ca>  
**Subject:** RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)

Hello Daniela,

Thank you for your email correspondence on the proposed changes. Upon review of the provided information, Tsawout First Nation does not have any concerns with the proposed changes to the bylaw.

Kukwustumckacw,

P'sit7 – Casey Dick-Wyatt (Lil'wat7ul)  
Lands Officer  
Tsawout First Nation  
7728 Tetayut rd.  
Saanichton, BC  
V8M 2E4  
T: 250-652-9101  
F: 250-652-9114  
tsawout.ca

**From:** Candace Charlie <[REDACTED]>  
**Sent:** Tuesday, August 17, 2021 1:35 PM  
**To:** Daniela Murphy <dmurphy@islandstrust.bc.ca>; Kristine Mayes <kmayes@islandstrust.bc.ca>  
**Subject:** RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)

Thank you Kristine. I have briefly reviewed. Cowichan Tribes would not oppose the rezoning if the expansion of the business is minimal, as it appears to be, and the applicant is properly made aware of archaeological potential in the area.

We'd also ask that the applicant be required to limit to the extent possible the creation of impervious surfaces to only that amount needed to achieve parking requirements.

Best,

Candace Charlie  
Referrals Coordinator  
Lands & Governance, Cowichan Tribes  
5762 Allenby Road  
Duncan BC V9L 5J1  
Ph: (236) 800-4023 ext. 6007  
[candace.charlie@cowichantribes.com](mailto:candace.charlie@cowichantribes.com)

**From:** TFN Referrals <referrals@tsawwassenfirstnation.com>

**Sent:** Tuesday, August 31, 2021 1:51 PM

**To:** Daniela Murphy <dmurphy@islandstrust.bc.ca>

**Subject:** RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)

Hello Daniela,

Thank you for the referral. Tsawwassen First Nation has no concerns or comments regarding this file at this time.

I received your voicemail message and appreciate the gentle reminder.

ciθamə cən

I Thank You

**Robin Buss**

**Territory Management Coordinator**

**Tsawwassen First Nation**

1926 Tsawwassen Drive, Tsawwassen, BC V4M 4G2

C (604) 202-3202





**Malahat Nation**

110 Thunder Road | Mill Bay, BC | V0R 2P4

Tel: (250) 743-3231 | Fax: (250) 743-3251

info@malahatnation.com | www.malahatnation.com

September 15, 2021

**Malahat Referral No: R21075**

***Islands Trust,***

***1 – 500 Lower Ganges Road,***

***Salt Spring Island, BC V8K 2N8***

*Via email: ssiinfo@islandstrust.bc.ca*

**RE: Malahat Nation Response to Proposed Bylaws Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)**

Dear Island Trust,

Thank you for your consultation request for Proposed Bylaws No. 523 & 524 dated August 5<sup>th</sup> 2021 located at 125 Churchill Road Salt Spring Island, located in Malahat Nation's traditional territory.

Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding the issuance of this bylaw amendment and other related amendments.

Thank you for your time and consideration.

Sincerely,

Kate Richey  
Traditional Use Researcher  
Malahat Nation



## *Lyackson First Nation*

*7973A Chemainus Road  
Chemainus BC V0R 1K5  
Telephone: (250) 246-5019*

Thursday, October 07, 2021

Daniela Murphy

Legislative Clerk/Deputy Secretary  
1-500 Lower Ganges Road  
Salt Spring Island BC V8K 2N8

via email: [dmurphy@islandstrust.bc.ca](mailto:dmurphy@islandstrust.bc.ca)

**RE:** Salt Spring Island Local Trust Committee Proposed Bylaws 504, 505, 523, 524  
**Dated:** August 24, 2021  
**Proponent:** Various  
**Location:** 221 Drake Road  
125 Churchill Road

Dear Daniela:

Lyackson First Nation is in receipt of the above-noted referrals.

To begin, the proposed developments are located in an area of importance to Lyackson First Nation and the other member communities of the Quw'utsun Nation (Stz'uminus First Nation, Penelakut Tribe, Cowichan Tribes, and Halalt First Nation). This area was used as an occupation site and intensive resource harvesting and processing area. Evidence of our use remains in the form of recorded archaeological sites in the vicinity. As you may be aware, the Quw'utsun Nation member communities have never ceded title to the lands and waters of our territory.

We are curious to understand how this, and the many other referrals fit into the comprehensive community planning process for a new local area plan for *Shiya'hwt* (Ganges Village). We understand this plan is intended to establish a vision and specific policies to guide change and development for the coming decades. We are disappointed to not have been meaningfully engaged in that process.

As you know, Lyackson's First Nation's territory and area of use and interest is vast and extensive. Our office is daily inundated with referrals with the potential to infringe on our Nation's interests and rights, including from Islands Trust.

,,/2

We have a deep, rich and ongoing connection to the lands and waters of *Shiya'hwt*. Our Nation retains unceded Aboriginal rights and title to our use and occupation sites at *Shiya'hwt*, including its resources, and maintains a sacred responsibility to care for those areas and for our ancestors resting there.

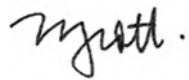
We have previously communicated Lyackson First Nation's belief that meaningful engagement and consultation require ongoing dialogue and *shared decision-making*. In this post-Declaration on the Rights of Indigenous Peoples Act era, First Nations should be included at the management level (problem identification, concept and solution design) as opposed to as in a mere advisory group capacity. Lyackson First Nation is of the view that nothing less than a true partnership is needed to sustainably manage *Shiya'hwt* and that this planning process should be an exercise in joint planning that includes governance processes and development decisions such as this.

Lyackson First Nation is very concerned that ongoing developments (such as proposed in the referrals), the referral process itself and the ad hoc approach to engagement issues flagged to Islands Trust time and time again have not been addressed. Similarly, the ongoing exclusion of Lyackson First Nation from decision-making is inconsistent with your stated goals and objectives.

Further, we fail to see how changing the land use designation supports either Islands Trust or Lyackson First Nation achieve its objectives.

For the reasons stated above we cannot support the proposed bylaws as presented.

*Huy ch q'a,*



Karyn Scott  
Lyackson First Nation  
7973A Chemainus Road  
Chemainus BC V0R 1K5  
Email: [consultations@lyackson.bc.ca](mailto:consultations@lyackson.bc.ca)  
Cellular: [REDACTED]

CC: Lousia Darbo [lgarbo@Islandstrust.bc.ca](mailto:lgarbo@Islandstrust.bc.ca)



File No.: SS-DVP-2021.12

*x-ref: SS-BP-2021.50 & SS-BE-2021.110*

DATE OF MEETING: January 18, 2022  
TO: Salt Spring Island Local Trust Committee  
FROM: Kristine Mayes, Planner 1, Salt Spring Island Team  
COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team  
SUBJECT: Development Variance Permit to Make Lawful the Siting (and Steps Projecting into a Setback) of an Accessory Building to a Rear Lot Line  
Applicant: D. Murphy  
Location: 181 Main Street, Salt Spring Island, BC (PID: 030-277-825)

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee request that the applicant provide a surveyed site plan from a British Columbia Land Surveyor which identifies the location and floor area of all accessory buildings on the subject property (SS-DVP-2021.12, 181 Main Street).

## REPORT SUMMARY

This Development Variance Permit (DVP) application seeks to vary the [Salt Spring Island Land Use Bylaw No. 355](#) (LUB) to make lawful the siting of an existing accessory building to a rear lot line. Staff recommend the Salt Spring Island Local Trust Committee (SS LTC) request the applicant provide a surveyed site plan which identifies the location and floor area of all accessory buildings on the subject property.

## BACKGROUND

The subject property (Figure No. 1 & 2) is located in north Salt Spring Island. The 0.2-hectare (0.5-acre) lot is zoned Rural (R). A comprehensive analysis of the subject property and surrounding area can be found in Appendix No. 1. In March 2021, a Building Permit Preliminary Plan Review application (SS-BP-2021.50) was submitted to the Islands Trust for alterations/repair to an existing accessory building following a stop work order issued by the Capital Regional District (CRD) Building Inspection office on January 24, 2021. Staff reviewed the submission, noting the building was located within the rear lot line setback and that the roofline had been altered – additionally, as per the submitted site plan, the total floor area for all accessory buildings likely exceeded 70 square metres. The applicant advised that the footprint nor floor area had not been altered for the accessory building (works included replacing the walls and roof) and that it has been constructed prior to 1974 (an email from a neighbour which noted the lower shed (accessory building) existed in 1974 as a temporary dwelling and shop was provided by the applicant). Historic aerial imagery for the subject property (Figure No. 3, 4, 5 & 6) shows the accessory building prominently visible in 2021, but not visible in years prior.

The subject property has a substantive file history including a request to discharge covenant J35590 from the parcel which was authorized by the SS LTC (at the owners' expense) on June 7, 2018 for the construction of a full-height second story on the garage accessory building determined by a surveyed site plan to be sited in the interior side and front lot lines (SS-DVP-2018.8, issued). A recent title search provided for the application shows this covenant still registered on title. The staff report respective of the covenant release made note that a second story on the garage accessory building would require a variance to increase the permitted floor area for accessory buildings for the subject property, however, the subsequent 2018 DVP did not consider the additional accessory buildings on the subject property or whether the structure exceeded the permitted accessory building floor area in its analysis.



Figure 1: Zoning Map of Subject Property



Figure 2: 2021 (CRD) Orthophoto of Subject Property

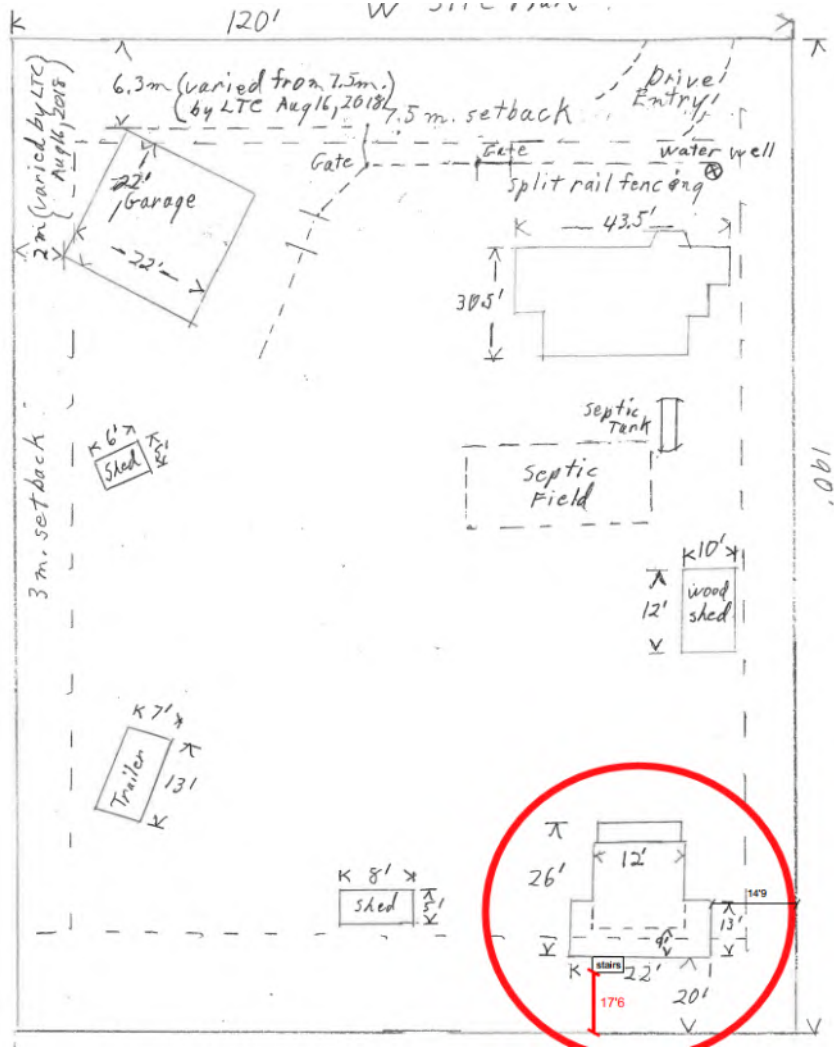


Figure 3: Site Plan for Subject Property



Figure 4: 2005 Aerial Imagery



Figure 5: 2009 Aerial Imagery



Figure 6: 2017 Aerial Imagery

## ANALYSIS

### Policy/Regulatory

Granting a variance does not set a precedent and the SS LTC is unfettered in its ability to grant or deny variances. However, the granting of variances regarding setbacks may create expectation in the community with regard to future applications. The DVP process enables property owners to relax minor land use bylaw regulations, while providing certainty for adjacent property owners and minimizing negative impacts on neighbours.

### Local Government Act:

The following regulations within the *Local Government Act* are pertinent to this report:

#### Non-conforming structures: restrictions on maintenance, extension and alteration

- 529 (1) If the use and density of buildings and other structures conform to a land use regulation bylaw but
- (a) the siting, size or dimensions of a building or other structure constructed before the bylaw was adopted does not conform with the bylaw, or
- the building or other structure or spaces may be maintained, extended or altered to the extent authorized by subsection (2).
- (2) A building or other structure or spaces to which subsection (1) applies may be maintained, extended or altered only to the extent that
- (a) the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started, and

### Official Community Plan:

The subject property is designated Rural Neighbourhoods (RL) in the [Salt Spring Island Official Community Plan No. 434](#) (OCP). The objective for this designation is to continue to provide adequate land zoned for medium density residential use and other traditional and compatible rural land uses. Relevant OCP policies are as follows:

OCP Objective/Policy	Complies	Planner Comments
<b>Objective A.4.3.4</b> To accommodate and direct appropriate development so that its location, appearance and impact are in harmony with the natural environment, community resources, character and existing land uses. To ensure that clustered settlements are well designed so that they become and remain acceptable and compatible with existing development.	maybe	The proposed development is within the maximum lot coverage. It is unknown whether the subject property has exceed the permitted accessory building floor area (70m <sup>2</sup> ).
<b>Objective B.2.5.1.1</b> To continue to provide adequate land zoned for medium density residential use and other traditional and compatible rural land uses.	maybe	The proposal is consistent with the permitted uses, buildings and structures on the subject property. It is unknown whether the subject property has exceed the permitted accessory building floor area (70m <sup>2</sup> ).

### Land Use Bylaw:

The proposal meets LUB regulations with the exception of the following:

- 4.3.1 Unless otherwise specified, no *building* or *structure* except a fence, *pumphouse*, *public utility structure* or underground utility may be constructed within the following setbacks from *lot lines* or road access easements:
- (2) Setback from rear *lot line*: 7.5 m
- 4.7.2 The following features may project into a required setback area for *lot line* setbacks only:
- (2) steps, eaves, sunlight control projections, canopies, balconies, decks and porches, provided they do not project more than 1.3 m into the required setback area for a *front, rear* or *exterior side lot line*, or more than 0.6 m into the required setback area for an *interior side lot line*.

Additionally, the following LUB definition and regulations are pertinent to this report:

“**floor area**” means the sum of the horizontal areas of all *storeys* of a *building* or *structure*, including *basements*, measured to the outer surface of the exterior walls and windows minus the average thickness of the walls; for this purpose all areas of a *building* having a floor and a ceiling at least 1.8 m apart constitute a *storey* and the horizontal area of all *buildings* where more than 60 per cent of the area between the roof and the floor is enclosed by walls and windows shall be included in the calculation of *floor area*.

- 3.8.1 The maximum *height* for *accessory buildings* is 6 m on *lots* 1.2 ha or less in *area*, and 7 m on *lots* greater than 1.2 ha in *area*.
- 3.12.5 With the exception of a *seasonal cottage* or other permitted *accessory dwelling unit*, the total *floor area* of all *accessory buildings* and *structures* on a *lot* must not exceed 70 square metres for *lots* that are 1.2 ha or less in *area* and 185 square metres for *lots* that are greater than 1.2 ha in *area*. One *building* with a *floor area* less than 25 square metres may be excluded from the calculation of total *floor area* for *accessory buildings* and *structures*.

### Issues and Opportunities

#### Establishing Lawful Non-Conformity

The applicant has requested to make lawful the siting of an existing accessory building. The onus is on a property owner to establish non-conformity – primarily by way of CRD Building Permit records, then dated photos and lastly by way of notarized affidavits from neighbours. Land use regulations have been in effect on Salt Spring Island for over 50 years – since January 13, 1971 – following the adoption of CRD Land Use Bylaw No. 66. Staff often work

with applicants and members of the public to establish build dates and utilize tools such as file history and historic aerial imagery. The applicant has supplied an email from a neighbouring property owner (not a notarized affidavit) indicating this accessory building existed in 1974 as a shop and temporary dwelling. Notwithstanding, amendments to the roofline increased the height of the portion of the accessory building sited within the rear lot line setback (Figure No. 7 & 8). [Section 529](#) of the *Local Government Act* permits the maintenance, extension or alteration of lawful non-conforming buildings or structures as long as when complete, would involve no further contravention of the bylaw. Although the roof height meets the 6 metres permitted in the current LUB, when considered in a three-dimensional context, the increase of the roof height in the airspace of the rear lot line setback constitutes a further contravention, thus invalidating any potential lawful non-conformity.



Figure 7: Photo Supplied by Applicant



Figure 8: Photo from July 26, 2021 Site Visit

### Surveyed Site Plan

A hand drawn plan was submitted for the Building Permit Preliminary Plan Review and DVP applications. As per the [Development Variance Permit application](#) requirements, the applicant was advised a “site survey completed by a registered BC Land Surveyor” would be required, showing the location of all buildings and structures and the floor area which is generally required for all siting related variance permits (such as the previous 2018 DVP for the subject property) to ensure the distances are accurate to prevent requiring a revised permit at a later time. At the site visit, staff requested the applicant provide the measurement for the staircase which was missing from the plan and advised that it was likely the existing staircase structure projecting into the rear lot line setback may not meet the BC Building Code and the applicant was encouraged to speak with CRD Building Inspection staff prior to providing any measurements. Following discussion with staff, the applicant has declined to provide the surveyed site plan, citing concerns regarding cost and noting his measurements were based on markers placed by surveyors six years previous. Staff have advised the applicant that they could not recommend issuance of the proposed DVP (Appendix No. 2) with the submitted site plan as there were concerns regarding the accuracy of the measurements as well as excess accessory building floor area (which is not included in the proposed DVP (Appendix No. 2)):

Accessory Building	13' x 12' + 13' x 22'	442-ft <sup>2</sup>	41.34m <sup>2</sup>
Garage (Potentially 2 Storeys)	22' x 22'	484-ft <sup>2</sup> to 968-ft <sup>2</sup>	44.96m <sup>2</sup> to 89.93m <sup>2</sup>
Shed 1	6' x 5'	30-ft <sup>2</sup>	2.78m <sup>2</sup>
Shed 2	8' x 5'	40-ft <sup>2</sup>	3.71m <sup>2</sup>
Woodshed	10' x 12'	120-ft <sup>2</sup>	11.14m <sup>2</sup> (potentially excluded if less than 60% enclosed)
Total:			103.93m <sup>2</sup> to 148.90m <sup>2</sup>
			<b>92.79m<sup>2</sup> to 137.76m<sup>2</sup>, excluding one building 25m<sup>2</sup> or less</b>

At the applicant’s request, staff have brought the application forward with the hand drawn site plan.

### **Consultation**

In accordance with [Section 499\(3\)](#) of the *Local Government Act* and Section 8 of the [Salt Spring Island Development Procedures Bylaw No. 304](#), statutory notice of the proposed variance was mailed to all owners and tenants in occupation of properties within 100 metres of the subject property’s boundaries on December 22, 2021.

One piece of correspondence in opposition to the proposed variance has been received at time of submission of this report. Staff will verbally indicate if any additional correspondence has been received subsequent to submission of this report at the SS LTC meeting.

### **Agencies**

This application does not require agency referrals.

### **First Nations**

This proposal does not require First Nations referral.

### **Rationale for Recommendation**

The applicant has requested to make lawful the siting of an existing accessory building within a rear lot setback and has sought to establish the siting of the building as non-conforming, however the works have increased the height of the accessory building in the portion of the building sited within the rear lot line setback thus invalidating any potential lawful non-conformity. Staff note the hand drawn site plan does not contain verifiable accurate measurements, nor verifiable floor areas of the various accessory buildings. As such, staff recommend that the SS LTC request a surveyed site plan from a British Columbia Land Surveyor which identifies the location and floor area of all accessory buildings on the subject property and delay consideration of SS-DVP-2021.12 (Appendix No. 2) until a new site plan has been received.

### **ALTERNATIVES**

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

#### **1. Deny the application**

The SS LTC may deny the application. Staff advise that the implication of this alternative is that the file would be closed and Bylaw Compliance and Enforcement would be informed of the outcome. The applicant could choose to make an application to the Board of Variance if hardship can be demonstrated. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for resolution:

*That the Salt Spring Island Local Trust Committee deny issuance of Development Variance Permit SS-DVP-2021.12 for the following reasons: [list reasons] (181 Main Street).*

#### **2. Approve the application**

The SS LTC may approve the application. Staff note the issue of the excess accessory building floor area has not been satisfactorily resolved. Recommended wording for resolution:

*That the Salt Spring Island Local Trust Committee approve issuance of Development Variance Permit SS-DVP-2020.12 (181 Main Street).*

#### **3. Request further information**

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

*That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a [specify type of report], completed by a Professional [specify professional] which identifies the specific [identify concerns] (SS-DVP-2021.12, 181 Main Street).*

### **NEXT STEPS**

If the recommended resolution is adopted, the SS LTC will request a surveyed site plan and the application will return to the SS LTC for reconsideration at a future time.

Submitted By:	Kristine Mayes, Planner 1	December 10, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	December 21, 2021

**APPENDICES**

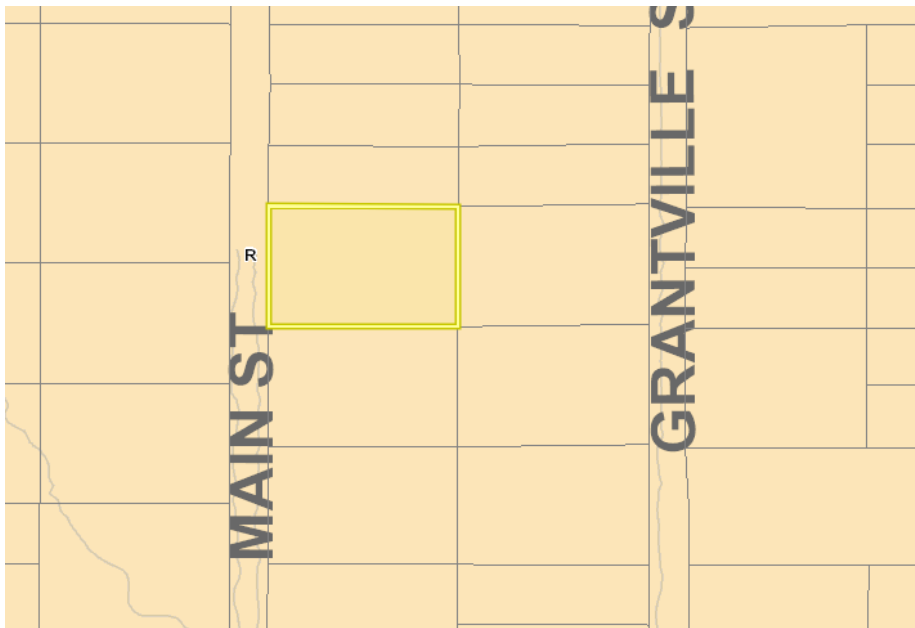

1. Site Context & Photographs
2. Proposed Development Variance Permit

# ATTACHMENT 1 – SITE CONTEXT

## LOCATION

Legal Description	Parcel K (Being a Consolidation of Lots 12 and 13, see CA6372555) Block 6 Section 11 Range 3 East North Salt Spring Island Cowichan District Plan VIP400
PID	030-277-825
Civic Address	181 Main Street, Salt Spring Island

## LAND USE

Current Land Use	<b>Residential</b> – Dwelling Unit, 2 Accessory Buildings, 3 Sheds (Accessory Buildings), Travel Trailer
Surrounding Land Use	Residential  <i>Islands Trust Zoning Map (subject property indicated in yellow)</i>  <i>CRD Orthophoto (subject property indicated in yellow)</i>

## HISTORICAL ACTIVITY

File No.	Purpose
SS-RZ-2015.4	Grantville Neighbourhood Project
SS-DVP-2018.8	Vary siting for Accessory Building to Interior Side Lot Line
SS-BP-2021.50	Building Permit Referral for Alterations to an Accessory Building in Rear Lot Line Setback

## POLICY/REGULATORY

Official Community Plan Designations	Rural Neighbourhoods (RL)
Land Use Bylaw	Rural (R)
Other Regulations	None
Water Service Area	None
Title Charges	CA7020526 (SS-DVP-2018.8) & J35590: Restrictive Covenant (no building for dwelling/accommodation purposes shall be built on the land)
Bylaw Enforcement	<b>SS-BE-2021.110</b> – siting, structure within the 7.5 metre setback from the rear lot line & total floor area exceeded for accessory buildings

## SITE INFLUENCES

Islands Trust Conservancy	The Islands Trust Conservancy does not have an interest in any properties within 100 metres of the property subject of this application.
Regional Conservation Strategy	The subject property is primarily within the <b>MEDIUM</b> relative value area for important natural areas in the Salt Spring Island Local Trust Area. 
Species at Risk	<b>SAR (Public) Species:</b> None Currently Mapped <b>SAR (Public) Ecological Community:</b> None Currently Mapped
Sensitive Ecosystems	<b>SEI:</b> None Currently Mapped <b>Heron Rookery/Raptor Nest/Sea Bird Colony:</b> None Currently Mapped <b>RAR Watercourse:</b> None Currently Mapped <b>ITEM:</b> Rural  <i>Islands Trust Ecosystem Mapping (ITEM)</i> Islands Trust Protected Areas mapping indicates the subject property is not within 500-metres of a protected area.

Hazard Areas	No Low Risk / Moderate Risk / Steep Slopes are mapped on the subject property
Archaeological Sites/Potential	<b>Archeological Potential within 100 metres of the subject property.</b> Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	The subject property ranges in elevation from approximately 55 metres to 63 metres above sea level. It is also located 315 metres from a bus route
Shoreline Classification	<i>Not Applicable</i>
Shoreline Data in TAPIS	<i>Not Applicable</i>

## PHOTOS



Front of Accessory Building



Side of Accessory Building



Back of Accessory Building to Rear Lot Line Setback (Single-Family Dwelling in Background)



Back of Accessory Building and Temporary Stairs



Back of Accessory Building to Interior side Lot Line Setback



Existing Accessory Building at Front of Property



Trailer on Subject Property



Entrance into Subject Property from Main Street

# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.12

TO: D. MURPHY & L. LACKEY

1. This Development Variance Permit (the "Permit") applies to the land described below:  
**PID:** 030-277-825  
**LEGAL DESCRIPTION:** Parcel K (Being a Consolidation of Lots 12 and 13, see CA6372555)  
 Block 6 Section 11 Range 3 East North Salt Spring Island Cowichan District Plan VIP400

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

Plan No. 1            Site Plan

3. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:

#### 4.3        SETBACKS FROM LOT LINES AND ACCESS EASEMENTS

- 4.3.1      Unless otherwise specified, no *building* or *structure* except a fence, *pumphouse*, *public utility structure* or underground utility may be constructed within the following setbacks from *lot lines* or road access easements:

(2)    Setback from *rear lot line*:            7.5 m

The above article is varied to reduce the setback for an existing accessory building within an *rear lot line* from 7.5 m to 5.33 m in accordance with Plan No. 1 forming part of and attached to this permit.

#### 4.7        MEASUREMENTS OF SETBACKS FOR BUILDINGS AND STRUCTURES

- 4.7.2      The following features may project into a required setback area for *lot line* setbacks only:

(2)    steps, eaves, sunlight control projections, canopies, balconies, decks and porches, provided they do not project more than 1.3 m into the required setback area for a *front, rear* or *exterior side lot line*, or more than 0.6 m into the required setback area for an *interior side lot line*.

The above article is varied to increase the permitted projection into a setback area for steps to a *rear lot line* from 1.3 m to 1.404 m in accordance with Plan No. 1 forming part of and attached to this permit.

4. The land described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any schedules, plans and specifications attached to this Permit, which shall form a part thereof.

# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.12

5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval from the Capital Regional District.
6. Any further development, redevelopment, or any changes to this permit may require a new Development Variance Permit.

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

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

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

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

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

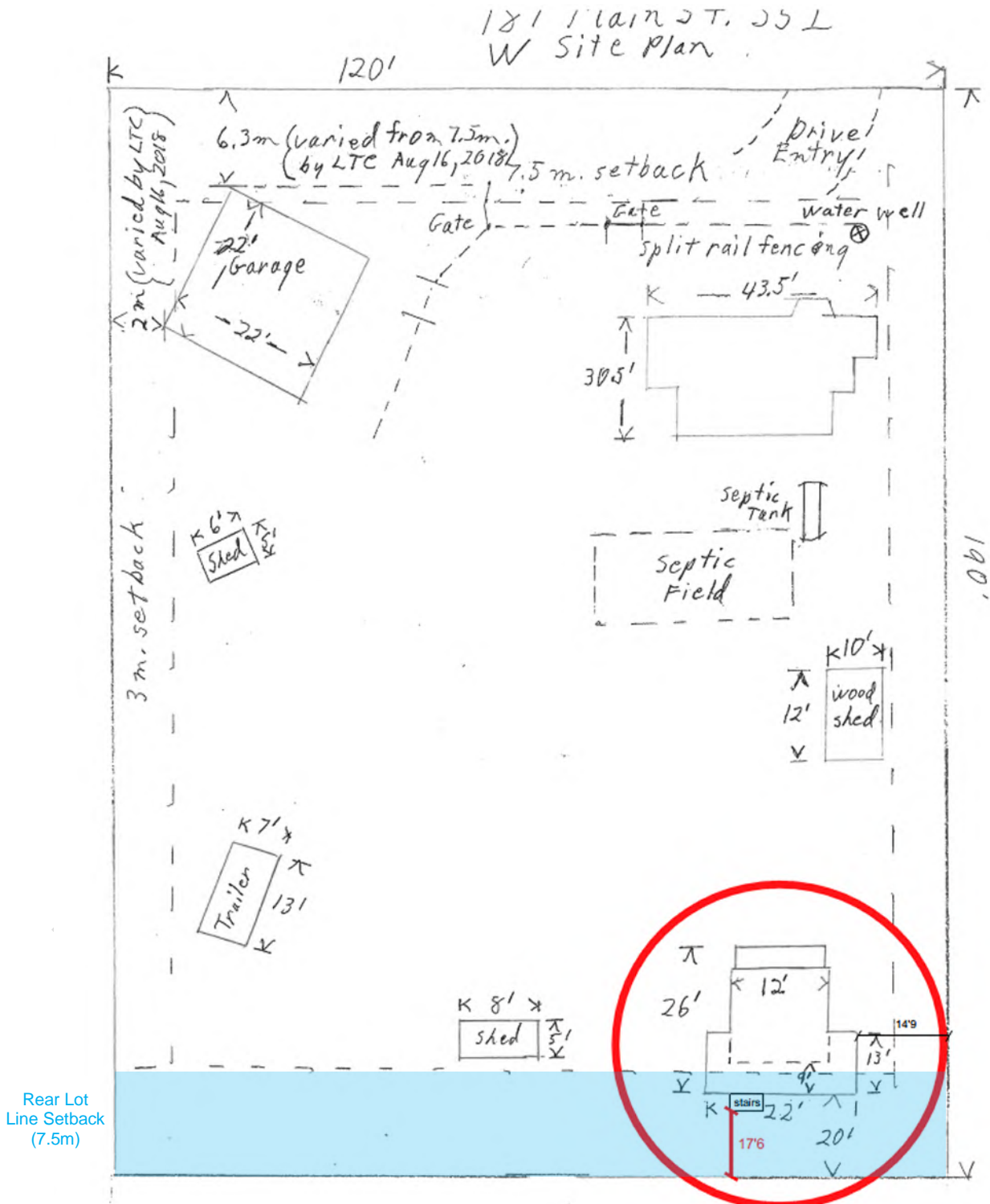
PROPOSED

# PROPOSED



SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.12

## PLAN NO. 1: Site Plan



DATE OF MEETING: January 18, 2022  
TO: Salt Spring Island Local Trust Committee  
FROM: Geordie Gordon, Planner 2  
Salt Spring Island Team  
COPY: Stefan Cermak, Regional Planning Manager  
SUBJECT: Development Variance Permit for a reduction in the setback to the natural boundary of the sea.  
Applicant: Richard Raine  
Location: 1150 Sunset Drive

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee approve issuance of SS-DVP-2021.20.

## REPORT SUMMARY

This report brings forward a Development Variance Permit (DVP) application to permit a reduction in the setback to the natural boundary of the sea from 15 m to 8.95 m. The applicant has supplied a geotechnical report that supports a reduction in the 15 m setback to 10 m based on non-erodible surface (permitted without a need for a DVP). The reduction is therefore a further 1.05 m towards the natural boundary of the sea. Staff consider the variance request to be minor, supported by professional reports, is a small addition to a small (900 ft<sup>2</sup>) dwelling, and is proposed to be located on an area that has already been substantially impacted by the development of the existing house. For these reasons, staff recommend issuing the proposed DVP.

## BACKGROUND

The application is proceeding as a reduction in the setback to the natural boundary of the sea from 15 m (reduced to 10 m with a report from a geotechnical engineer) to 8.95 m is required for an addition to the existing dwelling to be sited in the manner proposed by the applicant.



Figure 1: Location of subject property.



Figure 2: Ortho photo of subject property (2021).

