



Salt Spring Island Local Trust Committee

Regular Meeting Addendum

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

Pages

9. CLOSED MEETING 11:30 AM - 11:45 AM

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 (1)

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

...and that staff be invited to remain.

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

16. APPLICATIONS AND REFERRALS 1:00 PM - 2:00 PM

16.2. SS-DP-2018.14 - J. Verville, Kirsten Reite Architecture - 2661 and 2621 Fulford-Ganges Road, SSI (The Vortex)

16.2.1. SS-DP-2018.14 & SS-DVP-2021.24 - J. Verville, Kirsten Reite Architecture - 2661 and 2621 Fulford-Ganges Road, SSI (The Vortex)

Late changes to sewerage disposal fields - Staff Report

2



File No.: SS-DVP-2021.24 and SS-DP-2018.14

DATE OF MEETING: August 9, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Jason Youmans, Island Planner
Salt Spring Island Team
SUBJECT: Development Permit Application
Applicant: Kirsten Reite Architecture (KRA)
Location: 2621 and 2661 Fulford Ganges Road

RECOMMENDATION

SS-DVP-2021.24

- 1. That the Salt Spring Island Local Trust Committee amend development variance permit SS-DVP-2021.24 to remove clause 3.3, clause 4, Schedule No. 3 and Schedule No. 4, make consequential numbering alterations to affect this change, and issue the permit as amended.**

SS-DP-2018.14

- 2. That the Salt Spring Island Local Trust Committee request the applicant to provide:**
 - A. A groundwater hydrology detailed site investigation prepared by a licensed engineer or geoscientist with proficiency in hydrogeology that addresses the site conditions and proposed sewerage system plan design, including the diversion of groundwater from relief drains and interception drains, and risks to the receiving environment (Fulford Creek Estuary, Soule Creek, Fulford), while considering the impacts of climate change;**
 - B. Details of the stormwater treatment method that will be used for the outfall proposed to enter Fulford Creek; and**
 - C. A professional biologist report that confirms that the development will not result in the pollution of surface or groundwater supplies and that there will be no detrimental impacts on fishbearing watercourses because of water pollution from stormwater or sewage system discharge over both the short and long term.**

REPORT SUMMARY

This staff report provides the Salt Spring Island Local Trust Committee with an updated sewage disposal site plan for 2661 Fulford Ganges Road. Provision of this new sewage disposal site plan by the applicant has implications for applications SS-DVP-2021.24 and SS-DP-2018.14.

Notwithstanding this new sewage disposal site plan, staff's recommendations remain the same for both files as they appear in the regular meeting agenda package for the meeting of August 9, 2022.

If, however, SS LTC wishes to issue development permit SS-DP-2018.14, the new sewage disposal site plan will require new resolution language as provided in the “Alternatives” section below.

BACKGROUND

On August 5, 2022 the applicant for files SS-DVP-2021.24 and SS-DP-2018.14 submitted a revised sewage disposal site plan. This revised plan shows a proposed sewage disposal field for 2661 that is now located 30 metres from the natural boundary of Soule Creek, 30 metres from the Fulford Creek Estuary and 30 metres from the natural boundary of the sea in Fulford Harbour. The revised sewage disposal site plan is attached here as Appendix 1.

See staff reports for [SS-DVP-2021.24](#) and [SS-DP-2018.14](#) for complete file background.

ANALYSIS

SS-DVP-2021.24

The revised sewage disposal site plan attached as Appendix 1 shows a sewage disposal field at 2661 Fulford-Ganges Road that will be located 30 metres beyond the natural boundary of Soule Creek, Fulford estuary, and Fulford Harbour. As such, the proposed sewage disposal field for this lot would no longer require a development variance permit to reduce the setback to waterbodies because the sewage disposal fields for the project would be bylaw compliant.

Additional variances are still required to locate buildings closer to interior side lot lines than permitted and to place underground septic tanks closer to a front line. Staff have supported these minor variances since the outset of the application and continue to support them now.

The resolution in the “Recommendations” section above pursuant to this file is the same as that which appears in the staff report in the regular meeting agenda package for the meeting of August 9, 2022. It would have the effect of striking reference to reduced setbacks for the sewage disposal field from the permit, and so the permit would be issued to apply only to reduced lot line setbacks for buildings and septic tanks.

