



Salt Spring Island Local Trust Committee Minutes of Regular Meeting

Date: Thursday, June 7, 2018
Location: Lions Club, Hart Bradley Memorial Hall
103 Bonnet Avenue, Salt Spring Island, BC

Members Present: Peter Luckham, Chair
George Grams, Local Trustee
Peter Grove, Local Trustee

Staff Present: Stefan Cermak, Regional Planning Manager (RPM)
Jason Youmans, Island Planner
Seth Wright, Planner 2
Sarah Shugar, Recorder

Media and Others Present: Wayne McIntyre, Capital Regional District (CRD) Salt Spring Island Electoral Area Director
Gulf Islands Driftwood Reporter
Approximately 22 members of the public - a.m.
Approximately 43 members of the public - p.m.

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. He introduced himself, the Trustees and staff and acknowledged that the Local Trust Committee is meeting within Coast Salish Territory and expressed his gratitude.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted

3. COMMUNITY INFORMATION MEETING

3.1 Proposed Bylaw No. 508 - SS-RZ-2017.7 - 121 Upper Ganges Road (Harbour House Hotel)

Planner Youmans provided a presentation regarding a proposed Land Use Bylaw amendment and rezoning to permit up to 55 commercial guest accommodation units as well as up to 3 accessory dwelling units at 121 Upper Ganges Road (Harbour House Hotel).

There was a question and answer period.

A member of the public asked for clarification regarding process requirements if a property owner proposed to build outside of the existing footprint of the building in the future; the impact to parking regulations and whether the water calculations include irrigation.

Planner Youmans reported a Development Variance Permit would be required if a property owner proposed to build outside of the existing building footprint in the future and that there is sufficient parking on-site to accommodate the proposed use.

A member of the public asked for clarification regarding how the expansion is going to fit within the existing footprint and whether the building would be higher.

A member of the public asked why this application should be approved when several affordable housing projects are not being approved based on water issues.

Planner Youmans reported that the applicant has undertaken a number of water efficiency improvements and North Salt Spring Waterworks District has indicated satisfaction that there is no net water increase to the property.

A member of the public commented that being more water efficient does not mean that it is easy on the water supply and asked (1) whether the applicant has included water collection; (2) for clarification regarding water monitoring; and (3) whether the restaurant's water use would be measured separately from the accommodation units.

The applicant reported there is currently an 8,000 Gallon water storage tank that is in the process of being improved so that it can be used.

A member of the public expressed concern regarding the water use calculations.

A member of the public expressed concern regarding the water use projections; expressed support for water catchment and affordable housing projects and asked for clarification regarding where the additional staff units would be located.

A member of the public asked if the water source is Mt. Maxwell Lake, and encouraged the applicant to educate the guests regarding water issues.

A member of the public asked if there are appropriate penalties in place regarding overuse of water and where the additional units would be located in the building.

A member of the public commented that a property on Churchill road is serviced by Mt. Maxwell Lake and asked whether there is a provision to maintain the farm property.

Planner Youmans reported the farm property is a separate property.

A member of the public asked what is the benefit to the community in exchange for the density increase.

Planner Youmans reported the application includes dedication of a portion of a trail that will contribute to the Ganges Pathway System.

A member of the public asked how the LTC could justify approving this project when it does not allow accommodations on private property.

Trustee Grams provided clarification regarding accommodation regulations.

A member of the public expressed concern that a monetary penalty for using too much water would not be impactful as the hotel could raise the rental rates.

A member of the public asked how many hotel rooms were there prior to the renovation.

A member of the public asked if the conference room would be smaller.

The meeting recessed at 10:17 a.m. for the public hearing.

4. PUBLIC HEARING

4.1 Proposed Bylaw No. 508 - SS-RZ-2017.7 - 121 Upper Ganges Road (Harbour House Hotel)

The meeting reconvened at 10:42 a.m. The meeting recessed at 10:43 a.m. and reconvened at 10:47 a.m.

5. PREVIOUS MEETINGS

5.1 Draft Minutes of the Salt Spring Island Local Trust Committee

5.1.1 Draft Minutes of the May 10, 2018 SSI LTC Regular Meeting

By general consent, the minutes of the May 10, 2018 Salt Spring Island Local Trust Committee meeting were adopted.

5.2 Resolutions Without Meeting Report

The report was received.

5.3 Draft Minutes of the Advisory Planning Commissions

5.3.1 Draft Minutes of the May 24, 2018 Advisory Planning Commission meeting

The minutes were received.

Resolution RWM-2018-02 was rescinded at the SS LTC Regular Meeting of January 29, 2019 through Resolution SS-2019-23.

5.3.2 Draft Minutes of the May 24, 2018 Agricultural Advisory Planning Commission meeting

The minutes were received.

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-Up Action List

The report was received.

7. REPORTS

7.1 Policy and Standing Resolutions List

The report was received.