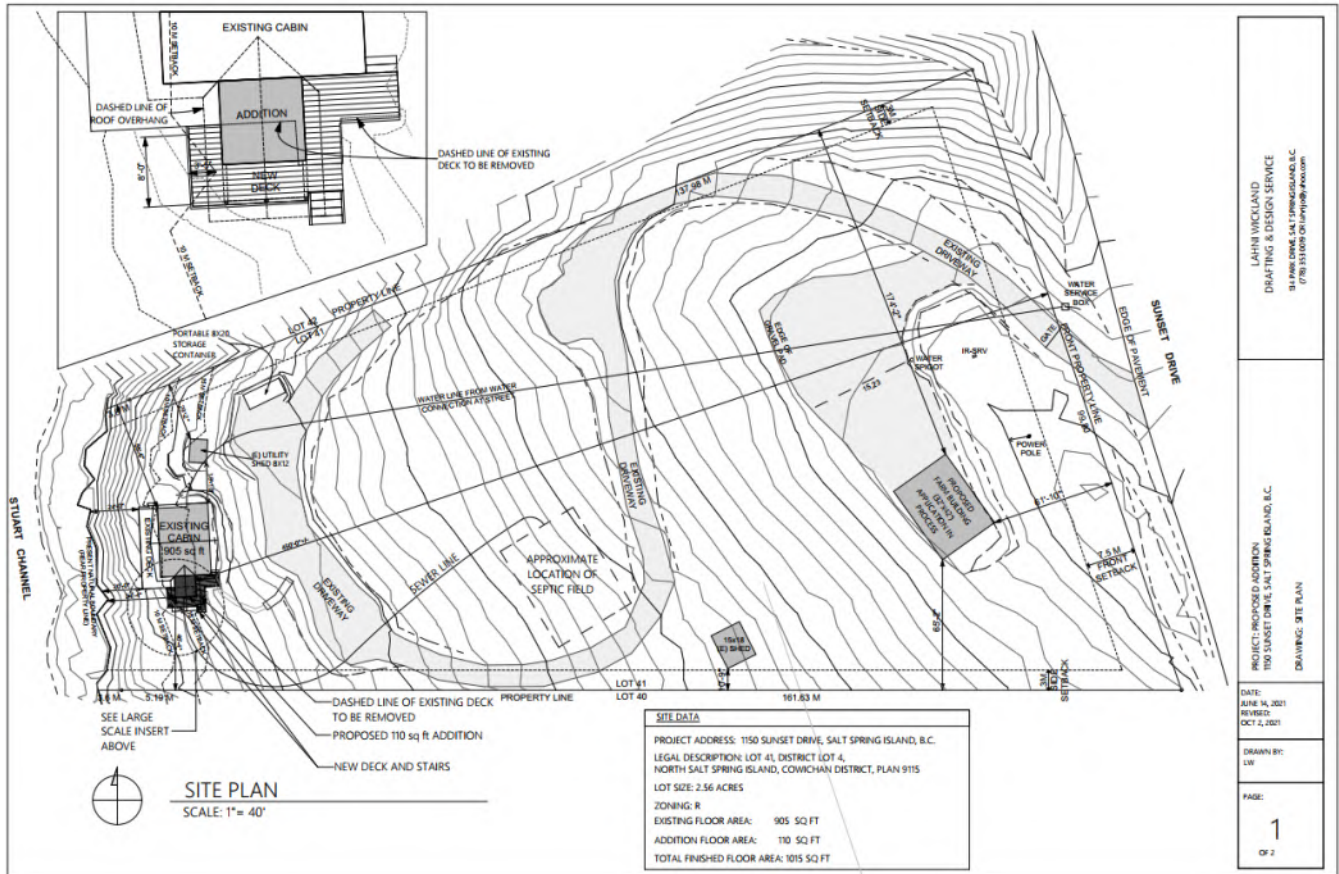


Figure 3: Site Plan of subject property.

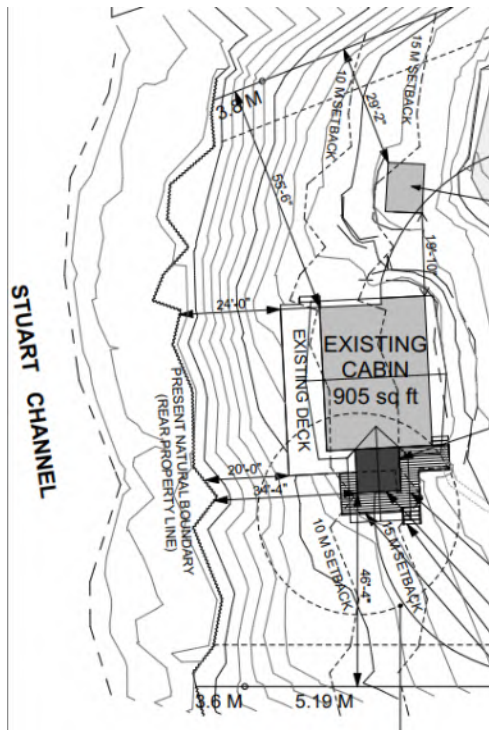


Figure 4: Site Plan detail.

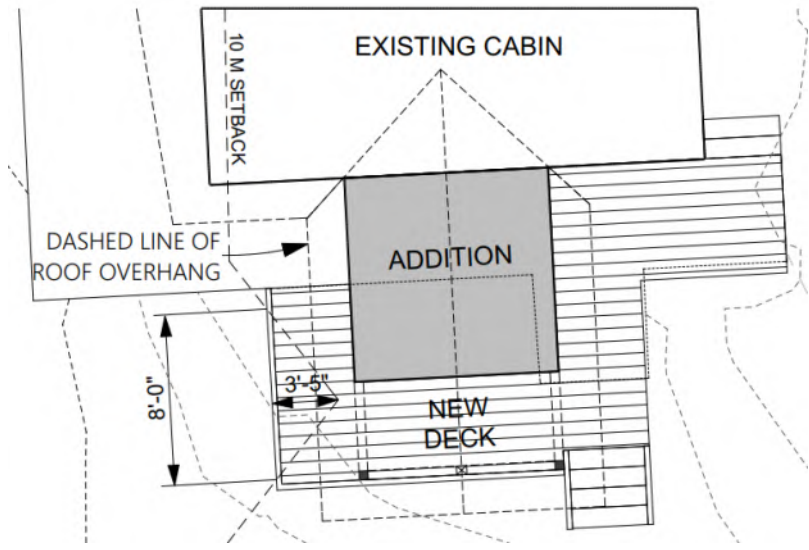


Figure 5: Site Plan detail.

## ANALYSIS

### Policy/Regulatory

#### *Official Community Plan:*

Staff did not find that there are OCP policies that relate directly to reduction in setbacks to the natural boundary of the sea; however, there are policies that speak generally of directing development away from such areas. Staff consider the following policies to be of limited applicability in this instance:

#### **Settlement Patterns**

B.2.3.1.1 To encourage future development to locate away from environmentally sensitive areas, agricultural and forestry lands, community water supply watersheds, lands with the potential for surface erosion or slope instability, public lands, tidal waterfront, areas with outstanding natural beauty and views, or archaeological and historic sites. To ensure buffers are retained on settlement lands where they adjoin agricultural lands.

#### **General Shoreline Use**

B.9.1.1.2 To protect the most significant ecological and physical processes of marine and freshwater shorelines.

#### *Land Use Bylaw:*

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

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

In addition, the following regulations are relevant to this proposal:

- 4.4.1 No *building* or *structure* except a fence, *pumphouse* or *boathouse* may be sited within 15 m of the *natural boundary* of any *water body*.
- 4.4.2 Despite Subsection 4.4.1, the setback from the *natural boundary* of the sea may be reduced to 10 m where an *engineer* has certified that the *natural boundary* is located on non-erodible material.

## Issues and Opportunities

### *Legal non-conformity*

The existing dwelling does not conform to natural boundary setback requirements in Land Use Bylaw No. 355. Although a substantial portion of the house is outside the 10 m setback, there is still a portion of the dwelling, and the entirety of the existing deck that is within this setback area.

The applicant has sought to demonstrate that the dwelling dates from a time period that would not have had natural boundary setback requirements. In an attempt to prove lawful non-conformity the applicant has sought information from BC Assessment showing a build date of 1967 and describing a structure consistent with the present-day 900 sq ft. dwelling. The applicant also has detailed construction style consistent with a 1960's era building and provided information gleaned from neighbours and previous owners (see appendix 2 for details).

While the information provided does not specifically meet the typical requirements set out by Islands Trust for demonstrating lawful non-conformity (building permits, photos, or sworn affidavits), the applicant has undertaken a substantial amount of due diligence and provided reason to believe the dwelling structure is lawfully non-conforming.

If the structure is considered lawfully non-conforming, per Section 529 of the Local Government Act the structure is not permitted to be extended in such a way that the non-conformity is extended – by extending the deck into the 10 m setback portion, a DVP is required.

### *Natural Boundary Setback*

The natural boundary setback requirement achieves multiple objectives – to protect natural shoreline processes from being interrupted by development, preserve habitat, maintain a rural character by avoiding overly developed shoreline, and to protect structures from natural processes such as soil erosion, geotechnical instability, or flooding.

In this case, staff consider the protection of the structure to be of primary concern. The applicant has provided a geotechnical report to justify the reduction of the setback to 10 m, as well as the additional 1.05 m that requires the DVP. Staff note that the majority of the proposed addition is outside of the 10 m setback with only a small portion of the deck exceeding that setback.

Given that the area is already substantially impacted, no significant vegetation removal is required (see appendix 3 for photos), and the shoreline is already developed with a structure, staff do not consider that this variance will negatively impact natural areas or shoreline aesthetics.

### **Consultation**

Section 499(3) the Local Government Act requires that notice must be mailed or otherwise delivered to owners and any tenants in occupation of all parcels within a distance specified by bylaw at least 10 days before adoption of the resolution to issue the permit. Salt Spring Island Development Procedures Bylaw No. 304 establishes that all owners and tenants of all properties within 100 metres of the property boundaries of the land that is subject to the application shall be notified. These requirements were fulfilled, as statutory notice was mailed to all owners of properties within 100 metres of the subject property's boundaries on December 22, 2021 and notice was delivered or mailed to all tenants of properties within 100 metres of the subject property's boundaries on December 22, 2021.

No correspondence has been received at the time of preparing this report, but may be received before or during the LTC meeting. Correspondence may be sent to [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca).

### **Protocols**

No Islands Trust, [Islands Trust Conservancy](#) or Local Trust Committee agreements have been deemed relevant to the consultation/engagement process.

### **Agencies**

No agency referrals have been deemed relevant to this proposal. The applicant will be required to apply for a building permit with the CRD if the DVP application is successful.

### **First Nations**

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

## Rationale for Recommendation

The applicant has provided a strong rationale and supporting professional reports to justify the DVP. As the impact is considered to be relatively minor in the context of the subject property, staff recommend that the DVP be issued.

## ALTERNATIVES

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

### 1. Request further information

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

*That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust [insert report type], completed by a [professional type], which identifies the potential impacts of the proposed development on [specify impacts].*

### 2. Deny the application

The LTC may deny the application. Staff advise that the implications of this alternative is that the work cannot be carried out as proposed. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee deny application SS-DVP-2021.20 for the following reasons [insert reasons, e.g. the proposed variance to permit an addition within the setback to the natural boundary of the sea is contrary to Official Community Plan marine foreshore protection objectives].*

## NEXT STEPS

If the SS LTC accepts staff's recommendation, the permit will be issued and the applicant can apply for a building permit.

Submitted By:	Geordie Gordon, Planner 2	January 5, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	January 5, 2022

## ATTACHMENTS

1. Site Context
2. Applicant letter
3. Photographs
4. Proposed DVP
5. Geotechnical Report
6. Notice

## ATTACHMENT #1 – SITE CONTEXT

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### LOCATION

Legal Description	LOT 41, DISTRICT LOT 4, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 9115
PID	005-546-486
Civic Address	1150 Sunset Drive

### LAND USE

Current Land Use	Residential
Surrounding Land Use	North – Residential East – Residential South – Residential East – Shoreline

### HISTORICAL ACTIVITY

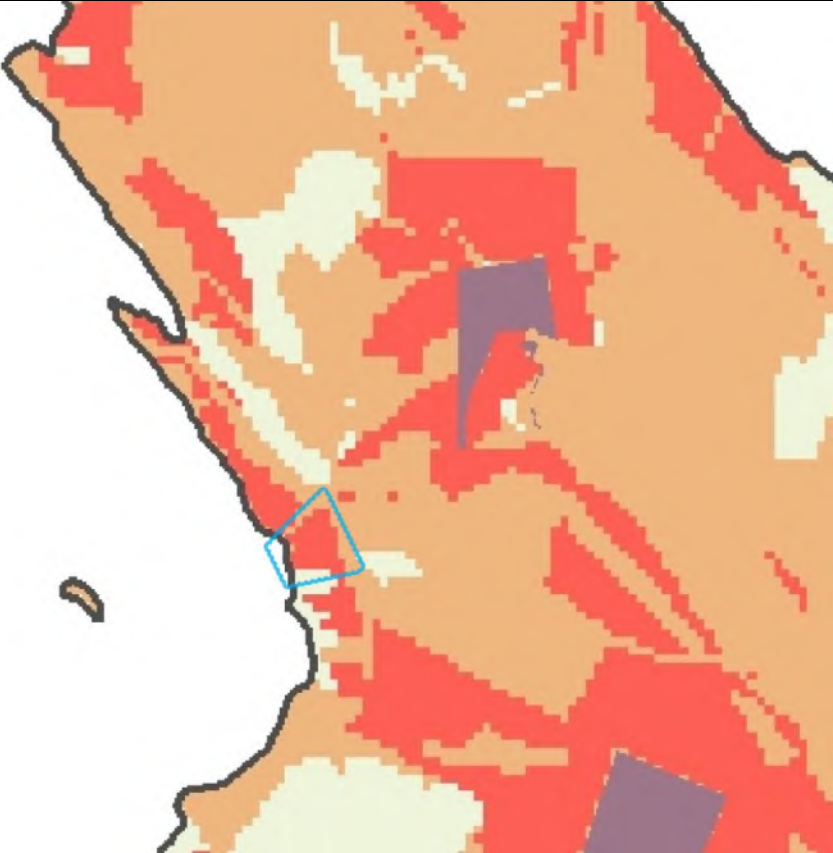

File No.	Purpose
SS-BP-2021.49	Farm building

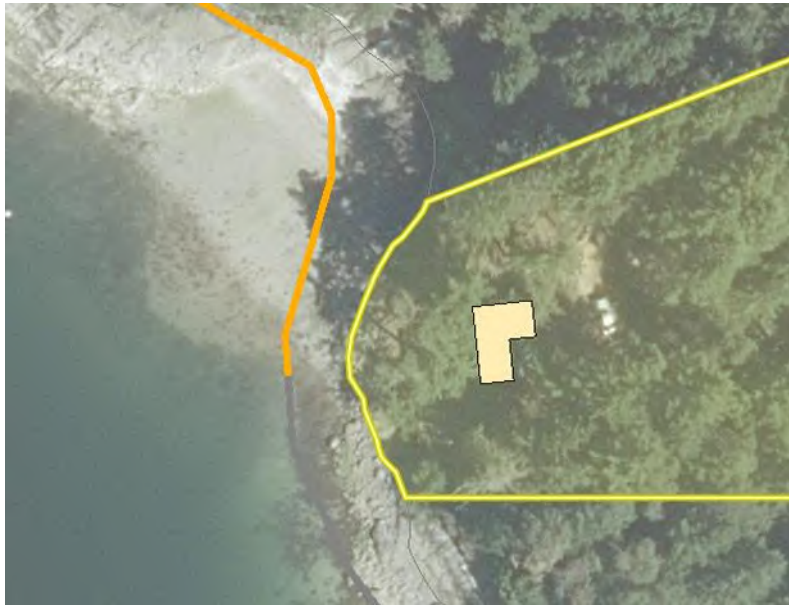
### POLICY/REGULATORY

Official Community Plan Designations	Rural Neighbourhoods (RL) DPA 3 – Shoreline
Land Use Bylaw	Rural (R)
Other Regulations	Provincial interests – shoreline (FLNRORD)
Covenants	None relevant
Bylaw Enforcement	n/a

### SITE INFLUENCES

Islands Trust Conservancy	No referral process identified.
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Regional Conservation Strategy	 <p>Identified as High Relative Value in the RCP</p>
Species at Risk	None mapped.
Sensitive Ecosystems	None mapped.
Hazard Areas	 <p> <span style="color: red;">■</span> High Risk  <span style="color: orange;">■</span> Moderate Risk  <span style="color: yellow;">■</span> Low Risk </p>
Archaeological Sites	Proposed development not within registered site or area of potential. Notwithstanding the foregoing, and by copy of this report, the owners and

	<p>applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p>
<p>Climate Change Adaptation and Mitigation</p>	<p>No significant GHG emission change expected as a result of approval. Potential impacts on proposed development from anticipated or possible climate change induced hazards, eg sea level rise not assessed.</p>
<p>Shoreline Classification</p>	 <p> <span style="display: inline-block; width: 15px; height: 10px; background-color: grey; border: 1px solid black; margin-right: 5px;"></span> Low Rock / Boulder  <span style="display: inline-block; width: 15px; height: 10px; background-color: orange; border: 1px solid black; margin-right: 5px;"></span> Sand / Cobble </p>

Shoreline Data in TAPIS



- Flat, Patchy
- Flat Continuous

November 01, 2021

To: Islands Trust

From: Richard and Heidi Raine

Regarding:

1. Request to Islands Trust to declare our existing house at 1150 Sunset Drive SSI V8K 1E3 (PID 005-546-486) as conforming to the Bylaws.
2. Request to Islands Trust issue a Development Variance Permit for construction of a new entry way to the existing house.

Dear Sir or Madame,

My name is Richard Raine. My wife Heidi and I are seeking to have our existing cottage at 1150 Sunset Drive, Salt Spring Island V8K-1E3 (PID 005-546-486) be deemed conforming to the Bylaws in its current location as we believe it was constructed in 1967, before the Island Trust had authority over land use. We are also seeking a Development Variance Permit (DVP) for a small entry addition to the existing cottage.

We bought this property in [REDACTED] It is zoned Rural and it contains a 905 SF one bedroom, one bathroom cottage on it. The cottage appears to be the original house and it is sited closer to the water (Stuart Channel) than currently allowed by the Bylaws. We would like to keep the existing house rather than building a new one, and we would like to add a small entryway to it to make it more functional. This is why we are seeking these permissions.

The proposed addition measures approximately 10'-6" by 10'-6" (110 SF) and would attach to the south face of the existing structure. This addition would provide a place to put shoes and hang coats, and it would include hookups for a washer and dryer and a small two-piece bathroom. The existing house has a deck on the west and south sides, and the proposed addition will have a deck on three sides which will tie into the existing deck. The new deck on the west side of the proposed addition (closest to the water) has been limited to 4' in width to minimize encroachment into the setback, while still maintaining safe and functional flow of foot traffic around the house. It should be noted that the main structure of the proposed addition does not encroach into any allowable setbacks. It is only a small portion of the new deck that encroaches into the setback to the boundary of the water. Otherwise, the proposed addition meets all other setback requirements.

The existing house and the proposed addition will be used for residential purposes which is allowed under the Bylaws for the zoning of this property.

We do not believe the proposed addition will have any negative effect on our neighbors because it meets all of the setback, height and use requirements (except for the small encroachment that is the subject of this application). The portion of the addition that encroaches into the setback is located in such a manner that it is not visible to any neighbors. Other portions of the existing house and addition stand in front of the lines of sight to the neighbors. Since the addition is located on the south side of the house it is really only visible to our [REDACTED] neighbor. We explained our plan to her and showed her the layout on the ground (using pink ribbons) and she had no objection.

Prior to submitting this application, I spoke to Island Trust staff at the Salt Spring office to obtain guidance on how to obtain these permissions and I was advised to go through the DVP process and familiarize myself with the Bylaws and read the "Fact Sheet for Applying for a Variance" which I did.

The Bylaws and the Fact Sheet both recognize that exceptions to the Bylaws will sometimes need to be made. Below are two statements from the Fact Sheet that illustrate this:

"In some situations, a landowner may need to build closer to a lot line, or higher than the permitted height or in some other way not envisioned by the general zoning regulation for the property."

And:

"There is no set criteria for determining whether a variance will be granted, rather each decision is based on the particular circumstances and the impact on the neighboring lots and the island generally."

Based on guidance from staff, my review of the Bylaws and the DVP Fact Sheet I gathered and submit with this application the following supporting information:

- Site plan drawn to scale.
- Elevations drawn to scale.
- Recent Title Search
- Application Fee (\$715) will be paid electronically after application is accepted when requested by the Islands Trust.
- 2021 BC tax assessment stating house was constructed in 1967, and that the size and configuration of the house matches the current existing layout (905 SF, 1 bedroom, 1 bathroom).
- Email string between Stefanie Scott of BC Tax Assessment office and Richard Raine regarding earliest obtainable tax records for our property.
- Copy of 1976 tax assessment (earliest obtainable tax document) showing improvements (ie. house) was in place in 1976. This is consistent with the house being built in 1967 prior to the existence of Island Trust or CRD.
- Email string dated September 27, 2021 from Lorie Macgregor at CRD, and Building Information Report dated September 27, 2021 stating no records of permits for the construction of the existing house were found in CRD records. This is consistent with the house being built in 1967 prior to existence of Island Trust and CRD.
- Inspection Report Dated October 04, 2021 from Ryzuk Geotechnical regarding adjacent foreshore supporting the siting of the existing house, and proposed new addition at 10m setback from the natural boundary.
- Response from MFLNRO regarding an Archaeological Data Request for our property. This response states that there are no known archaeological sites on the property but there are two potential archeological sites.
- Archaeological site inspection report from Chris Arnett Ph.D. Mr. Arnett is a well-known Archaeologist and Heritage Consultant on Salt Spring Island. He visited the site on October 25,

2021 and inspected it for possible archaeological artifacts. He found none and his report supports the proposed entryway addition.

- Photographs of existing cottage and foreshore area relevant to this application.

There are multiple supporting facts and reasons why we believe this application should be approved, and the following discussion describes our justification.

As stated earlier, our current BC Tax Assessment states the house was built in 1967 and that it is a 905 SF, one bedroom, one bathroom structure. This is precisely the configuration of the house today in its current location. When we purchased the house in [REDACTED] the grounds were over-run and the structure was in severe disrepair. This is consistent with a neglected old house built many years ago, and there is no evidence of any other house having been built on the property.

The existing house exhibits features characteristic of the construction methods used in the 1960's (pictures attached). The exterior structural shell consists of shiplap planks nailed to 2x4 studs with 1" thick wide-board cedar siding on the outside. 2x4 studs are no longer used for house construction, and ship lap sheathing is now very rare with builders preferring to use plywood or other sheet goods. Additionally, the house framing is anchored to the foundation using bolts with square-headed nuts. Square nuts have generally not been used for this purpose for many years. We also found old electrical wiring sheathed in green woven-fabric insulation. My research indicates this style of electrical wiring was used up to the 1960's and was generally discontinued thereafter. All of these characteristics are consistent with a house built in the 1960's. Pictures are attached.

Even the interior of the existing house looked like it came right out of the 1960's when we bought it. It contained dark panel siding, pink kitchen countertops, a green bathtub and an old-style brown oven (pictures attached).

On September 16, 2021 I spoke with Kristine Mayes of the Island Trust on the phone and asked her if the Trust has any record of the build date of our house. She advised me the Island Trust does not have any record of my house in their records. This is consistent with my house being constructed in 1967, prior to the Island Trust having authority and keeping any records.

Kristine suggested I ask CRD to perform a Permit Search on the property. I did as she suggested and on September 27, 2021 Lorie Macgregor of the CRD sent an email containing a Permit Search Report that showed no record of any building permits being applied for or issued by CRD for the construction of the house. She also noted there are no violation notices on the property. These facts are also consistent with my house being built in 1967 prior to the CRD being formed and keeping records.

The 2021 BC Tax assessment for the property states the building was constructed in 1967 and it notes the building is one bedroom and one bathroom with 905 SF floor area. This information reflects the current size and configuration of the house. The assessment values the land at \$1,014,000 and the improvements at just \$141,000. The low current value of the improvements is consistent with a small structure built many years ago.

I called the BC Tax Assessment office and spoke to Stefanie Scott. I asked her if she could provide the earliest tax records for my property. She responded via email on September 16, 2021 (email string attached) and stated the earliest tax record she could find was from 1976 and she provided me with a

copy of it (attached). This document includes tax entries under both "Land Valuation" and "Improvements Valuation". At that time the land was valued at \$4,476 and the Improvements (ie. House) were valued at \$5,300. The higher relative house valuation is consistent with a newer house being in place in 1967 prior to the 1976 tax assessment, the earliest record obtainable.

I made other attempts to verify the build date for the house by asking my neighbors if they had knowledge of when the house was built.

My [REDACTED] neighbor is [REDACTED]. She did not recall but said the existing house was there when her family bought their property in the late [REDACTED]. This is consistent with my house being built in 1967 prior to the time frame when my neighbor's family bought their property.

My [REDACTED] neighbor is [REDACTED]. He had no recollection.

I also attempted to contact the previous owners.

The previous owners listed on the Contract of Purchase and Sale when we bought the house were [REDACTED] and [REDACTED]. Interestingly, the 1976 tax form listed the owner of the property as [REDACTED] and it appears she is their mother. This indicates the property was in the hands of the same family for many decades so I attempted to contact both [REDACTED] and [REDACTED] to inquire if they knew when the house was built.

During this process I discovered [REDACTED] is now deceased. On 10/04/2021 I called the office of Kate Fischer (250) 537 9951 who was the attorney for [REDACTED] in the sale of the property to see if she had any history on the property or could put me in touch with the [REDACTED] family. I spoke to the receptionist, explained why I was calling, left my call back number and she said she would pass it on to Ms. Fischer. I did not receive a call back from Ms. Fischer.

On 10/03/2021 I attempted to contact [REDACTED] at the number listed in the SSI directory [REDACTED]. The recording on this line said the number had been changed to [REDACTED]. I called that number and received an automated recording that the person was unavailable. I left a message stating the reason why I was calling, and my number and requested a call back. I did not receive one.

Bylaw 4.3.1 provides accommodation for houses that pre-date the inception of the Islands Trust, or subsequent Bylaws, with an information note that states the following:

"Where structures are legally in place on a lot, but no longer in conformance with a bylaw the B.C. Local Government Act permits them to be maintained, altered and added to, provided the maintenance, alteration or addition does not increase their non-conformance."

Bylaw 4.3.2 reinforces this notion as follows:

4.3.2 Despite Subsection 4.3.1 where a *structure* was built prior to 1971 but now lies within a required setback from a *lot* line, its siting will be considered to be in conformance with the siting requirements of Section 4.3.1 of this Bylaw.

I believe these sections of the Bylaws apply to our existing house and the proposed entry way addition.

The centroid of mass of the addition is further away from the setback to the natural boundary than the original house and only a very small area of the deck (14 SF) overhangs the 10m setback. The natural boundary shoreline makes a small jog inland at this location. Otherwise, the entire proposed new entryway is clear of the 10m setback.

Sections 4.4.1 and 4.4.2 allow a reduction of the setback from 15m to 10m subject to certain conditions.

Bylaw 4.4.1 requires structures to be sited no closer than 15m from a water body, but Bylaw 4.4.2 allows the setback to be reduced to 10m if an engineer certifies the natural boundary is located on non-erodible material.

The entirety of the proposed new addition except for a small portion the deck meets the 10m setback requirement. The front deck on the existing house encroaches on the 10 m setback, but as stated earlier, we believe Bylaw Sections 4.3.1 and 4.3.2 allow this condition for the existing house.

Even though it is not required by the Bylaws to have the existing house assessed by an Engineer, we asked Ryzuk to make an assessment of both the existing house and the proposed new addition. They did so and determined that "the land may be used safely for the use intended". Their report is attached.

Bylaw 4.7.2 makes allowances for certain features to project into setback areas as follows:

4.7.2 The following features may project into a required setback area for lot line setbacks only:

- 1) Chimneys, cornices, gutters, pilasters, sills, bay windows or ornamental features, provided they do not project more than 0.6 metres into the required setback area; and
- 2) Steps, eaves, sunlight control projections, canopies, balconies, decks and porches, provided they do not project more than 1.3 m into the required setback for a *front, rear or exterior side lot line*, or more than 0.6 m into the required setback area for an *interior side lot line*.

We believe 4.7.2 (2) applies to our proposed entry way in that only a small portion of the new deck projects 3'-6" (1.1m) into the setback area which is less than the allowable projection of 1.3m for a rear lot line.

Finally, I checked the Islands Trust web site to see if the site of our existing house and the proposed new entry way are located in any Development Permit Areas and found that they are not.

Our research, and the supporting facts presented herein are all consistent with the house being built in 1967. Based on the documentation provided in this application and for the reasons described above Heidi and I respectfully ask the Islands Trust to declare our existing house as conforming to the Bylaws, and grant a Development Variance Permit for the proposed Entry Way. If you have any questions or need more information, please contact me at [REDACTED] or [REDACTED]

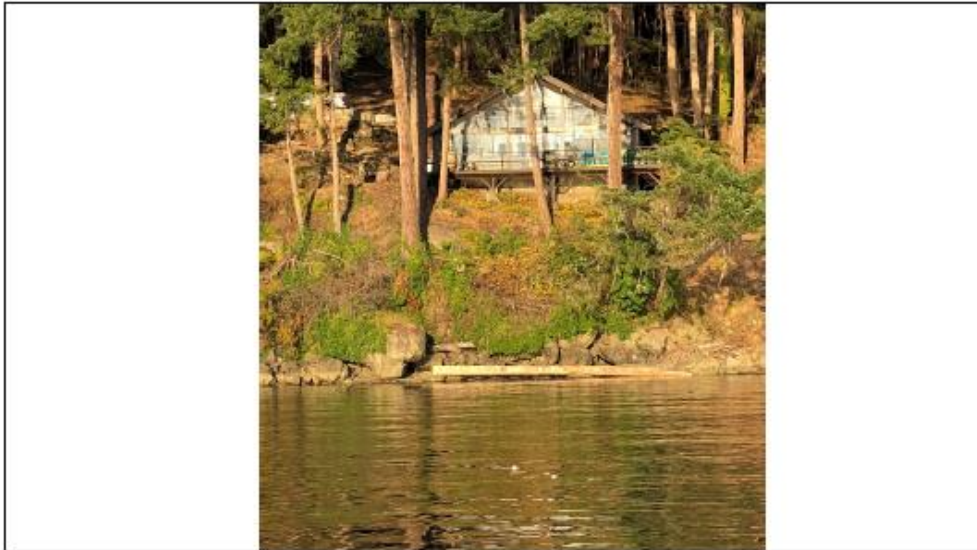
Photos are on the following pages.



South side of existing house looking north. Proposed entry would be placed in between the two windows



Close up photo of location of proposed new entry. Pink ribbon denotes approximate outer limits of addition and deck.



Looking east at the existing house. Proposed entry would be placed on the right-hand side of the house.



Looking west down at foreshore area from shoulder of slope.



Old square-headed bolts used to connect framing to foundation.



View showing 2x4 studs and shiplap planks for exterior sheathing. This view also shows the old green colored electrical wiring with fabric-braided insulation.



1" thick wide-plank cedar siding.



View of interior when we bought the house in [redacted] showing the dated styling, consistent with the 1960's.

# ATTACHMENT #3 – PHOTOGRAPHS



# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.20

TO: R. and H. RAINE

1. This Development Variance Permit (the "Permit") applies to the land described below:  
**PID:** 005-546-486  
**LEGAL DESCRIPTION:** Lot 41, District Lot 4, North Salt Spring Island, Cowichan District, Plan 9115
  
2. This Permit is authorized in accordance with the following schedules attached to and forming part of this permit as signed and dated by the Deputy Secretary of Islands Trust:
 

Plan No. 1	Site Plan, dated June 14, 2021, revised October 2, 2021, by Lahni Wickland.
Plan No. 2	Building Plan, dated June 14, revised October 2, 2021, by Lahni Wickland.
Schedule No. 1	Geotech Report, dated December 20, 2020, revised October 4, 2021 by Andrew Jackson, P. Eng.
  
3. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "*Salt Spring Island Land Use Bylaw, 1999*" is varied as follows:
  - 3.1 **4.4 SETBACKS FROM WATER BODIES**
    - 4.4.1 No *building* or *structure* except a fence, *pumphouse* or *boathouse* may be sited within 15 m of the *natural boundary* of any *water body*.  
  
 The above article is varied to reduce the setback for a proposed addition within the setback from a natural boundary of the sea from 15 m to 8.95 m. in accordance with Schedule No. 1 forming part of and attached to this permit.
  
4. The land described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any schedules, plans and specifications attached to this Permit, which shall form a part thereof.
  
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval from the Capital Regional District, Island Health, Ministry of Environment and Climate Change Strategy, and Ministry of Forests, Lands, Natural Resource Operations and Rural Development.
  
