



STAFF REPORT

File No.: PLRZ20260013
X Ref: PLDVP20240286
SS-DP-2023.9
PLTUP20250097

DATE OF MEETING: March 19, 2026

TO: Salt Spring Island Local Trust Committee

FROM: Milad Panahifar, Planner 1
Salt Spring Island Team

SUBJECT: Rezoning a Residential zoned Parcel to allow Commercial use within the Ganges Village Core.

Applicant: Martin O'Gilvie

Location: 116 Jackson Avenue (PID: 031-451-977), Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee request staff to proceed with the application PLRZ20260013 (116 Jackson Avenue).
2. That the Salt Spring Island Local Trust Committee request staff to schedule Community Information Meeting for the commercial rezoning proposal.
3. That the Salt Spring Island Local Trust Committee request staff to prepare a draft bylaw to amend Salt Spring Island Land Use Bylaw No. 355, 1999, to rezone LOT 2 SECTION 1 RANGE 3 EAST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN EPP99513 (PLRZ20260013, 116 Jackson Avenue) from Residential 6 and Residential 6(b) to to a Commercial zone variant to allow the uses specified in staff report dated March 19, 2026. (Attachment 4)
4. That the Salt Spring Island Local Trust Committee request staff to refer to and seek input from the Advisory Planning Commission, First Nations and other applicable agencies that an application has been received to amend the Salt Spring Island Land Use Bylaw No. 355, 1999.
5. That the Salt Spring Island Local Trust Committee support the release of restrictive covenant CA8813681 from LOT 2 SECTION 1 RANGE 3 EAST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN EPP99513.

REPORT SUMMARY

The purpose of this report is to introduce an application to rezone a split-zoned property from Residential 6 and Residential 6, variant (b) (R6(b)) to a commercial zone variant. The proposed zoning would permit the commercial uses outlined in the Land Use Bylaw analysis section of this report, while retaining the

The applicant is also proposing to remove Covenant CA8813681 (Attachment 5) from the title. The covenant was registered as a condition of subdivision (SS-SUB-2019.1); all associated requirements have since been satisfied and the subdivision has been completed.

BACKGROUND

The property owner secured a development permit (SS-DP-2023.9) in 2023 to remove vegetation and a development variance permit to allow siting of retaining walls and water tank within interior side lot line setback (PLDVP20240286).

[illegible]

**LOT 2
PLAN EPP99513**

EASEMENT PLAN EPP103215

JACKSON AVENUE

Dimensions and Features:

- Top boundary: 12.51, 20.94, 4.312, 4.08, 14.08, 19.87, 20.89
- Left boundary: 20.50
- Right boundary: 2.63
- Bottom boundary: 43.17
- Internal dimensions: 3.20, 6.88, 15.50, 6.40
- Features: WATER TANK, BUILDING, SHED, PROPOSED FOOD TRUCK, BLOCK WALL, BUILDING, TRAILER, BAY WINDOW, SERVICE BOX

Staff note that issuance of a TUP should not be interpreted as support for permanent. However, the impacts of a use carried out under a TUP may assist the LTC in making a decision on a rezoning application.

54

In consideration of the Salt Spring Island Official Community Plan Bylaw No. 434, 2008 (the OCP), the Ministry of Transportation and Transit (MOTT) is encouraged to refer proposed subdivisions to the Salt Spring Island Transportation Commission for review and comment, particularly with respect to the Ganges Public Pathway System and the Capital Regional District (CRD) Pedestrian and Cycling Master Plan – Salt Spring Island Edition.

As a condition of Subdivision Application SS-SUB-2019.1 (2019), the applicant was required to register a covenant providing that no building or structure may be constructed on the subject lands until a design and cost estimate for a sidewalk with boulevards, in accordance with Section 5.18 and Schedule “G” of the Salt Spring Island Land Use Bylaw, had been submitted and accepted by the assigned planning official. The covenant further required the provision of security in the amount of 150% of the approved cost estimate. This condition applies to lots being subdivided within the Ganges Village Core, as designated on Map 1, in which the subject property is located.

At the time of subdivision, the applicant obtained a Development Variance Permit to vary Sections 5.18.1 and 5.18.2 of the Land Use Bylaw, permitting subdivision of the subject properties while deferring the sidewalk requirement to the time of development.

Subsequently, the applicant contacted the CRD Engineering Manager to obtain a cost estimate for future sidewalk construction along the property frontage. In December 2023, the applicant provided a cheque in the amount of \$13,530, inclusive of a 10% contingency, to the Capital Regional District. The funds are currently held within the CRD transportation service account and are intended to be used toward the future construction of a pathway or sidewalk along Jackson Avenue.

The applicant has also proceeded to construct sidewalk improvements to an acceptable minimum standard. Staff have conducted a site visit and confirmed that the associated conditions may be considered satisfied.