7.2 Work Program Top Priorities Report

Planner Youmans presented a verbal update regarding the Industrial Land Uses project.

The report was received.

7.3 Projects List

The report was received.

7.4 Applications with Status Report

The report was received.

7.5 Expense Report - none

7.6 Trust Fund Board Report – none

8. LOCAL TRUST COMMITTEE PROJECTS - none

9. OTHER BUSINESS

9.1 New Business

9.1.1 South Pender Local Trust Committee Referral of Proposed Bylaw

RPM Cermak presented a staff report dated May 30, 2018 regarding a bylaw referral from the South Pender Island Local Trust Committee.

SS-2018-115

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to respond to the referral from the South Pender Island Local Trust Committee for Bylaw No. 115 indicating that interests are unaffected.

CARRIED

9.1.2 Covenant Release for 181 Main Street, SSI

Planner Youmans presented a staff report dated May 29, 2018 regarding a covenant release request.

SS-2018-116

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee authorize, at the owners' cost, release of restrictive covenant J35590 from 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 and designate any member of the Local Trust Committee to sign the release documents.

CARRIED

9.1.3 Salt Spring Island Staffing Allocations Briefing to the Financial Planning Committee from J. Mobbs, Director, Administrative Services

RPM Cermak presented a briefing dated May 22, 2018 regarding Salt Spring Island office staffing levels.

10. CORRESPONDENCE

- 10.1 L. Renaud to LTC, dated May 6, 2018 - Concerning 163 Fulford - Ganges Road**
- 10.2 R. van Oeveren to LTC, dated May 7, 2018 - Concerning decisions that affect small businesses on SSI**
- 10.3 K. Eyrich to LTC, dated May 14, 2018 - Concerning affordable housing and possible solutions**
- 10.4 LTC Response to T. Kaul, Chair of Piers Island Improvement District - Concerning special tax levy**
- 10.5 M. Chandler to LTC, dated May 30, 2018 - Concerning development permit application process**
- 10.6 LTC to The Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development, dated May 16, 2018 - Concerning Ganges Village Area Planning, Harbourwalk**

All correspondence items were received.

11. CLOSED MEETING

11.1 Motion to Close the Meeting

SS-2018-117

At 11:08 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 4, Division 3, Section 90(1)(g) litigation or potential litigation affecting the municipality; 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and that staff be invited to remain.

CARRIED

11.2 Motion to Open the Meeting

SS-2018-118

At 11:15 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

11.5 Rise and Report

That the Salt Spring Island Local Trust Committee rise and report on the following motions carried at its March 29, 2018 In-Camera meeting:

1. That the Salt Spring Island Local Trust Committee direct staff to proceed no further with drafting a restrictive covenant that would ensure no building be erected or used without satisfactory evidence of water supply for SS-RZ-2013.9 (161 Drake Road) for the following reasons:
 - a. The use and density are not appropriate for the site without evidence of water supply;
 - b. The use of a restrictive covenant in establishing a zoning framework in absence of criteria such as water supply creates an unacceptable precedent in the Salt Spring Island Local Trust Area and the Islands Trust area in general;
 - c. The legal opinion also outlines numerous practical issues including: A covenant promising not to apply for building permit is not enforceable; The CRD building bylaw doesn't prohibit a building official from issuing a permit if the proposed construction contravenes a covenant; A building official may simply issue a permit and leave it to the LTC to attempt to enforce the covenant in the courts; The Building Code already requires adequate supply of potable water thus the only purpose of the covenant would be to achieve rezoning.

2. That the Salt Spring Island Local Trust Committee request staff to affirm to the Capital Regional District that while the legal opinion confirms a Restrictive Covenant is an inappropriate tool, in this instance the Salt Spring Island Local Trust Committee is keen to work with Capital Regional District to make this project a practical reality.

The meeting recessed at 11:18 a.m. and reconvened at 12:00 p.m.

12. TRUSTEE REPORTS

Trustee Grove reported he attended meetings with the following: the Salt Spring Community Alliance Governance Working Group; the Salt Spring Island Advisory Planning Commission; the Salt Spring Island Agricultural Advisory Planning Commission; the Financial Planning Committee; and the Salt Spring Island Housing First Coalition. Trustee Grove reported the Islands Trust and the CRD are working cooperatively to move the Harbourwalk project forward. The Honourable Janet Austin, Lieutenant Governor of BC, will be visiting Salt Spring Island on June 12, 2018. Trustee Grove expressed condolences to the family and friends of Ross King.

Trustee Grams reported he attended meetings with the following: the Financial Planning Committee regarding a request to approve additional resources for the Salt Spring Island office, MLA Adam Olsen regarding affordable housing; the Beachside property owner; the Salt Spring Island Watershed Protection Alliance (SSIWPA); and Executive Committee. Trustee Grams attended a workshop in Port Angeles hosted by the U.S. Coast Guard and Canadian Coast Guard regarding international cooperation on oil spill response.