6. Any further development, redevelopment, or any changes to this permit may require a new Development Variance Permit.

# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.20

AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

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

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

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

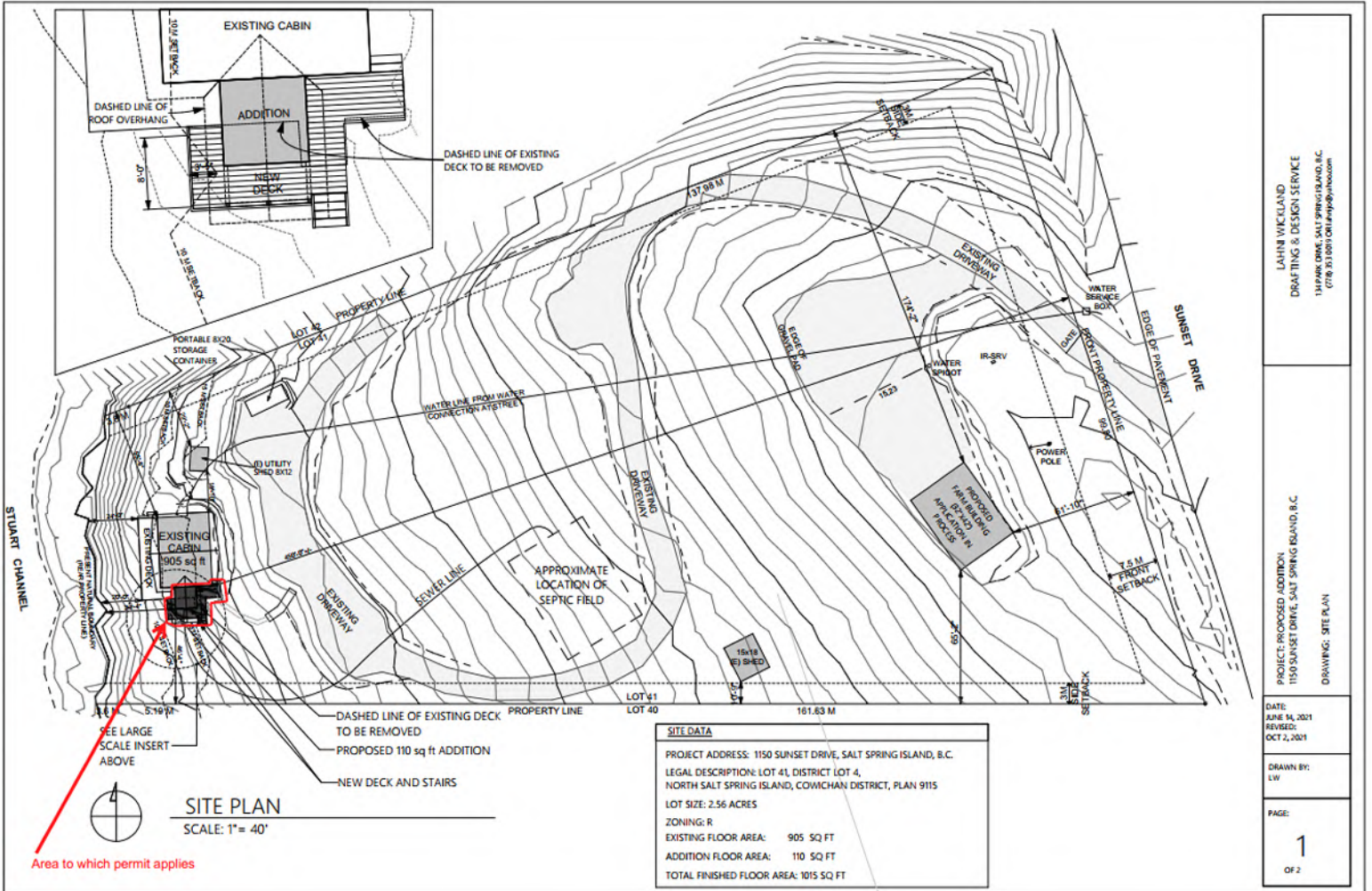
PROPOSED

# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.20

### PLAN NO. 1: Site Plan

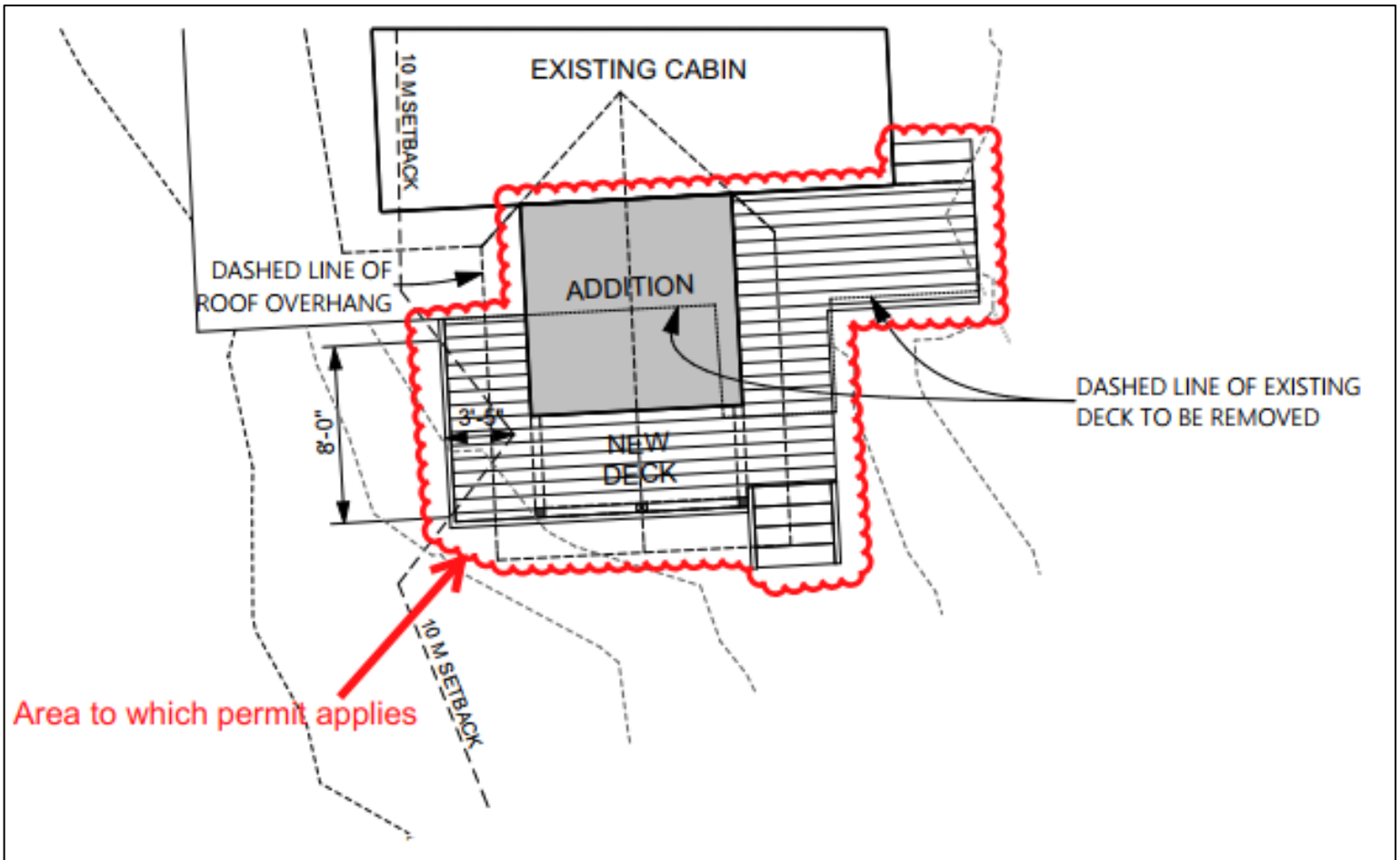


# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.20

### Site Plan Detail



PR



# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.20

### SCHEDULE NO. 1: Geotechnical Report



#### RYZUK GEOTECHNICAL

Engineering & Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

December 10, 2020  
Revised – October 4, 2021  
File No: 10250-1

Richard Raine

Attn: Richard Raine

(By E-mail: )

Re: Proposed Addition  
1150 Sunset Drive – Salt Spring Island, BC

As requested, we attended the referenced site on November 27, 2020, to complete a visual assessment with regards to the existing geotechnical conditions adjacent to the foreshore. We understand that a roughly 3 m by 3.7 m (10' by 12') addition with pier and/or stem wall footing foundations are proposed along the south side of an existing cottage. The addition would extend within an area between the 10 m to 15 m from the shoreline setback. Pursuant to Section 4.4.2 of Salt Spring Island's (SSI) Land Use Bylaw No. 335 (Setback from Bodies of Water), a relaxation may be granted to reduce the setback to 10 m from the natural boundary of the sea, provided the boundary is confirmed to be non-erodible by professional review. We further understand that Islands Trust requires confirmation from a geotechnical professional that the existing cottage is sufficiently set back from the natural boundary of the sea and not subject to geohazard. Our associated observations, comments, and recommendations are contained herein. Our work has been undertaken in accordance with, and is subject to, the attached Terms of Engagement.

The site is located within the northwestern portion of Salt Spring Island, on the seaward side of Sunset Drive. It is bounded to the north and south by similar residential properties, to the east by Sunset Drive, and to the west by the foreshore of the Stuart Channel. The topography of the site is generally gently to moderately sloping from the eastern property line downward to the west, towards the crest of a steep slope bordering the shoreline. The steep slope was observed have a maximum relief of approximately 6 m, and an overall inclination of roughly 60 degrees from the horizontal.

During our site attendance, we visually assessed the condition of the Present Natural Boundary (PNB), in addition to the adjacent steep slope. The PNB and slope above, were observed to consist of gently sloping sandstone bedrock and/or sandstone cobbles and boulders. The upper slope was observed to consist of surficial organics, loose silty sand with some gravel and trace

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Ryzuk Geotechnical

# PROPOSED



## SALT SPRING ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT SS-DVP-2021.20

Richard Raine  
1150 Sunset Drive – Salt Spring Island, BC

October 4, 2021

cobbles (inferred colluvial soils), talus, and outcrops of sandstone bedrock. The bedrock was observed to be near vertical at the toe and steeply sloping towards the crest with some visible shallow bedding planes (dipping approximately 20 degrees southwest). Several upright to leaning (towards the foreshore) juvenile to medium sized trees were observed along the steep slope. No indication of deep-seated slope instability was apparent in the assessed areas, however localized raveling of surficial soils and talus was observed.

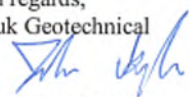
While on site, we noted cracks along west and south side of the existing cottage foundation and some undermining along the west side. To assess the subgrade of the foundation, we probed around the perimeter and observed that the foundation elements on the west side of the building were bearing on cracked rock and mortar (at the south-west corner), in addition to inferred colluvial soils and sandstone bedrock. Where colluvial soils were exposed, we were able to penetrate below the foundation up to 0.5 m with our probe. As such, we expect that the observed cracks are likely due to differential settlement, with the west foundation elements having settled significantly more than the rest, rather than slope movement associated with the adjacent steep slope.

We recommend that all organic and loose colluvial soils be removed from the proposed foundations areas, that the proposed pier foundations are built atop of clean intact or fractured in place bedrock, and that foundations be inspected by a qualified professional at the time of construction.


Based on the above, we consider that the existing cottage, the proposed addition, and future development outside of the 10 m setback from the natural boundary of the sea, are located within an area which would not be subject to geohazard during a seismic event with a 2 % probability of exceedance in 50 years. Therefore, we consider that the land may be used safely for the use intended, pursuant to Section 56 of the Community Charter. Furthermore, we do not consider the bedrock of the PNB to be susceptible to erosion. It is therefore our professional opinion that PNB is located on non-erodible material, and that a setback relaxation from 15 m to 10 m would be feasible, as outlined in Section 4.4.2 of SSI's Land Use Bylaw No. 335.

We trust that the preceding is sufficient for your needs at present. Please do not hesitate to contact our office if we can be of further assistance.

Kind regards,  
Ryzuk Geotechnical

  
Jordan Gybels, EIT  
Junior Engineer

Attachment – Terms of Engagement

  
Andrew Jackson, P.Geo., Eng.L  
Project Manager



**RYZUK GEOTECHNICAL**

Engineering &amp; Materials Testing

28 Crease Avenue, Victoria, BC, V8Z 1S3 Tel: 250-475-3131 Fax: 250-475-3611 www.ryzuk.com

December 10, 2020  
Revised – October 4, 2021  
File No: 10250-1Richard Raine  
1150 Sunset Drive  
Salt Spring Island, BC  
V8K 1E3Attn: Richard Raine  
(By E-mail: richardhaine@gmail)Re: Proposed Addition  
1150 Sunset Drive – Salt Spring Island, BC

As requested, we attended the referenced site on November 27, 2020, to complete a visual assessment with regards to the existing geotechnical conditions adjacent to the foreshore. We understand that a roughly 3 m by 3.7 m (10' by 12') addition with pier and/or stem wall footing foundations are proposed along the south side of an existing cottage. The addition would extend within an area between the 10 m to 15 m from the shoreline setback. Pursuant to Section 4.4.2 of Salt Spring Island's (SSI) Land Use Bylaw No. 335 (Setback from Bodies of Water), a relaxation may be granted to reduce the setback to 10 m from the natural boundary of the sea, provided the boundary is confirmed to be non-erodible by professional review. We further understand that Islands Trust requires confirmation from a geotechnical professional that the existing cottage is sufficiently set back from the natural boundary of the sea and not subject to geohazard. Our associated observations, comments, and recommendations are contained herein. Our work has been undertaken in accordance with, and is subject to, the attached Terms of Engagement.

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During our site attendance, we visually assessed the condition of the Present Natural Boundary (PNB), in addition to the adjacent steep slope. The PNB and slope above, were observed to consist of gently sloping sandstone bedrock and/or sandstone cobbles and boulders. The upper slope was observed to consist of surficial organics, loose silty sand with some gravel and trace

cobbles (inferred colluvial soils), talus, and outcrops of sandstone bedrock. The bedrock was observed to be near vertical at the toe and steeply sloping towards the crest with some visible shallow bedding planes (dipping approximately 20 degrees southwest). Several upright to leaning (towards the foreshore) juvenile to medium sized trees were observed along the steep slope. No indication of deep-seated slope instability was apparent in the assessed areas, however localized raveling of surficial soils and talus was observed.

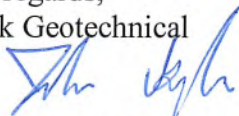
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We recommend that all organic and loose colluvial soils be removed from the proposed foundations areas, that the proposed pier foundations are built atop of clean intact or fractured in place bedrock, and that foundations be inspected by a qualified professional at the time of construction.

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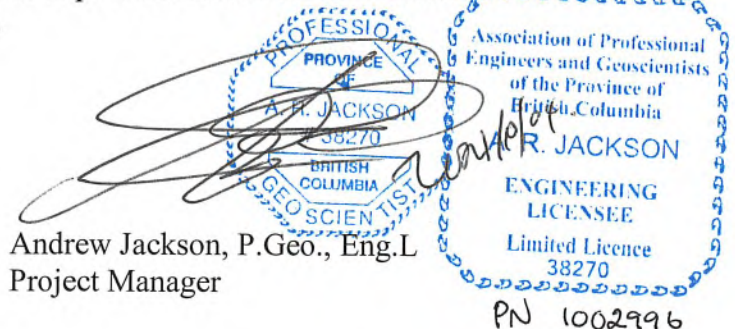
We trust that the preceding is sufficient for your needs at present. Please do not hesitate to contact our office if we can be of further assistance.

Kind regards,  
Ryzuk Geotechnical



Jordan Gybels, EIT  
Junior Engineer

Attachment – Terms of Engagement



Andrew Jackson, P. Geo., Eng. L.  
Project Manager

PN 1002996

## TERMS OF ENGAGEMENT

### 1. GENERAL

- 1.1. Ryzuk Geotechnical Ltd., its principals and employees (collectively the "Consultant") shall render the Services to the Client for the Project in accordance with the following terms of engagement (the "Engagement").
- 1.2. The Consultant will provide the Services, and any other associated documents, records or data, in accordance with the standard of care, skill and diligence required of a geotechnical consulting firm providing similar services at the same time in the same geographic location and circumstances in British Columbia. The Services will be provided in accordance with procedures customarily provided in similar circumstances by similar professionals. No other representations or warranties, expressed or implied, are made by the Consultant.
- 1.3. The Consultant may, at its discretion and at any stage, engage sub-consultants to perform all or any part of the Services.

### 2. COMPENSATION

- 2.1. All fees billed to the Client by the Consultant are payable in Canadian dollars. Invoices are due and payable by the Client on receipt of the invoice, without holdback. Interest on overdue accounts is 24% per annum.

### 3. REPRESENTATIVES

- 3.1. Each party must designate a representative who is authorized to act on behalf of that party and receive notices under this Engagement.

### 4. TERMINATION

- 4.1. Either party may terminate this Engagement without cause upon providing 30 days' written notice to the other party. On termination by either party under this section, the Client shall forthwith pay to the Consultant all fees invoiced by the Consultant for the Services performed to the date of termination, including all expenses and other charges incurred by the Consultant in respect of the Consultant's Engagement by the Client.
- 4.2. If either party is in breach of any term of this Engagement, the non-defaulting party may give written notice of the breach to the other party and thereafter terminate this Engagement forthwith if the defaulting party does not remedy said breach within 7 days' of being provided written notice of the breach. On termination by the Consultant under this section, the Client shall forthwith pay to the Consultant all fees invoiced for the Services performed to the date of termination, including all expenses and other charges incurred by the Consultant in respect of the Consultant's Engagement by the Client.

### 5. ENVIRONMENTAL

- 5.1. The Consultant's field investigation, laboratory testing and engineering recommendations will not address or evaluate contamination or pollution of soil or groundwater. The Consultant will cooperate with any environmental consultant retained by the Client during the field work phase of the investigation.

### 6. INSURANCE

- 6.1 Ryzuk Geotechnical maintains Professional Indemnity Insurance as follows:

- 6.1.1 \$3,000,000 each and every claim
- 6.1.2 \$5,000,000 in the aggregate
- 6.1.3 \$5,000,000 commercial/general liability coverage.

## 7. LIMITATION OF LIABILITY

### 7.1. The Consultant shall not be responsible for:

- 7.1.1. the negligence or failure of any contractor or other professional retained by the Client to perform work or provide services in respect of the Project in accordance with the applicable contract documents and/or advice provided by the Consultant;
- 7.1.2. the design of or defects in equipment or materials supplied or provided by the Client or its contractors for incorporation into the Project;
- 7.1.3. any cross-contamination resulting from subsurface investigations;
- 7.1.4. any Project decisions made by the Client if such decisions are made without the Client first seeking advice from the Consultant and/or decisions contrary to or inconsistent with advice provided by the Consultant;
- 7.1.5. any consequential loss, injury or damages suffered by the Client or its agents and contractors, including but not limited to loss of use, earnings and business interruption;
- 7.1.6. the unauthorized distribution of any confidential document or reports prepared by or on behalf of the Consultant for the exclusive use of the Client;

7.2. The Consultant will make all reasonable efforts prior to and during subsurface site investigations to minimize the risk of damaging any subsurface utilities/mains. If, in the unlikely event that damage is incurred where utilities are unmarked and/or undetected, the Consultant will not be held responsible for damages to the Project site or surrounding areas, utilities/mains or drilling equipment or the cost of any repairs thereto.

7.3. The Consultant's total liability to the Client for any errors, omissions, breaches of contract and/or negligence arising in connection with the Services is limited to the amount of the Consultant's fees for the Services and shall not exceed that amount under any circumstances. For greater clarity, this means that if the Client makes any claim, including any claim for contribution or indemnity, or brings any claims against the Consultant, then any damages for which the Consultant may be liable cannot exceed the total amount of fees paid to the Consultant by the Client.

7.4. The Client agrees to indemnify and to save and hold harmless the Consultant from any claim, demand, litigation, expense, legal fees, liability, damage, award or cost, of any form or type whatsoever, in respect of any claim for property damage, loss, or personal injury brought by any party including the Client's contractors, other professionals, or any third party, resulting from the Consultant's provision of the Services, except for such property damage, loss or personal injury that results directly from the gross negligence of the Consultant.

7.5. No claim may be brought against the Consultant in respect of the Consultant's provision of the Services, in contract, negligence or other civil wrong more than 2 years after any claim is discoverable.

## 8. DOCUMENTS AND REPORTING

- 8.1. All of the documents prepared by or on behalf of the Consultant in connection with the Project are instruments of service for execution of the Project and the Services. The Consultant retains the property and copyright in these documents, whether the Project is executed or not. These documents may not be used on any other project without the prior written agreement of the Consultant.
  - 8.2. Documents that have been prepared specifically for the Project are applicable and may be relied upon only in the case where there has been no physical alteration to, or deviation from any of the information or plans provided to the Consultant by the Client or the Client's agents. If the Client makes any changes or deviations from original plans for the Project, the Client may request that the Consultant review and revise Project documents accordingly.
  - 8.3. Identification and classification in respect of the extent, properties, or type of soils or other materials at the Project site will be based upon investigation and interpretation of results in a manner consistent with customarily accepted standard geotechnical consulting practices in the location where the Services were performed. Due to the nature of geotechnical consulting, there is an inherent risk that all potential conditions will not be detected at the Project site and that actual subsurface conditions may vary considerably from investigation points. The Client and any other party making use of any documents prepared by the Consultant in respect of the Project acknowledges and accepts this risk.
  - 8.4. Any conclusions and recommendations provided within any document prepared by the Consultant for the Client will be based on the scope of investigation by the Consultant and any additional information provided to the Consultant by the Client or the Client's agents. The Consultant disclaims responsibility for any deficiency or inaccuracy resulting from the Consultant being provided with inaccurate or fraudulent information by the Client or the Client's agents.
9. JOBSITE SAFETY AND CONTROL
- 9.1. The Client acknowledges that control of the Project site remains solely with the Client, and/or the Client's agents and/or contractors. The presence of the Consultant's personnel on the Project site does not relieve the Client, the Client's agents and/or contractors from their responsibilities for Project site safety. The Client must inform the Consultant of all hazardous or otherwise dangerous conditions at the Project site of which the Client, its agents, and/or contractors are aware.
  - 9.2. The Client acknowledges that during the course of a geotechnical investigation a previously unknown hazard or contaminant may be discovered. Discovery and/or identification of a hazard/contaminant may necessitate procedures to ensure the safety and protection of persons and/or the environment being undertaken. The Client shall be responsible for payment of any additional expenses incurred as a result of discovery of a hazard/contaminant. The Client acknowledges that certain circumstances require government and/or regulatory authorities to be notified of hazardous conditions and/or contaminants. The Client shall not make any claim or bring any action against the Consultant in the event the Consultant provides any required notification of a hazard and/or contaminant to a government and/or regulatory authority.
10. FIELD SERVICES
- 10.1. If the Consultant is requested or required to provide field reviews as part of the Services for the Project and the Client declines to authorize or otherwise limits the scope of same in a manner inconsistent with the Consultant's advice or recommendations, the Consultant may provide qualified certifications in respect of any work completed by the Client and/or its contractors that was not overseen by the Consultant.
11. DISPUTE RESOLUTION
- 11.1. If requested in writing by either the Client or the Consultant, the Client and the Consultant shall attempt to resolve any dispute between them arising out of or in connection with this Engagement by entering into

structured non-binding negotiations with the assistance of a mediator on a without prejudice basis. The mediator shall be appointed by agreement of the parties. If a dispute cannot be settled within a period of thirty (30) calendar days with assistance of a mediator, the dispute shall be referred to and finally resolved by a British Columbia Court.

## 12. CONFIDENTIALITY

- 12.1. During the term of the Engagement, the Consultant shall not use or disclose any of the Client's confidential information to any third party other than the Consultants legal and/or financial advisors without authorization from the Client. The Consultant will use any confidential information for the sole purpose of carrying out the Services. The Consultant may share photos of the Project so long as such photos do not disclose any information not otherwise available or readily visible by the public. Unless already made public, the Consultant will not share Client or Project site address information on social media or with third parties.



## Salt Spring Island Local Trust Committee

### DEVELOPMENT VARIANCE PERMIT – NOTICE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit.

The purpose of this Permit is to vary the requirements of Bylaw No. 355, cited as “*Salt Spring Island Land Use Bylaw, 1999*” to permit the siting of a proposed addition to an existing single family dwelling in the setback to the natural boundary of the sea.

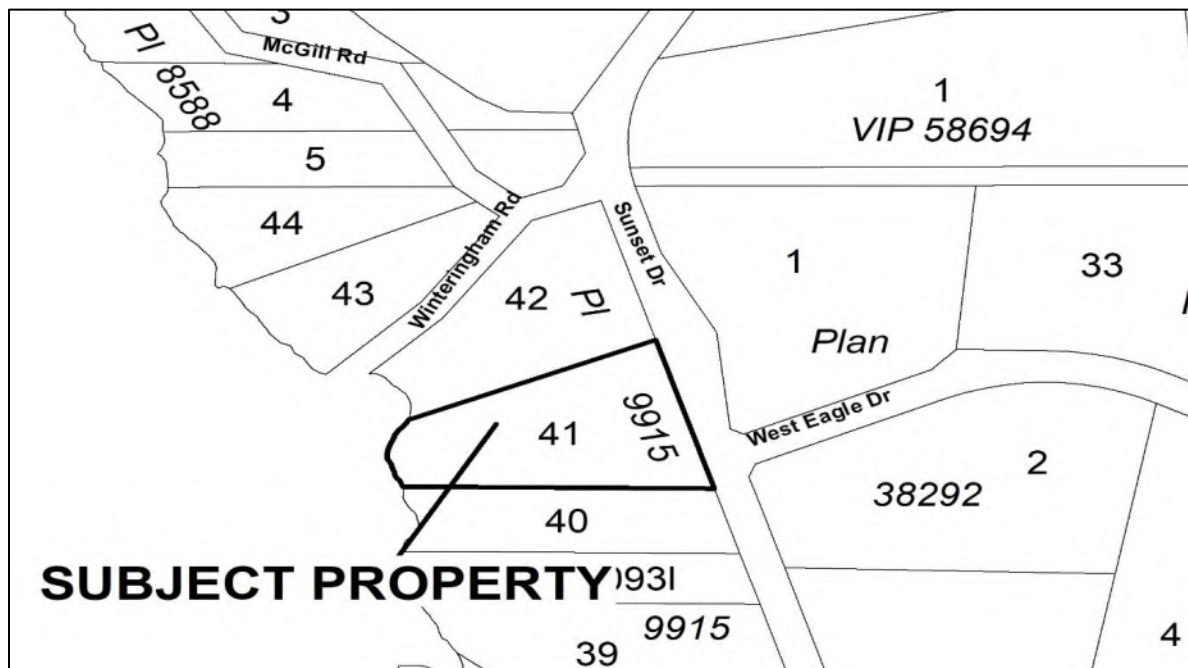
The applicant is seeking the following variance:

- Reduction in the setback to the natural boundary of the sea from 15 m to 8.95 m (see Section 3.1 of attached permit);

#### The subject property is described as:

- 1150 Sunset Drive, Salt Spring Island
- PID: 005-546-486  
Lot 41, District Lot 4, North Salt Spring Island, Cowichan District, Plan 9115
- Application SS-DVP-2021.20

The location of the property is shown on the following sketch map:



The Salt Spring Island Local Trust Committee may consider issuance of the proposed permit at a meeting on Tuesday, January 18, 2021 beginning at 9:30 a.m. at the Community Gospel Chapel, 147 Vesuvius Bay Road, Salt Spring Island. Typically, applications are typically scheduled to be considered in the afternoon portion of the meeting, which begins at 12 noon. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

#### **Questions?**

Please forward questions to Planner Geordie Gordon at 250-537-9144 or by email to [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca)

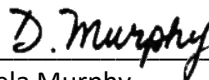
#### **Comments?**

- Written submissions are accepted until Monday, January 17, 2022 and can be sent to our office, or provided via email to [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca)
- Your comments are provided to the Salt Spring Island Local Trust Committee and staff. Written comments made in response to this notice will be available for public review.
- Verbal comments can be made directly to the Trustees during the Town Hall portion of the agenda which occurs after 12 noon on January 18, 2022.

#### **More Information?**

- Additional information on this application is available for review by the public after January 7, 2022.  
**Go to:** <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

A copy of the proposed Development Variance Permit is attached. The permit may also be viewed at the Salt Spring Island office of the Islands Trust at 1-500 Lower Ganges Road, SSI V8K 2N8, between the hours of 8:30 a.m. and 4:30 p.m., Monday to Friday, excluding statutory holidays. **Please note that the office will be closed from Monday, December 27, 2021, reopening January 4, 2022.**



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Daniela Murphy,  
Legislative Clerk/Deputy Secretary

DATE OF MEETING: January 18, 2022  
TO: Salt Spring Island Local Trust Committee  
FROM: Geordie Gordon, Planner 2  
Salt Spring Island Team  
COPY: Stefan Cermak, Regional Planning Manager  
SUBJECT: Non-farm use on agricultural land  
Applicant: Noella and Michael Fraser  
Location: 240 Atkins Road

## RECOMMENDATION

1. **That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.6 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:**
  - a. Existing and future agricultural use and/or potential of the subject property;
  - b. The zoning of the property and intended use;
  - c. The surrounding land uses of the subject property;
  - d. Whether the Salt Spring Local Trust Committee should support the non-farm use application.

## REPORT SUMMARY

This report brings forward a non-farm use application to permit the use of land within the Agricultural Land Reserve (ALR) for an automotive repair shop. The use is not consistent with the Salt Spring Island Land Use Bylaw or Agricultural Land Commission Regulations, though the use has supportive policies within the Salt Spring Island Official Community Plan. Referral to the Agricultural Advisory Planning Commission (AAPC) could indicate support, or not, from representatives of the agricultural community for the non-farm use.

## BACKGROUND

The application is proceeding in an attempt by the owner to permit the continued use of an automotive repair business (Gulf Island Automotive Ltd.) that has occurred on the southern end of the property since approximately 1996. The owner has previously sought to permit this use through ALR exclusion applications. The SS LTC supported a 2011 exclusion application, though the Agricultural Land Commission denied the application primarily on the basis that it had not been demonstrated that existing industrial land on Salt Spring Island is being fully utilized and that the automotive repair use could not be accommodated on appropriately zoned land outside of the ALR. The Salt Spring Island Official Community Plan (OCP) contains policies that are intended to direct the location of future General Employment land through the rezoning process - the corner of Atkins and Rainbow Roads is one of those locations identified.



## ANALYSIS

### Policy/Regulatory

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

The following Islands Trust Policy Statement policies are relevant to this application:

- 4.1.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- 4.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

#### ***Agricultural Land Reserve***

Review of ALR regulations indicates that the use of agricultural land for an automotive repair business is not a permitted use.

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

The subject property is designated Agricultural (A) under Salt Spring Island Official Community Plan Bylaw No. 434.

The following OCP policies are particularly relevant to this proposal:

- B.6.2.2.1 The Local Trust Committee should maintain an Agricultural Advisory Committee to:
  - a. provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission.
  - b. help in developing and interpreting local policies about farming.
  - c. identify other ways that the Local Trust Committee can encourage and support farming in the community.
- B.6.2.2.16 The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories:
  - a. the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property.
  - b. the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7.
  - c. in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of existing non-ALR farmland into the ALR.
  - d. the non-farm use or exclusion of property for essential community services, if the location of the service is limited by engineering constraints, or by strategic considerations such as those that determine the best location for an emergency response station, and the proponent has demonstrated that there is no suitable alternate, non-ALR property
- B.3.3.2.10 If additional land is required for general employment uses necessary for the community, the Local Trust Committee could consider rezoning applications for properties near the junction of Rainbow and

Atkins roads, near the junction of Long Harbour and Upper Ganges roads, and near the junction of Fulford-Ganges and Beaver Point roads.

B.3.3.2.11 Removal of up to 2 hectares from the Agricultural Land Reserve to create land zoned for general employment uses in the locations identified in Article B.3.3.2.10 could be supported, consistent with policy B.6 RESOURCE LAND USE OBJECTIVES AND POLICIES, Article B.6.2.2.15. In reviewing such applications, the Committee should consider whether:

- a. The site has limited agricultural potential.
- b. Existing general employment and commercial service lands have been developed to about 80 per cent of their practical development potential.
- c. The rezoning application applies to land that is next to or across a road from existing general employment land.
- d. The proposed development would be well buffered from adjacent non-general employment land.
- e. There are adequate water supplies and a satisfactory means of sewage disposal.

**Land Use Bylaw:**

The subject property is zoned Agriculture 1 (A1) under Salt Spring Island Land Use Bylaw No. 355. Agriculture 1 zoning permits the following uses:

	A1
<b>Principal Uses, Buildings and Structures</b>	
<i>Agriculture, farm buildings and structures</i>	◆
<i>Single-family dwellings</i>	◆
<b>Accessory Uses</b>	
One additional <i>dwelling unit</i> provided that it:	
<ol style="list-style-type: none"> <li>a) is a <i>mobile home</i> for immediate family consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or</li> <li>b) is a <i>secondary suite</i> that is consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or</li> <li>c) is a <i>farmworkers' dwelling unit</i> that has been specifically approved through a Non-Farm Use application to the Agricultural Land Commission.</li> </ol>	◆
Processing of the <i>farm products</i> of another farm located within the Salt Spring Island Local Trust Area.	◆
Sale of the <i>farm products</i> of another farm, provided that the <i>floor area</i> used for the storage and display of the products from another farm may not exceed 5 square metres or one third of the total <i>floor area</i> on a <i>lot</i> that is occupied by <i>farm product</i> storage and display.	◆
<i>Home-based business use</i> subject to Section 3.13	◆
<i>Commercial guest accommodation</i> in a <i>campground</i> accessory to a <i>commercial farm business</i> , subject to Schedule "F", provided that no more than 10 per cent of <i>campsites</i> are designed to accommodate self-contained recreational vehicles.	◆
<i>Seasonal cottages</i> subject to Section 3.14	◆

## Issues and Opportunities

### *Automotive Uses*

Staff note that even if the non-farm use application is successful, the automotive repair business use will still not be permitted by the Salt Spring Island Land Use Bylaw and may require additional applications to allow the use to continue – via either a Temporary Use Permit or rezoning.

The applicant may be able to avoid further permission from Islands Trust, as the Land Use Bylaw does allow automotive repair as a permitted home based business:

3.13.6 Only the following occupations may be conducted as a home-based business:

- (k) Repair of automobiles, excluding auto body repair and provided such repair takes place on a property greater than 2 ha in area that is not in the Agriculture 2, Rural Watershed 1, Rural Watershed 2, Rural Islet or Forestry 2 zones, is screened from view and is limited to one enclosed service bay not exceeding 25 square metres in floor area and provided not more than two vehicles may be parked outside, exclusive of the residents own licensed vehicles.

