



**SALT SPRING ISLAND
LOCAL TRUST COMMITTEE
AGENDA**

**REGULAR BUSINESS MEETING
Thursday, January 5, 2012 – 9:30 am
Lion's Club, Hart Bradley Hall - 103 Bonnet Avenue**

LATE ITEMS, ADDITIONS

**AMENDMENTS/ADDITIONS
TO ITEMS:**

- 12.7 SS-RZ-2011.1 – Proposed Bylaw No. 452 – 125 Rainbow Rd – M. Ogilvie -
For consideration of Bylaw Adoption – Staff Report
- 13.1 Work Program – Riparian Areas Regulation – *Staff Report*

STAFF REPORT

Date: January 4, 2012

File No.: SS-RZ-2011.1

X-ref: SS-DVP-2010.7

To: Salt Spring Island Local Trust Committee for the meeting of January 5, 2012

From: Kristin Aasen, Planner, Local Planning Services

Re: Bylaw 452

**Owner/
applicant:** Martin Ogilvie

Legal: Lot 10, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371

Location: 125 Rainbow Road

Preliminary Report:

Interim Report:

Final Report (No. 4):

THE PROPOSAL:

The purpose of this staff report is to present to the Local Trust Committee Proposed Bylaw No. 452 for adoption (please refer to Appendix 1 for a copy of the bylaw).

BACKGROUND:

The Local Trust Committee received staff reports and deliberated on this application over several meetings:

- July 7, 2011
- August 4, 2011 (for 1st Reading)
- November 2, 2011 (for Public Hearing)
- November 3, 2011 (for 2nd and 3rd Readings)

The Executive Committee approved the bylaw on November 22, 2011.

STAFF COMMENTS:

At the time of Public Hearing, two responses from the Capital Regional District Transportation Commission were received (attached in Appendix 2).

At the meeting of November 3, 2011, the Local Trust Committee passed the following resolution (SSI-206-11):

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee direct Staff to work with the applicant on a letter of undertaking to implement the Capital Regional District Transportation Commission recommendations relating to Proposed Bylaw No. 452 (SS-RZ-2011.1 concerning Lot 10, Block B Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371 – 125 Rainbow Rd) to be received by the Salt Spring Island Local Trust Committee prior to consideration of bylaw adoption.

CARRIED

In order to implement the Capital Regional District Transportation Commission recommendations, CRD staff advised the Islands Trust that it would accept a financial contribution from the property owner. On December 23, 2011, the Salt Spring office received a cheque on behalf of the CRD, and forwarded this payment to the CRD. Staff are satisfied that the LTC resolution has been met and that the bylaw may now be adopted as proposed.

RECOMMENDATION:

THAT the Salt Spring Island Local Trust Committee **ADOPTS** Proposed Bylaw No. 452 cited as, "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2011" (Ogilvie, 125 Rainbow Road, SS-RZ-2011.1).

Respectfully submitted by:

Kristin Aasen, Planner 1

Date

Concurred by:

Leah Hartley, Regional Planning Manager

Date

Appendix 1: Proposed Bylaw

Appendix 2: CRD Transportation Commission referral recommendations

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 452

**A BYLAW TO AMEND “SALT SPRING ISLAND LAND USE BYLAW, 1999”,
BEING BYLAW NO. 355**

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Committee Area under the *Islands Trust Act*, enacts as follows:

1. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

1. By inserting in Subsection 9.2.4 – Exceptions in Particular Locations – the following new Commercial 4 Zone Variation (a) – C4(a) after Commercial 2 Zone Variation (a) – C2(a):

“Zone Variation – C4(a)

(10)) The following additional *principal use* is permitted:

(a) *Indoor retail sales.*

(11) The following additional *accessory use* is permitted:

(a) *dwelling units.*

(12) Despite Section 4.3, 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:

(a) Setback from *front lot line*: 4.5 m.

(b) Setback from *interior side lot line* abutting a *commercial* or *industrial zone*: 1.0 m.

(c) Setback from *interior side lot line* abutting *non-commercial* or *non-industrial zone*: 3.0m.

(13) Despite Section 4.3, a rain harvesting collection *structure* may be constructed within the setbacks from a *rear lot line* and an *interior side lot line*.

(14) Despite all other regulations of this bylaw, the number of *dwelling units* per hectare is 37, or 3 *dwelling units* total on the *lot*.

(15) Despite Part 7, one off-street loading space is not required and one off-street *parking space* is required per *dwelling unit* not exceeding 70 square meters in *floor area*.”

And by making such consequential numbering alterations to effect this change.

2. By changing the zoning classification of Lot 10, Block B, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan 1371 from Residential 6 – (R6) to Commercial 4 Zone Variation (a) – C4(a), as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule “A” to Bylaw No. 355 as are required to effect this change.