SS-DP-2018.14

Regardless of the proposed relocation of the sewage disposal field, staff continue to advocate for the additional groundwater hydrology assessment and modeling identified in the staff report in the regular agenda package for the meeting of August 9, 2022. The resolution from that staff report is repeated here in the “Recommendations” section above.

However, if SS LTC is confident that the applicable DPA guidelines are satisfied and wishes to consider issuing the development permit, staff have provided language in the “Alternatives” section below to ensure that the proposed permit is properly amended to reflect the new sewage disposal field siting and the updated documents that would then be required.

First Nations

See staff report in the regular agenda package for full summary of First Nations interest in the file to date and archaeological considerations, including a letter of conditional support from Tsawout First Nation. Additional information regarding First Nations interest since publication of the regular meeting agenda package is as follows:

- The applicant provided an updated map from the ongoing archaeological impact assessment work for the site. It does not appear to show any positive machine or auger test locations in the area proposed for the relocated sewage disposal field;
- The lands manager for Lyackson First Nation stated via e-mail that Lyackson First Nation does not agree or support the project proceeding as contemplated.
- Lands staff from Cowichan Tribes echoed Lyackson First Nation concern about locating a large sewage disposal field at 2661 Fulford-Ganges Road.

Rationale for Recommendation

SS-DVP-2021.24

- 1. That the Salt Spring Island Local Trust Committee amend development variance permit SS-DVP-2021.24 to remove clause 3.3, clause 4, Schedule No. 3 and Schedule No. 4, make consequential numbering alterations to affect this change, and issue the permit as amended.**

Staff Comment: See “Analysis” section above. This resolution would strike reducing the setback from water bodies for sewage disposal fields from the proposed permit, therefore leaving only reduced setbacks for buildings and septic tanks from lot lines.

SS-DP-2018.14

- 2. That the Salt Spring Island Local Trust Committee request the applicant to provide:**
 - D. A groundwater hydrology detailed site investigation prepared by a licensed engineer or geoscientist with proficiency in hydrogeology that addresses the site conditions and proposed sewerage system plan design, including the diversion of groundwater from relief drains and interception drains, and risks to the receiving environment (Fulford Creek Estuary, Soule Creek, Fulford), while considering the impacts of climate change;**
 - E. Details of the stormwater treatment method that will be used for the outfall proposed to enter Fulford Creek; and**
 - F. A professional biologist report that confirms that the development will not result in the pollution of surface or groundwater supplies and that there will be no detrimental impacts on fishbearing watercourses because of water pollution from stormwater or sewage system discharge over both the short and long term.**

Staff Comment: As discussed in the “Issues and Opportunities” section and in Appendix 2 of the staff report for this file in the regular agenda package of August 9, 2022, staff continue to have questions about whether the reports furnished to date by the applicant provide sufficient quantitative analysis and modeling to conclude that guidelines E.2.12.1 and E.2.12.3 are met. Provision of the reports noted above would help staff arrive at a final decision about guideline consistency.

ALTERNATIVES

SS-DVP-2021.24

1. Deny permit issuance

The SS LTC is under no obligation to issue the requested DVP. Rather, the SS LTC must simply be able to demonstrate that they made a reasonable decision and were responsive to the issues raised. If this is the case, no action is required, but for certainty the SS LTC may wish to put forward a resolution to issue the permit and vote it down.

SS-DP-2018.14

1. Approve permit issuance, with conditions

If the LTC is satisfied that the development permit attached as Appendix 1 is consistent with the guidelines of all applicable development permit areas, it could issue the permit. This permit must be amended to reflect the new sewage disposal field site plan attached here as Appendix 1.

If this is the case, staff recommend that permit issuance be conditional upon the receipt of the \$442,500 landscaping security recommended under DPA2, as well as the two \$5,000 security deposits to undertake emergency mitigation works in the Soule and Fulford Creek setback areas if necessary.