The following conditions must also be met:

3.13.2 The total floor area used for home-based business use on any lot must not exceed 50 per cent of the total floor area of dwelling and permitted residential accessory buildings on the lot, up to a maximum of 70 square metres for lots that are 1.2 ha or less in area and 150 square metres for lots that are greater than 1.2 ha in area.

3.13.3 A home-based business must be operated by a person permanently residing on the premises in which the home-based business is conducted. Not more than three additional persons (or full-time equivalency) not residing in the dwelling unit may be employed in home-based business uses on any lots that are 1.2 ha or less in area and not more than four additional persons (or full-time equivalency) for lots that are greater than 1.2 ha in area.

Given the existing scope of operations, the automotive repair business would likely need to be significantly scaled down in order to be considered a home-based business.

### *General Employment Land and Adjacent Uses*

Staff note that there is a lack of appropriately zoned *vacant* land for some General Employment uses on Salt Spring Island, as established by both informal conversations with contractors and the industrial land needs assessment prepared by Urbanics Consultants in August of 2013. The assessment found that in order to accommodate the forecasted employment growth through 2036, Salt Spring Island would need to add an average of 0.67 acres of industrial zoned-land per year. The assessment also found, in general, the inventory of industrial-zoned land was insufficient to accommodate current or forecasted demand. The assessment found that the greatest challenge is faced by General Employment operations seeking to expand operations due to a lack of suitable spaces.

The OCP contains policies to direct future General Employment lands in certain areas – the subject property is one of those identified in the OCP. As noted in the Background section of this report, the SS LTC has previously supported an ALC exclusion application for this property on the basis of this OCP policy – though the application was not successful at the ALC level, based primarily on the ALC determining that point (b) of policy B.3.3.2.11 was not satisfied.

### *Agricultural Land Use*

The automotive repair business likely has had an impact on the future potential of farm use on that portion of the subject property due to soil impacts and contamination as a result of inadvertent oil or other automotive fluid leaks. The non-farm use does not benefit agriculture, other than for the potential repair of farm vehicles.

The applicant has provided an Agriculture Land Capability Assessment (see appendix 3) that indicates limitations on the agricultural potential of the subject property are caused by soil typology – specifically class 4: “gravelly soils hinder tillage, planting, and/or harvesting”, as well as sloping land, depth to solid bedrock and soil moisture deficiency. The assessment found that over half of the property (53 per cent or 0.97 ha) has poor soil quality, though over one-quarter (28 percent or 0.49 ha) has fair soil quality. As a result of soil quality, it was determined that the best agricultural use of the land is likely pasture or tree crops.

The area that is best suited for agricultural activity is removed from the automotive repair area and is on the northern portion of the property:



Figure 4: Soil classification from 2017 report. The auto repair business is visible on the southern extent

The applicant has submitted a farm plan with some existing minor elements (e.g. chicken coop and goat areas – see appendix 2) and some major proposed elements (e.g. barn and orchard). Staff note that there is little information provided as to the long-term farming plan for this property beyond the sketched plan. In their application to the ALR, the applicant noted that more detailed business plan for the farm is being prepared. If the SS LTC would like to obtain this information prior to making a decision or referring the application to the AAPC, an alternative resolution has been provided.

### **Consultation**

Agricultural Land Reserve non-farm use applications do not require notification or referral; none has been undertaken.

### **Protocols**

No Islands Trust, [Islands Trust Conservancy](#) or Local Trust Committee agreements have been determined to be relevant to the consultation/engagement process (i.e. protocols, MOUs, LOAs).

### **Agencies**

The application as not be identified as requiring additional agency referral.

### **First Nations**

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

### **Rationale for Recommendation**

Referral of non-farm use applications to the AAPC is consistent with OCP policies and can provide advice to the SS LTC input on how to proceed with this application.

### **ALTERNATIVES**

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

#### **1. Request further information**

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

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

#### **2. Proceed No Further**

The SS LTC may decide to not forward the application to the ALC. Staff advise that the implications of this alternative are that the automotive repair business will not be permitted to operate. If this alternative is selected, the SS LTC should state the reasons for not forwarding the non-farm use application. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee deny forwarding application SS-ALR-2021.6 to the Agricultural Land Commission for the following reasons: the non-farm use is contrary to*

### **NEXT STEPS**

If the SS LTC accepts staff's recommendation, the application will be referred to the AAPC at the next meeting, scheduled for February 3, 2022.

Submitted By:	Geordie Gordon, Planner 2	January 5, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	January 10, 2022

**ATTACHMENTS**

1. Site Context
2. Photographs
3. Agricultural Land Capability Assessment
4. ALC Application

## ATTACHMENT #1 – SITE CONTEXT

### LOCATION

Legal Description	LOT 1 SECTION 2 RANGE 2 EAST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP86207
PID	027-799-409
Civic Address	240 ATKINS RD

### LAND USE

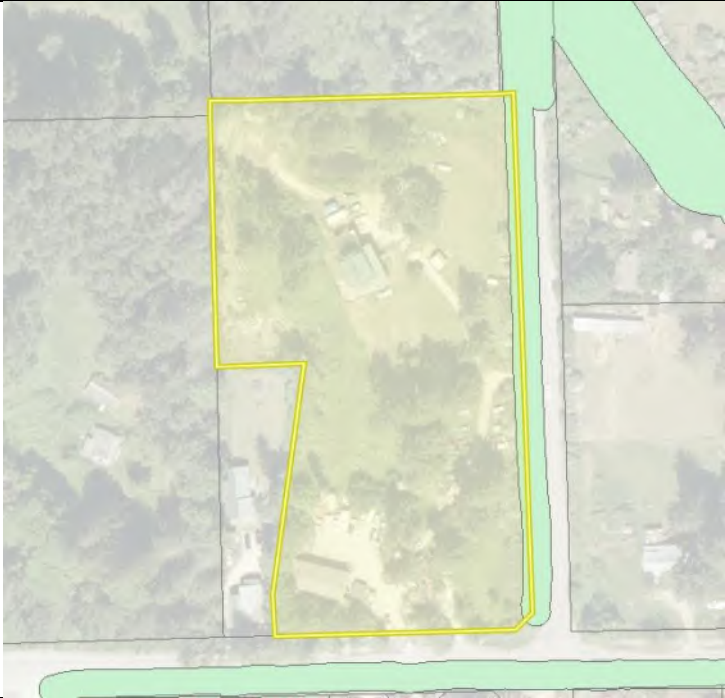
Current Land Use	Residential Automotive Repair
Surrounding Land Use	North – Residential, agricultural, BC Hydro substation East – Residential, agricultural, CRD pool South – General Employment (including cement plant) and agricultural (Farmer’s Institute). East – Agricultural, residential

### HISTORICAL ACTIVITY

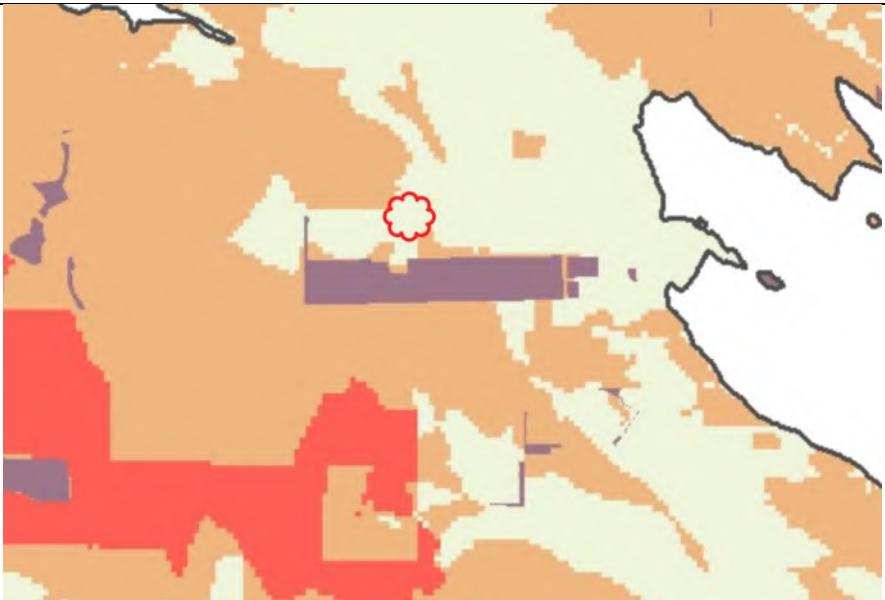
File No.	Purpose
SS-ALR-1994.5	Boundary adjustment – supported by LTC, not by ALC.
SS-ALR-1995.3	Unknown.
SS-ALR-2006.8	Subdivision (boundary adjustment) in the ALR at the intersection of Rainbow and Atkins Road. Approved.
SS-ALR-2011.1	To exclude property from the ALR for development of a business park for light industrial and commercial uses. Denied by ALC.
SS-ALR-2016.1	ALR exclusion. Application closed before decision.
SS-BOV-1996.2	Lot line relaxation. Approved.
SS-BP-2018.82	To construct a Single Family Dwelling
SS-DVP-2008.3	To vary the minimum lot size requirements for a boundary adjustment on a already non-conforming lot. Approved by LTC.
SS-SUB-2006.16	Boundary Adjustment between two properties at south western corner (with adjacent property). Approved.

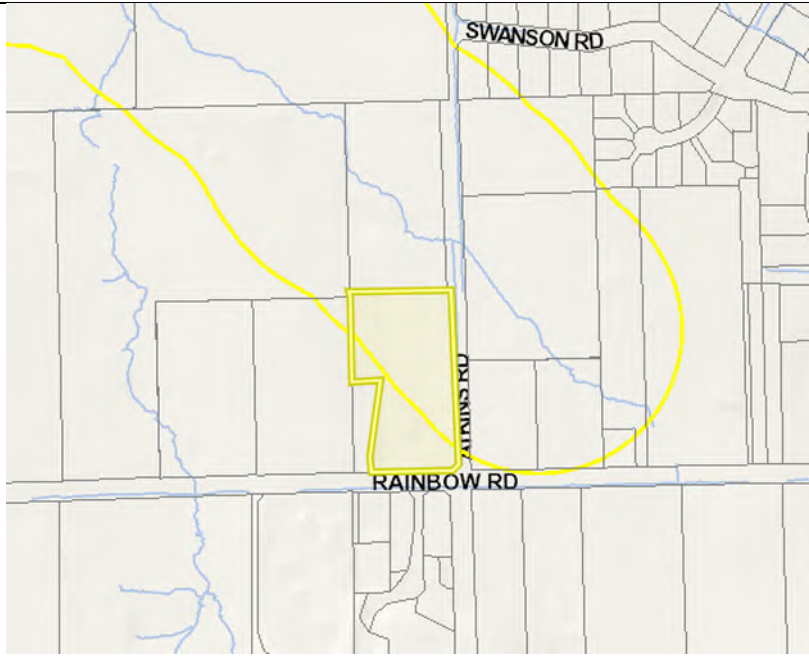
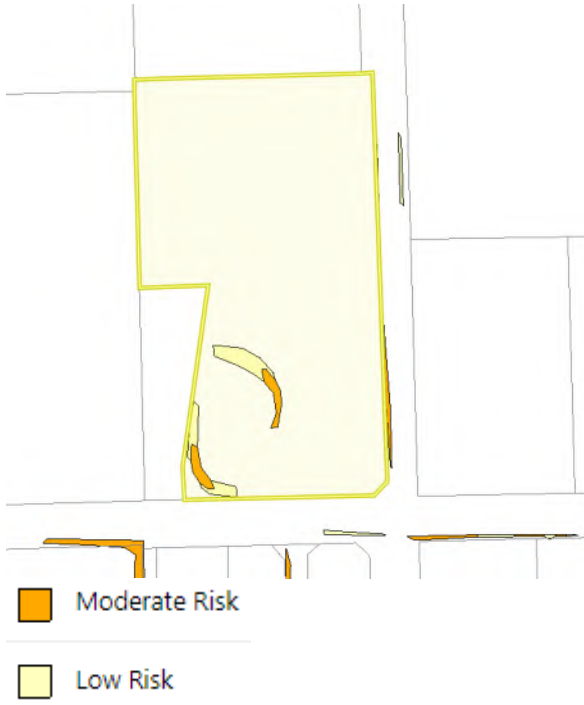
### POLICY/REGULATORY

Official Community Plan Designations	Agriculture (A) DPA 7 – Riparian Areas
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Land Use Bylaw	Agriculture 1 (A1)
Other Regulations	Within ALR
Covenants	None
Bylaw Enforcement	2011 – Soil. 2019 – Unenclosed derelict vehicles, automotive uses.

**SITE INFLUENCES**

Islands Trust Conservancy	No referral/process requirements noted per <a href="#">Policy 3.1.ii</a>
Regional Conservation Strategy	 <p>Rated as low relative value in RCP.</p>

<p>Species at Risk</p>	 <p><a href="https://www.canada.ca/en/environment-climate-change/services/species-risk-education-centre/your-responsibility/your-responsability-guide.html">Western Painted Turtle Pacific Coast population https://www.canada.ca/en/environment-climate-change/services/species-risk-education-centre/your-responsibility/your-responsability-guide.html</a></p>
<p>Sensitive Ecosystems</p>	<p>None mapped.</p>
<p>Hazard Areas</p>	 <p>Moderate Risk</p> <p>Low Risk</p>
<p>Archaeological Sites</p>	<p>Areas of archeological potential. By copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the</p>

	<i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Minimal potential GHG emission changes resulting from approval and potential impacts on proposed development from anticipated or possible climate change induced hazards, eg sea level rise unknown.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

## ATTACHMENT #2 – PHOTOGRAPHS

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Photo 1: Driveway access to automotive repair area off Rainbow Rd.



Photo 2: Automotive repair parking area.



Photo 3: Automotive repair shop.



Photo 4: Goat pen area on northern portion of property



Photo 5: Storage of travel trailers. Proposed orchard area in foreground.



Photo 6: Dwelling and outbuildings. Chicken coop and run visible in background.



Photo 7: Chicken coop and run on western portion of property.



Photo 8: Goat pen next to chicken coop.



Photo 9: Proposed barn area.



Photo 10: Portion of area proposed for campground.



Photo 11: Area leading north from automotive repair shop towards area of existing/proposed agricultural activity.



## **LAND CAPABILITY FOR AGRICULTURE**

### **Fraser Property 240 Atkins Road, Salt Spring Island, BC**

**FOR:**

**Mike and Noella Fraser  
240 Atkins Road  
Salt Spring Island, BC  
V8K 2R5**

**BY:**

**Harry Williams MSc PAg RPBio  
MADRONE ENVIRONMENTAL SERVICES LTD**

**Thomas R. Elliot, PhD PGeo PAg  
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**February 2, 2017**

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DOSSIER: 17.0003

## Executive Summary

Mike and Noella Fraser retained Madrone Environmental Services Ltd to conduct a land capability assessment to determine potential agricultural use of their Atkins Road property on Salt Spring Island [PID 027799409].

The undersigned, Harry Williams, MSc, PAg, RPBio and Thomas R Elliot, PhD, PGeo, PAg conducted the assessment as qualified professionals and concluded the following:

- The primary limitations to agriculture on this property are:
  - Stoniness at a Class 4 (Subclass P): gravelly soils hinder tillage, planting, and/or harvesting.
- The secondary limitations include:
  - Topography at Class 3 (Subclass T): sloping land has implications for the use of machinery, may decrease the uniformity of growth and maturity of crops, and increases the potential for water erosion.
  - Depth to solid bedrock and rockiness at Class 4 (Subclass R): presence of bedrock outcrops or rock covered with less than 10 cm of soil restricts agricultural use and hinders root growth and soil tillage).
- Other limitations include:
  - Soil Moisture Deficiency at Class 4 (Subclass A): irrigation is required in summer months due to coarse-textured soils.

It is our professional opinion that the agricultural potential of the property is restricted by the primary ubiquitous 4P stoniness and secondary, limited areal extent 4R rockiness limitations. Stoniness and Rockiness limitations are not practically improvable due to limited improvement options.

There is some ability to improve the secondary topography limitation, which the current owner has engaged in through land-leveling – however large scale earthworks would be necessary to improve the 3T limitation to 2T for the Property. The aridity limitation due

to summer moisture deficiency can be readily addressed with irrigation. The climate of Salt Spring Island is favorable to growing a large variety of agricultural crops. The agricultural land capability ratings for the property are summarized in Table 1. The majority of the property (53%) is rated as Poor; 28% of the property is rated as Fair; and permanent structures take up 18% of the property (land unavailable for agriculture).

**Table 1. Agricultural Capability ratings for the property<sup>1</sup>**

<b>Agricultural Land Capability</b>	<b>ha</b>	<b>Percent</b>
Good (Class 2, or Class 3 improvable to Class 2 or better)	0	0
Fair (Class 3, or Class 4 improvable to Class 3 or better)	0.49	28%
Poor (Class 4, or Class 5 improvable to Class 4 or better)	0.97	53%
Very Poor (Class 5 to 7, not practically improvable)	0.00	0%
Permanent structures on the property	0.30	18%
<b>Total</b>	<b>1.78</b>	<b>100%</b>

<sup>1</sup>Due to rounding, the numbers may not add up to total amount

Considering these factors, the best use of this agricultural land is likely pasture or tree crops – activities where annual tilling is not required.

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>2</b>	<b>AREA DESCRIPTION AND FIELD ASSESSMENT.....</b>	<b>1</b>
2.1	LOCATION AND SITE DESCRIPTION .....	1
2.2	ZONING AND ADJACENT LAND USE.....	3
2.3	LANDFORM AND TOPOGRAPHY .....	5
2.4	REVIEW OF EXISTING SOILS MAPS AND INFORMATION .....	5
2.5	CLIMATE .....	6
2.6	MAPPED LAND CAPABILITY FOR AGRICULTURE .....	7
2.7	FIELD ASSESSMENT.....	7
<b>3</b>	<b>OBSERVATIONS.....</b>	<b>8</b>
<b>4</b>	<b>CONCLUSIONS .....</b>	<b>9</b>
4.1	LAND CAPABILITY FOR AGRICULTURE.....	9
4.2	IMPROVEMENT OF EXISTING LIMITATIONS.....	10
4.3	LAND CAPABILITY MAPPING FOR THE PROPERTY .....	11
<b>5</b>	<b>RECOMMENDATIONS.....</b>	<b>14</b>
<b>6</b>	<b>LIMITATIONS .....</b>	<b>16</b>

## LIST OF APPENDICES

APPENDIX A.....	SOIL PROFILE DESCRIPTIONS
APPENDIX B.....	2012 SOIL PIT LOCATIONS AND PHOTOS
APPENDIX C.....	SITE PHOTOS
APPENDIX D .....	LAND CAPABILITY CLASSIFICATION FOR AGRICULTURE OVERVIEW

## LIST OF FIGURES

FIGURE 1. PROPERTY LOCATION .....	2
FIGURE 2. LAND USES OF ADJACENT PROPERTIES--.....	4
FIGURE 3. AGRICULTURAL LAND CAPABILITY FOR THE PROPERTY--.....	13

## LIST OF TABLES

TABLE 1. AGRICULTURAL CAPABILITY RATINGS FOR THE PROPERTY <sup>1</sup> .....	II
TABLE 2. ADJACENT LAND USES .....	3
TABLE 3. DESCRIPTION OF MAPPED SOILS ON THE PROPERTY* .....	5
TABLE 4. 1981 - 2010 CLIMATE NORMALS* .....	6
TABLE 5. OBSERVED SOIL CHARACTERISTICS.....	9
TABLE 6. AGRICULTURAL LAND CAPABILITY FOR THE PROPERTY.....	12

## LAND CAPABILITY ASSESSMENT

# **Fraser Property 240 Atkins Road, Salt Spring Island [PID 027799409]**

## **1 Introduction**

Madrone Environmental Services Ltd. (Madrone) was retained by Mike and Noella Fraser to conduct a Land Capability Assessment (LCA) for their property located at 240 Atkins Road, Salt Spring Island (the 'Property' or 'Site'), which is within the jurisdiction of both the Islands Trust and Capital Regional District (CRD) (see Figure 1).

The intended outcome of this LCA is to evaluate the agricultural capability of the Site, and to identify agricultural land uses which would be suited to the Property.

## **2 Area Description and Field Assessment**

### **2.1 Location and Site Description**

The 1.8 hectare (4 acre) property is located at 240 Atkins Road, approximately 1.1 km west of Ganges, Salt Spring Island (Figure 1). The Property is rectangular in shape and is located in an area that is mostly zoned A-1 agriculture (see Section 2.2). A single family residence in the northern half of the property is accessed from Atkins Road, and a three-bay auto repair shop in the southern part of the property is accessed from Rainbow Road. Approximately 40 vehicles are stored on the property. Site photos are found in Appendix C.



**PROJECT:**  
Land Capability Assessment: 240 Atkins Road

**ASSESSED BY:**  
Harry Williams MSc., P.Ag., RPBio.

**LOCATION:**  
Salt Spring Island, BC

**MAP SCALE:**  
1:30,000

**CLIENT:**  
Mike & Noella Fraser

**MAPPING DATE:**  
February 1, 2017

**DOSSIER NO.:**  
17.0003

**DRAWN BY:**  
Anna Jeffries



**FIGURE 1:** Project Area Overview



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

## 2.2 Zoning and Adjacent Land Use

The Property is in the provincial Agricultural Land Reserve and zoned A-1 Agricultural in the Islands Trust. The adjacent land uses and zoning are listed in Table 2 and displayed Figure 2. Satellite imagery (Google Earth) shows one possibly active farm to the north-west of the subject property. Other adjacent lots north of Rainbow Road are single family residential, with two of these having horses. The properties on the opposite (south) side of Rainbow Road have light industrial and commercial activities.

**Table 2. Adjacent land uses**

PID*	Ownership	Apparent land-use	Zoning**	Location relative to subject property
008768846	BC Hydro	BC Hydro sub-station	A-1 agriculture	North
003889611	Private	Cleared-land; has been used in the past for raising cattle	A-1 agriculture	North-west
00608540	Private	Single family residence	A-1 agriculture	West
027799425	Private	Single family residence	A-1 agriculture	South-west
005759447	Private	Cement plant	In4 - industrial	South side of Rainbow Rd.
024113123; 0023327251; 024113131	Private	Light industrial, commercial	C6 - Commercial	South side of Rainbow Rd.
000868302	Private	Plant nursery and campground	A-1 agriculture	South side of Rainbow Rd.
007823304	Private	Single-family home, horse pasture	A-1 agriculture	East – on opposite side of Atkins Road
002394961	Private	Single-family home, horse pasture	A-1 agriculture	East – on opposite side of Atkins Road

\*Source: [tsa.ca/practice-information/online-cadastre](http://tsa.ca/practice-information/online-cadastre)

\*\*Source: [islandstrust.bc.ca/media/341910/sheet\\_2.pdf](http://islandstrust.bc.ca/media/341910/sheet_2.pdf)



**PROJECT:**  
Land Capability Assessment: 240 Atkins Road

**ASSESSED BY:**  
Harry Williams MSc., P.Ag., RPBio.

**LOCATION:**  
Salt Spring Island, BC

**FIELD DATE:**  
January 17, 2017

**CLIENT:**  
Mike & Noella Fraser

**MAP SCALE:**  
1:1,800

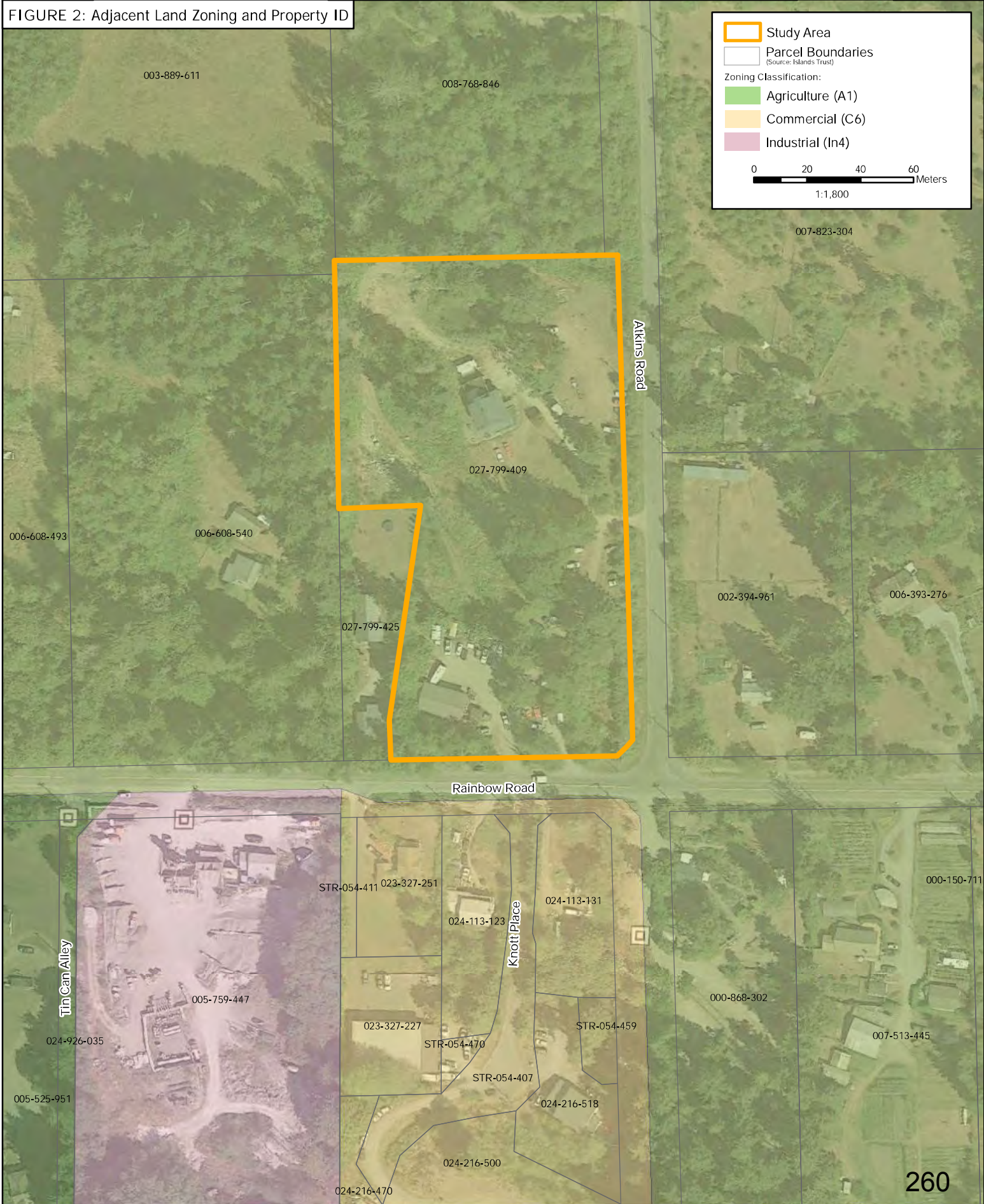
**DOSSIER NO.:**  
17.0003

**MAPPING DATE:**  
February 1, 2017

**DRAWN BY:**  
Anna Jeffries



**FIGURE 2: Adjacent Land Zoning and Property ID**



## 2.3 Landform and Topography

The Property is gently sloping to the north with slopes between 8 and 12%. About one-quarter of the property has been leveled, particularly around the primary residence. Other small leveled areas are used for vehicle storage. The lowest elevation on the property is the NE corner (17 m), and the highest point is the SW corner (36.5 m). The NW corner is 24 m and the SE corner of the property is 30 m. The center of the Property has an elevation of 25 m (Google Earth Pro).

The area surficial geology is mapped as morainal till, with at least 100 cm to bedrock (Van Vliet et al 1987). The bedrock geology is composed of the Nanaimo Group, which are sedimentary rocks including cobble and pebble conglomerate, coarse to fine sandstone, siltstone, and shale<sup>1</sup>.

## 2.4 Review of Existing Soils Maps and Information

The soils on Salt Spring Island have been mapped at a scale of 1:20,000 (Van Vliet et al 1987), and the Property lies within a polygon containing Mexicana Soils. These mapped soils are described in Table 3. In 2012 a planner from the Islands Trust (Kelly Gessnar) dug 8 soil pits on the Property. Detailed soil descriptions of these pits have not been located, except for the fact that the soils were classified as Mexicana soils, which corresponds to the existing 1987 soil map. The 2012 soil pit locations and photos are presented in Appendix B.

**Table 3. Description of Mapped Soils on the Property\***

Soil Unit	Parent Material	Texture & Drainage	Topography	Predominant Soil Classification	Limitations to agriculture	LCA rating (unimproved)
Mexicana	Morainal till	Gravelly sandy loam to gravelly loam soil textures; coarse fragment content between 15-25%; Moderately well-drained.	Slopes ranging from 5-15%	Orthic Dystric Brunisols (O.DYB)	Topography, summer drought; stoniness	4T

<sup>1</sup> <http://www.env.gov.bc.ca/van-island/pa/programs.html>

## 2.5 Climate

The nearest Government of Canada weather station is SaltSpring - St. Mary's Lake (ID 1016995). This weather station has an elevation of 46 m and is located at Latitude 48 53' 17" and Longitude 123 32' 47" – about 4.4 km to the north-west of the Property on the west shore of St. Mary's Lake. This weather station reports the following (Table 4):

**Table 4. 1981 – 2010 Climate Normals\***

Parameter	1981 – 2010 Climate Normals
Annual precipitation (mm)	987 mm
Seasonal precipitation (May-September inclusive - mm)	164.7 mm
Frost Free Period (FFP, Days)	224 days**
Growing Degree Days (GDD, base temperature >5°C)	2,228
Effective Growing Degree Days (EGDD, base temperature >5°C)	1064**
Growing Degree Days (Base temperature 10°C)	1015
Daily yearly average temperature (°C)	10.7°
Days of precipitation (days in the year with >5mm rain )	62 days

\*[http://climate.weather.gc.ca/climate\\_normals/index\\_e.html#1981](http://climate.weather.gc.ca/climate_normals/index_e.html#1981)

\*\* from Ministry of Agriculture and Lands 2010 (page 2)

Based on the above information, Salt Spring Island has been mapped<sup>2</sup> as Climate Capability Class<sup>3</sup> 1d 4A (1):

- Class 1 definition – frost free period greater than 150 days; effective growing degree days (EGDD) above 5°C are greater than 825, and growing degree days accumulated above 5°C are greater than 2225 (Min. of Environment 1981).
- Moisture class 4A (1) definition – limitation due to lack of moisture (A) between May 1st and September 30. With the sandy-loam texture of the Mexicana soils (Table 3), the summer moisture deficit (SMD) on the property is estimated to be about 20 cm<sup>4</sup>. The improved (irrigated) capability rating is moisture Class 1.

<sup>2</sup> BC Climatic Capability for Agriculture map sheet 92C/NE K17-1093 (MoE/Coligado 1981) at 1:100,000 scale

<sup>3</sup> Climatic Capability Class is a shorthand ranking of specific limitations denoted by letters and preceded by numbers between the ideal (ranking of 1) and untenable (ranking of 7) indicating the severity of the limitation (Min. of Env. 1981).

<sup>4</sup> Based on the BC System for calculating SMD as indicated in Kenk (1983) and the BC Climatic Capability for Agriculture.

According to this classification, Salt Spring Island is capable of growing a wide variety of fruits, berries, vegetables, nuts, cereal grains, and forage crops.

## 2.6 Mapped Land Capability for Agriculture

The BC Land Capability Classification was developed for BC to provide consistent guidelines for assessing the agricultural capability of land (Kenk 1983). This interpretive classification groups mineral soils into seven classes according to the potentials and limitations of agriculture. Class 1 lands are those with no limitations to agriculture, and Class 7 lands are those where agriculture is not possible. In addition to these 7 classes, 12 subclasses for mineral soils have been developed which classify lands with similar kinds but varying intensities of limitations and hazards. Appendix D describes the LCA rating classes and subclasses for mineral soils in more detail.

According to existing Land Capability Mapping<sup>5</sup>, the Property has a Land Capability for Agriculture rating of Class 4T / 3T. This first part of this symbol indicates that the Property has a Land Capability Class of 4, with the primary limitation being Topography (sloping land). The second part of the symbol (3T) indicates that the land is capable of being improved to a Land Capability Class of 3 through local-scale modification of complex slopes or re-grading of simple slopes. Class 4 lands are described as those with limitations that may affect timing and ease of tillage, planting or harvesting, and methods of soil conservation (Appendix D).

We note that the broad interpretation of soils and agricultural capability recorded on the 1:50,000 maps do not take precedence over the site specific assessment in this report.

## 2.7 Field Assessment

A field visit was made to the Property on January 17, 2017. The weather was cool, small patches of snow were present, the ground was frozen in many places, and recent rains had occurred. The intention was to locate, excavate, and describe the original eight soil pits that were dug in 2012 (Figure 3) to correspond with the photographic record. Of the eight soil pits, two were found where the other 6 pits were either covered with newly added fill (from on-site as an effort to improve the topographic limitation to agriculture), or were covered in thick blackberries. The two pits (2012 soil pits 3 & 8) were re-excavated and described (Appendix A). Due to frozen ground, and photographic record of the six previously excavated pits exhibiting a degree of homogeneity, no other soil pits were dug.

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<sup>5</sup> Canada Department of Agriculture [M10-4228 1982 92B 6/11 Land Capability for Agriculture 1:50,000 scale]

The soil profiles for the two located pits were described and marked by GPS. The soil data collected for each pit includes:

- surficial material
- humus form
- rooting depth
- root restricting layer
- water source
- drainage
- soil horizon classification and thickness
- soil colour
- soil texture
- coarse fragment content
- soil structure
- presence or absence of gleying or mottling
- comments

Additional surface observations were made in areas adjacent to the test pits and elsewhere across the property. Full soil descriptions including photos are found in Appendix A.