13. CHAIR'S REPORT

Chair Luckham reported he attended meetings with the following: the Trust Programs Committee; Local Planning Committee and Executive Committee. Islands Trust has received the third monthly report regarding the Interim Protocol for the use of Southern BC anchorages that is part of the Oceans Protection Plan. The next Trust Council will be held June 19 to 21, 2018 on Saturna Island.

14. CRD DIRECTOR'S REPORT

CRD Director McIntyre reported he attended the following meetings: the Salt Spring Island Housing First Coalition; the Ferry Advisory Committee; the Capital Regional Housing Corporation; the Fulford Water Service Commission Annual General Meeting (AGM); the Beddis Water Service Commission AGM; and the Ganges Sewer Local Services Commission AGM. He attended the BC Transit 10-year celebration on May 11, 2018. Director McIntyre reported the Salt Spring Island Chamber of Commerce, Southern Gulf Islands Chamber of Commerce and Economic Sustainability Committees have been leading an initiative towards a Destination Marketing Association. The Family Bike Park in Mouat Park is expected to open in August 2018. The fourth annual Tour Des Iles festival will be held June 22 to 24, 2018.

The meeting recessed at 12:17 p.m. and reconvened at 12:19 p.m.

15. DELEGATION – none

16. TOWN HALL AND QUESTIONS

Chair Luckham opened the Town Hall at 12:20 p.m.

A member of the public expressed support for Island Women Against Violence and Copper Kettle and asked what is being done to address the housing crisis on Salt Spring Island.

A member of the public expressed support for application SS-RZ-2017.4, 132 Corbett Road (Croftonbrook).

A member of the public expressed support for application SS-RZ-2017.4, 132 Corbett Road (Croftonbrook) in general, although expressed concern regarding the water supply for the project and requested the Local Trust Committee include language in the bylaw to state that no building would exceed two stories.

A member of the public expressed support for application SS-RZ-2017.4, 132 Corbett Road (Croftonbrook) and spoke to the need for affordable worker housing.

A member of the public expressed support for application SS-RZ-2017.4, 132 Corbett Road (Croftonbrook) and for affordable housing on Salt Spring Island and requested the Local Trust Committee to address the project's water issues in an objective manner.

A member of the public expressed support for application SS-RZ-2017.4, 132 Corbett Road (Croftonbrook) and for the need to house the homeless population.

A member of the public expressed support for application SS-RZ-2017.4, 132 Corbett Road (Croftonbrook), for affordable housing for health support workers; and acknowledged the Local Trust Committee for proactive enforcement of Short-term vacation rentals (STVRs) to address the affordable housing crisis.

A member of the public expressed concerns regarding application SS-RZ-2017.4, 132 Corbett Road (Croftonbrook).

Four members of the public expressed support for affordable housing on Salt Spring Island.

Peter Lloyd-Jones spoke on behalf of the Salt Spring Island Accommodations Group and expressed support to amend Land Use Bylaw No. 355 to permit cottages to be used for long-term rentals and to consider the importance of the tourism sector when considering the need for affordable housing.

A member of the public expressed concern regarding the proactive enforcement of STVRs and whether there is evidence that it is an effective approach to provide affordable housing.

A member of the public expressed support for proactive enforcement of STVRs and expressed concern regarding the use of Temporary Use Permits (TUPs) as part of the solution to address the housing crisis.

A member of the public expressed support to amend Land Use Bylaw No. 355 to allow more creative solutions for affordable housing.

A member of the public expressed concern regarding capacity information reported at a recent Ganges Sewer Local Services Commission meeting and requested the Local Trust Committee to initiate interagency communication between Islands Trust staff, the Ganges Sewer Commission and CRD staff regarding applications within the Ganges area.

17. APPLICATIONS AND REFERRALS

17.1 Proposed Bylaw No. 507 - SS-RZ-2017.4 - 132 Corbett Road, SSI (Croftonbrook)

RPM Cermak presented a staff report dated May 28, 2018 regarding a rezoning application to allow 34 affordable dwelling units and office use.

Kisae Peterson, Director of Housing for Island Women Against Violence (IWAV) and applicant Janice Gauthier spoke to the application.

SS-2018-119

It was MOVED and SECONDED,

that Salt Spring Island Local Trust Committee amend Bylaw No. 507, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2017", as specified in Attachment 1 of the staff report dated June 7, 2018.

CARRIED

SS-2018-120

It was MOVED and SECONDED,

that Salt Spring Island Local Trust Committee Bylaw No. 507, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2017", be read a second time, as amended.

CARRIED

SS-2018-121

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to schedule a Community Information Meeting and a Public Hearing for Bylaw No. 507, cited as cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2017".