In accordance with Part 10 of the covenant, the owner is entitled to discharge the covenant upon confirmation that the requirements set out in Paragraph 2 of the agreement have been fulfilled.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Relevant policies of the Islands Trust Policy Statement (ITPS) relating to this rezoning and LUB amendment proposal are as follows:

5.1.3 *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.*

5.2.3 *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.*

Planner Comments:

The proposal is designed to minimize visual impacts and protect the scenic quality of the surrounding area by maintaining a modest development form that is compatible with existing landscape features and community character, consistent with Policies 5.1.3 and 5.2.3.

5.2.4 *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.*

Planner Comments:

The applicant has provided a real estate report confirming the scarcity and the need for more leasable commercial properties on Ganges. The scale and nature of the proposed use are intended to limit environmental and social impacts and to ensure that development remains compatible with the rural context of the Trust Area. The application does not introduce development patterns that would compromise natural amenities, visual quality, or established community character, consistent with Policy 5.2.4.

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.*

Planner Comments:

With respect to hazard considerations, including flooding, staff have required a stormwater management report to ensure that development is appropriately located and managed, consistent with Policy 5.2.6.

5.3.7 *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.*

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.*

The proposal does not rely on new automobile-oriented infrastructure. The applicant has upgraded sidewalks along the property frontage as part of their subdivision application and is providing bicycle parking and related amenities. The proposal does not preclude future opportunities for pedestrian or bicycle connectivity, thereby remaining consistent with Policies 5.3.7 and 5.5.7.

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.

Secondly,

Finally, the application supports a modest economic opportunity that is compatible with the conservation of resources and protection of community character, aligning with Policy 5.7.2.

The application aligns with all of the above Policy Statement Directives. Firstly,

These measures collectively ensure that the rezoning application is consistent with the community's broader goals for sustainable and compatible land use.

If the LTC decides to proceed with drafting bylaws, the ITPS policy checklist would be presented to LTC for review and consideration in a future staff report if at such time draft bylaws are presented for first reading.

Official Community Plan:

The OCP, adopted in 2008, references general commercial uses, including retail and restaurant activities, within residential zones in the Ganges Village Core Area. Relevant objectives emphasize the promotion of a diverse mix of residential and non-residential uses in the Ganges Village Core, while ensuring the area remains public-oriented and walkable. The OCP also includes policies specific to rezoning applications, aiming to facilitate a broad range of commercial, residential, employment, and institutional uses with flexibility in the form and siting of these developments. Staff have evaluated the application against the relevant OCP policies and find that the proposal is generally not inconsistent with the OCP.

Applicable OCP policies relevant to Ganges Village development include:

***B.5.2.2.2** Zones within the Ganges Village Designation will continue to allow the wide range of commercial, general employment, institutional land uses and the various densities of residential development allowed by existing zoning.*

Allowing commercial use while retaining the ability to develop duplex residential units is consistent with this policy direction. The application supports the broader objective of sustainable, mixed-use growth within the Ganges Village area and is therefore aligned with this policy.

Applicable OCP policies relevant to General Village development include:

***B.5.1.2.7** The Local Trust Committee should consider amending local zoning within Village Designations to be more in keeping with traditional village forms and more appropriate to the small, pedestrian nature of villages.*

The proposed small-scale commercial uses are consistent with the traditional village form and character.

B.5.1.2.5 To retain the compact and pedestrian oriented nature and economic viability of island villages, the Local Trust Committee should only consider rezoning applications that would create more commercially-zoned land in Village Designations if the following guidelines are met:

- a. *the proposed use is compact and not land intensive.*

- b. existing commercial zones are largely developed to their practical development potential and there is evidence of a community need for additional commercial land.*
- c. the proposed rezoning would tend to concentrate development near existing commercial, general employment, institutional or multi-family land uses.*
- d. designs and site plans are consistent with the guidelines in Development Permit Area 1.*
- e. the Local Trust Committee has undertaken a review and inventory of existing commercially zoned land and development, assessed existing and future projected demand, and on the basis of this assessment, may consider re-designating and rezoning land for additional commercial uses.*
- f. the proposed development would be barrier free.*
- g. sidewalks would be provided with any new commercial or general employment development.*

The proposal satisfies the intent of this policy. The applicant proposes several compact, non-land-intensive commercial uses located immediately adjacent to existing commercial properties, thereby reinforcing the concentration of development within an established commercial area.

The subject property is already terraced and landscaped, and the proposal is not anticipated to obstruct views from neighbouring properties. While a reduced front lot line setback is proposed, the surrounding context is predominantly commercial, where reduced setbacks are common and form part of the existing village character.

Sidewalk infrastructure serving the property is already in place and was recently upgraded by the applicant as part of a subdivision application (Photos: Attachment 2). The site design accommodates barrier-free access and maintains pedestrian orientation consistent with village objectives.

With respect to the requirement to demonstrate existing and future need for additional commercial land, the applicant has provided a realtor's report to substantiate the demand for the commercial use in the area.

An analysis of the OCP policies is provided as Attachment 3.