### **3 Observations**

The property is generally sloping to the north but has a leveled lawn area surrounding the principal residence. There are two main structures on the property – a single family residence in the north and an auto repair shop in the south. Most of the Property has been cleared, however a number of mature (>80 years) Douglas-fir trees remain and are sparsely scattered around the perimeter and central portion of the property in areas with sufficient soil depth. An 80 – 100 year old western red-cedar tree is found close to the northern boundary. Unused portions of the land are covered in brush for the most part. Fill taken from on-site has been used for landscaping and leveling areas – particularly in the north-west corner of the Property where complex slopes due to bedrock protrusions were present. Coarse fill (coarse gravel to cobble) has been used on some of the driveways.

Based on observation of soil profiles, which are summarized in Appendix A, the soil type on the property are Mexicana soils. This corroborates with the Soils of Salt Spring Island (Van Vliet et al 1987) which also indicate Mexicana soils in this area. The soil classification for both described soil pits were Orthic Dystric Brunisols (O.DYB). Judging by the photos (Appendix C), the 2012 pits also appear to have similar soils (O.DYB).

The soils present were generally coarse-textured and well to moderately drained (Table 5). The photos of the 2012 soil pits appear to show soils with a similar soil texture and drainage. Soil seepage was present at depth, but this is mostly because the soils were sampled in the winter when soils are saturated. There was no evidence of gleying or mottles in the soil pits that were described.

**Table 5. Observed Soil Characteristics**

Soil association % of property	Soil classification (Subgroup)	Texture and coarse fragment content distribution	Soil depth, slope & drainage	LCA rating un-improved (improved6)
Mexicana 100%	O.DYB	Loam to sandy loam soil textures; coarse fragment content between 20–25%	Majority of soil on property is > 60 cm deep; however about 10% of the property area has thin soils over bedrock; about 70% of the property has simple slopes between 6 – 12%; soils are well to moderately well drained.	3T (2T)

## 4 Conclusions

### 4.1 Land Capability for Agriculture

Using soil profile descriptions, existing soils mapping, existing photographic record of previous soil pits, evaluation of moisture regime, and local climate, the following limitations to agriculture on the property have been identified:

Primary limitation:

- Stoniness (Subclass P) at a Class 4 level:
  - Cobbles and stones in the soil would hinder tillage, planting, and/or harvesting. Field data has identified 20-25% coarse fragment content in the soil, with approximately 8% occupied by cobbles and stones.

#### Secondary limitations

- Topography (Subclass T) at a Class 3 level:
  - Simply sloping ground between 6 – 12% on the Property may hinder the use of machinery, can decrease the uniformity of growth and maturity of crops, and can increase the potential for water erosion.
- Depth to solid bedrock and / or rockiness (Subclass R) at a Class 4 level:
  - For 10% of the Property, the presence of bedrock within 50 cm of surface restricts rooting depth and tillage; and generally restricts agricultural use. Furthermore, bedrock protrusions are spaced 25 to 50 m apart on the property.

#### Other limitations:

- Soil Moisture Deficiency (Subclass A) at a Class 4 level:
  - Any crops on this land would require irrigation in the summer months.

The above limitations put the majority of the property in Land Capability Class 4P. Class 4 is defined as: an area of land with limitations which make it suitable for a limited number of crops, or soil conditions are such that special development and management practices are required. The subclass P (Stoniness) is defined as a terrain with sufficient coarse fragments to significantly hinder tillage, planting, and/or harvesting operations or otherwise impact agricultural practices (Appendix D).

## 4.2 Improvement of Existing Limitations

The primary limitation of Stoniness at Class 4 due to the presence of coarse gravel, cobbles and stones is not practically improvable. While stones and cobbles can be picked by hand or mechanical means, the presence of coarse gravel within the soil limits the utility of removing the larger coarse fragments, which – when taken into account with the Depth to Bedrock (4R) limitation – results in the Property being a terrain limited by composition of surficial material that has limited improvability.

The secondary limitations (Section 4.1) of depth to bedrock (4R) and topography (3T) can be improvable through land-leveling using on-site soil and importation of suitable agricultural fill to increase depth to bedrock and further level the simple-slope topography. Through importation of fill, the stoniness limitation may also be improved by effectively burying the current soil profile at depth – however, this approach to soil importation is not standard and would require a qualified professional to develop a specific

soil importation plan that would need to be approved by the local municipality and Agricultural Land Commission.

The other prominent aridity limitation (Class 4A) is improvable through timed irrigation to match seasonal deficiency. The well-drained coarse-textured soils will dry considerably in summer months, and an estimated 20 cm summer moisture deficit will occur in most years (Section 2.5). However if the soils were irrigated, the improved Aridity class for the property would be rated as Class 1.

### 4.3 Land Capability Mapping for the Property

All of the soils on the property are adequately described by the Mexicana soil unit. However the soils on the Property do differ from the 1987 Mexicana soil description (Table 3) in the following ways [1987 Mapped value]:

- varying topography (slope gradient) at 6 – 12% [5 – 15%];
- depth to bedrock greater than 60 cm, with ~10% less than 50 cm [not mapped] and bedrock protrusion spacing at 50 m [not mapped];
- amount of coarse fragments 20 – 25%, with ~8% cobbles and stones [15 – 25%];

To quantify these factors the property was mapped into 6 polygons (Figure 3). Two of these polygons represent permanent structures on the property (the house and automotive repair shop). The other four polygons represent areas with different soil features and different soil capability classes. Each of the map polygons has been given the following attributes (Table 6):

- Land Capability Class
- description
- area (hectares)
- percent (%) cover of total property area (1.78 ha)

The largest polygon (1) represents the sloping areas with deeper soils in the southern half of the property. It is 0.77 ha in size, and covers 43% of the property. This polygon generally has gravelly soils with coarse sandy loam to loam soil textures. The amount of coarse fragments (gravel and cobbles) in the soil may vary between 20-25%. The land capability is rated as Class 4P (poor).

Polygon 2 represents the leveled areas surrounding the residence (Figure 3). It is 0.49 ha in size, and covers 28% of the property. Mexicana soils are represented here, but soil horizons have been altered by leveling. The leveled area makes it more suitable for agriculture as it has improved the topography limitation and amended the soil to reduce the coarse fragment content to 15 – 20%, and the land capability is rated as Class 3P (fair).

Polygons 4 & 5 represent the two areas with bedrock at or close to the surface – the sandstone outcrops along the western boundary, and the shale bedrock close to the surface in the north-east corner of the Property. Together these two polygons cover 0.20 ha, or 10% of the property area. Both of these polygons have a land capability rating of Class 4R (poor).

Polygons 3 & 6 represent the two permanent structures on the property – the residence and the automotive shop. Together these buildings and adjacent driveways cover 0.30 ha, or 17% of the property.

In summary, polygons one and two are the areas most suited for agricultural activities – together covering 1.26 ha, or 71% of the area. Polygons 4 & 5 could only be feasibly used for pasture, covering 0.20 ha, 10% of the area, and polygons 3 & 6 (permanent structures), cover 0.30 ha, or 17% of the area.

**Table 6. Agricultural Land Capability for the Property**

Polygon #	Land Capability Class	Description	Area (ha)	% of total area <sup>2</sup>
1	Class 4P (poor)	6 – 12% Sloping areas with soil > 60 cm deep, 20 – 25% coarse gravel with stones and cobble soil	0.77	43%
2	Class 3P (fair)	Level areas surrounding house with 15 – 20% coarse gravel soil	0.49	28%
3	Permanent structure	Automotive repair facility	0.23	13%
4	Class 4R (poor)	Thin soil over bedrock (sandstone)	0.11	6%
5	Class 4R (poor)	Thin soil over bedrock (shale)	0.09	4%
6	Permanent structure	Residence	0.07	4%
		Total area	1.78	100%

<sup>1</sup> The improved LCA Class ratings account for improvements that do not involve importation of fill or soil amendments.

<sup>2</sup> Due to rounding, the totals may not add up to 100



PROJECT:  
Land Capability Assessment: 240 Atkins Road  
ASSESSED BY:  
Harry Williams MSc., P.Ag., RPBio.

LOCATION:  
Salt Spring Island, BC  
FIELD DATE:  
January 17, 2017  
MAP SCALE:  
1:1,000

CLIENT:  
Mike & Noella Fraser  
MAPPING DATE:  
February 1, 2017

DOSSIER NO:  
17.0003  
DRAWN BY:  
Anna Jeffries

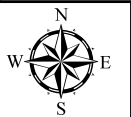


FIGURE 3: Land Capability Classes



## 5 Recommendations

The majority of the property (70%) has an Agricultural Land Capability rating of Class 4P, Class 4 (R), or has permanent structures. The remaining 30% of the property, specifically leveled areas around the residence, has a Land Capability rating of Class 3P. Due to the heterogeneity of the Property due to topography, we separated the property into soil polygons that have one or several of the following limitations: sloping ground (T), coarse-textured soil (P), soil rockiness (R), and summer moisture deficiency (A) – with the primary limitation to each described in Table 5.

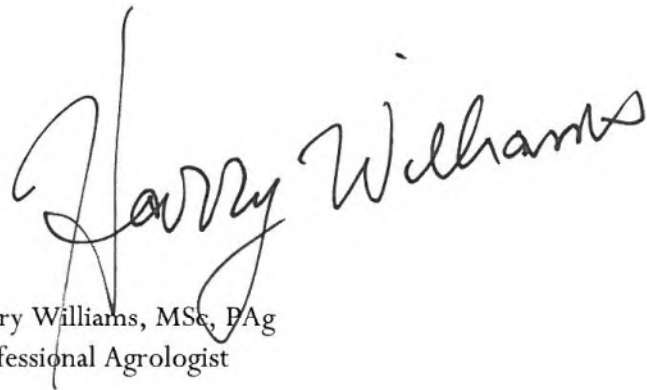
The climate on Salt Spring Island is amenable to growing a significant range of products, however, on this property the soil texture and the low amount of summer rainfall result in a moisture deficiency during the growing season.

Given these conditions the land is currently best suited for tree crops (fruit or nut trees) that don't require annual tillage, or pasture land. Much of the area of Mexicana soils on Salt Spring Island is currently used for pasture (Van Vliet 1987), including some of the neighbouring properties. A portion of the property close to the house could be used for domestic vegetable and fruit production.

Sincerely,  
MADRONE ENVIRONMENTAL SERVICES LTD.



Thomas R. Elliot PhD, PAg, PGeo  
Professional Agrologist



Harry Williams, MSc, PAg  
Professional Agrologist



## **6 Limitations**

The evaluations contained in this report are based on professional judgment, calculations, and experience. They are inherently imprecise. Soil, agricultural and drainage conditions other than those indicated above may exist on the site. If such conditions are observed, Madrone should be contacted so that this report may be reviewed and amended accordingly.

The recommendations contained in this report pertain only to the site conditions observed by Madrone at the time of the inspection. This report was prepared considering circumstances applying specifically to the client. It is intended only for internal use by the client for the purposes for which it was commissioned and for use by government agencies regulating the specific activities to which it pertains. It is not reasonable for other parties to rely on the observations or conclusions contained herein.

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Soil Classification Working Group (1998) The Canadian System of Soil Classification 3rd ed. Research Branch. Agriculture and Agri-Food Canada, Ottawa, ON. Publ. 1646.

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For information on adjacent properties: <https://ltsa.ca/practice-information/online-cadastre>; accessed January 2017.

For information on local weather

[http://climate.weather.gc.ca/climate\\_normals/index\\_e.html#1981](http://climate.weather.gc.ca/climate_normals/index_e.html#1981), accessed January 2017.



## APPENDIX A

# Soil Profile Descriptions

### Soil Pit 3 – Soil Profile Description (soil pit originally dug in 2012)

GPS coordinates: 462184E, 5411405N

HORIZON	DEPTH (CM)	DESCRIPTION
LFH	1 - 0	Very thin humus layer; mull humus form; worm castings seen
Ah	0 - 8	Friable; loam soil texture (L); 15% rounded coarse gravel; plentiful fine roots; Munsell colour 10 YR 2/2; worm castings
Bm	8 - 32	Friable; sandy loam texture (SL); 25% rounded coarse gravel and 6% rounded cobbles; medium subangular blocky soil structure; Munsell colour 10YR 3/2



**PHOTO 1: ORTHIC DYSTRIC BRUNISOL (O.DYB).**

The main rooting depth is at 30 cm and depth to seepage is 32 cm. This soil pit was re-excavated in January - a winter month when soils are particularly wet.

### Soil Pit 8 – Soil Profile Description (soil pit originally dug in 2012)

GPS coordinates: 462211E; 5411403N

HORIZON	DEPTH (CM)	DESCRIPTION
LFH	1 - 0	Very thin humus layer; mull humus form; worm castings seen.
Ah	0 - 19	Friable; loam soil texture (L); 5% rounded coarse gravel; 15% rounded cobbles; plentiful fine roots; Munsell colour 10 YR 2/2; worm castings; soil frozen at time of sampling
Bf	19 - 28	Friable; sandy loam soil texture (SL); 5% rounded coarse gravel; 35% rounded cobbles; few fine roots; Munsell colour 5 YR 4/6; burnt layer, charcoal seen, rusty orange soil colour
Bm2	28 - 45	Friable; sandy loam soil texture (SL); 15% rounded coarse gravel; few fine roots; massive platy soil structure Munsell colour 5 YR 3/3; charcoal present
C	45+	Friable; loam soil texture (L); no coarse fragments; no roots; massive platy soil structure, Munsell colour 2.5 YR 5/4; charcoal present

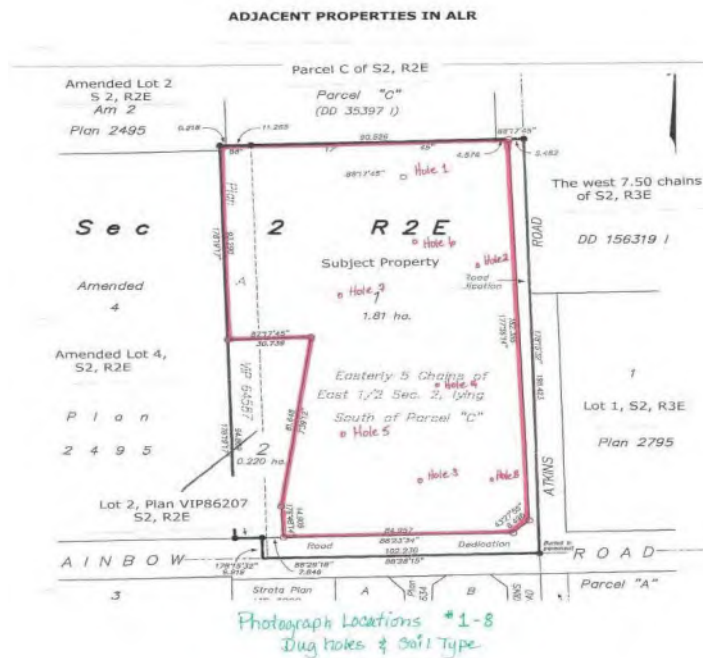


**PHOTO 2: 0.DYB.**

Note the orange-coloured Bf horizon resulting from fire. Note that this is not a Podzolic B horizon because it is less than 10 cm thick. Charcoal was seen in the B horizons; the Ah layer was frozen at the time of sampling.

APPENDIX B

2012 Soil Pit Locations and Photos



**IMAGE OF 2012 SOIL PIT LOCATIONS.**

Of the 8 soil pits dug in 2012, only two were found – soil pits 3 & 8. These two holes were re-excavated and described (Appendix A). This image was supplied by the client and is from a 2012 re-zoning application.



**PHOTO 3: 2012 SOIL PITS 1 AND 2 LOCATED IN NORTH-EAST CORNER OF THE PROPERTY (FIGURE 3).**  
These pits were dug and classified by staff from the Islands Trust. Note high gravel content. These soils were classified as Mexicana soils (Van Vliet *et al* 1987).



**PHOTO 4: 2012 SOIL PITS 3 AND 4 LOCATED IN THE SOUTH-EAST QUADRANT OF THE PROPERTY.**

Soil pit 3 was re-excavated in 2017 and is described in Appendix A. These pits were originally dug and classified as Mexicana soils by staff from the Islands Trust. Note the high gravel content.



**PHOTO 5: 2012 SOIL PITS 5 AND 6.**

Soil pit 5 was located on the sloping portion of the property just north of the auto-repair facility, and soil pit 6 was located close to the principal residence (Figure 3). Neither of these two pits was found. These pits were originally dug and classified as Mexicana soils by staff from the Islands Trust. Both pits appear to have up to 20-25% gravel.



**PHOTO 6: 2012 SOIL PITS 7 AND 8 DUG AND CLASSIFIED AS MEXICANA SOILS BY STAFF FROM THE ISLANDS TRUST.**

Soil pit 8 was re-excavated in 2017 and is described in Appendix A. Soil pit 7 was located close to the principal residence and soil pit 8 was located in the south-west corner of the Property (Figure 3). Neither of these two pits was found. Soil pit 7 appears to have a low coarse-fragment content (<10% gravel) whereas soil pit 8 has up to 30% coarse-fragments (gravel and cobbles).



## APPENDIX C

# Site Photos



**PHOTO 7: TAKEN ON JANUARY 17, 2017 FROM AN AREA WHERE SHALE BEDROCK IS VERY CLOSE TO THE SURFACE.**  
Looking south across the property from the north-east corner. The lawn area is the largest cleared and level portion of the property. The primary residence is on the right.



**PHOTO 8: BEDROCK OUTCROP CLOSE TO THE FENCE LINE ALONG THE WESTERN PROPERTY BOUNDARY.**



**PHOTO 9: LOOKING SOUTH ALONG THE WESTERN BOUNDARY.**  
Note the rocky soil with bedrock close to the surface.



**PHOTO 10: NORTH-EAST CORNER OF THE PROPERTY LOOKING SOUTH.**  
Note exposed shale bedrock in the foreground.



**PHOTO 11: AREAS OF ROUNDED EXPOSED GRAVEL WERE SEEN ON THE PROPERTY.**

The size of these coarse fragment ranged from gravels (<7.5 cm long) to cobbles (>7.5 cm). Some stones were also seen (> 25 cm long).



**PHOTO 12: DEEPER SOILS WITH FEWER COARSE FRAGMENTS WERE ALSO SEEN.**

This photo was taken along the southern edge of the property next to the auto-repair facility.



## APPENDIX D

# **Land Capability Classification for Agriculture Overview**

## Land Capability for Agriculture Overview

Land Capability for Agriculture (LCA) in BC (Kenk 1983) is a classification system that groups agricultural land into classes that reflect potential and limitations to agriculture. The classes are differentiated based on soil properties and climate conditions. The system considers the range of possible crops and the type and intensity of management practices required to maintain soil resources but it does not consider suitability of land for specific crops, crop productivity, specific management inputs or the feasibility of implementing improvements.

There are two land capability hierarchies, one for mineral soils and one for organic soils. Each hierarchy groups the land into seven classes that describe the range of suited crops and required management inputs. The organic soil class definitions are equivalent in relative capabilities and limitations for agricultural use to those defined for mineral soils.

The range of suited crops decreases from Class 1 to Class 7 and/or the management inputs increase from Class 1 to Class 7. For example, Class 1 lands can support the broadest range of crops with minimal management units.

Lands in Classes 1 to 4 are considered capable of sustained agricultural production of common crops. Class 5 lands are considered good for perennial forage or specially-adapted crops. Class 6 lands are good for grazing livestock and Class 7 lands are not considered capable of supporting agricultural production.

LCA Classes are subdivided into subclasses based on the degree and kind of limitation to agriculture. Subclasses indicate the type and intensity of management input required to maintain sustained agricultural production and specify the limitation. For example, lands rated Class 2W have an excess water limitation that can be improved by managing water on the site. There are fewer subclasses for organic soils than for mineral soils (see below).

Most lands are rated for unimproved and improved conditions. Unimproved ratings are calculated based on site conditions at the time of the assessments, without irrigation. Past improvements are assessed as part of the unimproved rating. Forested lands are assessed assuming they are cleared. Improved ratings are assigned assuming that existing limitations have been alleviated. Generally, improvement practices taken into account are drainage, irrigation, diking, stone removal, salinity alleviation, intensive fertilization and adding soil amendments.

## LCA Classes and Characteristics for Mineral Soils.

Class	Description	Characteristics
1	no or very slight limitations that restrict agricultural use	<ul style="list-style-type: none"> <li>• level or nearly level</li> <li>• deep soils are well to imperfectly drained and hold moisture well</li> <li>• managed and cropped easily</li> <li>• productive</li> </ul>
2	minor limitations that require ongoing management or slightly restrict the range of crops, or both	<ul style="list-style-type: none"> <li>• require minor continuous management</li> <li>• have lower crop yields or support a slightly smaller range of crops than Class 1 lands</li> <li>• deep soils that hold moisture well</li> <li>• managed and cropped easily</li> </ul>
3	limitations that require moderately intensive management practices or moderately restrict the range of crops, or both	<ul style="list-style-type: none"> <li>• more severe limitations than Class 2 land</li> <li>• management practices more difficult to apply and maintain</li> <li>• limitations may:                             <ul style="list-style-type: none"> <li>○ restrict choice of suitable crops</li> <li>○ affect timing and ease of tilling, planting or harvesting</li> <li>○ affect methods of soil conservation</li> </ul> </li> </ul>
4	limitations that require special management practices or severely restrict the range of crops, or both	<ul style="list-style-type: none"> <li>• may be suitable for only a few crops or may have low yield or a high risk of crop failure</li> <li>• soil conditions are such that special development and management conditions are required</li> <li>• limitations may:                             <ul style="list-style-type: none"> <li>○ affect timing and ease of tilling, planting or harvesting</li> <li>○ affect methods of soil conservation</li> </ul> </li> </ul>
5	limitations that restrict capability to produce perennial forage crops or other specially adapted crops (e.g. cranberries)	<ul style="list-style-type: none"> <li>• can be cultivated, provided intensive management is employed or crop is adapted to the particular conditions of the land</li> <li>• cultivated crops may be grown where adverse climate is the main limitation, crop failure can be expected under average conditions</li> </ul>
6	not arable, but capable of producing native and/or uncultivated perennial forage crops	<ul style="list-style-type: none"> <li>• provides sustained natural grazing for domestic livestock</li> <li>• not arable in present condition</li> <li>• limitations include severe climate, unsuitable terrain or poor soil</li> <li>• difficult to improve, although draining, dyking and/or irrigation can remove some limitations</li> </ul>
7	no capability for arable culture or sustained natural grazing	<ul style="list-style-type: none"> <li>• all lands not in Class 1 to 6</li> <li>• includes rocky, mountainous land, non-soil areas, small water-bodies</li> </ul>

## Land Capability Subclasses for Mineral Soils (for more details see Kenk (1983))

SubClass	Description	Characteristics
A	Soil moisture deficiency	crops are adversely affected by drought lands subject to soil moisture deficits during growing season
C	Adverse climate	thermal limitations to agriculture including adverse effect on plant growth during growing season by cold temperatures / insufficient heat
D	Undesirable soil structure and / or low perviousness	difficult soils to till, and requiring special management for seedbed preparation, and trafficability problems for common farm implements
E	Erosion	soils on which past damage from erosion limits agricultural use of the land
F	Fertility	soils limited by fertility characteristics that may be difficult to correct in a feasible way soils may have a lack of available nutrients or have a low nutrient holding capacity, or other issues
I	Inundation	soils where overflow from streams, lakes or marine tides causes crop damage or restricts agricultural use
N	Salinity	soils adversely affected by soluble salts which reduce crop growth or restricts the range of crops that may be grown
P	Stoniness	soils with sufficient coarse fragments to significantly hinder tillage, planting, and/or harvesting
R	Rockiness	soils where the presence of bedrock near the surface restricts rooting depth and tillage, and generally restricts agricultural practices
T	Topography	soils where the amount of slope limits the use of farm machinery, increases the risk of water erosion, and limits agricultural activities
W	Excess water	soils where excess free water occurs (other than from Inundation - I) excess water occurs because of poor drainage due to high water tables, seepage, or run-off from surrounding areas
Z	Permafrost	the presence of a permanently frozen layer is a severe limitation to agricultural production

Date Received: 30-Nov-2021

# Provincial Agricultural Land Commission - Application Submission

Receipt No. EFT

AA 510-1-0116

**Application ID:** 62456**Application Status:** Under LG Review**Applicant:** Noella Fraser , Michael Fraser**Local Government:** Islands Trust Regional District**Local Government Date of Receipt:** 11/08/2021**ALC Date of Receipt:** This application has not been submitted to ALC yet.**Proposal Type:** Non-Farm Use

**Proposal:** Automotive repair shop - established on property in 1996; it is a viable essential service to the community of Salt Spring Island. The area was designated in the Official community plan in 1996, to be the area of growth for future commercial and industrial development. An application for exclusion was submitted in 2008? and eventually turned down due to lack of information provided by Island Trust. This came about from Industrial Lands Needs assessment and Agriculture Land Needs assessment taking over 1 year to produce findings, therefore application timed out. The purpose of this proposal is to maintain the current shop and automotive service to the community. The area would require approximately 0.2 Hectares ( a measured area of 140' x 200') on the south end of the property, flanking Rainbow Road, currently a predominately commercial area. If at all possible, we would like consideration to exclude this area of the property, from the ALR.

We would also like to develop a small campground and B&B for Agro tourism; campground to consist of 7 sites maximum and 3 rooms located in primary residence. Agriculture education program to be offered in conjunction with stay as well as promotion to schools in vicinity. The campground area would require approximately 0.6 Hectares. The remainder, 1.01 hectares would be for housing and farming.

**Mailing Address:****Primary Phone:** [REDACTED]**Mobile Phone:** [REDACTED]**Email:** [REDACTED]**Parcel Information****Parcel(s) Under Application**

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 027-799-409**Legal Description:** LOT 1 SECTION 2 RANGE 2 EAST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN VIP86207**Parcel Area:** 1.8 ha**Civic Address:** 240 ATKINS ROAD**Date of Purchase:** 08/01/1995**Farm Classification:** No**Owners**

1. **Name:** Noella Fraser

**Address:****Applicant:** Noella Fraser , Michael Fraser

[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
**Phone:** [Redacted]  
**Cell:** [Redacted]  
**Email:** [Redacted]

2. **Name:** Michael Fraser

**Address:**  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
**Phone:** [Redacted]  
**Email:** [Redacted]

---

### **Current Use of Parcels Under Application**

**1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

*Currently farming approximately 3 acres - Livestock - goats, chickens, ducks, quail, rabbits  
Small orchard, garden and pigs planned for future*

**2. Quantify and describe in detail all agricultural improvements made to the parcel(s).**

*Farm buildings - livestock buildings  
Soil improvement and water retention pond  
Property has multiple soil types including shale bed, sandstone, clay beds. An agrologic report is attached.*

**3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

*Automotive repair shop built in 1996; square footage as per the ALC home occupation regulations, provided by Gordon Bednard. Shop uses approximately .5 acres of land*

### **Adjacent Land Uses**

#### **North**

**Land Use Type:** Transportation/Utilities

**Specify Activity:** Bc hydro sub station

#### **East**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Horse farm

#### **South**

**Land Use Type:** Commercial / Retail

**Specify Activity:** Mini storage, rental business, auto repair shop, medical manufacture, cement plant

#### **West**

**Land Use Type:** Residential

**Specify Activity:** Single family dwelling

## **Proposal**

### **1. How many hectares are proposed for non-farm use?**

0.8 ha

### **2. What is the purpose of the proposal?**

*Automotive repair shop - established on property in 1996; it is a viable essential service to the community of Salt Spring Island. The area was designated in the Official community plan in 1996, to be the area of growth for future commercial and industrial development. An application for exclusion was submitted in 2008? and eventually turned down due to lack of information provided by Island Trust. This came about from Industrial Lands Needs assessment and Agriculture Land Needs assessment taking over 1 year to produce findings, therefore application timed out. The purpose of this proposal is to maintain the current shop and automotive service to the community. The area would require approximately 0.2 Hectares ( a measured area of 140' x 200') on the south end of the property, flanking Rainbow Road, currently a predominately commercial area. If at all possible, we would like consideration to exclude this area of the property, from the ALR.*

*We would also like to develop a small campground and B&B for Agro tourism; campground to consist of 7 sites maximum and 3 rooms located in primary residence. Agriculture education program to be offered in conjunction with stay as well as promotion to schools in vicinity. The campground area would require approximately 0.6 Hectares. The remainder, 1.01 hectares would be for housing and farming.*

### **3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.**

*Obviously, this proposal could be accommodated outside ALR, if property could be located/purchased, on Salt Spring, in the vicinity of the village of Ganges, however, most property surrounding Ganges is in the ALR.*

*According to the Industrial needs assessment, for Salt Spring Island, the community has inadequate amounts and locations of commercial/industrial lands and those with any zoning are considered used up or unusable.*

*Unlike agriculture, in which land can be improved for agriculture purposes, industrial is limited areas with zoning. The location of the property was designated by the islands trust as a future development area for commercial/industrial. The shop currently services government vehicles, such as BC Hydro, CRD, and BC Transit.*

*There is a lack of services for automotive repair, on Salt Spring Island, due to 3 shops closing down. Two of the three properties have been sold and will not be accommodating auto repair shop in the future.*

### **4. Does the proposal support agriculture in the short or long term? Please explain.**

*The proposal does actually support agriculture both short and long terms by offering repair service to farm vehicles and equipment, as well as general repair to others.*

*The campground proposal definitely offers support to agriculture by way of education of farming practices on small parcels. A business plan is currently being written, which includes a small orchard, a market garden as well as raising poultry and livestock for meat. A marketing plan is also in the works in order to market goods raised or grown on the property, using a roadside stand or possibly a small 100 sf "store", if permitted.*

### **5. Do you need to import any fill to construct or conduct the proposed Non-farm use?**

No

## **Applicant Attachments**

- Professional Report-Agrologic Report

- Proposal Sketch-62456
- Professional Report-Industrial Lands Needs Assessment
- Certificate of Title-027-799-409

## **ALC Attachments**

None.

## **Decisions**

None.

**From:** Beddis Road Garage <beddisrdgarage@gmail.com>  
**Sent:** Friday, December 3, 2021 1:31 PM  
**To:** SSIIInfo  
**Subject:** SS ALR 2021.5 / continued use during application process

To whom it may concern;

As per SS-2020-045 (b) we would like to request that the LTC consider allowing our non permitted use to continue at our parking area at 181A Beddis Road during the process of our application. After the closure / retirement of three other automotive repair shops on the island, our already very busy shop continues to experience an increased demand for services. Local workers and essential service providers make up a large part of our existing customer base (Taxi, garbage removal, postal delivery, water delivery etc). In addition, we make room for those that come to the Island and experience vehicle trouble, (grocery delivery vans, courier services, visitors, etc). In the interest of keeping our shop's roadside clear of vehicles and keeping everyone and everything moving, we make this request. Please advise should you need anything further.

Thank you,

Kim

Kimberly Young  
Beddis Road Garage  
181A Beddis Road  
Salt Spring Island, BC V8K 2J2  
P: 250-537-4122  
F: 250-537-4188  
C: 250-538-8971 Erik Lundstrom, Owner



# BRIEFING

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**To:** Local Trust Committees                      **For the Meeting of:** January 18, 2022  
**From:** David Marlor, Director, Local Planning Services                      **Date Prepared:** December 15, 2021  
**SUBJECT:** Shoreline Protection Model Bylaw Report

---

**PURPOSE:**

The purpose of this briefing is to provide the subject report to each local trust committee.

**BACKGROUND:**

Trust Council passed a resolution in September, 2021 requesting that Staff forward the Shoreline Protection Model Bylaw Report dated March 2021 to local trust committees and Bowen Island Municipality for information.

This report was undertaken by the Regional Planning Committee in accordance with Islands Trust Strategic Plan Item 2.3. “Undertake a review of Local Trust Committee- Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore.”

This report undertakes a review of official community plan and land use bylaw provisions for shoreline protection in the Islands Trust Area as well as examples from outside the Islands Trust Area, and provides recommendations for local trust committees and Bowen Island Municipality to consider when developing new, or updating existing shoreline policies and regulations.

**ATTACHMENT(S):**

1. Shoreline Protection Model Bylaw Report

**FOLLOW-UP:**

A requested by the local trust committee. Note that any work on shoreline would be a project of the local trust committee with relevant consideration of staff and budget resources.

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**Prepared By:** David Marlor, Director, Local Trust Committees

**Reviewed By/Date:**



# Islands Trust

Shoreline Protection Model Bylaw Report  
March 2021

# ACKNOWLEDGEMENTS

This Report is possible through the financial support of the Islands Trust.

We would like to thank all those who participated in the Islands Trust Shoreline Review Model Bylaw Project.

## Islands Trust

Laura Busheikin  
Denman Island Local Trustee  
Chair, Islands Trust Council Regional Planning Committee

## Islands Trust Staff

David Marlor, MCIP RPP, Director of Local Planning Services  
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## Consulting Team

Jean Porteous, MCIP RPP Fraser Simpson Consulting Inc.  
Serena Klaver, MCIP Klaver Strategic Planning  
Sharon Horsburgh, MCIP RPP Bayshore Planning Inc.

It is a privilege to write this guide and we acknowledge the lands described in this report are within the ancestral territory of the Coast Salish people and as a reminder we are all connected.

We are in a sacred relationship with all things in the natural world – the land, waters, and air, and all of the plants and animals we live with. Respect for the spirit and life in each of these, and the intricate relationships and interconnectedness we are all in together is a key value and principle of our culture.



## TABLE OF CONTENTS

<i>OVERVIEW</i> .....	5
<i>HERITAGE AND CULTURAL CONSIDERATIONS</i> .....	7
<i>GREEN SHORES</i> .....	12
<i>GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE</i> .....	13
<i>BC MARINE COASTAL SHORELINES JURISDICTION</i> .....	15
<i>LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES</i> .....	18
<i>RECOMMENDATIONS</i> .....	29
<i>APPENDICES</i> .....	32
<i>REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES</i> .....	32
<i>REFERENCES</i> .....	43

## OVERVIEW

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Located in the islands and waters of the Salish Sea, between the British Columbia mainland and southern Vancouver Island, the Islands Trust encompasses 13 major and more than 450 smaller islands, covering 5,200 square kilometers. The area is home to the highest density of species at risk in Canada and some of the most diverse and sensitive marine ecosystems in the world. The region's rich forests, soils, wetlands, and ocean vegetation act as important carbon sinks, mitigating greenhouse gas emissions and buffering communities against the impacts of climate change. The ecological significance and sensitivity of the region, and the need for protective measures, were internationally recognized in 1973.