The recommended resolution is as follows:

That the Salt Spring Island Local Trust Committee issue development permit SS-DP-2018.14 upon satisfaction of the following conditions:

- 1) *That the sewage disposal system site plan in Schedule No. 8 be replaced with the sewage system disposal system site plan shown in Appendix No. 1 of the staff report dated August 8, 2022;*
- 2) *That despite all references otherwise within the schedules to development permit SS-DP-2018.14, the sewage disposal field at 2661 Fulford Ganges Road will be sited in accordance with Appendix 1 of the staff report dated August 8, 2022;*
- 3) *That prior to permit issuance, and within 30 days of this resolution, the applicant must submit for SS LTC approval a revised landscaping plan consistent with Sections E.2.4 and E.2.8 of Development Permit Area 2 to replace Schedule No. 4 in development permit SS-DP-2018.14 and reflecting the relocated sewage disposal field.*
- 4) *Submission of a security, within 30 days of this this resolution, in the amount of \$5,000 to undertake emergency stream protection works in the vicinity of Soule Creek to be held and deployed in accordance with permit clause 3.11.5; and*
- 5) *Submission of a security, within 30 days of this this resolution, in the amount of \$5,000 to undertake emergency stream protection works in the vicinity of Fulford Creek to be held and deployed in accordance with permit clause 3.10.4.*

The implication of making this resolution is that development permit SS-DP-2018.14 will be issued upon receipt of the referenced securities.

2. Amend permit, issue with conditions

If the SS LTC is generally satisfied with the proposed permit but has identified particular text changes that it would like to see made, it could make those changes and issue the permit as amended, with the same conditions attached as above.

Recommended resolutions are as follows:

- 1) *That the Salt Spring Island Local Trust Committee amend development permit SS-DP-2018.14 as follows:*

- *By ; and*
- *By*

2) *That the Salt Spring Island Local Trust Committee issue development permit SS-DP-2018.14, as amended, upon satisfaction of the following conditions:*

- That the sewage disposal system site plan in Schedule No. 8 be replaced with the sewage system disposal system site plan shown in Appendix No. 1 of the staff report dated August 8, 2022;*
- That despite all references otherwise within the schedules to development permit SS-DP-2018.14, the sewage disposal field at 2661 Fulford Ganges Road will be sited in accordance with Appendix 1 of the staff report dated August 8, 2022;*
- That prior to permit issuance, and within 30 days of this resolution, the applicant must submit for SS LTC approval a revised landscaping plan consistent with Sections E.2.4 and E.2.8 of Development Permit Area 2 to replace Schedule No. 4 in development permit SS-DP-2018.14 and reflecting the relocated sewage disposal field.*
- Submission of a security, within 30 days of this this resolution, in the amount of \$5,000 to undertake emergency stream protection works in the vicinity of Soule Creek to be held and deployed in accordance with permit clause 3.11.5; and*
- Submission of a security, within 30 days of this this resolution, in the amount of \$5,000 to undertake emergency stream protection works in the vicinity of Fulford Creek to be held and deployed in accordance with permit clause 3.10.4.*

The implication of making this resolution is that the permit will be amended per the SS LTC’s direction and issued upon receipt of the referenced securities.

See staff report in the regular agenda package for SS-DP-2018.14 for other alternative resolutions.

NEXT STEPS

If SS LTC accepts staff’s recommendations:

Proposed development variance permit SS-DVP-2021.24 will be amended to remove reducing the required setback between a sewage disposal field and the natural boundary of water bodies.