DP Guideline Compatability

The property is located within Development Permit Area 1, Island villages. While a development permit is not triggered, an analysis has been carried out regarding consistency with the permit area objectives and guidelines. Overall, the proposal demonstrates alignment with several key objectives of the Development Permit for island villages, contributing positively to the vibrancy, diversity, and accessibility of Ganges Village.

Land Use Bylaw:

The subject property is split-zoned Residential 6 and Residential 6 variant B (R6 & R6(b)) in the LUB. Furthermore, the applicant has previously obtained a variance to allow siting of retaining walls and water tank within interior side lot line setback (PLDVP20240286).

The current R6 zone permits Single family Dwellings, Duplexes and Funeral homes, and applicant is applying for a rezoning to a commercial variant to allow following additional uses:

- Indoor retail sales and rentals

- Indoor retail services, excluding Laundromats
- Outdoor retail sales of nursery plants and home gardening supplies
- Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items for retail or wholesale sales, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day
- Offices
- Bank or Credit Union
- Restaurants
- Day care centres for children, seniors, or people with special needs

In addition to the proposed change in use, the applicant is requesting amendments to the siting regulations, as follows:

- (1) Setback from front lot line: 4.5 m
- (2) Setback from rear lot line: 3.0 m
- (3) Setback from interior side lot line: 1.5 m

Archaeological Material

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. In the event that archaeological features or materials are found, either intact or disturbed on the subject properties, work should stop immediately and until the BC Archaeology Branch has been contacted at 250-953-3334 or archaeology@gov.bc.ca for further direction.

Issues and Opportunities

Similar Commercial Opportunities in Proximity

There are several existing commercial establishments in proximity to the subject property. These include cafes, restaurants, retail shops, and professional services. While food truck competition may exist on nearby properties in the Ganges Village area, a diversity of offerings in the area can attract a different clientele and contribute to the commercial portfolio in the area. Furthermore, the applicant has provided a realtor report to confirm the need for further commercial properties.

Existing Structures

The development includes retrofitted shipping containers and food trucks as part of the uses permitted under the current TUP. These structures provide flexibility and mobility, which can support adaptive and seasonal commercial activity.

However, consideration must be given to their visual compatibility with the surrounding built environment and the potential impacts on adjacent properties. Staff have conducted multiple site visits and acknowledge the applicant's efforts to enhance the appearance of the structures and improve their compatibility with the established character of the Village area. Notwithstanding these efforts, staff recommend referral of the application to the Advisory Planning Commission to obtain further input

regarding the potential impact of the structures on the character and form of development within Ganges Village.

Stormwater:

The previous Temporary Use Permit (TUP) was limited in scope and did not contemplate permanent structures; therefore, a stormwater management plan was not required at that time. The current proposal, however, involves longer-term site modifications. As a result, professional reports are required to assess drainage conditions on the property.

The TUP report clarified that approval of the temporary use would not preclude the requirement for stormwater management works under the current or any future development application, should such works be deemed necessary.

The applicant has submitted photographs indicating the presence of an existing stormwater management system on the property. However, staff are unable to verify the operational effectiveness of the system or confirm that stormwater infrastructure is not located beneath the footprint of existing or proposed structures.

In addition, the property is situated within an area subject to seasonal flooding. This condition further underscores the importance of thoroughly assessing stormwater management as part of the current rezoning application.

Water

The applicant has incorporated a rainwater harvesting system which is a sustainable solution for water management and would reduce strain on existing water supplies and mitigate environmental impacts. Notwithstanding these benefits, staff recommend referral to the North Salt Spring Waterworks District (NSSWWD) to confirm that the proposed system and any associated connections are appropriate and sufficient to support the intended uses of the site.

Sewage

The subject property is connected to the Capital Regional District (CRD) sanitary sewer system. Staff recommend referral to the CRD to ensure the connections are appropriate to support the intended use.

Location

The location of the proposed use within the Ganges Village Core presents both opportunities and challenges. On one hand, it offers visibility and accessibility to potential customers, contributing to the vibrancy of the village. On the other hand, considerations should be given to traffic flow, pedestrian safety, and any potential impacts on neighboring properties.

Consultation

As the proposal is consistent with the Official Community Plan, the Local Trust Committee has discretion to hold or waive a public hearing pursuant to section [464\(3\) of the Local Government Act](#).

The proposed commercial uses have been operating under a Temporary Use Permit, and staff have not received complaints regarding their operation on the subject property. In addition, correspondence in support of the proposal has been submitted by a neighbouring property owner.

Notwithstanding the above, it is within the discretion of the Local Trust Committee to determine whether to proceed without a public hearing and Community Information Meeting, or to require one or both as part of the application process.