The Islands Trust Area is located within the Coast Salish territory and is the homeland to over 28,000 Coast Salish Peoples who have called this place home since time immemorial. In 2019, Islands Trust Council passed a Reconciliation Declaration and committed to a Reconciliation Action Plan as per the Truth and Reconciliation Commission (TRC) Calls to Action. Islands Trust is committed to building meaningful relationships with First Nations in the Trust Area, protecting cultural heritage, and upholding the principles embodied within the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the BC Declaration on the Rights of Indigenous Peoples Act (DRIPA); the Truth and Reconciliation Commission (TRC) Calls to Action; and the Missing and Murdered Indigenous Women and Girls (MMIWG) Calls for Justice. Islands Trust Council recognizes that the work of reconciliation is key to preserving and protecting this place for generations to come.

The Islands Trust Council adopted a Strategic Plan for the 2018-2022 term. Item six of the Strategic Plan is to: Undertake a review of Local Trust Committees and Bowen Islands Municipality foreshore policies and regulatory bylaws and develop model policy and regulatory bylaws for the protection of the foreshore and nearshore. This is a community planning project that is being advanced by Islands Trust Council Regional Planning Committee. The work will be consolidated into a template of standard bylaws that will be available for local trust committees and Bowen Island Municipality to use when developing policy and regulation along the shoreline.

### **Project Deliverables:**

- Review all 21 existing Official Community Plans and 21 Land Use Bylaws in the Islands Trust Area on foreshore and nearshore policies and regulations, and a selection of other BC coastal jurisdictions and San Juan County. Selection should have relevance to the Trust Area with similar shorelines and upland uses.
- Discussion with Islands Trust Senior Intergovernmental Policy Advisor on consideration of First Nations interests in the options and recommendations.
- Review Provincial guidelines on mitigation and adaptation to sea level rise.
- Review Islands Trust Policy Statement for compliance of any proposed policies and regulations.

- Develop options and make recommendations on model official community plan policy and land use bylaw regulations to protect foreshore and nearshore,

# HERITAGE AND CULTURAL CONSIDERATIONS

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## Islands Trust Initiatives:

The Islands Trust acknowledges the value of Indigenous traditional knowledge and perspectives as part of its decision-making processes.

Some of the recent Official Community Plans (OCP) reviews included references to Heritage and Archaeological Resources. To guide development the Saturna, South Pender and Thetis Island OCPs include the following objectives:

1. To encourage the identification, protection, and conservation of archaeological sites, buildings and sites associated with early settlement, and natural heritage features.
2. To protect archaeological sites from damage due to development, land alteration or human use.
3. To increase public awareness of the Island's heritage resources.
4. To recognize first nations past and current presence on Thetis Island, its foreshore, and surrounding waters, and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

The Saturna Island OCP also includes a Heritage designation which identifies known heritage sites and areas of historical or cultural significance. The objective is to preserve places of historical or cultural significance from destruction. These places are to be identified and means for their preservation should be sought. Furthermore, the Saturna Island Local Trust Committee

may create a Heritage Commission to study and recommend sites, areas, landmarks, buildings, roads, trails, and other features of historical or cultural significance for inclusion together with sites that are on a registry in a Heritage designation under the Local Government Act and archeological sites protected under section 13 of the Heritage Conservation Act.

The Heritage Commission may:

- a) develop a Community Heritage Registry to identify island heritage buildings or other heritage and archaeological sites and features;
- b) develop heritage conservation areas for inclusion in the plan;
- c) require heritage alteration permits for heritage features identified in the Community Heritage Registry and heritage conservation areas;
- d) require heritage impact assessments for designated heritage features and archaeological sites protected under section 13 of the Heritage Conservation Act.;
- e) encourage heritage conservation covenants to protect heritage features; and
- f) encourage dedication or donation of heritage features for long-term protection.

Furthermore, the Saturna Island Local Trust Committee shall encourage and support creation of a community heritage museum on Saturna Island to maintain and display heritage artifacts originally located within the Area.

South Pender Island heritage cultural resources include the archaeological evidence of First Nations use and buildings

associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the Heritage Conservation Act.

South Pender Island OCP Heritage Cultural Resources Objectives include: a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.

b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.

c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

Heritage Cultural Resources Policies:

a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community with advice and assistance regarding:

i) criteria for determining community heritage values, e.g., archeological evidence, historical significance, socio-cultural context, and architectural relevance;

ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;

iii) measures to increase general awareness and appreciation of the island's cultural heritage; and

iv) methods of securing protection for the island's cultural heritage resources.

b) Roads or portions thereof identified as Scenic/Heritage Road are not to be altered without consultation,

c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.

d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.

e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.

f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

The Salt Spring Island Official Community Plan includes a General Community Objective designed to "identify and protect important components of our island's heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles." (Source: SSI OCP Volume 1 Section A4 Objective 15)

### **Provincial Archaeological Requirements:**

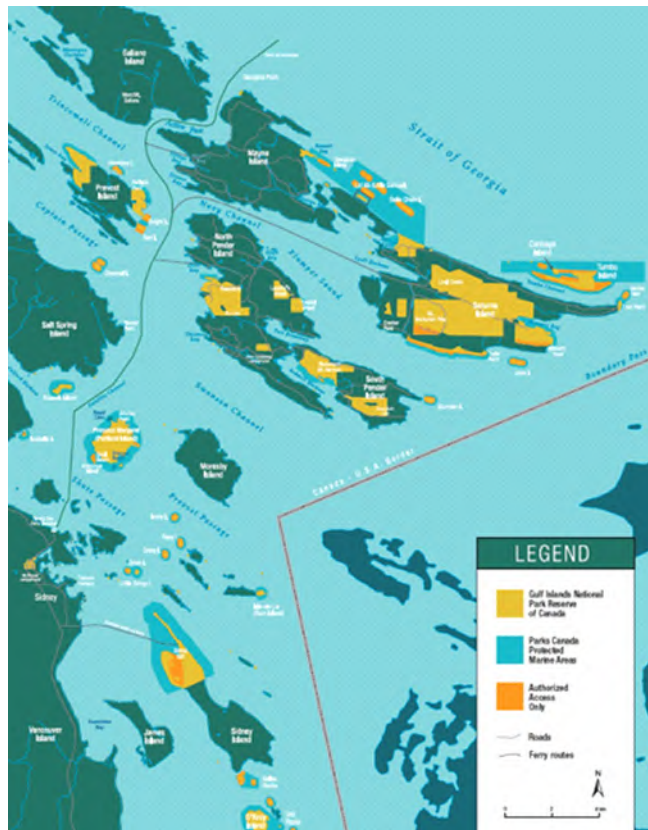
The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by all the Local Trust Committees. The LTC recognizes that there are other buildings and landscapes of heritage value to Island residents and to the First Nations with a long and continuing history of life on the island. <http://www.islandstrust.bc.ca/trust-council/first-nations-reconciliation/>

This recognizes that marine shorelines were well used by First Nations people and as a result it is not uncommon for these areas to contain significant cultural sites and remnants. Any development activity along the marine shoreline must understand that there is a strong potential that these cultural remnants could exist on or below the surface. The BC Heritage Conservation Act governs the processes by which any development activity can occur in and around archeological sites and any indication of archeological artifacts requires adherence to this legislation.

It should be noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

### **Federal Government Initiatives:**

The Federal Government's Gulf Islands National Park Reserve (GINPR) comprises approximately 31 square kilometers of land and intertidal areas scattered over 15 of the southernmost Islands. The following map provides an overview of the national parks in the Gulf Islands.



(Source: [Camping - Gulf Islands National Park Reserve \(pc.gc.ca\)](http://Camping - Gulf Islands National Park Reserve (pc.gc.ca)))

Parks Canada is responsible for the management of about six square kilometers of marine area located offshore of waterfront portions and around islets of the national park reserve.

The southern Gulf Islands embody a rich human history stretching from thousands of years ago to the present. Coast Salish people have occupied the region since time immemorial and continue to live and use these islands.

These parklands help maintain a deep spiritual connection to the area and traditional use continues today. First Nations

archaeological sites as well as historical features from other groups provide tangible evidence of the history of the region’s inhabitants who lived out their lives in this ecologically diverse landscape.

GINPR lies within the Dry Coastal Douglas-fir ecosystem—one of Canada’s most at risk ecosystems. Although the national park reserve contains examples of many of the various components found within the Coastal Douglas-fir ecosystem, younger forest ecosystems make up the majority of the reserve, with significantly smaller amounts of mature forest and Garry Oak and associated ecosystems. To protect these ecosystems the Federal Government implemented the legislation to protect Species at Risk.

The Species at Risk Act (SARA) prohibits individuals and applies to species listed. All critical habitat in national parks and national historic sites must be legally protected within 180 days of being identified.

Recovery measures for species at risk will be integrated within the framework of Parks Canada’s ongoing ecological integrity and management programs. The species-directed measures outlined in this plan will contribute to maintaining and improving ecological integrity of GINPR by improving the conservation status of native species and their habitat and maintaining biodiversity.

### Provincial Initiatives

There are a number of Provincial recovery strategies and plans that complement the GINPR and provide guidance for the recovery of individual species, including strategic directions, recovery objectives, critical habitat, and threats. Multi agency cooperation links strategies and plans for more successful outcomes.

The measures presented in the action plan for GINPR could result in positive impacts on biodiversity and the value individuals place on preserving biodiversity (Federal, Provincial, Territorial Governments of Canada, 2014).

Intergovernmental collaboration and support will benefit park reserve visitors, local residents and Coast Salish groups. Voluntary stewardship opportunities will help build community knowledge which is an important consideration for species at risk management in GINPR. Some activities may create opportunities for local residents to become involved in the recovery of species at risk and for community partnerships to enhance recovery for Species at Risk. Benefits should be relatively evenly distributed across individuals in local communities. These include opportunities to learn about and take part in the recovery of culturally important species at risk, opportunities for integration of Coast Salish traditional knowledge into conservation issues in GINPR, and greater awareness of Coast Salish values and culture among local residents and visitors to the park reserve. Clam food harvesting brings communities together. This activity crosses cultural boundaries and is vital to BC coastal communities to have access to healthy Shell-Fish harvests.

### Clam Garden Restoration

First Nations governance and inter-generational knowledge sharing helps to deepen knowledge. The Clam Garden Network is a group of First Nations, academics, researchers, and resource managers from coastal British Columbia, Washington State, and Alaska. Through collaborations across communities and disciplines participants explore the cultural and ecological

importance of traditional clam management practices and features to enhance regeneration of clam gardens.

### Eelgrass Restoration

The Sea Change Society based in Brentwood Bay, Victoria, BC initiated coast-wide eelgrass mapping, restoration, and monitoring. Sea Change Society works with First Nations communities on Southern Vancouver Island including the Gulf Islands. Their strategy is to locate and restore sites that historically supported eelgrass. Sea Change transplants between 500 and 1000 eelgrass shoots into a test plot. If restoration is successful, the transplant areas are expanded with additional eelgrass shoots.

Source: [Home - SeaChange Marine Conservation Society \(seachangesociety.com\)](http://seachangesociety.com)



Source: Mapping in the Salish Sea (islandstrustconservancy.ca)

Local organizations such as Green Shores use ecological methods to protect shorelines from erosion and to address the impacts of climate change. The use of Eelgrass mapping as a planning tool is proving to be an effective method to consider erosion control.

## GREEN SHORES

Green Shores is a program of the Stewardship Centre for British Columbia that promotes sustainable shoreline ecosystems for commercial, residential, institutional and park properties. It supports a broader vision for Canada's waterfront communities to increase capacity to minimize impacts of shoreline development and climate change while preserving or enhancing shoreline ecology and ecosystem services. Climate change is expected to impact the rate and nature of change across Canada's shorelines and affect its ecosystems. Green Shores incentivizes and provides a guideline for climate change adaptation and incorporates the most recent estimates of sea level rise to increase shoreline resilience for both ecosystems and property developments. The Green Shores guiding principles are to:

1. Preserve the integrity and connectivity of shoreline processes;
2. Maintain and enhance shoreline habitat diversity and function;
3. Minimize and reduce pollutants to the shoreline environment;
4. Reduce and reverse cumulative impacts to shoreline systems.

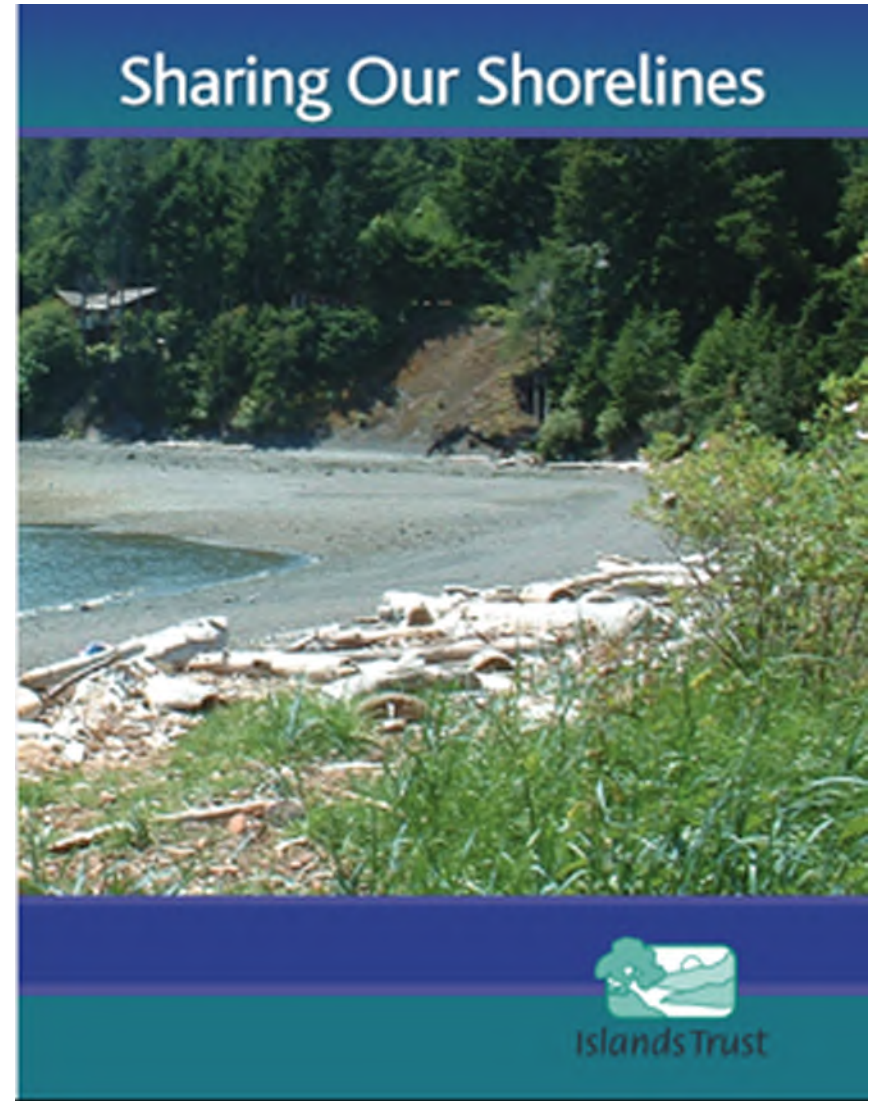
The Islands Trust promotes the Green Shores programs to the development community.

There are two programs –

Green Shores for Development provides a Credit and Ratings Guide for commercial, multi-family residential, subdivision, park, and institutional waterfront development.

Green Shores for Homes Program which is based on the four guiding principles:

1. Preserve or restore physical processes—the natural actions of water and sediment movement that maintain healthy shorelines.



2. Maintain or enhance habitat function and diversity along the shoreline.
3. Prevent or reduce pollutants entering the aquatic environment.
4. Avoid or reduce cumulative impacts—small individual effects that add up to large impacts on shoreline environments. (Source:

*Green Shores for Homes - Stewardship Centre for BC (stewardshipcentrebc.ca) and Care for my Shoreline (islandstrust.bc.ca))*

Examples of related policies include Salt Spring Island Official Community Plan B.9.2. shoreline conservation designation policy which states: shoreline conservation designation is encouraged to

help owners to implement best practices for shoreline development, such as green shores.

## GUIDELINES ON MITIGATION AND ADAPTATION TO SEA LEVEL RISE

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B.C.'s climate is changing, and climate scientists are projecting further changes over the next decades. Climate change mitigation and adaptation involves preparing for these changes and the impacts they will have on natural systems and communities. Communities are experiencing the impacts of climate change including more frequent and intense storms, increasing temperatures, drought, wildfire, sea level rise and flooding.

- Mitigations deal with how we can reduce the greenhouse gases that are the root cause of human caused climate changes.
- Adaptations are behavioral. Physical changes we make in our use of natural resources deal with the results of changing climate.

### Mitigations

Mitigations in climate change can be undertaken by the Islands Trust by either reducing carbon dioxide emissions or increasing carbon sequestration (the amount of atmospheric carbon fixed into plants or other solid materials). Energy use is a key issue around reducing emissions. Maintaining forest cover is important for carbon sequestration. Several resources are available to help us with mitigation efforts such as:

- Plug in BC - <https://pluginbc.ca/>
- Climate Action to Go Kits -

<https://www.crd.bc.ca/education/climate-action/at-home/climate-action-to-go-kits>

- Efficiency BC - <https://betterhomesbc.ca/> to carbon sequestration by island, Here's a link <http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

**The Islands Trust is committed to becoming a carbon neutral organization with no net increase in greenhouse gas emissions from its operations. Carbon neutrality has been achieved since 2012 through these steps:**

- Performing an emissions inventory of our operations.
- Implementing an action plan to reduce emissions;
- Purchasing carbon offsets to counteract emissions that cannot be readily reduced.
- Improving transportation networks that are low carbon such as bike paths or other trail networks or installing EV stations.
- All Local Trust Committee Official Community Plans contain targets and policies related to Green House Gas (GHG) emission reduction.

**Local Trust Committees have the following tools available for addressing climate change mitigation efforts:**

- GHG Reduction Targets- Section 473 of the Local Government Act – required content for official community plans, inclusion of targets and policies with respect to reducing greenhouse gas emissions.
- Zoning Authority – Section 479 of the Local Government Act could cluster development, protect areas for conservation, limit extent of development, establish building size limits, and prohibit uses that contribute the most to GHG production.
- Development Permit Area to Promote Energy Conservation– Section 488(1)(h) of the Local Government Act can be used to reduce heating and cooling requirements through building siting, systems, and landscaping.
- Development Permit Area to Promote the Reduction of Greenhouse Gas Emissions - Section 488(1)(j) of the Local Government Act.
- Off-street Parking and Loading Regulations - Section 525 of the Local Government Act – establish parking requirements, electric vehicle and active transportation parking, surfacing and landscaping of parking areas.
- Impacts of climate change include sea level rise, possible saltwater intrusion into groundwater aquifer, warmer winters and summers, dryer summers, more intense storm events, and wildfire potential. Adaptations to changes resulting from climate warming include a wide variety of options. Such adaptations could be behavioural (e.g., Educating people to reduce food waste and drive less) or structural measures (e.g., Requiring water storage for household and fire suppression use).

The Province of B.C. has developed a Climate Change Secretariat to address climate change adaptations and has begun to produce numerous resources for communities to deal with climate change adaptations. These include:

- The site of climate change resources - <https://www2.gov.bc.ca/gov/content/environment/climatechang>

e

- The climate action toolkit - <https://www.toolkit.bc.ca/taking-action/community-wide> Local Trust Committees are being supported in understanding potential adaptations through staff reports.

A review of Islands Trust policies revealed a commitment to addressing climate change demonstrated by the islands of North Pender, South Pender, Galiano, Mayne and Saturna that are collaborating on a project to assess groundwater and establish water budgets.

Tools to support Local Trust Committees in understanding possible adaptations include:

- Zoning Authority - Section 479 of the Local Government Act require setback from the sea and water bodies, building location and size, appropriate uses, and density.
- Runoff Control Bylaw - Section 523 of the Local Government Act Regulations to address increased rain events.
- Development Permit Area to Protect Development from Hazardous Conditions – Section 488(1)(b) of the Local Government Act. Flood plain regulations along foreshore, rivers, and lakes. Tree and vegetation retention in areas prone to land slip.
- Development Permit Area to Promote Energy Conservation- Section 488(1)(h) of the Local Government Act. Siting, landscaping, and flooding.

### **Shoreline Management Plans: Oak Harbour. WA. U.S. Oak Harbour SMP**

#### Shoreline Environment Designations

The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the

Comprehensive Plan, other adopted plans and the Shoreline Management Plan. To accomplish this, shoreline segments are given an environmental designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments shall include the shorelines of the City of Oak Harbor, including shorelands, surface waters, and bed lands. These environments are derived from and based on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.



*Storm surge flooding, Victoria. Photo: B.C. Ministry of Environment*

The Summary List of Recommended Actions [Appendix A: Summary List of Recommended Actions Page 1 \(washington-apa.org\)](#) includes a number of options that LTC could use to outline how protection of marine ecology will be managed.

## BC MARINE COASTAL SHORELINES JURISDICTION

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Jurisdiction over coastal areas in B.C. is split among federal, provincial, and local governments, depending on the location along the coast and the relationship to the shore.

Within the Islands Trust Communities there are six types of shorelines that are shaped by complex processes that connect the land to the sea.



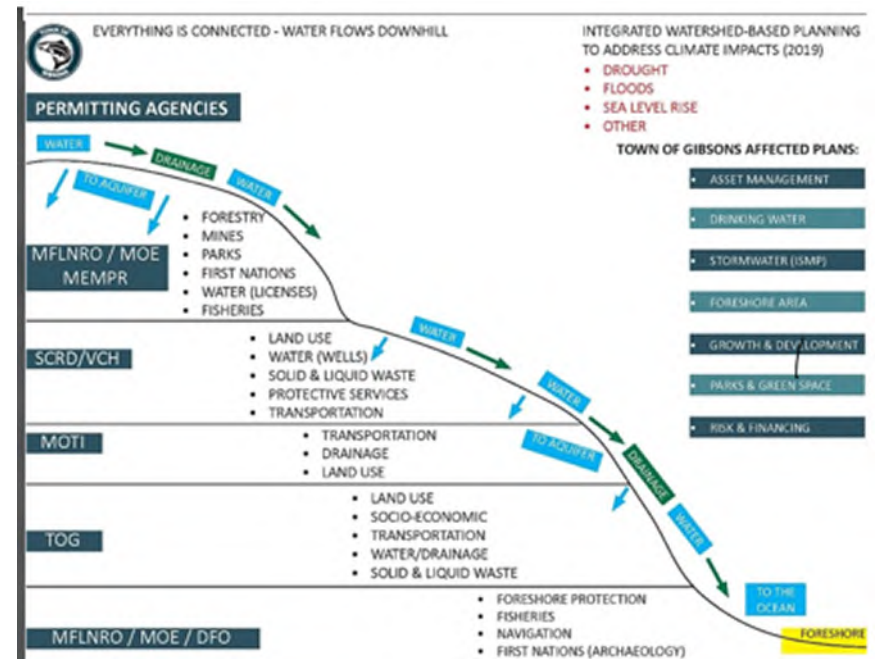
The land and surrounding environment protect the natural processes that form the shoreline. Marine and terrestrial habitat, as well as sensitive habitat and features exist, which are important to support a vibrant marine ecosystem.

The Islands Trust interactive mapping (MapIT) application is available online and provides more information about regulations. Although mapping is informative, it cannot replace observations made by walking the site and surrounding areas, particularly noticing seasonal and other changes over time.

It is important to note that while the following points refer to ownership and jurisdiction, all of B.C.'s coast is subject to aboriginal claims based on traditional use by First Nations and constitutional recognition of Aboriginal Title and Rights.

To highlight the multiple jurisdictions that regulate water the following water model in Figure 1 highlights how watershed planning can help to address climate impacts such as droughts, floods, and sea level rise.

Figure 1: Permitting Agencies | Integrated Watershed Model



Source: [2020-07-28 Gibson's Source to Sea Project.pdf \(civicweb.net\)](#)

The federal government has jurisdiction over offshore waters – from the low water mark out to 12 nautical miles along the outer coast. The Federal Department of Fisheries and Oceans (DFO) is responsible for fisheries protection provisions to prevent serious harm to commercial, recreational, and Aboriginal fisheries under the *Fisheries Act*, including shoreline "riparian" habitats, as well as for maintaining maritime safety through the Coast Guard. Transport Canada is responsible for preserving the public right of navigation under the *Navigation Protection Act* (2014) in waters listed in the schedule to that Act. The public right of navigation

will continue to be recognized in common law for navigable waters not listed in the Act. Port Authorities are also established under federal legislation to manage major harbours and facilities that are federal Crown lands, such as Victoria, Metro Vancouver, Port Alberni, Prince Rupert, and Nanaimo harbours.

On B.C.'s coast, the area between high tide and low tide (the foreshore area) is owned and controlled by the provincial government as well as the beds of inland seas such as the Strait of Georgia, Juan de Fuca Strait and Johnstone Strait. Foreshore area is never privately owned, though the Province may grant leases and licences for special uses of the foreshore – like gathering oysters or building docks and wharves. [Land Use - Private Moorage - Province of British Columbia \(gov.bc.ca\)](#)

The Land Tenure Branch (under the Ministry of Forests, Lands, Natural Resource Operations and Rural Development) administers lands in the foreshore area and issues permits, licences or leases for a wide range of uses – private and public moorage, wharves, marinas, aquaculture, and log storage to name a few. Consultation with First Nations is an important consideration with development around the coastal lands. It is part of land and resource decision-making. The following link outlines communications protocols with First Nations.

[Consulting with First Nations - Province of British Columbia \(gov.bc.ca\)](#)

The Province may also establish regional coastal zone or estuary management plans. Use of the foreshore is also subject to local

government land use regulations. *Source: Regulations Affecting BC Marine Coastal Shorelines Green Shores™ Background Report Shoreline Regulations and Permitting Processing BC 2014*

**Professional Organizations** Engineers have been involved in shoreline ecological restoration for some time. For example, in 2010 Jericho Beach enabled the opportunity to return the shoreline to its natural state and allowed for return of native plant habitat. Dangerous materials, such as creosote treated piles were removed.

The experience in undertaking flood plain restoration shows that a co-ordinated approach is essential and Community buy-in is required. An example of a multidisciplinary team has been the Shoreline Protection for the Town of Comox which commenced in 2011.

*(Source: [Waters | Nanwakolas Council](#))*

The Team included the K'omox First Nation, an archaeologist, a biologist/fisheries expert, a wave modelling/coastal engineering specialist, and a geotechnical engineer. The Foreshores dynamic nature made the Project extraordinarily complex. In addition, an archaeological site was located. *(Source: Innovation 2018 Engineers and Geoscientists BC). In 2016, the Association of Professional Engineers of BC (APEGBC) released a position paper entitled Human-Induced Climate Change which was followed in 2017 by professional practice guidelines, Flood Mapping in BC.*



1. Low Bank Beach of Jericho Beach, Vancouver, BC



Pictures 3 and 4 depict Low Bank Beaches in Comox, B.C. Rocks and logs are used as a natural approach to slow tidal flows and to prevent erosion.



2. Beach Images: Stanley Park, Vancouver, BC  
Rocks placed to slow tidal action



## LEGISLATIVE FRAMEWORK FOR SHORELINE PROTECTION STRATEGIES

An overarching goal of government regulation is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access to marine ecosystems.

The Islands Trust has policies that give local island trust committees the ability to amend Official Community plans and Land Use bylaws. Policies to manage development on shorelines through its preserve and protect mandate, is expressed through

the Islands Trust Policy Statement that reflects the values expressed by Island Trust communities.

### **1. Islands Trust Policy Statement**

The Islands Trust policy statement guides land use planning and development through the preserve and protect mandate of the islands trust. It includes goals and policies that reflect the values and concerns for the future of the trust area. Local trust committee official community plans and land use bylaws must comply with the policy statement. There are several policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development for policies in the Islands Trust. These are listed in Appendix 1: Policies in the Islands Trust. Note that the Islands Trust Mandate in Section 3.4.4 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas protection of sensitive marine areas and in Section 3.4.5 requires that Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

### **2. Official Community Plans**

Official Community Plans allow local governments to set objectives and policies to regulate future growth and development in communities. The OCP divides the communities into residential, commercial, agricultural, institutional, industrial, and other land uses. The OCP outlines when these uses are needed and provides policy direction on how, when and where each land use will be located. Designated uses can be outlined on OCP maps.

The Official Community Plans within the Islands Trust area have included the Objectives and Mandate in a variety of ways. The following communities demonstrate how they have amended their OCP's to address shoreline protection.

The Saturna Island Official Community Plan highlights the legality of the Islands Trust Object. Over the years the provincial legislature has reaffirmed the Islands Trust object.

“The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”  
(Sec.3 Islands Trust Act).

This legislated objective defines the purpose of providing authority to the Islands Trust for land use regulation. The challenge is how to employ the available planning powers of the Local Government Act to preserve, protect, and effectively maintain the rural nature, health, natural environment, and vitality of the Saturna Island community.

The strength and obligation of the Trust mandate has been more clearly defined by the Court in the Galiano Island vs. McMillan Bloedel case. The BC Court of Appeal found that when a Local Trust Committee exercises its powers "to preserve and protect" an amenity, it is not acting in bad faith, but rather carrying out its assigned duty under the Islands Trust Act. Official Community Plans and Land Use Bylaws can be explicit and either more restrictive or permissive when furthering the objectives than would be acceptable in other local governments in British Columbia. The

Court's decision affirmed the powers and obligation of each Local Trust Committee to further the object of the Islands Trust Act.

The Galiano Island Official Community Plan elaborates on Principles.

- a. This Plan advances the Object of the Islands Trust to "preserve and protect the Trust area and its unique amenities and environment" and supports the limitations the Object presents for the type and scale of development in the Galiano Island Local Trust Area.
- b. Several First Nations have traditional ties and territories on Galiano. The community supports continued and strengthened collaboration and cooperation with First Nations in planning land and resource management and protection of cultural heritage and sites.

One method of regulation is via Development Permits as established in Section 919.1(1)(a) of the Local Government Act for the protection of the natural environment, its ecosystems and biological diversity. An example is Ballenas Winchelsea Official Community Plan, which elaborates on the justification of a Shoreline Development Permit area. The Plan notes that the Object of the Islands Trust to "Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia." Provincial legislation in Section 877(1)(d) of the Local Government Act says that an official community plan must include statements and map designations for the area covered by the Plan respecting restrictions on the use of land that is subject to hazardous conditions, or that is environmentally sensitive to development. It is policy of the Islands Trust Council that protection must be given to the natural

processes, habitats, and species of the Trust Area, including those of open coastal grasslands, the vegetation of dry rocky areas, estuaries, tidal flats, saltwater marshes, drift sectors, lagoons, kelp and eel grass beds and that development activity, buildings, or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes. It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address: the protection of sensitive coastal areas; and the planning for and regulation of development in coastal regions to protect natural coastal processes.

Land Use Bylaws also regulate Shoreline uses. North Pender Island, for example has 1 Ecological Zone and 6 Water Zones.

Developments to ensure they meet the policies and objectives of the Official Community Plan (OCP) as well as the regulations of the Zoning Bylaw. The OCP specifies areas that fall under a Development Permit Area (DPA).

Local governments may designate areas of land as development permit areas to be used for one or more purposes. The eligible purposes of a development permit area are:

- Protection of:
  - The natural environment, its ecosystems and biological diversity
  - Development from hazardous conditions. Protection of development from wildfire, land slide, flooding, erosion, and other hazards
  - Farming
- Revitalization of an area in which a commercial use is permitted
- Establishment of objectives for the form and character of:

- Intensive residential development
- Commercial, industrial, or multi-family residential development
- Development in a resort region
- Promotion of:
  - Energy conservation
  - Water conservation
  - Reduction of greenhouse gas emissions

### Designating a Development Permit Area

Local governments may designate a development permit area in an official community plan. The plan must describe the special conditions or objectives that justify the designation.

The local government must also specify guidelines for how proposed development in that area can address the special conditions or objectives. These guidelines may be specified by zoning bylaw.

In the Islands Trust many locations include Development Permit Areas within Official Community Plans to implement Islands Trust Policy Statements to Preserve and Protect mandate.

The promote high quality developments in terms of design, performance, and environmental protection. Most lands within jurisdictions are subject to the provisions of one or more development permit areas. Therefore, prior to commencing subdivision, construction, or the clearing or alteration of land, a development permit may be required for one or more of the following purposes:

The Island Trust Shoreline DPA (DP-3) is an example of a policy that has designated an area for which development approval

information may be required as authorized by Section 484 of the Local Government Act.

Examples of Coastal Development Permit Guidelines are included:

1. [northcowichan.ca/assets/MarineWaterfront.pdf](http://northcowichan.ca/assets/MarineWaterfront.pdf)  
(North Cowichan Development Permit)
2. [foreshore-development-permit-area.pdf](http://foreshore-development-permit-area.pdf)  
(Campbell River)

Development Permit Areas can help local government achieve development objectives by providing guidelines on the design, appearance, and performance of a development. A development permit cannot vary the use or density of land, or a flood plain specification. The only exception is where the permit is essential to health, safety, and protection of development from hazardous conditions.

Keats Island community in conjunction with the Island Trust planners conducted a Shoreline Review Project. This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development. The attached report outlines a strategy that encompasses the findings from the consultation and a review of Land Use Policies in the Islands Trust.  
[gm-ltc-2020-06-15\\_keats-shoreline\\_rpt-discussion-paper-working-group.pdf](http://gm-ltc-2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) ([islandstrust.bc.ca](http://islandstrust.bc.ca))

### Zoning Bylaws and Setbacks

One area of inconsistency is between zoning Bylaws and specifically setback requirements. Zoning bylaws regulate Marine Riparian setbacks, and they may differ across local governments and regional districts.