CARRIED

SS-2018-122

It was MOVED and SECONDED,

that Salt Spring Island Local Trust Committee Bylaw No. 507, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 2, 2017", be adopted when the following conditions have been fulfilled:

- a. the Local Trust Committee is satisfied that there is an adequate supply of potable water for the project;
- b. Confirmation is received from Capital Regional District that the Ganges sewer system has adequate capacity to service the project;
- c. Adoption of an affordable housing agreement bylaw;
- d. Receipt of a restrictive covenant that addresses water conservation, water supply, energy conservation, office use, First Nations interests, and a public pathway, that is ready for registration and a letter of undertaking committing to registration.

CARRIED

SS-2018-123

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee approve, in principle, the draft covenant attached to this staff report presented at the June 7, 2018 LTC meeting (SS-RZ-2017.4 – 132 Corbett Road).

CARRIED

SS-2018-124

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee approve, in principle, the draft housing agreement attached to this staff report presented at the June 7, 2018 LTC meeting (SS-RZ-2017.4 – 132 Corbett Road).

CARRIED

The meeting recessed at 1:55 p.m. and reconvened at 1:58 p.m.

17.2 Proposed Bylaw No. 508 - SS-RZ-2017.7 - 121 Upper Ganges Road, SSI (Harbour House Hotel)

Planner Youmans presented a staff report dated May 29, 2018 regarding a Land Use Bylaw amendment and rezoning application to permit up to 55 commercial guest accommodation units as well as up to 3 accessory dwelling units at the Harbour House Hotel.

Applicant Robert Irving spoke to the application.

SS-2018-125

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee has considered all relevant OCP policies and development permit area guidelines related to the vegetative buffering of agricultural land, as well as the recommendation of the AAPC and Cowichan Tribes on this subject, and concludes that existing building setback from agricultural land is sufficient and no additional vegetative buffer should be required as a condition of bylaw adoption (SS-RZ-2017.7 – 121 Upper Ganges Road).

CARRIED

SS-2018-126

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 508, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2017", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SS-2018-127

It was MOVED and SECONDED

that Salt Spring Island Local Trust Committee Bylaw No. 508, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2017", be amended as shown in Appendix 1 of the staff report for the June 7, 2018 LTC meeting.

CARRIED

SS-2018-128

It was MOVED and SECONDED

that Salt Spring Island Local Trust Committee Bylaw No. 508, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2017", be read a third time as amended.

CARRIED

SS-2018-129

It was MOVED and SECONDED

that Salt Spring Island Local Trust Committee Bylaw No. 508, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 6, 2017", be forwarded to the Secretary of the Islands Trust for approval by Executive Committee.

CARRIED

17.3 SS-DP-2018.5 and SS-SUB-2015.7 - Salt Spring Island Excavating - 1482 Fulford-Ganges Road, SSI

Planner Wright presented a staff report dated May 31, 2018 regarding a Riparian Development Permit, frontage exemption, and cash in lieu of parkland for a proposed 6-lot bare land strata subdivision.

Applicant Andrew Aust was present.

SS-2018-130

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee approve issuance of Development Permit SS-DP-2018.5 (1482 Fulford-Ganges Road).

CARRIED

SS-2018-131

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee exempt proposed Lots 2, 3, 4, and 6 from the 10% frontage requirements of Section 512 of the Local Government Act and Section 5.3.1 of the Salt Spring Island Land Use Bylaw No. 355 (SS-SUB-2015.7; 1482 Fulford-Ganges Road).

CARRIED

SS-2018-132

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee accept the amount of twenty-five thousand, five hundred dollars (\$25,500) as cash in lieu of park land, to satisfy the park land dedication conditions of subdivision SS-SUB-2015.7, subject to receipt of moneys by the Capital Regional District within 12 months of this resolution (1482 Fulford-Ganges Road).

CARRIED

17.4 SS-RZ-2018.4 - The Gulf Islands Seniors Residence Association - 154 Kings Lane, SSI

RPM Cermak presented a staff report dated May 30, 2018 regarding entering into a Cost Recovery Agreement for dedicated planning services.

SS-2018-133

It was MOVED and SECONDED

that the Salt Spring Island Local Trust Committee endorse staff entering into a Cost Recovery Agreement with Gulf Islands Seniors Residence Association for purposes of providing dedicated planning services (SS-RZ-2018.4 - 154 Kings Lane).

CARRIED

18. UPCOMING MEETINGS

The next regular meeting of the Salt Spring Island Local Trust Committee is scheduled for 9:30 a.m. on July 12, 2018 at the Hart Bradley Hall (Lions Club), 103 Bonnet Avenue, Salt Spring Island.

19. ADJOURNMENT

By general consent the meeting adjourned at 2:18 p.m.

Peter Luckham, Chair

Certified Correct:

Sarah Shugar, Recorder