Referrals

Staff have identified the following agencies and First Nations for bylaw referral should the application proceed. A 60-day referral period is recommended to allow sufficient time for responses. The Local Trust Committee (LTC) may direct staff to include additional agencies in the referral process:

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
Ts'uubaa-Asatx (Lake Cowichan) First Nation

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

Provincial Agencies

BC Assessment Authority
Front Counter BC
Ministry of Municipal Affairs

Regional Agencies

Capital Regional District
CRD – All Referrals & SSI Senior Manager
CRD – SSI Building Inspection
SS LTC – Advisory Planning Commission
Islands Trust – Accessibility Committee
Vancouver Island Health Authority

Non-Agency Referrals

RCMP
SSI Fire-Rescue
Salt Spring Island Coast Salish Society
North Salt Spring Waterworks District

Rationale for Recommendation

The recommendations on page 1 are supported as:

1. The proposal appears to be consistent with the policies of the Salt Spring Island Official Community Plan No. 434 (OCP) and Islands Trust Policy Statement (ITPS).

ALTERNATIVES

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

1. To suggest applicant to amend the rezoning proposal:

LTC may choose to suggest the applicant to amend the rezoning proposal. Recommended wording for the resolution is as follows

1. *That the Salt Spring Island Local Trust Committee request staff not to proceed with application PLRZ20260013 (116 Jackson Avenue).*
2. *That the Salt Spring Island Local Trust Committee suggest applicants to amend the rezoning proposal.*

2. To Proceed without holding public processes.

LTC may choose to proceed without holding Public Hearing and Community Information Meeting as the nature of the proposed rezoning is not residential.

1. *That the Salt Spring Island Local Trust Committee waive the requirement to hold a Community Information Meeting for the commercial rezoning proposal.*
2. *That the Salt Spring Island Local Trust Committee waive the requirement to hold a Public Hearing for the commercial rezoning proposal.*

3. Deny the application

The LTC may choose to deny the application. If it does, LTC should provide reasons for the denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny application PLRZ20260013 for the following reasons

4. Deny the release of the covenant

Recommended wording for the resolution is as follows

That the Salt Spring Island Local Trust Committee do not support the release of restrictive covenant CA8813681 from LOT 2 SECTION 1 RANGE 3 EAST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN EPP99513,

That the Salt Spring Island Local Trust Committee proceed no further with PLRZ20260013

NEXT STEPS

If the recommendations are supported,

Staff will proceed with processing the rezoning application, refer it to the First Nations and related agencies, begin drafting the amending bylaws, and present them for first and second readings. The application will then be returned to the Salt Spring Local Trust Committee (SS LTC) for further consideration. Meanwhile, the staff will await submission of the covenant release documents by the applicant

Submitted By:	Milad Panahifar, Planner 1	March 10, 2026
Concurrence:	Chris Hutton, Regional Planning Manager	March 10, 2026

ATTACHMENTS

1. Site Context
2. Maps, Plans and Photographs
3. OCP Policy Checklist
4. Letter of Rational
5. Covenant - CA8813681

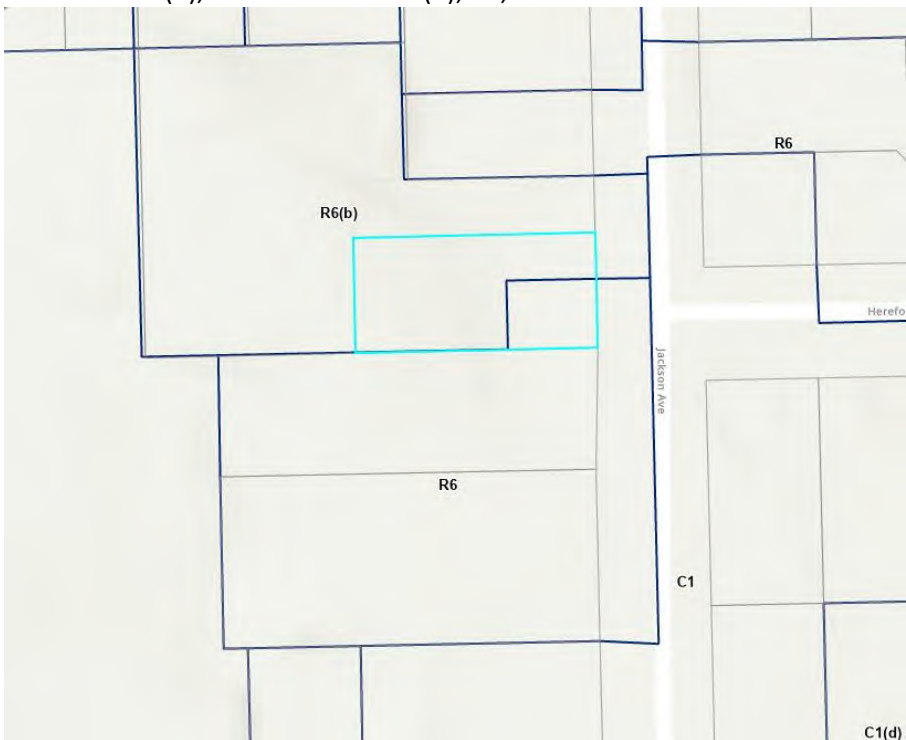
ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 2, Section 1, Range 3 East, North Salt Spring Island, Cowichan District, Plan EPP99513
PID	031-451-977
Civic Address	116 Jackson Avenue, Salt Spring Island
Lot Size	0.08 ha 845.79 m ²