Most jurisdictions now require setbacks on lands within 15 metres upland of the highest high tide mark of the ocean, or the top of bank, whichever is the larger. This is consistent with the Provincial Guidelines as part of its strategy to address climate change impacts. When development is proposed within a specified distance from the high tide mark of the ocean, a report is required from a qualified environmental professional, to eliminate or mitigate impacts of the development on all parcels with marine shorelines.

Often a measure that may stabilize one site can lead to instability on other sites in the area, as wave and tidal actions combined with longshore drift energy are redirected in response to human interventions. To minimize the degree to which this may happen it is preferred that natural measures are deployed to protect marine shores wherever possible. Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's "Flood Hazard Area Land Use Management Guidelines" (the Provincial Guidelines).

Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines requires a setback of 15 metres from the future estimated natural boundary (NB) of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea

frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site-specific conditions, for example in low-lying areas or areas of known erosion hazard. The Islands Trust is no exception as can be seen from the following table.

The Capital Region District (CRD) Flood Inundation Project 2020 provides detailed information for some of the more southern Islands within the Islands Trust regarding future hazards associated with coastal flooding

related to sea level rise and tsunamis. The following map shows information for Ganges and adjacent area on Salt Spring Island. (Source: Task 2 Sea Level Rise Modelling and Mapping Report Map 2 )

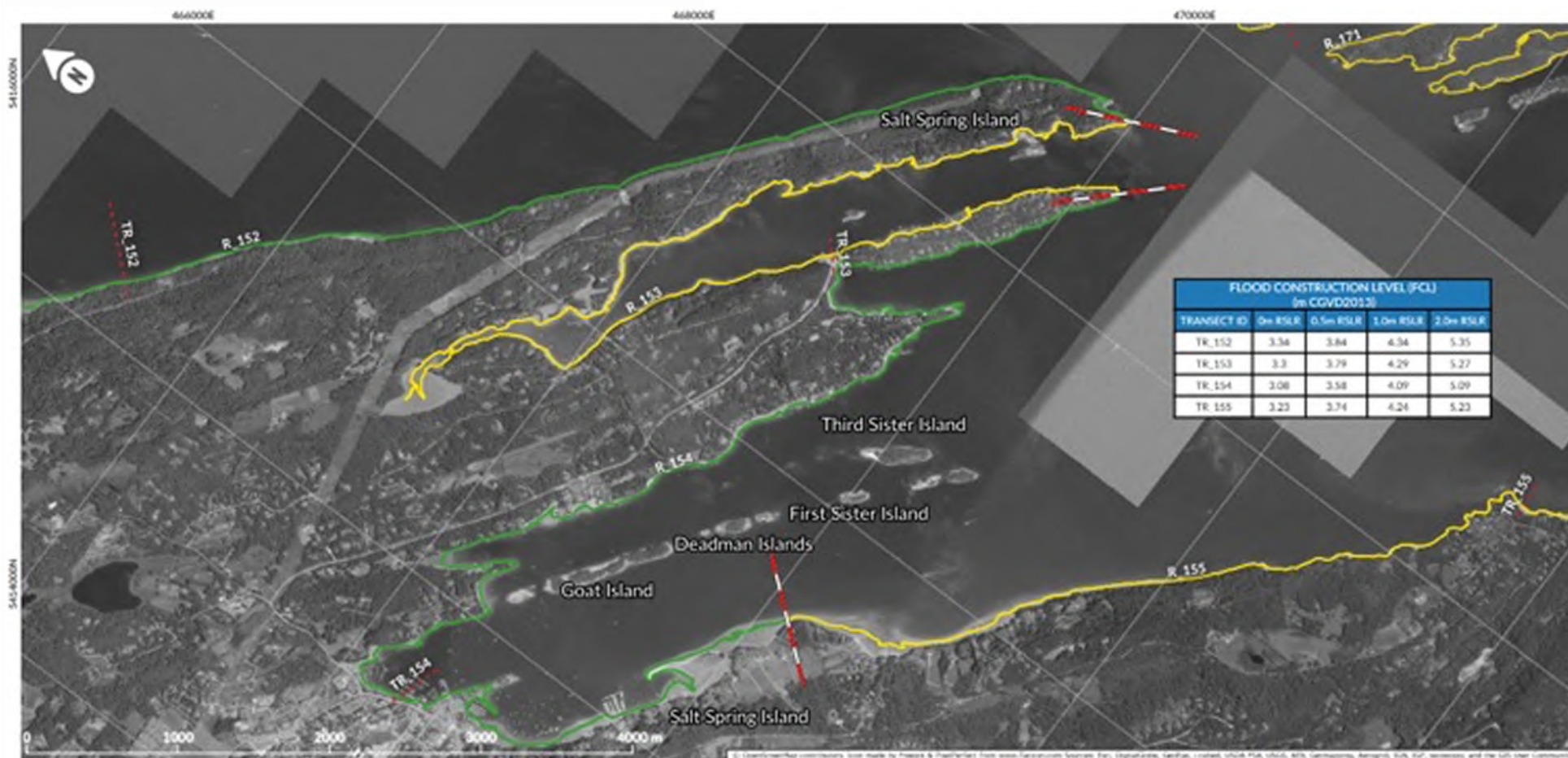


Table 1 Summary of Local Trust Committee (LTC) regulations.

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

\*Docks permitted on specific lots only. Rezoning required for additional docks.

\*\*May be reduced with engineer certification.

## Natural Boundary Considerations

One of the key components of Development Permit requirements is establishing setback requirements. With regards to Shoreline protection, the establishment of the Natural Boundary is a key component as it impacts setback distances from hightide.

The 2010 BC Supreme Court case *Lawrence v. British Columbia* (Attorney General) 2010 accepted of the method of determining the natural boundary as shown in the figure below.

The Natural Boundary means the visible high-water mark of the sea, a lake, a stream, or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the ban. (The definition is defined in the BC Land Act <https://www.bclaws.gov.bc.ca/civix/document/id/91consol15/91consol15/79214#section14>.) and in the case of a lot having a surveyed high-water mark means the high-water mark. LUB should provide the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:



Source: *Greenhores Credits and Ratings Guide*

The following features may project into a required setback area:

- o steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre

(3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;

- o balconies, decks, and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;
- o retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.

### **Marine/Coastal Policies**

- a. Develop and implement a Marine Action Strategy to identify, prioritize and resource local actions for protecting and maximizing waterfront and marine resources as important assets providing valuable ecological services, and social, cultural, and economic benefits.
- b. Continue to build partnerships and collaborate to monitor and protect waterfront and marine areas. Establish a Marine Working Group to coordinate and align efforts of all coastal stakeholders and agencies with jurisdictional authority and interests in the local marine environment.

### **Objectives**

- a. Recognize, value, and promote ecosystem services provided by coastal and marine environments.
- b. Protect, restore, and enhance the ecological features and functions of coastal and near shore areas.
- c. The Islands Trust should continue to work collectively across each of the Gulf Islands to help sustain a healthy marine environment.
- d. Play a proactive leadership role and work with First Nations and senior governments to monitor and address marine issues such as unauthorized mooring, derelict vessels, and ship and non-point source pollution of the coastal environment.
- e. Continue to participate in initiatives and forums to enhance dialogue and collective action among First Nations, local and regional governments, marine stakeholders, and community

organizations to support the health and sustainability of the Gulf Islands.

f. Support participation and benchmarking activities in the provincially led cumulative impacts project for the Gulf Islands. Work with other agencies and groups to inventory and more closely to define environmentally sensitive areas in the marine environment.

g. Plan and design waterfront sites to minimize impacts on the marine environment, in accordance with best management practices, all federal and provincial regulations. Refer to Province's Develop with Care resource, and Island Trust's development permit guidelines. The purpose of a Development Permit Area (DPA) guidelines is to designate for the protection of the natural environment, its ecosystems and biodiversity. DPA requires applicants to provide information on the anticipated impact of development activities on the natural environment, pursuant to the Development Approvals Information requirements outlined in sec 30 of the Local Government Act.

h. Infill of marine areas to create additional upland developable area beyond the natural boundary is strongly discouraged. Where required for contaminated sites remediation and coastal flood protection, the location and shoreline alignment of structures should wherever possible follow High Water to maintain marine channel area. Wherever possible, apply 'Green Shores' principles in their planning and design for shoreline restorations projects.

i. Ensure foreshore development is undertaken in a manner that secures and enhances public shoreline access without adversely affecting aquatic habitat. Access points should be practical and universally accessible for public use and enjoyment.

j. Support opportunities for coordinated project review with senior governments and First Nations for projects proposed within the marine environment. It is strongly encouraged to contact the Archaeological Branch to prior to development along shorelines

to determine if there could be the presence of culturally significant artifacts.

For Shore line development made to the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development for private docks and floats, these applications will only be accepted by the Islands Trust if the following criteria are met: Adherence to the Integrated Land Management Bureau (ILMB) policies regarding public notification e.g. Local First Nations and is in keeping with best management practises, planning and design standards, e.g. shared access and dock usage whenever possible.

### **Environmentally Sensitive Areas**

a. Marine Shoreline guidelines apply to environmentally sensitive areas. These areas are mapped and included in each of the Islands Trust OCPs, and accompanying Development Permit Applications. Shoreline developments within the Islands Trust may lie within multiple development permit areas. It is advised Property owners work with a Qualified Environment Professional to meet the requirements within each DPA. In the case of guidelines for areas designated for the protection of development from hazardous conditions, development proposals which include marine or riparian areas must also be submitted to Fisheries and Oceans (Canada) for authorization and should be subject to any conditions or limitations determined necessary or appropriate by Fisheries and Oceans (Canada).

### **Objectives and Justification**

The objectives of Development Permit Areas are to:

- i. protect areas of highest biodiversity and ecological sensitivity within the Gulf Islands including ground and surface water, shorelines, forests, wildlife habitat features and rare and endangered ecosystems and species.

- ii. ensure that ecosystem protection and enhancement values are elevated and prioritized, and to specify where and how lands are developed in and around environmentally sensitive areas.

- iii. conserve and steward the natural environment, ecosystems, and biodiversity within the community.

- iv. support the movement of various species by connecting ecosystems through undisturbed open space corridors.

- vi. restore, enhance and protect marine ecosystems; Shoreline ecosystems such as stream corridors, slopes, and nearshore beaches to preserve fish habitat, improve water quality for shellfish harvests.

- vii. minimize and mitigate the environmental and visual impacts of development.

- viii. accommodate recreational and complementary land uses, where appropriate that contribute to the above objectives.

- ix. restore and enhance sites previously degraded or denuded of vegetation.

- x. Discourage any new development in within designated ecological reserves.

b. The Islands Trust has some mapping for designated Environmental Review Areas (ERAs) that are based on Sensitive Ecosystem Mapping completed to provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area. [Islands Trust Conservancy - Sensitive Ecosystems and Land Use Planning](#). The terrestrial ecosystems can be viewed using the Islands Trust interact mapping application MapIT and PDF versions of the maps can be downloaded.

These areas have rare or restricted distribution, high biodiversity, and habitat values, and are sensitive to disturbance and human

impacts. Within the Gulf Islands, sensitive ecosystems are not limited to Shorelines but include old forest, mature forest, woodlands, riparian areas, wetlands, and sparsely vegetated, estuarine, intertidal, fresh water and ocean areas.

c. Areas of recent disturbance or modification are not considered sensitive, and include urban and rural residential areas, industrial sites, golf course (excluding natural areas within some courses), gravel pits, roads, hydro corridors, dikes, farmland, and recently logged areas. The Gulf Islands has designated some areas as environmentally sensitive and there are several Environmental Review Areas (ERAs) based on Sensitive Ecosystem Mapping completed to Provincial standards that describe and classify the ecological diversity, type, and extent of vulnerable or rare ecosystem elements in a given area.

The Islands Trust has Sensitive Ecosystem Mapping available on the Islands Trust Geographic Information System to identify Environmentally Sensitive Area (ESA) rankings (Medium or High) based on an ecosystem's sensitivity to disturbance, ecological importance, and provincial rarity according to its BC Conservation Data Centre status. Ecosystems with high percent of recent disturbance are ranked as Low (not highlighted on ESA mapping).

ERAs may not represent all sensitive ecosystems present within a given area or site. The Islands Trust relies on the most updated information, acquired through site-level bio-inventories and assessments as required for Development Permits. As new information becomes available, and buffer areas are determined by Qualified Environmental Professionals (QEPs) to maintain ESAs,

OCP's and Development Permit areas can be amended along with Geographic Information System ESA map layers, which should be referenced for detailed ESA information over time.

d. Development within and adjacent to these sensitive ecosystem areas will be reviewed against and subject to OCP environmental objectives and policies that seek to ensure ecologically sensitive development. Development should be carried out according to permits issued pursuant to these guidelines.

**Conclusion:**

This discussion paper is intended to identify and document existing policies and regulations related to updating LUB and policies for shoreline in LTC's and to make recommendations as to potential updates to these policies and regulations.

The options presented in this report outline initiatives underway in other communities and jurisdictions. One of the major issues impacting changes in regulations is the impacts of Climate Change on coastal communities specifically sea level rise. The goal of the Islands Trust is to support policies to improve Shoreline Protection and to include Indigenous perspectives in project planning. The report represents some potential regulations that could be enacted that response to specific concerns from the community. It is recommended that Climate Change and Indigenous reconciliation be used as the catalyst to review and update LUB's specifically to introduce Shoreline Development Permit Areas as this regulatory tool as this has the best potential for impacting the areas of concern.

# RECOMMENDATIONS

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## First Nations

1. To recognize areas of cultural significance the Local Trust Committee could consider designation of a Heritage Conservation Areas or adopt Heritage Bylaws to protect heritage cultural resources similar the projects completed on South Pender and Saturna.
2. Through government-to-government meetings, Local Trust Committee may wish to commit to meeting regularly with Indigenous First Nations stakeholders on land use planning issues. Also, the internal referral/advisory role between Islands Trust planning staff and the Intergovernmental Liaison appears to still be in a growth phase as new processes work towards collaboration on meeting the mandate of the Islands Trust.
3. The LTC Policy Statement should be revised to incorporate UNDRIP and DRIPA & the Islands Trust Reconciliation Declaration. The goal is to support more thorough Islands Trust project work to improve Shoreline Protection from an Indigenous perspective.
4. Based on feedback from Islands Trust staff it was mentioned that the Islands Trust Staff Report template could be updated to support a requirement to consult based on the intent of UNDRIP and DRIPA and the Islands Trust Reconciliation Declaration. This would give clear direction for greater consistency in approaches toward reconciling Indigenous Rights. In addition, to the Provincial public notification process the Islands Trust could develop a referral letter and provided to property owners regarding shoreline development for docks.

5. Consider working with First Nations and the Department of Fisheries and Oceans (DFO) to establish conservation areas to protect shellfish aquaculture, traditional shellfish harvesting, water quality and the protection of the marine environment. Due to the depuration areas such as the Sooke Basin and the closures of fisheries and shellfish harvesting (mandated by the Department of Fisheries and Oceans, DFO). Applications are no longer accepted for private moorage structures. Private moorage structures are not compatible with Designated Use Areas.

## Land Use Planning Documents

6. Consider the establishment of Development Permit Areas (DPA) in Official Community Plans pursuant to the Local Government Act Section 488(1)(a) for the protection of the natural environment, its ecosystems and shoreline biological diversity; and Section 488(1)(b) for the protection of development from hazardous conditions. Consider updating Land Use Bylaws to clarify under what circumstances a development permit is triggered. Also revise Zoning Bylaws in regard to regulations to setbacks on Uplands from Shorelines.
7. DP requirements need to be consistent with the intent of Shoreline/Floodplain and the Riparian areas policies. This is required to balance development with protection of the environment. Mayne Island Official Community Plan includes a section on coastal waters and foreshore in which it states the local trust committee may: a) amend its bylaws to allow erosion protection structures to be

- regulated through development permits; and b) consider on a case-by-case basis.
8. Shoreline Development Permit Area could be added to Land Use Bylaws. Islands Trust Staff have suggested that all surrounding islets also be included in the DP area.
  9. Consider Implementation of a Shoreline Bylaw to strengthen the Land Use Bylaws and Official Community Plans. Develop LUB using shoreline mapping for all islands and highlight unique characteristics of the shoreline within the six beach types. For example, many Islands have flat beaches, cliff bluffs, rock, clay or marsh till. This will help to focus on more site-specific regulations and better protect marine ecology and support salmon spawning grounds, eel grass, and shellfish fishery. Problem areas for habitat protection and erosion of cliffs affecting setbacks should be identified as this could be a precursor to development of bylaws. Exemptions may be necessary if a specific issue does not exist. Shoreline mapping is available on MapIT and can be leveraged for shoreline protective bylaws.

#### Definitions:

10. Have a consistent definition for “shoreline” and “development” on the shoreline in all Islands Trust documents in accordance with the BC Land Act definition.

Setbacks are the primary tool for regulating where buildings locate. Need to define consistent setbacks for marine shoreline s. Implement consistent requirements for measuring Natural Boundary and have surveyor confirm exact High-Water Mark. Need to define “natural boundary” and “natural grade” in relation to “shoreline” and Sea Level Rise (SLR). The table

highlights LUB setback requirements from the natural boundary of the sea for buildings and structures and requires amendments to be consistent with the Provincial Guideline of 15metres. Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

#### Climate Change

11. Washington State requires all local governments to develop Shoreline Management Plans: Oak Harbour. WA. U.S. Appendix A: Summary List of Recommended Actions Page 1 ([washington-apa.org](http://washington-apa.org)) is an example we have included. This may be an option for LTC. to outline how protection of marine ecology will be managed and provide Climate Change Policy Recommendations: Undertake study of sea-level rise, and floodplain regulations. The Province of BC has provided Coastal floodplain maps to identify coastal flood hazards, such as sea level rise, and to provide guidance to coastal communities in land use planning, bylaw development and sea level rise adaptation strategies. [Microsoft Word - TEXT-20110627.doc \(gov.bc.ca\)](http://www.gov.bc.ca) These maps will help to shape future policies with regards Flood Construction Levels and Sea Level Rise.
12. The Islands Trust mapping for the 21 Islands, supplemented by BC and CRD Mapping continue to be used to provide an evidence-based approach for identification and appraisal of options for future bylaws

that deal with Sea Level Rise Management management for in the Islands Trust communities. In particular, the analysis provides the types of land use, key assets, services and indicative economic values that exist in areas at inundation risk and this evidence will help to develop the objectives for and assess the impacts of different management options.

13. The Islands Trust should continue to conduct assessments of areas where Sea Level Rise risks exist and communicate these risks to Island Trust Committees and the community. The methods and mapping data sets used should be standardized so it can be applied to all Trust Communities. It is essential to consider the value in assessing inundation risk that could occur from flooding of drainage and other water systems. Data generated from this project could be used to create maps to show where such non-connected low-lying areas are located.

#### **Best Practices – Islands Trust**

16. There has been considerable work undertaken by Island planners and with the knowledge, and thorough

research and policy analysis of work it makes the most sense to utilize this project work for proposed Development Permit Areas. There are valuable best practices and details included in the shoreline projects for Keats Island and Lasqueti which is applicable to other islands. While there are differences for each of the islands, therefore these differences such as size, transportation needs, the purpose and function of docks will vary. [gm-ltc\\_2020-06-15\\_keats-shoreline\\_rpt-discussion-paper-working-group.pdf](https://islandstrust.bc.ca/gm-ltc_2020-06-15_keats-shoreline_rpt-discussion-paper-working-group.pdf) (islandstrust.bc.ca)

17. Recognizing the organizational structure and directives guided by the LTCs, perhaps it is worthwhile conducting a feasibility study to determine which LTCs are interested in building off of the extensive work carried out over a 2+ year span of time for the Lasqueti Shoreline Protection project and again recently for the Keats Shoreline Protection project?

# APPENDICES

## REGULATIONS – ISLANDS TRUST AND OTHER EXAMPLES

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Across the Islands Trust, each Local Trust Area has adopted individual Official Community Plans (OCP) and Land Use (Zoning) bylaws.

### **Bowen Island Municipality**

Marine Resources/Foreshore: The sea provides visual, auditory, recreational, and other tangible and intangible values that can be experienced from island and off island locations, as well as providing habitat for marine life and birds. Pollution of the foreshore can preclude its use by people and by all or some forms of wildlife. Excessive building and tree clearing on the shoreline can destroy fragile plant communities and the views for residents and the boating public. Objectives are to protect the natural and scenic values of the coastline that provide the rural maritime atmosphere of the island; to protect coastline habitat areas for marine life and to identify, protect and preserve sensitive coastal vegetation. The Land Use Bylaw will set out detailed provisions related to siting, setbacks, size, configuration, width, materials, and projections for private moorage. The importance of the marine environment as a recreational resource for island residents and visitors will be affirmed through the continued maintenance of existing beach and shoreline access and establishment of new beach and shoreline access where such access does not detrimentally affect the marine environment and associated wildlife.

### **Denman Island Local Trust Area**

A guiding objective is to protect the foreshore, coastal waters, and native marine life and to retain sufficient natural habitat to ensure the preservation of native species...The foreshore (or intertidal) area is defined as the land located between highest and lowest tides.

### **Gabriola Island Local Trust Area**

The objectives include to manage coastal marine resources in keeping with the Islands Trust preserve and protect mandate; To preserve and protect unique, rare, or representative marine plant and animal communities in their natural habitats; To protect the natural and scenic values of the coastline; To provide opportunities for the commercial uses of the foreshore and coastal waters; To recognize the importance of the existing log storage areas in the; To promote the recreational and commercial use of the area's aquaculture resources; and To encourage the sharing of docks and wharves. Within Development Permit Areas there are policies regarding no alteration or disturbance causing a negative impact to the foreshore habitat or erosion in upland areas.

## **Mudge Island**

Since there is no ferry service, large or bulky items such as vehicles and building materials are transported by boat or barge to and from the island. Barges use either Moonshine Cove's beach or the deeper foreshore nearby at a public access point. Davidson Bay is also used for launching and retrieving boats. Objectives are to minimize disturbance and pollution of the foreshore and the surrounding waters and conflicts between marine and foreshore users and uses.

## **DeCourcy Island**

The Official Community Plan notes that the foreshore and the ocean are fragile and valuable components of human and marine life habitat. Interference with the natural systems and their appearance should therefore be kept to a minimum. 1) Moorage space for residents and owners should be centralized at one or more locations. 2) Private floats and docks serving only individual lots should be discouraged. 3) Houseboats should not be permitted. Water General (W-1) Zone (i) Boat and seaplane moorage associated with single family uses located on adjacent upland.

## **Gambier Island Local Trust Area**

Marine and Foreshore Areas Policy states that zoning should allow: cooperatively owned or operated docks to provide marine access to residential areas as a means of minimizing the need for upland road links between residential communities and to limit the need for multiple dock development along the shoreline. Also, property owners are encouraged to retain natural vegetation on any land sloping towards the shoreline. The Local Trust Committee may issue development permits to protect the natural environment, its ecosystems and biological diversity for Marine and Foreshore designated areas considered to have potential fishery resource values.

## **Keats Island**

The Official Community Plan states that the integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline. The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.

## **Gambier Associated Islands**

Policies in the Official Community Plan state that the LTC should identify and consider protecting ecologically sensitive marine areas. The

LTC should permit and encourage the construction and use of common, community, or communal docks where feasible but permit individual private docks accessory to residential uses where required for access. The LTC should use bylaw provisions to protect public access to, from, and along the marine shoreline. The LTC should, through zoning, the use of setbacks and, where there is supporting mapping, the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes, without endangering structures; (d) encourage owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing facilities. modification of the shoreline, such as seawalls, where it can be demonstrated to be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, and gravel placement. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land. Vegetation which helps stabilise banks, reduce erosion and provide habitat should be retained or enhanced.

### **Galiano Island Local Trust Area**

The Official Community Plan explains the complex geography and geology of Galiano Island and surrounding islands and waters have produced a tremendous diversity of coastal and marine habitats. Unique relationships exist between terrestrial, fresh water and marine areas; as a result, coastal ecosystems are the most diverse and productive of all ecosystems. Significant recreational, commercial, industrial, and residential activities occur within the shoreline area and this sensitive area is under intense pressure from development and human activity. The Shoreline and Marine designation incorporate as all waters beyond high tide line up to the full boundary of the Galiano Island Local Trust Area. The objectives are: 1) to protect shoreline and marine ecosystems in the local trust area, 2) to ensure public access to the foreshore, and 3) to encourage safe and considerate use of the marine environment. There is a Shoreline and Marine Development Permit Area. Shorelines within the Galiano Island Local Trust Area have high ecological function and values and may be subject to shoreline erosion in some locations. Due to their physical and biological characteristics and situation they need to be carefully managed to avoid potential negative impacts of development. Development and associated shoreline improvements or protection measures can threaten the ecological and physical integrity of the foreshore and upland. The Objectives of the development permit area are:

1. To plan and regulate new development in a manner that preserves and protects the long-term physical integrity and ecological values of shorelines and associated foreshore and upland areas.
2. To manage development to minimize disruption of natural features and processes and to retain, wherever possible, natural vegetation and natural features.
3. To balance development opportunities with the ecological conservation of the shoreline environment.
4. To maintain the public's use and access to these important recreation areas in a way that does not compromise the ecological integrity of the shoreline or put users at undue risk.

5. To adapt to the anticipated effects of climate change.
6. To protect development from hazardous conditions resulting from shoreline erosion.
7. To ensure the form and character of marina development is compatible with the rural environment and minimizes impact to the aquatic environment.

The DPA includes Guidelines and provides information on Shoreline Protection Measures, Guidelines for specific Shoreline Types, Guidelines for Subdivision, Guidelines for Shore Protection Measures Design, Guidelines for Beach Nourishment and Fill, and Guidelines for Shore Access and Parking. There is also a Sensitive Ecosystem Development Permit area with some policies for shorelines.

### **Hornby Island Local Trust Area**

The objectives of the Official Community Plan include, to promote the conservation, preservation or restoration of shoreline, foreshore, and the Island's surrounding marine ecosystem. Policies include 6.7.2.1 All uses of the waters within 1000 metres of the shoreline should be regulated by zoning.

### **Lasqueti Island Local Trust Area**

Objectives include the support conservation-based subdivision layout that protects sensitive ecosystems, heritage resources and reduces parcelization of the natural boundary of the sea and limitation of the density of waterfront parcels.

### **Mayne Island Local Trust Area**

Official Community Plan Objectives include: to retain the public accesses to shoreline and beach areas. The coastal waters within the Mayne Island Trust Area include the surface of the water extending from the shoreline of Mayne Island out to the middle of the Georgia Strait, except where the jurisdictional boundary overlaps with another Local Trust Area when the boundary becomes a line mid-channel. The objectives of this section are to limit the impact of foreshore uses on adjacent uses and on the visual appearance of the shoreline. Private floats, docks or wharves shall be permitted by zoning only for owners of land adjacent to the shoreline of the water area subject to the zone.

### **North Pender Island Local Trust Area**

Sensitive Ecosystem Development Permit Areas are included in the Official Community Plan. Stipulations include: Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.

### **Salt Spring Island**

The Official Community Plan objectives include: To give particular attention to the streams, wetlands, and shorelines. The Ministry of Transportation and Infrastructure and other responsible agencies are encouraged to support efforts to create a harbour shoreline that offers access to the harbour and opportunities for walking and traditional recreational activities. Shoreline and Aquatic Use Objectives and Policies are: To protect our marine and freshwater shorelines. To protect the most significant ecological and physical processes of marine and freshwater shorelines; To identify those shoreline areas that are most uniquely suited to or traditionally used for specific purposes such as conservation, First Nations sites, public recreation, boat moorage, aquaculture, industry or transportation; To avoid conflicts between shoreline uses and uses allowed on the adjacent upland; To avoid shoreline uses that impede public access to and along the shoreline; Shoreline identified as uniquely suited to or traditionally used for a specific purpose is designated for that use. Other parts of the shoreline and areas of water are designated Marine; The Local Trust Committee could undertake an integrated coastal area management (ICAM) planning process to identify other appropriate areas where specific designations should be placed. Such planning should take place in consultation with the community, First Nations, and other levels of government; The Local Trust Committee may consider shoreline rezoning applications adjacent to marine dependent general employment zoning which may make upland uses economically viable without detriment to the shoreline/riparian habitat. Shoreline Conservation Designation Objectives are: To protect the island's most environmentally sensitive shoreline areas such as tidal flats, fish and wildlife habitat, sensitive lake ecosystems, estuaries and wetlands that is not suitable for intensive development. and Policies include: Zones created in this Designation should not result in negative impacts to sensitive natural habitat areas. The Local Trust Committee will not consider rezoning applications that would locate large new developments in or next to this Designation. Zoning should recognize the existing aquaculture operation in Walker Hook. However, zoning changes to allow expansion of the operation will not be made, unless it can be demonstrated that there will be no impacts on the area's sensitive environment or First Nation's interests. The Local Trust Committee should support the efforts of other agencies to maintain existing public accesses to the Shoreline Conservation Designation. However, if the adjacent upland is being subdivided, the Subdivision Approving Officer is encouraged to ensure that any new public accesses provide viewing areas rather than direct physical access to sensitive habitat areas. In providing referral responses to Integrated Land Management Bureau, Islands Trust staff will identify any known and identified environmentally sensitive areas or habitat that may be impacted by the proposed use.

### **Saturna Island Local Trust Area**

The Harbours section within the Official Community Plan states that Permanent private moorage facilities, including docks, ramps, floats, and breakwaters, should be as small as practicable given the particular conditions, including shoreline topography, depth of navigable water, exposure to weather and other navigational considerations. These facilities shall be designed to facilitate public access along the foreshore.

The DPA for Lyall Creek states that i) In general, development of the foreshore should be limited, should minimize negative impacts on the ecological health of the immediate area, and should not impede public access. ii) Shoreline protection measures should be limited to those necessary to prevent damage to existing structures or established uses on the adjacent upland. Softer shore protection measures should be considered first, and only if all options to locate and design without the need for shore protection works have been demonstrated to have been exhausted should such works be considered.

### **South Pender Island Local Trust Area**

Marine Use Objectives in the Official Community Plan are a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes. b) To allow for access to beaches suitable for recreation and maintain them free from development.

c) To retain areas of foreshore in an undeveloped state. d) To protect against impacts of mariculture operations, marine shipping, or marine based activities. e) To protect the marine areas subject to this OCP from use and development that would detract from present marine, and upland uses or conflict with existing marine life. f) To protect and maintain important foreshore and marine features and habitats. g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat. Policies include: The Local Trust Committee may regulate the size and location of docks and other shoreline developments. Coastal Environment Objectives include: To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands and related policies: Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.

### **Thetis Island**

Official Community Plan includes the entire Island and the seaward area from the shoreline of Thetis Island as identified by the natural boundary of the sea and encompasses all other islands, islets, reefs, the seabed, surface water, and air space. Policies include: Public access to the Crown land foreshore should remain unobstructed and the right to pass around shoreline structures. The integrity of foreshore features, shoreline features, and intertidal processes may be maintained by a) Discouraging uses that disrupt natural features and processes and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore. b) Supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas. c) Land use regulations should provide for upland waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures. d) Where land use regulations provide for private docks, the use of communal docks is to be encouraged where feasible and breakwaters are to be prohibited.

### **Thetis Associated Islands (Ruxton, Reid, Pylades, Hudson, Scott, Dayman, Tree, and Whaleboat)**

Official Community Plan Policy: considers the location of future land uses so that their appearance and impact are compatible with and do not degrade or otherwise negatively impact the natural environment, community resources, and the character of existing land uses; the protection of sensitive ecosystems, ecological values and wildlife and fisheries habitats, especially in inter-tidal, estuarine, stream and riparian areas, in accordance with the current published guidelines as expressed in the Forest Practices Code, the Fish Protection Act and other guidelines published by the provincial and federal governments.

### **Ballenas and Winchelsea**

Official Community Plan Policies include: LTC should identify and consider protecting ecologically sensitive marine areas; Zoning should permit shellfish aquaculture within existing tenures; LTC may consider rezoning applications for new leases for aquaculture, other than finfish farms; LTC should recognize and support the marine dependent nature of land uses; LTC should permit one dock adjacent to each private island in order to limit the need for multiple private dock development along the shoreline; LTC should only consider individual private docks accessory to residential uses where necessary for access. These docks should be regulated by zoning; LTC should not permit commercial marinas; LTC should use bylaw provisions to protect public access to, from and along the marine shoreline; use bylaw provisions

to limit structures within the setback from the sea to those related to permitted marine uses and those necessary for access to the foreshore; through zoning, the use of setbacks, and the use of development permit areas: (a) protect the integrity of the foreshore, shoreline, and natural coastal and intertidal processes; (b) discourage uses that disrupt natural features and processes; (c) allow for natural erosion and accretion processes; (d) encourage owners of shoreline properties to retain natural vegetation and natural features on areas adjacent to the foreshore; and (e) discourage filling, deposit, excavation, or removal of foreshore and seabed materials. The LTC should not permit the hardening of the shoreline. LTC should not support ocean disposal applications within the Plan area. LTC should not support the creation of artificial reefs within the Plan area.