2. This Bylaw may be cited as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2011”.

READ A FIRST TIME THIS 4th DAY OF August , 2011

PUBLIC HEARING HELD THIS 2nd DAY OF November , 2011

READ A SECOND TIME THIS 3rd DAY OF November , 2011

READ A THIRD TIME THIS 3rd DAY OF November , 2011

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS 22nd DAY OF , 2011

ADOPTED THIS DAY OF , 20__

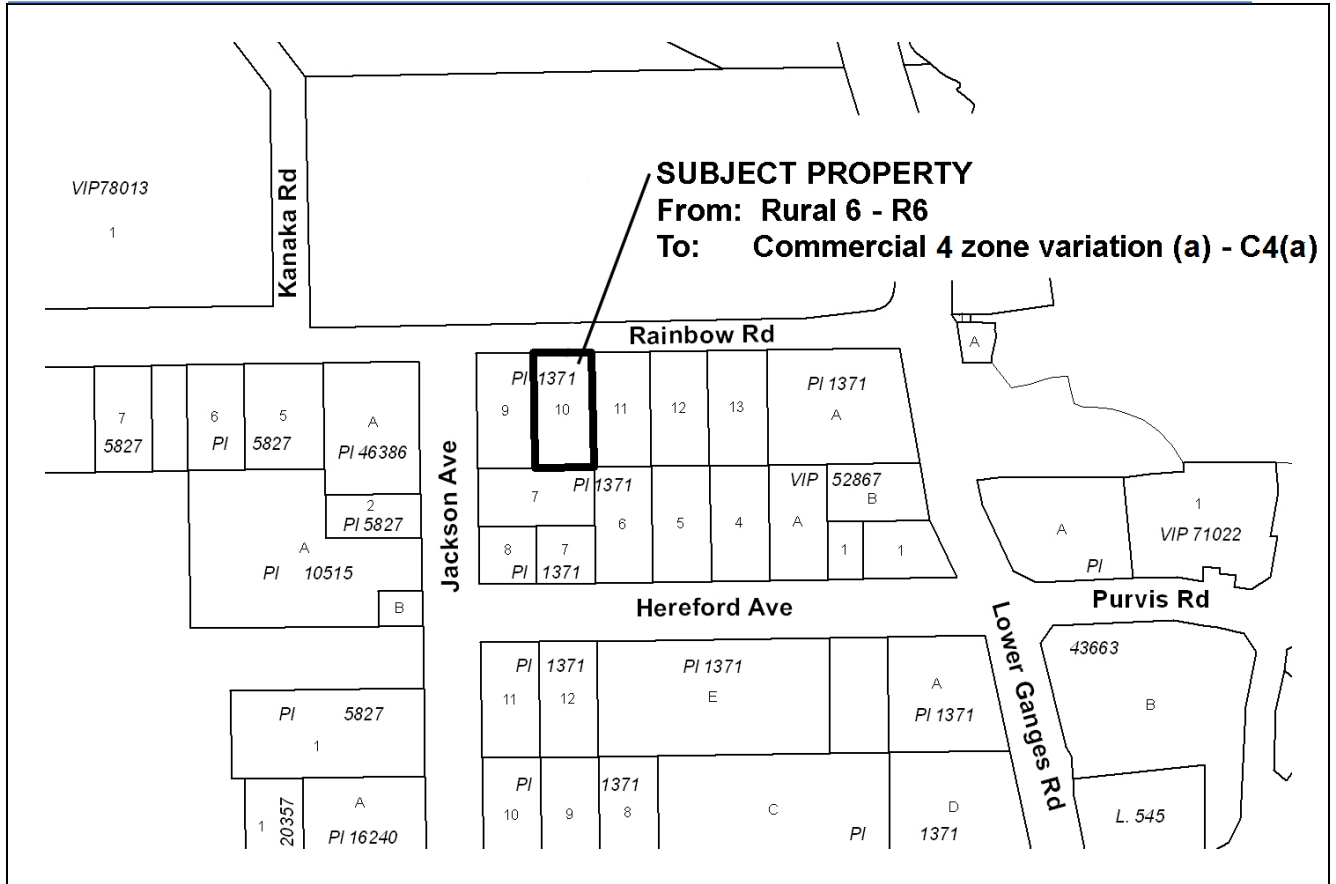
SECRETARY

CHAIRPERSON

SALT SPRING ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 452

Plan No. 1



BY-LAW REFERRAL FORM RESPONSE SUMMARY

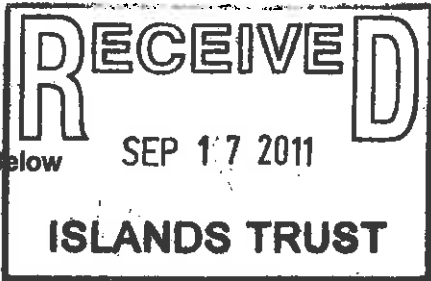
Appendix 2

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



- subject to provision being made for developing the Ganges Public Pathway System in the future along the south/rear of the property
- subject to the construction of a pathway on MoT right-of-way adjacent to and fronting the property in question;
- subject to the pathway incorporating the following design elements:
 - surface treatment: 3/8" gravel with fines or "pathway blend"
 - width: fence line to roadway
 - drainage: grading to promote run-off in the direction of the culvert at Rainbow and Jackson