LAND USE

Current Land Use	Split Zoned - Residential 6 (b), Residential 6 – R6(b), R6
Surrounding Land Use	Residential 6 (b), Residential 6 – R6(b), R6, C1

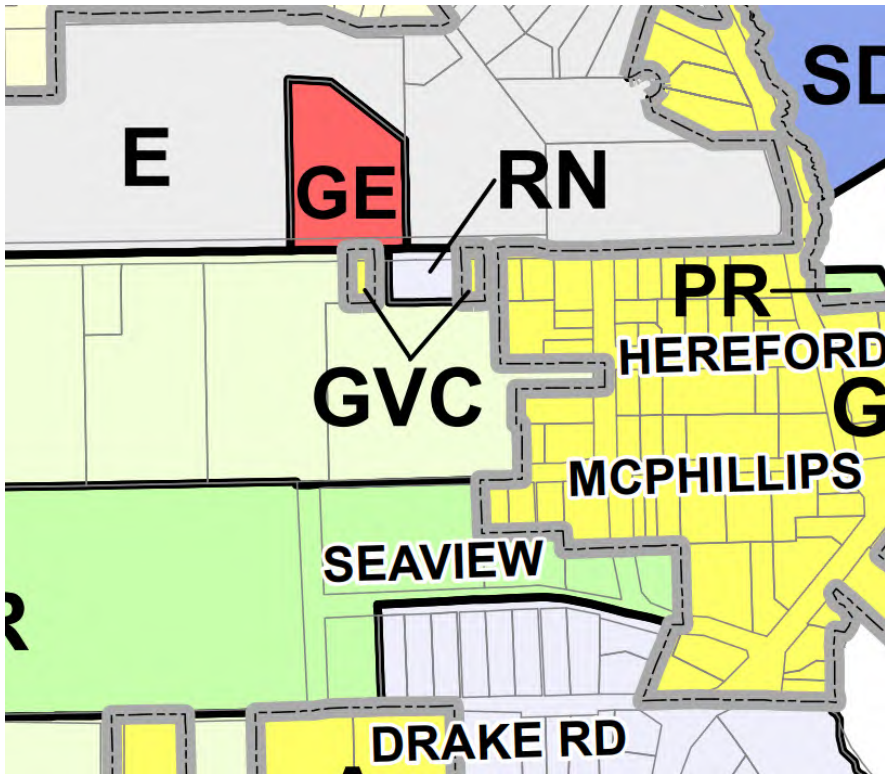


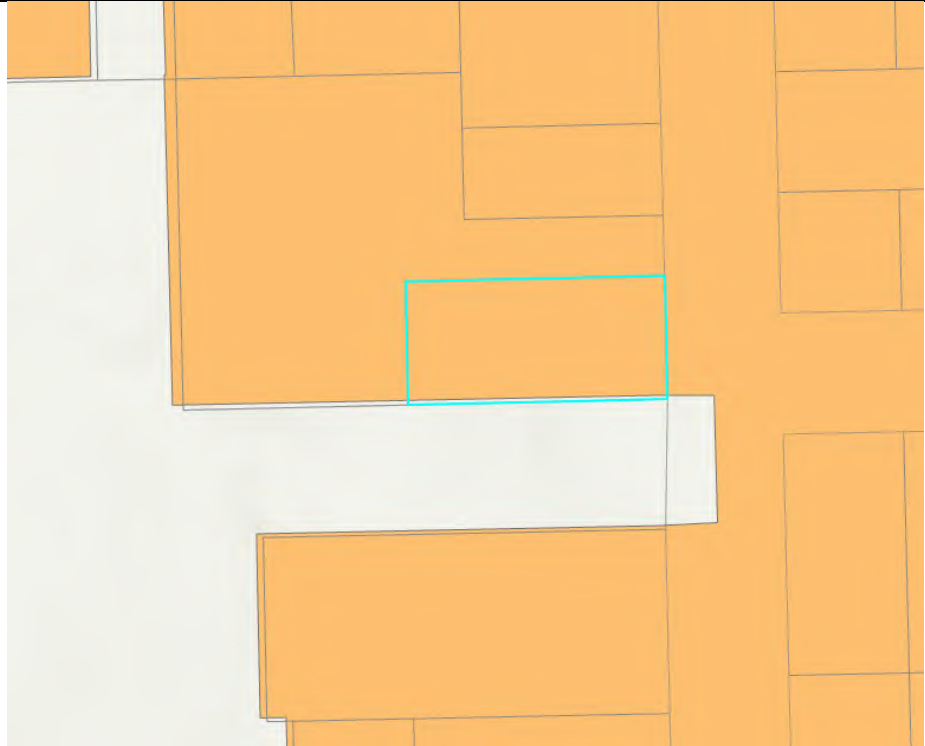
HISTORICAL ACTIVITY

File No.	Purpose
SS-SUB-2017.1	2 Lot Boundary Adjustment
SS-SUB-2019.1	2 Lot Boundary Adjustment
PLBP20240226	Commercial Building B / CRD already issued three BPs without preliminary reviews
PLBP20240230	Commercial Building A / CRD already issued three BPs without preliminary reviews
PLBP20240231	Electrical/Plumbing Shed / CRD already issued three BPs without preliminary reviews