## Review other Examples

- Oak Harbour SMP  
Shoreline Environment Designations  
The basic intent of a shoreline environment designation is to preserve and enhance shoreline ecological functions and to encourage development that will enhance the present or desired future character of the shoreline as described in the Comprehensive Plan, other adopted plans and this SMP. To accomplish this, shoreline segments are given an environment designation based on existing development patterns, biological capabilities and limitations, and community objectives. This Master Program establishes seven shoreline environments for the City of Oak Harbor. These shoreline environments include shorelands, surface waters, and bed lands. These environments are derived from and build on policy direction contained in the Oak Harbor Shoreline Inventory and Characterization Report, the Oak Harbor Comprehensive Plan, the Shoreline Management Act, and the Shoreline Master Program Guidelines. The seven Oak Harbor shoreline environment designations are: Maritime, Urban Mixed Use, Residential, Residential - Bluff Conservancy, Urban Public Facility, Conservancy, and Aquatic.
- Natural Resources Canada, Land Use Planning Tools 2012  
This publication describes a variety of planning tools being used across Canada to help communities prepare for climate change, increase adaptive capacity, and build resilience. It is directed to individuals and groups interested in climate change adaptation at the local level, including planners and other local government staff, elected officials, community organizations, local residents and business leaders.  
  
Climate Change Land use planning tools for local adaptation to climate change describes seven of the most prominent land use planning tools in use across Canada and explains how communities can use them to more effectively adapt to climate change.  
  
The land use planning processes and instruments employed to manage the use of land and the physical development of a community for the common interest includes a variety of statutory and other measures – bylaws, incentives, information and guidance, spending

programs – may be applied to control how land is used. [Land use planning tools for local adaptation to climate change \(publications.gc.ca\)](http://publications.gc.ca)

- Rural Comox Valley OCP 2014

*Natural Environment: Objectives*

(4) To protect, restore and enhance coastal shorelines, streams, wetlands, and the marine environment.

*Climate change – policies (adaptation)*

14. (1) Develop strategies to reduce the environmental, social, and economic impact of sea level rise and increasing extreme storm surge events in coastal areas through development permit area designations and conditions and submission of development approval information in accordance with policies included within this OCP.

14. (2) Work with stakeholders to complete an assessment of risk and susceptibility of the coastal areas to increasing sea level and extreme storm surge impacts.

Rural settlement areas – policies (industrial) (d) public access to the coastal waterfront, where applicable.

*Coastal areas*

68. Coastal areas are those lands that run parallel to the full waterfront of the CVRD, generally extending from the present natural boundary to the 30-metre bathymetric contour as illustrated on map 3. Activities are typically environmental protection, aquaculture, marine industry, and recreation. This plan seeks to protect such uses while discouraging activities both on the water and the abutting upland areas that could compromise the environmental integrity of the aquatic environment.

*Coastal area - objectives*

69. (1) To minimize any negative impacts of settlement on the coastal areas. (2) To steward these areas for their environmental and economic benefits. (3) To encourage appreciation of the marine environment, by providing for public access to, and enjoyment of, the shoreline and foreshore in ways that avoid negative impacts to natural systems and processes. (4) To ensure that coastal shoreline development does not alter sediment supply to the coastal environment or sediment transport within the coastal environment. (5) To reduce lighting impacts on species and ecosystems within the coastal area.

*Coastal areas - policies*

70. The following policies apply to the lands designated as “coastal areas” Rural Comox Valley Official Community Plan 2014 Bylaw No. 337 – Schedule ‘A’ (1) Permit industrial marine and aquaculture uses in the coastal area designation, except for areas within the K’ómoks Estuary where they are prohibited. (2) Notwithstanding above sub-section (1) sustainability and productivity of the K’ómoks Estuary is recognized as being critical for harvesting of aquaculture to K’ómoks First Nation, and it is recognized that the KFN may choose to proceed with aquaculture activities within the estuary at any time. (3) Protect coastal areas per the provisions stated in the natural environment sections of this OCP. (4) Respect the Islands Trust area of jurisdiction that includes the ocean area to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point and ensure development within the buffer

extending from the high-water mark to the 30-metre bathymetric contour considers the Islands Trust policy statement. (5) Support dock-side sales and limited on-site sales of aquaculture products that meet legislative requirements to promote economic activities. (6) Work with aquaculture industry stakeholders and small-scale aquaculture operations to support water flow into fish-bearing river systems of the Comox Valley. (7) Apply environmental best practices to all uses within the coastal designation (8) Recognize and support the need of the aquaculture industry to effectively grow seed to replenish existing oyster beds and support in principle the use of power supplies from wharfs for the growing of seed for the aquaculture industry, providing legislative requirements are met. (9) Generally, prohibit hardening of the coastal shoreline through the use of rip rap, concrete embankments and revetment walls, and other similar structural interventions that alter the ecological function and service of the coastal shoreline, disturb natural vegetation, disrupt natural coastal processes, redirect wave energy to adjacent properties, and/or destroy coastal shore habitat, including forage and spawning areas. If a qualified professional has submitted development approval information that concludes that shoreline hardening is required to protect life or a principal building on the property and that the impacts of the proposed hardening can be mitigated, the board may consider issuance of a shoreline protection device development permit. (10) Require preparation of a shore access plan by a qualified environmental professional for development proposals that include shore access and require rezoning or a development permit process to protect against sensitive environmental features and processes being disturbed. (11) Regulate by the development permit process to reduce light trespass (i.e., light that crosses property lines including the present natural boundary) and light glare (i.e., excessive illumination applied to a single area) within the coastal area to avoid disruption of natural activity patterns of coastal and marine species. (12) Assess proposed land uses or development within the K'ómoks Estuary in accordance with a completed and finalized K'ómoks Estuary management plan that has been endorsed by all affected jurisdictions.

### ***Shoreline protection devices***

Guidelines where an applicant proposes the installation, replacement, or repair of a shoreline protection device under these guidelines, the design of the device shall contribute to shoreline resiliency by following soft shore (e.g., “Green shore”) principles:

- Conserve or restore natural coastal or riparian processes (e.g., sediment transfer).
- Maintain habitat function and diversity.
- Prevent pollutants from entering the aquatic or riparian environment.
- Avoid or reduce cumulative impacts on the shoreline environment, including coastal or riparian processes. All proposals shall incorporate design elements that contribute to coastal resiliency by protecting or restoring natural coastal processes and habitat. Except when a hardened shoreline is proposed (i.e., based on the findings of a qualified professional that shoreline hardening is required to protect life and/or a principal building), shoreline protection device development permits can be approved under delegated authority. Proposals to harden a shoreline, including replacement and/or maintenance of an existing hard shoreline with similar hard design elements shall require board approval of the development permit.

- Campbell River Sustainable OCP n/a
- Sydney OCP – n/a
- Ucluelet OCP (2011)

### 3.4 Small Craft Harbour, Marine

The water areas of Ucluelet are generally designated as either: Small Craft Harbour (three water lots); Water Lot (majority of water lots); or Managed Water (remaining water areas not in registered water lots) In addition to these three designations, several water lots are designated in conjunction with the adjacent land-based designation (e.g. Village Square or Residential) Each registered water lot is inextricably linked to various adjacent land uses; hence the relationship between land and water requires careful consideration, which could include parking needs, water and sewer servicing and visual impacts. In conjunction with the sustainability objectives noted in the OCP, the District should consider protecting environmentally sensitive areas and shoreline habitat.

The District shall work with the Department of Fisheries and Oceans to: i. Identify environmentally sensitive areas; ii. Support marine ecology and marine education facilities within the Harbour; iii. Consider alternate long-term uses, such as residential, including a private marina, for the former BC Packers Plant; iv. Consider enhancing public access to the District owned water lot at the foot of Alder Street; v. Support transient boat moorage provided adequate sanitation facilities are located nearby; vi. Require all water lot uses to properly treat and dispose sanitary sewer waste and connect into the District’s sewer collection system and access District potable water; vii. Require all structures to apply for and obtain a Building Permit, which addresses health and safety regulations; and viii. Explore ways and means of generating revenue to fund Harbour infrastructure.

2. iii. Managed Water All water areas located between the shoreline and the District boundaries, excluding all registered water lots, are designated as “Managed Water”. Managed Water Policies: A comprehensive review of the area within the Managed Water designation will be carried out by the District. Until this time, no uses are permitted within the area, including boat or houseboat moorage.

+ Policies for Development Permit Areas

- Victoria OCP –

SHORELINE ECOSYSTEMS 10.9 Protect and enhance shoreline and marine habitat by: 10.9.1 Considering the establishment of Development Permit Area guidelines that consider best practices such as appropriate building setbacks, guidance for enhancing habitat values and the integration of climate change adaptation planning; 10.9.2 Establishing a Development Permit Area for the east side of the Upper Selkirk Waters to protect the unique natural features of this area; 10.9.3 Investigating the acquisition and designation of shoreline ecosystems through a Parks Acquisition Strategy; 10.9.4 Integrating restoration of natural shoreline features into the development of the Harbour Pathway, where appropriate; 10.9.5 Enhancing the Dallas Road Bluffs through the development of management zones and restoration targets; and, 10.9.6 Developing management strategies and initiatives for shoreline parklands that maintain and enhance coastal sediment processes. 10.10 Work in partnership with the Capital Regional District, the Township

of Esquimalt, the Town of View Royal, the District of Saanich, and other partners to increase coordination in the protection and restoration of Victoria Harbour and the Gorge Waterway. 10.11 Work with partners to assess the projected impacts of sea level rise on marine and shoreline ecosystems and respond to changing conditions through management strategies and development of a Climate and Energy Resiliency Plan [SEE ALSO SECTION 12 – CLIMATE CHANGE AND ENERGY].

- Powell River OCP 2014

5.5 Tidal / Saltwater Riparian Areas. The City is bounded on the west and south by Malaspina Strait. Due to exposure, topography, and historic private/industry ownership of much of the waterfront, direct community interaction, enjoyment, and exposure to the tidal water edge is limited. Increased public access to the waterfront and protection of the environmental quality of that waterfront is a priority for Powell River residents. Upland improvements to support expansion of harbour or any waterfront development must include environmentally sustainable measures.

5.5.1 Tidal/Saltwater Riparian Areas Objectives (a) Protect the shoreline along Malaspina Strait through the use of measures that take natural processes into consideration and do not detrimentally impact adjacent properties. (b) Plan for long-term climate change including sea level rise and associated storm impacts.

5.5.2 Tidal/Saltwater Riparian Areas Policies

(a) All development along the shoreline of Malaspina Strait must plan for a sea level rise of 1.0 metre and associated storm surge and coastal erosion.

(b) Except for shoreline protection measures and marine based structures such as ferry terminals, aquaculture facilities, breakwaters and moorage facilities, new buildings must be located a minimum of 15 metres from the natural boundary.

(c) Minimize the degradation of natural systems through steps such as protecting the foreshore from erosion, by retaining embankment vegetation and through construction that does not require vertical sea walls.

(d) All shoreline protection measures should include environmentally sustainable practices such as the retention and restoration of natural shoreline vegetation, and landscaping strategies that require little or no revetment and minimize erosion but augment bank stabilization, in conformance with the guidelines contained in the 2003 Federal/Provincial publication entitled Coastal Shore Stewardship: A Guide for Planners, Builders and Developers.

(e) Parking lots at or near the water's edge should consider permeable surfaces (e.g., grass, gravel, or open interlocking paving systems) to ensure bio-filtration of hydrocarbons and heavy metals from the undercarriage of vehicles from surface water drainage.

(f) It is recognized that the coastal shoreline undergoes a natural progression of accretion and erosion gradually over the long term or suddenly in severe storm events. The City shall endeavour to map and track this process as it relates to the shoreline for the purposes of land use planning.

(g) The City supports ensuring that storm water runoff from buildings and land is managed through a stormwater management system or other natural bio-filtration system where possible.

## REFERENCES

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### General:

[www.islandstrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf](http://www.islandstrust.bc.ca/islands/island-ecosystems/caring-for-my-shoreline/greenshores-approach-your-marine-waterfront-canadian-edition-final-web-version.pdf) (islandstrust.bc.ca)

[Islands Trust Conservancy](#)

[Microsoft Word - GS Jurisdiction Issue Sheet ver4 Oct09Final2.doc](#) (islandstrust.bc.ca)

[Greening Our Shores Workshop Presentations.pdf](#) (islandstrust.bc.ca)

[Critical Areas and Shoreline Monitoring & Adaptive Management Workshops](#) (washington-apa.org)

[www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca\\_0](http://www.crd.ba.ca/docs/default-source/climate-action--pdf/sea-level-rise-planning-approaches-project-report.pdf?sfvtsn=d29757ca_0)

### Sea Level Rise:

[coastal-flood-inundation-mapping-project-summary.pdf](#) (crd.bc.ca)

<https://www2.gov.bc.ca/assets/gov/environment/climate-change/adaptation/resources/slr-primer.pdf>

[Coastal Floodplain Maps - Province of British Columbia](#) (gov.bc.ca)

City of Delta Sea Level Rise Strategy (2015): [119360](#) (civicweb.net)

[Sea Level - Environmental Reporting BC](#) (gov.bc.ca)

### Island Ecosystems:

[Marsh Fine Sediment](#) (islandstrust.bc.ca)

Planning Tools | OCP + Development Permit Areas

District of Squamish OCP (2018): Development Permit Area guidelines: page 170

### Specific Projects:

Bowen Island: [PowerPoint Presentation - Slide 1 \(civicweb.net\)](#)

] [June 2017 Attachment 2 Draft DPA Marine Shoreline Protection \[48138](#)

Lasqueti: [Shoreline Protection Project \(islandstrust.bc.ca\)June 2017 Attachment 1 Shoreline Protection OCP LUB.pdf](#)

[aug-2017-la-shoreline-mailout.pdf \(islandstrust.bc.ca\)](#)

[Sharing Our Shorelines Presentation.pdf \(islandstrust.bc.ca\)](#)

North Pender:

(brochure): [shorelinesmatterbrochure.pdf \(islandstrust.bc.ca\)](#)

Thetis:

[Thetis-Shoreline-Data-Compilation-for-workshop.pdf \(islandstrust.bc.ca\)](#)

[Summary-Report-Shoreline-Scenarios-workshop.pdf \(islandstrust.bc.ca\)](#)

[LPS Staff Report \(islandstrust.bc.ca\)](#)

[Microsoft Word - 1214420001-001-R-Rev0-Thetis Island Shoreline 24MAY 13.docx \(islandstrust.bc.ca\)](#)

Mapping:

Bowen Island: [Bowen Island Shoreline Maps - Briefing for BIM.pdf \(civicweb.net\)](#)

Lasqueti: [lasquetishorelinemapping.pdf \(islandstrust.bc.ca\)](#)

North Pender: [Map\\_NPShorelineFeatures1.pdf \(islandstrust.bc.ca\)](#)

Forage Fish: [foragefishreport.pdf \(islandstrust.bc.ca\)](#)

South Pender: [Map.ShorelineFeatures.pdf \(islandstrust.bc.ca\)](#)

Thetis: [Review of Thetis Island Shoreline Classification and Recommendations for Shoreline Development - March 31, 2010, Archipelago Marine Research Ltd. \(islandstrust.bc.ca\)](#)

**Other:**

[Landowners-Guide-September-draft-revised.pdf \(islandstrust.bc.ca\)](#)

[Local Updates \(caorda.com\)](#)

[Hul'qumi'num Heritage Law Case Study Report](#)

[KFN Marine Plan 2012.pdf \(komoks.ca\)](#)

[squamish.ca/assets/OCP\\_Coastal\\_marine\\_planning](#)

## Policy Compliance Checklist

### Policies for Ecosystem Preservation and Protection

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

	<b>3.4.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.
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PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	<b>Agricultural Land</b>
	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	<b>Forests</b>
	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.

4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
4.3	<b>Wildlife and Vegetation</b>
4.4	<b>Freshwater Resources</b>
4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated, and seasonal demands for water are considered and allowed for.
4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
4.5	<b>Coastal Areas and Marine Shorelands</b>
4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
4.6	<b>Soils and Other Resources</b>

	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.
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**PART V: Policies for Sustainable Communities**

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>5.1</b>	<b>Aesthetic Qualities</b>
	<b>5.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	<b>5.2</b>	<b>Growth and Development</b>
	<b>5.2.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
	<b>5.2.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
	<b>5.2.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
	<b>5.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	<b>5.3</b>	<b>Transportation and Utilities</b>
	<b>5.3.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.

	<b>5.3.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
	<b>5.3.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
	<b>5.3.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	<b>5.4</b>	<b>Disposal of Waste</b>
	<b>5.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

<b>CONSISTENT</b>		<b>NO.</b>	<b>DIRECTIVE POLICY</b>
	<b>5.5</b>	<b>Recreation</b>	
	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.	
	<b>5.5.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.	
	<b>5.5.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.	

	<b>5.5.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
	<b>5.5.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
	<b>5.6.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
	<b>5.6.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
	<b>5.7.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
	<b>5.8.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:





DATE OF MEETING: January 18, 2022

TO: Salt Spring Island Local Trust Committee

FROM: Stefan Cermak, Regional Planning Manager  
Salt Spring Island Team

SUBJECT: Applications Received – Report

## PURPOSE

This memorandum provides the Salt Spring Island Local Trust Committee (SSI LTC) with a report regarding the number of applications opened in 2021 with comparison to previous years and quarters.

## SUMMARY

- In 2021, the Islands Trust team opened 642 applications or referrals (attachment 1-3); the Salt Spring team (including Planning Technician) opened 244 of those applications or referrals (38%).
- The number of applications and referrals opened in the last calendar year gradually decreased from 77, 62, 51 and 54 per respective quarter (attachment 3). There are currently 65 open applications and referrals and 20 in abeyance.

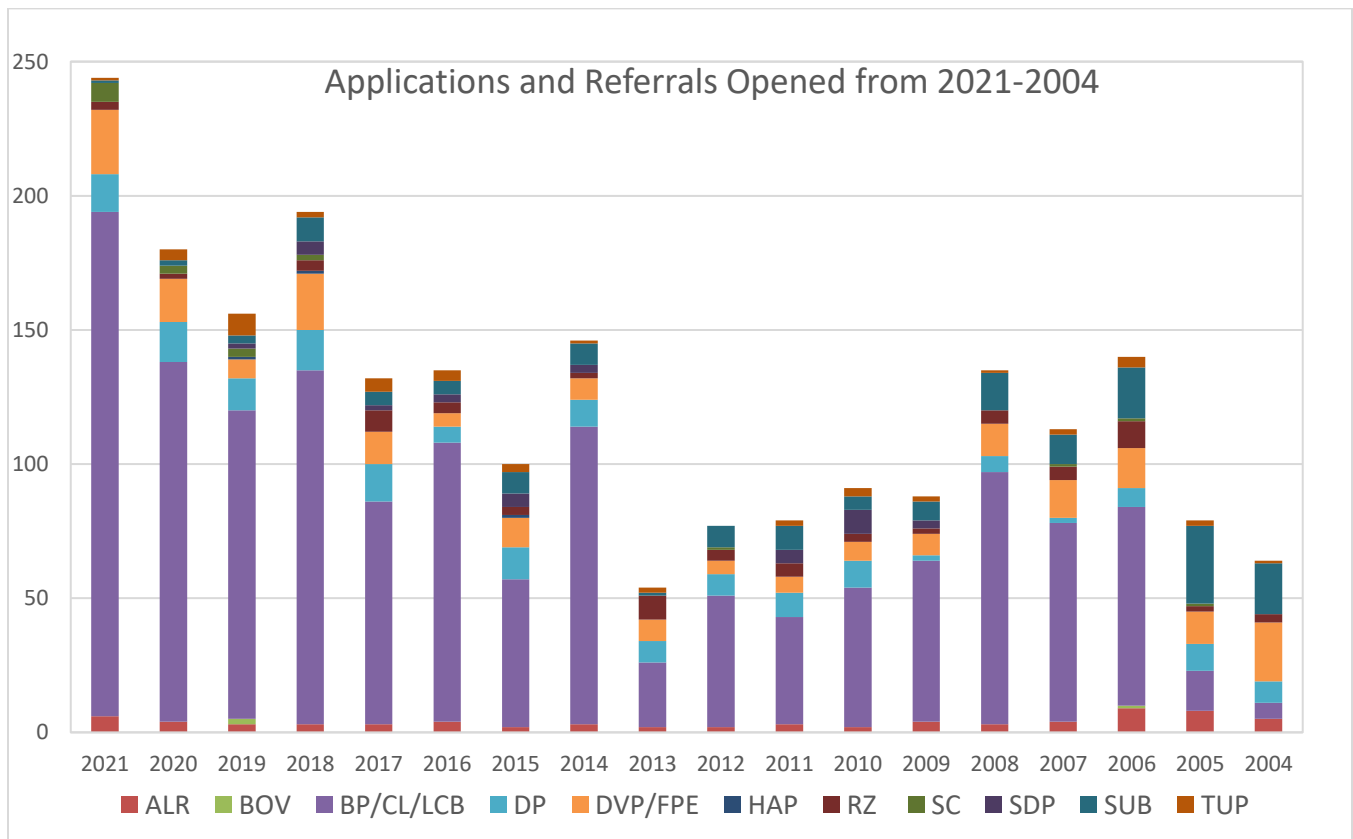


Figure 1 Summary of Applications and Referrals Opened from 2021-2004

**DISCUSSION**

The number of applications and referrals received in 2021 far exceed other years. This continues a trend of increasing development since 2014. The number of applications and referrals received in 2021 decreased during the first three quarters and plateaued in the final quarter. The plateau (54) is more typical of building season numbers seen over spring, summer, and fall thus it is anticipated that numbers will increase again for 2022. Staff do not foresee numbers declining significantly until interest rates rise and cool development financing.

See Attachments for more applications and referrals received data.

**NEXT STEPS**

Staff will provide an annual summary of application tracking at the January 2023 SS LTC meeting.

Submitted By:	Stefan Cermak, Regional Planning Manager	January 5, 2022
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**ATTACHMENTS**

- 1. 2021 - Trust Wide Application and Referrals Received Summary
- 2. 2021-2004 – Salt Spring Applications and Referrals Received Annually
- 3. 2021-2019 – Salt Spring Applications and Referrals Received Quarterly



# Application Statistics

Applications Received: January 1, 2021 to December 31, 2021

Application	NORTHERN TEAM									SALT SPRING		SOUTHERN TEAM						TOTAL		
	EX	DE	GB	GM	HO	LA	TH	SUM	/FTE	SS	/FTE	GL	MA	NP	SA	SP	SUM	/FTE	SUM	/FTE
ALR	0	0	0	0	1	0	0	1	0.20	6	1.50	1	0	1	0	1	3	0.75	10	0.77
BOV	0	0	0	0	0	0	0	0	0.00	0	0.00	3	0	2	0	1	6	1.50	6	0.46
CL/BP/SUP/LCB	0	17	65	23	23	1	10	139	27.80	188	47.00	39	28	57	13	6	143	35.75	470	36.15
DP	0	0	2	5	2	0	0	9	1.80	14	3.50	5	1	9	2	0	17	4.25	40	3.08
DVP/FPE	0	2	4	8	3	0	1	18	3.60	24	6.00	11	9	5	0	0	25	6.25	67	5.15
HAP	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
OTH	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	1	2	0	3	0.75	3	0.23
RZ	0	1	1	0	0	0	0	2	0.40	3	0.75	2	0	1	0	0	3	0.75	8	0.62
SC	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
SDP	0	0	0	0	0	0	0	0	0.00	1	0.25	0	0	0	0	0	0	0.00	1	0.08
SRP	0	0	0	0	0	0	0	0	0.00	0	0.00	0	0	0	0	0	0	0.00	0	0.00
SUB	0	2	2	2	1	1	1	9	1.80	7	1.75	1	0	1	0	1	3	0.75	19	1.46
TUP	0	0	1	0	1	0	0	2	0.40	1	0.25	1	2	11	0	1	15	3.75	18	1.38
<b>TOTAL</b>	<b>0</b>	<b>22</b>	<b>75</b>	<b>38</b>	<b>31</b>	<b>2</b>	<b>12</b>	<b>180</b>	<b>36.00</b>	<b>244</b>	<b>61.00</b>	<b>63</b>	<b>40</b>	<b>88</b>	<b>17</b>	<b>10</b>	<b>218</b>	<b>54.50</b>	<b>642</b>	<b>49.38</b>

FTE = # of planner positions (North = 5, SS = 4, South = 4)

Application	EX	DE	GB	GM	HO	LA	TH	SUM	FTE	SS	FTE	GL	MA	NP	SA	SP	SUM	FTE	SUM	FTE
CL,BP,SUP,LCB	0	17	65	23	23	1	10	139	27.80	188	47.00	39	28	57	13	6	143	35.75	470	36.15
Permits/Referrals	0	4	9	15	8	1	2	39	7.80	53	13.25	22	12	30	4	4	72	18.00	164	12.62
RZ	0	1	1	0	0	0	0	2	0.40	3	0.75	2	0	1	0	0	3	0.75	8	0.62
<b>TOTAL</b>	<b>0</b>	<b>22</b>	<b>75</b>	<b>38</b>	<b>31</b>	<b>2</b>	<b>12</b>	<b>180</b>	<b>36.00</b>	<b>244</b>	<b>61.00</b>	<b>63</b>	<b>40</b>	<b>88</b>	<b>17</b>	<b>10</b>	<b>218</b>	<b>54.50</b>	<b>642</b>	<b>49.38</b>

Application	EX	DE	GB	GM	HO	LA	TH	SUM	FTE	SS	FTE	GL	MA	NP	SA	SP	SUM	FTE	SUM	FTE
OPEN	0	9	16	12	10	2	2	51	10	65	16	14	11	16	2	4	47	12	163	13

**Applications Annual Tracking Report 2021-2004**

12/31/2021

Application Type	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004
ALR	6	4	3	3	3	4	2	3	2	2	3	2	4	3	4	9	8	5
BOV	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0
BP/CL/LCB	188	134	115	132	83	104	55	111	24	49	40	52	60	94	74	74	15	6
DP	14	15	12	15	14	6	12	10	8	8	9	10	2	6	2	7	10	8
DVP/FPE	24	16	7	21	12	5	11	8	8	5	6	7	8	12	14	15	12	22
HAP	0	0	1	1	0	0	1	0	0	0	0	0	0	0	0	0	0	0
RZ	3	2	0	4	8	4	3	2	9	4	5	3	2	5	5	10	2	3
SC	7	3	3	2	0	0	0	0	0	1	0	0	0	0	1	1	1	0
SDP	0	0	2	5	2	3	5	3	0	0	5	9	3					
SUB	1	2	3	9	5	5	8	8	1	8	9	5	7	14	11	19	29	19
TUP	1	4	8	2	5	4	3	1	2	0	2	3	2	1	2	4	2	1
<b>Totals</b>	<b>244</b>	180	156	194	132	135	100	146	54	77	79	91	88	135	113	140	79	64

\*\*includes applications in abeyance

<b>Acronyms</b>		
RZ (Rezoning)	ALR (Agricultural Land Reserve)	SC (Strata Conversion)
TUP (Temporary Use Permit)	BP (Building Permit Referral)	SUB (Subdivision)
DP (Development Permit)	CL (Crown Lease Referral)	SDP (Soil Deposit Permit)
DVP (Development Variance Permit)	LCB (Liquor Control Board)	HAP (Heritage Alteration Permit)
FPE (Flood Plain Exemption)	BOV (Board of Variance)	

**Opened Applications - Quarterly Tracking Report 2019-2021**

Friday, December 31, 2021

Application Type	2021				Total
	Jan. 1 - Mar.31	April 1 - June 30	July 1 - Sept. 30	Oct. 1- Dec. 31	
ALR	0	1	3	2	6
BOV	0	0	0	0	0
BP/CL/LCB	57	54	38	39	188
DP	5	2	3	4	14
DVP/FPE	9	3	5	7	24
HAP	0	0	0	0	0
RZ (applications only)	2	1	0	0	3
SC	0	0	0	0	0
SDP	0	1	0	0	1
SUB	3	0	2	2	7
TUP	1	0	0	0	1
<b>Totals</b>	<b>77</b>	<b>62</b>	<b>51</b>	<b>54</b>	<b>244</b>

Application Type	2020				Total
	Jan. 1 - Mar.31	April 1 - June 30	July 1 - Sept. 30	Oct. 1- Dec. 31	
ALR	1	0	2	1	4
BOV	0	0	0	0	0
BP/CL/LCB	24	27	48	35	134
DP	3	3	3	6	15
DVP/FPE	5	4	2	5	16
HAP	0	0	0	0	0
RZ (applications only)	1	0	0	1	2
SC	0	0	0	0	0
SDP	0	0	1	1	2
SUB	0	0	2	1	3
TUP	1	1	1	1	4
<b>Totals</b>	<b>35</b>	<b>35</b>	<b>59</b>	<b>51</b>	<b>180</b>

Application Type	2019				Total
	Jan. 1 - Mar.31	April 1 - June 30	July 1 - Sept. 30	Oct. 1- Dec. 31	
ALR	0	2	1	0	3
BOV	0	0	1	1	2
BP/CL/LCB	16	39	34	26	115
DP	1	3	4	4	12
DVP/FPE	3	0	1	3	7
HAP	1	0	0	0	1
RZ (applications only)	2	1	0	0	3
SC	0	0	0	0	0
SDP	0	0	1	1	2
SUB	0	1	1	1	3
TUP	0	4	2	2	8
<b>Totals</b>	<b>23</b>	<b>50</b>	<b>45</b>	<b>38</b>	<b>156</b>

**Acronyms**

RZ (Rezoning)	ALR (Agricultural Land Reserve)	SC (Strata Conversion)
TUP (Temporary Use Permit)	BP (Building Permit Referral)	SUB (Subdivision)
DP (Development Permit)	CL (Crown Lease Referral)	SDP (Soil Deposit Permit)
DVP (Development Variance Permit)	LCB (Liquor Control Board)	HAP (Heritage Alteration Permit)
FPE (Flood Plain Exemption)	BOV (Board of Variance)	



DATE OF MEETING: January 18, 2022  
 TO: Salt Spring Island Local Trust Committee  
 FROM: Kristine Mayes, Planner 1, Salt Spring Island Team  
 Rob Pingle, Planning Team Assistant, Salt Spring Island Team  
 COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team  
 SUBJECT: Request for Electronic Meetings for 2022 Special Business Meetings with the Agricultural Advisory Planning Commission and Salt Spring Island Agricultural Alliance

## RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee agree to conduct Special Business Meetings with the Agricultural Advisory Planning Commission and Salt Spring Island Agricultural Alliance scheduled for February 10, 2022; July 7, 2022; and November 10, 2022 entirely by means of audio and visual electronic communication facilities such as Zoom, in accordance with Bylaw No. 391.

## BACKGROUND

On September 28, 2021 the Ministerial Order allowing local governments to host meetings exclusively via electronic communications lapsed. As such, Local Trust Committees have returned to in-person meetings.

Section 40 of [Salt Spring Island Local Trust Committee Meeting Procedures Bylaw No. 391](#) allows for special business meetings to be conducted electronically if agreed to by a majority of the Local Trust Committee.

At their meeting of December 17, 2020, the Salt Spring Island Local Trust Committee (SS LTC) requested to meet with the members of the Agricultural Advisory Planning Commission (AAPC) and the Salt Spring Island Agricultural Alliance each year on an ongoing basis in February, July and November each year on an ongoing basis. In 2022, these special business meetings of the SS LTC are scheduled for February 10; July 7; and November 10.

As these meetings bring attendees together from on and off island, staff have determined that it may be more appropriate to host the meeting electronically on the Zoom platform.

## Rationale for Recommendation

Due to the ongoing COVID-19 pandemic and location of attendees, an electronic meeting as permitted by Bylaw No. 391 using the Zoom platform is an appropriate venue for the SS LTC’s meetings with the AAPC and the Salt Spring Island Agricultural Alliance.

## ALTERNATIVES

### 1. Meet in Person

If the SS LTC does not resolve to meet electronically, the meeting between SS LTC, the AAPC and the Salt Spring Island Agricultural Alliance will held as an in-person meeting.

No resolution is required if the SS LTC wishes to conduct the referenced meeting in-person.

Submitted By:	Kristine Mayes, Planner 1	January 10, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	January 10, 2022


**SCHEDULE "A" TO THE HOUSING AGREEMENT**


CANADA ) IN THE MATTER OF A HOUSING AGREEMENT  
PROVINCE OF BRITISH COLUMBIA ) WITH THE SALT SPRING ISLAND LOCAL TRUST  
COMMITTEE ( "Housing Agreement")

I, Howard Stuart Barnes, of 942 Sunset Drive, Salt Spring Island, do solemnly declare:

1. This declaration is made with respect to the Housing Complex legally or otherwise described as follows:  
**121 Atkins Road, Salt Spring Island, British Columbia, Canada V8K 2X7.**
2. That I am the Executive Director of Gulf Island Seniors Residence Association, the owner and operator of the Housing Complex, and I make this declaration to the best of my personal knowledge.
3. This declaration is made pursuant to the Housing Agreement in respect of the Housing Complex.
4. The individuals who reside in the Housing Complex meet the requirements specified in Section 3 [see revers side] of the Housing Agreement.
5. I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and pursuant to the Canada Evidence Act.

SWORN BEFORE ME at Ganges, in the Province of British Columbia, this 9 day of December, 2021.

  
\_\_\_\_\_  
A Commissioner for Taking Affidavits  
in the Province of British Columbia

  
\_\_\_\_\_  
Signature of person making declaration

JAMES PASUTA  
Barrister & Solicitor  
560 Fulford-Ganges Road  
Box 414, Ganges P.O.  
Salt Spring Island, B.C. V8K 2W1

Extracted from:-----

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**Salt Spring Island Local Trust Committee**

**Bylaw No. 364**

**A BYLAW TO AUTHORIZE A HOUSING AGREEMENT**

**August 24, 2000**

**3, Occupancy**

- (1) With the exception of one Dwelling Unit which may be occupied by the Manager of the Housing Complex, the owner must not permit a Dwelling Unit to be occupied as a resident by any person other than an individual who resides in the Dwelling Unit on a full-time basis and who is:
    - (a) A Senior: or
    - (b) Living in the Dwelling Unit with a Senior in a spousal relationship, or as a caregiver to the Senior.
  - (2) An individual occupying a Dwelling Unit under section 3(1)(b) in a spousal relationship with a Senior may continue to occupy that Dwelling Unit after such time as the Senior has vacated the Dwelling Unit due to death, illness, or other cause.
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