Salt Spring Island Local Trust Area

(Island)

Donald McLennan

(Name)

Chair

(Title)

16 September 2011

(Date)

452

(Bylaw Number)

(Signature)

Salt Spring Island Transportation Commission

(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

the SSITC recommends that a curb be installed as a buffer between the roadway and the pathway in order to:

- clearly delineate the pathway from the road
- enhance the safety and security of pathway users
- reduce the likelihood of parking on the pathway
- deflect water and debris off of the pathway
- protect the pathway investment and reduce future maintenance requirements

The SSITC further recommends that:

- the curb be installed on the edge of the paved road, with appropriate turning allowance for entrance and egress on the driveway
- the curb be consistent with other curbs in the Ganges Village Core, namely a buffer of continuous asphalt curb
- if the cost estimate of laying a relatively short section of asphalt with curb forming machine is prohibitive to the applicant, the applicant may request that a temporary buffer be put in place until such time as the pathway and curb is connected to Lower Ganges Road and Jackson Avenue and until such time as Rainbow Road is re-developed as part of the North Ganges Transportation Plan. Temporary options include items like prefabricated cement curbs.

The SSITC intends in the future to promote the continuation of a pedestrian pathway and curb on both sides of the subject property along Rainbow Road, connecting to existing curbs at Jackson Avenue and at the corner of Lower Ganges Road

Salt Spring Island Local Trust Area

(Island)

452

(Bylaw Number)

Donald McLennan

(Name)

(Signature)

Chair – SS Transportation Commission

(Title)

(Agency)

September 27, 2011

(Date)

Date: January 3, 2012 **File No.:** 38.2(a)

To: Salt Spring Island Local Trust Committee

From: Stefan Cermak, Planner 2, Salt Spring Island Planning Team

Re: **Official Community Plan Update – Riparian Areas Regulations
Update on Stream Mapping Pilot Project**

THE PROPOSAL

The purpose of this report is to provide the Salt Spring Island Local Trust Committee with an update on considerations for stream mapping for Lake Cusheon and St. Mary Lake watersheds in relation to the Riparian Area Regulations.

BACKGROUND

On November 3, 2011, the Salt Spring Island Local Trust Committee (LTC) received a Staff Report detailing a range of stream mapping options and costs. During the November 3, 2011 LTC meeting, the LTC passed the following resolutions:

- | | |
|------------|--|
| SSI-225-11 | It was MOVED and SECONDED that the Salt Spring Island Local Trust Committee dedicate and release up to \$2,000 of the 2011/12 Local Expense Budget to support stream mapping on Salt Spring Island and request that the Islands Trust Technical Services funds be released to support mapping which begins with St Mary Lake and Cusheon Lake Watersheds, utilizing an integrated community mapping approach, applying modified SHIM and LiDar. CARRIED |
| SSI-226-12 | It was MOVED and SECONDED that the Salt Spring Island Local Trust Committee receive the Riparian Areas Regulation Work Program as amended on October 26, 2011 and endorse it in general terms. CARRIED |

The Islands Trust Local Planning Services GIS Coordinator has been refining LiDar data which in turn has allowed for modeling of accumulation and surface water flow. The model will help the vendor awarded stream mapping to identify properties and slope gradients, thereby increasing efficient use of time. The Islands Trust Local Planning Services GIS Coordinator has also provided a “Global Positioning System (GPS) Specifications” which has been included as mandatory specifications for mapping work. The GPS Specifications are a modification of SHIM standards.

SUMMARY OF KEY ISSUES

The new Trustees have expressed potential interest in expanding the scope of stream mapping. This would be possible to do pending direction from the LTC. The current scope of work includes:

1. Determine which steams, using RAR standards, within the St. Mary Lake Watershed and Cusheon Lake Watershed RAR identified watersheds are fish bearing or potentially fish bearing.
2. Identify the location of fish bearing and potentially fish bearing streams within the defined watersheds.