SS-BP-2011.14	mobile temporary library facility in DPA1. DP not required; DVP and TUP issued Dec 2010.
SS-DP-2018.2	Proposed development for residential purposes with a request for road frontage waiver for proposed boundary adjustment (SS-SUB-2017.1) - 118 Jackson Avenue, SSI
SS-DP-2019.6	Proposed Boundary Adjustment (SS-SUB-2019.1) in DPA1 - 118 Jackson Avenue, SSI
SS-DP-2023.9	DPA 1 - Permission to clear land to install services - 116 Jackson Ave
SS-DVP-2010.6	To vary front lot setback from 7.5m to 2.5m to accommodate the temporary siting of a library facility.
SS-TUP-2010.2	To temporarily permit a library use in a residential zone (during the reconstruction of the Salt Spring Public Library building on McPhillips Avenue).
SS-TUP-2024.1	TUP to provide a space for a food truck - Lot 2 Jackson Ave, SSI
PLDVP20240286	To allow retaining wall and water tank

POLICY/REGULATORY

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw #434, 2008 – Ganges Village Core - GVC  The property is also located within DPA 1, which is designated as Island Villages. Applicant has already acquired a DP for removal of vegetation within 7.5 m of a lot line that abuts land zoned for residential or commercial guest accommodation uses.
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Land Use Bylaw	Salt Spring Island Land Use Bylaw #355, 1999 – Residential 6 (R6) “R” permits the following principal uses: • Single-family dwellings • Duplexes • Dental and medical offices for a maximum of two medical practitioners • Elementary schools, pre-schools and child day care • Hospitals and public health care facilities • Community halls • Non-commercial outdoor active recreation • Churches • Public service uses The R also permits the following accessory uses: • Home-based business use, subject to Section 3.13 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. 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: (1) Setback from front lot line: 7.5 m (2) Setback from rear lot line: 7.5 m (3) Setback from interior side lot line: 3.0 m (4) Setback from exterior side lot line: 4.5 m except that on any lot, one structure with a floor area no more than 10 square metres and a height no greater than 2.5 m may be placed within the setback area from an interior side or rear lot line, and except that on any lot, where a structure has existed since before January 13, 1971, an addition to that structure may be placed within the setback area from an interior side or rear lot line, provided the addition is no closer to the lot line than the existing structure, and that the floor area of the addition does not exceed 10 per cent of the floor area of the existing structure. Residential 6(b) - R6(b) The funeral home is also permitted. The minimum lot area that may be created through subdivision is 0.6 ha, provided there is an individual on-site sewage treatment system per lot and an adequate supply of potable water.
Other Regulations	N/A
Covenants	CA8813681 – Requirement for Sidewalk design/deposit prior to construction - satisfied
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	N/A
Regional Conservation Strategy	 Rated low priority.
Species at Risk	N/A
Sensitive Ecosystems	None mapped.
Hazard Areas	None
Archaeological Sites	The owners and applicant should be aware that there is 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	Unknown impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