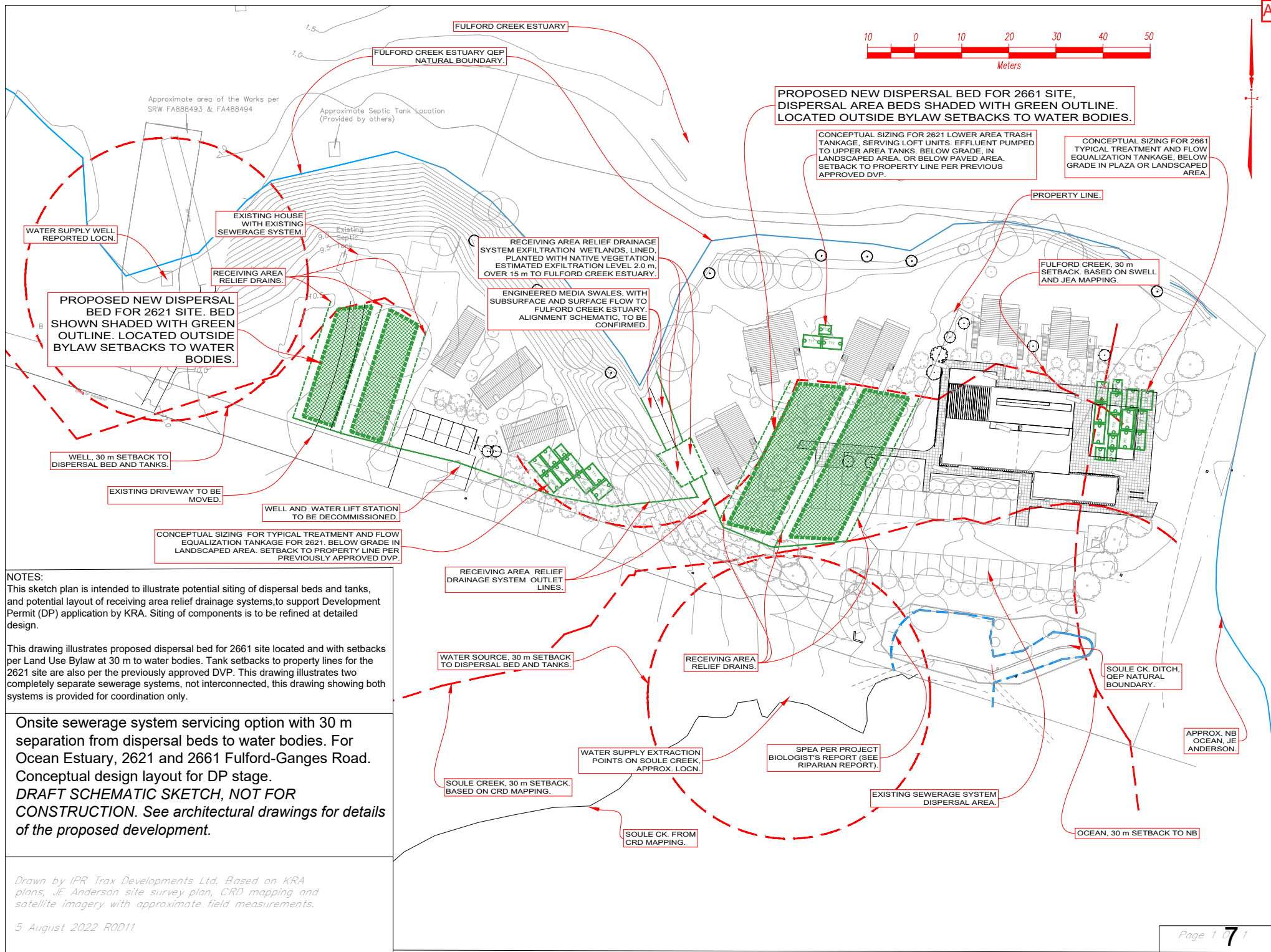
Staff would await submission of any additional professional reports or documents requested of the applicant pursuant to SS-DP-2018.14.

Staff will carry out alternative directions from the SS LTC.

Submitted By:	Jason Youmans, Island Planner	August 8, 2022
Concurrence:	Louisa Garbo, A/Regional Planning Manager	August 8, 2022

ATTACHMENTS

1. Sewage Disposal Field Siting Plan, drawn by IPR Trax Developments Ltd., dated August 5, 2022



NOTES:
 This sketch plan is intended to illustrate potential siting of dispersal beds and tanks, and potential layout of receiving area relief drainage systems, to support Development Permit (DP) application by KRA. Siting of components is to be refined at detailed design.

This drawing illustrates proposed dispersal bed for 2661 site located and with setbacks per Land Use Bylaw at 30 m to water bodies. Tank setbacks to property lines for the 2621 site are also per the previously approved DVP. This drawing illustrates two completely separate sewerage systems, not interconnected, this drawing showing both systems is provided for coordination only.

Onsite sewerage system servicing option with 30 m separation from dispersal beds to water bodies. For Ocean Estuary, 2621 and 2661 Fulford-Ganges Road. Conceptual design layout for DP stage.
DRAFT SCHEMATIC SKETCH, NOT FOR CONSTRUCTION. See architectural drawings for details of the proposed development.