3. Identify any natural or human made permanent barrier that cannot be reasonably modified to allow fish passage.
4. A final report outlining the methodology used and recommendations, as well as the provision of final stream location documentation to the Islands Trust mapping department (including raw data, electronic files and notes on data limitations and corrections made) is also part of this work

Basically, the above scope of work maps RAR applicable streams. Once RAR applicable streams are mapped, a Riparian Assessment Area (RAA) (generally 30 metres from the bank of a stream) can also be mapped. If a land owner proposes development within the RAA, they would need to hire a Qualified Environmental Professional to establish the Streamside Protection and Enhancement Area (SPEA), and appropriate protections measures, applicable to their property and proposal. Other familiar terms for SPEAs are “stream buffers” or “leave strips.”

Initial discussion with the newly elected Trustees indicates interest in expanding the scope of mapping to include an assessed Streamside Protection Enhancement Area for streams within the St. Mary Lake and Cusheon Lake watersheds. SPEA’s are developed by a Qualified Environmental Professional completing an Assessment Report. Two assessments options are available:

1. Undertake a “simple assessment,” based on certain stream characteristics including: fish-bearing; nature of stream flows, and status of streamside vegetation. In the simple assessment the SPEA incorporates the protection measures.
2. Undertake a “detailed assessment” to determine the SPEA width based on a site specific assessment of the features, functions and conditions of the riparian area. The Detailed Assessment evaluates stream width, reach breaks, potential vegetation type and channel type and then applies formulas to determine the SPEA width. In a detailed assessment The SPEA does not include the protection measures. The measures must be established in addition to the SPEA determination in order to maintain the integrity of the SPEA. Some measures will result in areas beyond the SPEA being identified as areas requiring special protection or limited activity.

STAFF COMMENTS

The current LTC direction to map streams within the Cusheon Lake and St. Mary Lake watersheds is based on determining and identifying which streams are applicable to RAR and subsequently determining a Riparian Assessment Area. Determining the Streamside and Protection Enhancement Area will involve greater analysis including at minimum, the nature of stream flows and the status of streamside vegetation. The more rigorous study will be reflected in a vendors quote.

Some benefits of including a “simple assessment” within the scope of stream mapping include:

- Land owners who plan to develop their property that have, or are near streams, will benefit from not being required to hire a QEP to determine a SPEA as the cost of determining a SPEA will be absorbed by the Islands Trust community.
- Mapping a SPEA for the current pilot mapping of two watersheds will help the community decide the value of including a simple assessment in the scope for future stream mapping.

- Results of determining a SPEA for the current pilot mapping project could provide the community a better basis of analysis to compare existing Official Community Plan policies and Development Permit Areas and Land Use Bylaws to RAR requirements.

Some possible drawbacks of including a “simple assessment” within the scope of stream mapping include:

- Minimal stream protection. Incorporating a SPEA into a Development Permit Area may limit the ability to set guidelines for development outside the minimal SPEA. The Environmental Committee and an estimated half of all feedback received during the RAR implementation process favours protecting the largest buffer area possible around streams. Environmental planning policies suggest that a watershed approach is the most ideal.
- Cost. The property by property analysis required to develop a SPEA will be much greater than mapping a stream’s centre line and determining a buffer.
- A Detailed Assessment Report would be excessively costly and unnecessary for the goals of the LTC yet could remain a possibility to individual owners unsatisfied with the general width of the SPEA as determined in a Simple Assessment Report.

Whether mapping applicable Riparian Assessment Areas or mapping Streamside Protection and Enhancement Areas, both actions will increase certainty for land owners within the respective watersheds and assist the LTC implement Riparian Area Regulations.

Finally, the LTC resolution directing mapping to involve an “integrated community mapping approach” becomes critical if choosing to map SPEA’s instead of RAA’s. Including local experts with experience and intimate knowledge of local waterways will ensure the LTC is not only meeting minimal standards of riparian area protection, but optimal standards of riparian area protection.

NEXT STEPS

The Salt Spring Local Trust Committee should discuss whether they wish to include a Simple Assessment Report within the scope of the RAR stream mapping project for St. Mary Lake and Cusheon Lake watersheds. If the LTC wishes to direct staff to include the establishment of a SPEA for the current mapping project, the possible resolution could read:

THAT the Salt Spring Island Local Trust Committee **DIRECTS** staff to include a Simple Assessment Report within the scope of work for Riparian Areas Regulation stream mapping for St. Mary Lake and Cusheon Lake Watersheds.

RECOMMENDATIONS

THAT the Salt Spring Island Local Trust Committee **RECEIVES** this report (Official Community Plan Update – Riparian Areas Regulations -Update on Stream Mapping Pilot Project) for information.

Prepared and Submitted by:

Stefan Cermak, Planner 2

Date

Concurred by:

Leah Hartley, Regional Planning Manager

Date

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