5.1 MAP TITLE

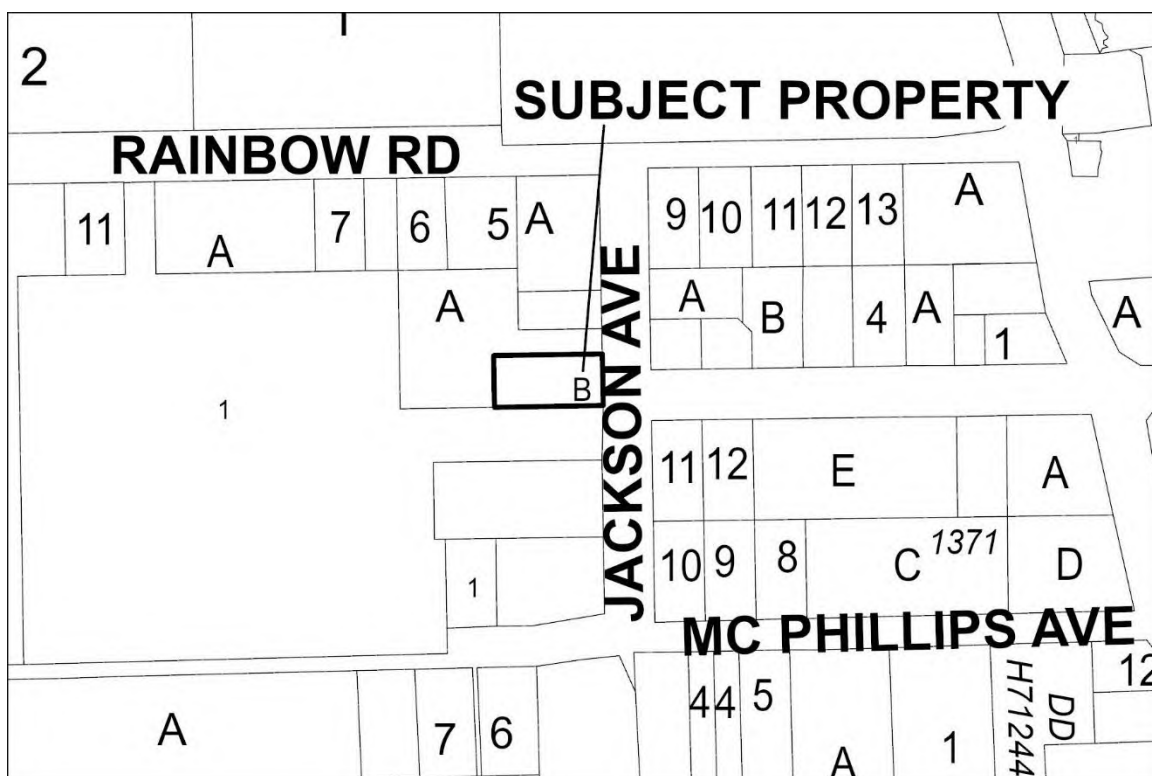


Figure 1 - Subject Property – 116 Jackson Avenue

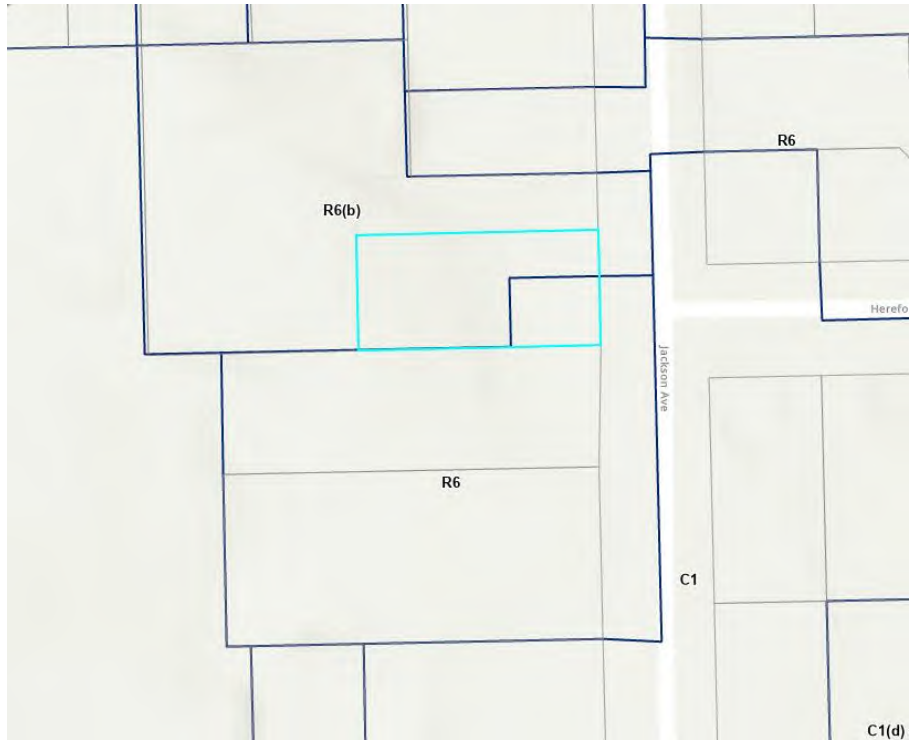


Figure 2 – Subject Property Zoning

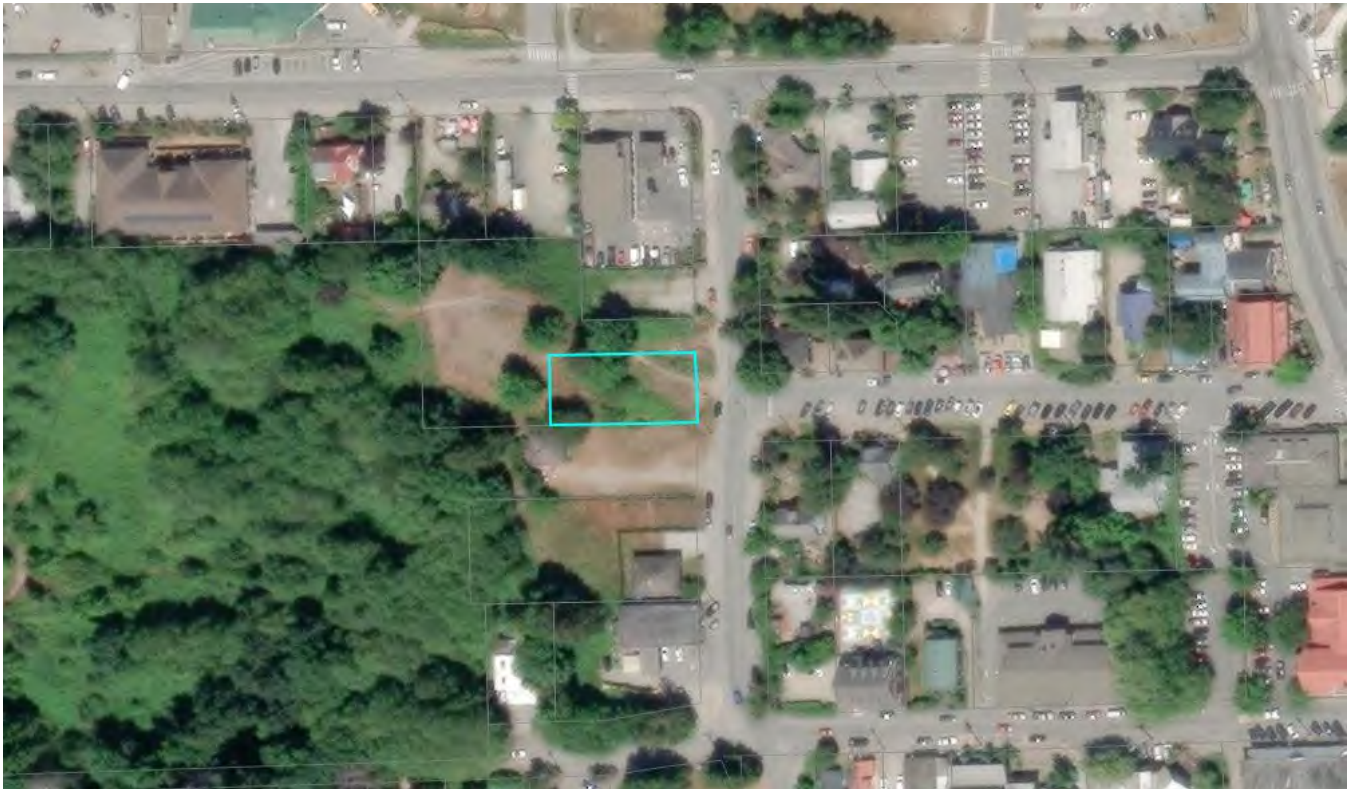


Figure 3 - Subject Property Satellite View

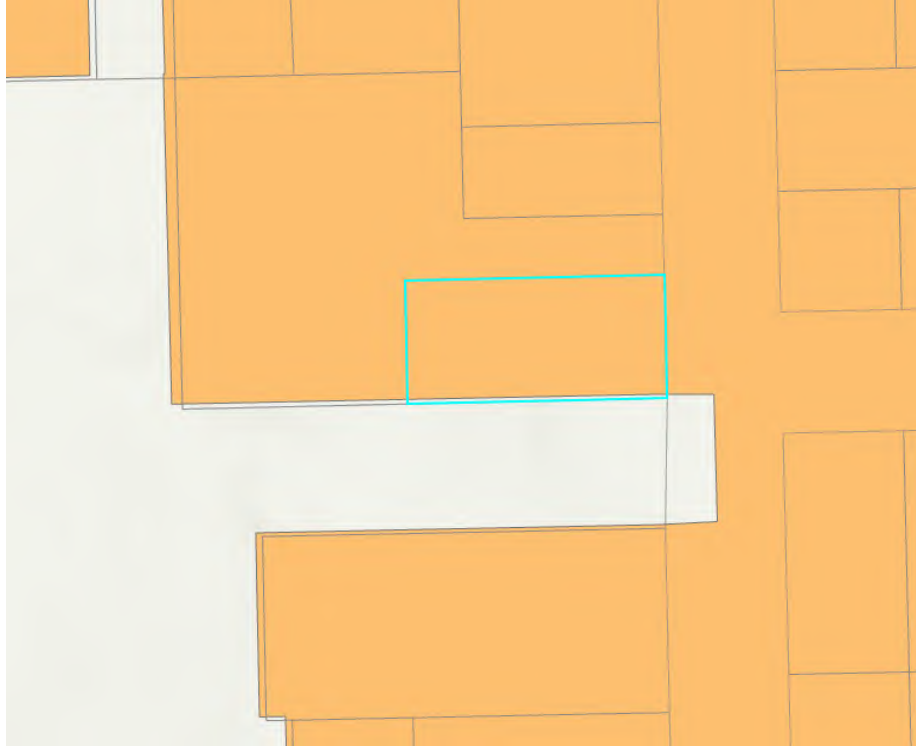


Figure 4 – Island Villages

5.2 PLAN TITLE

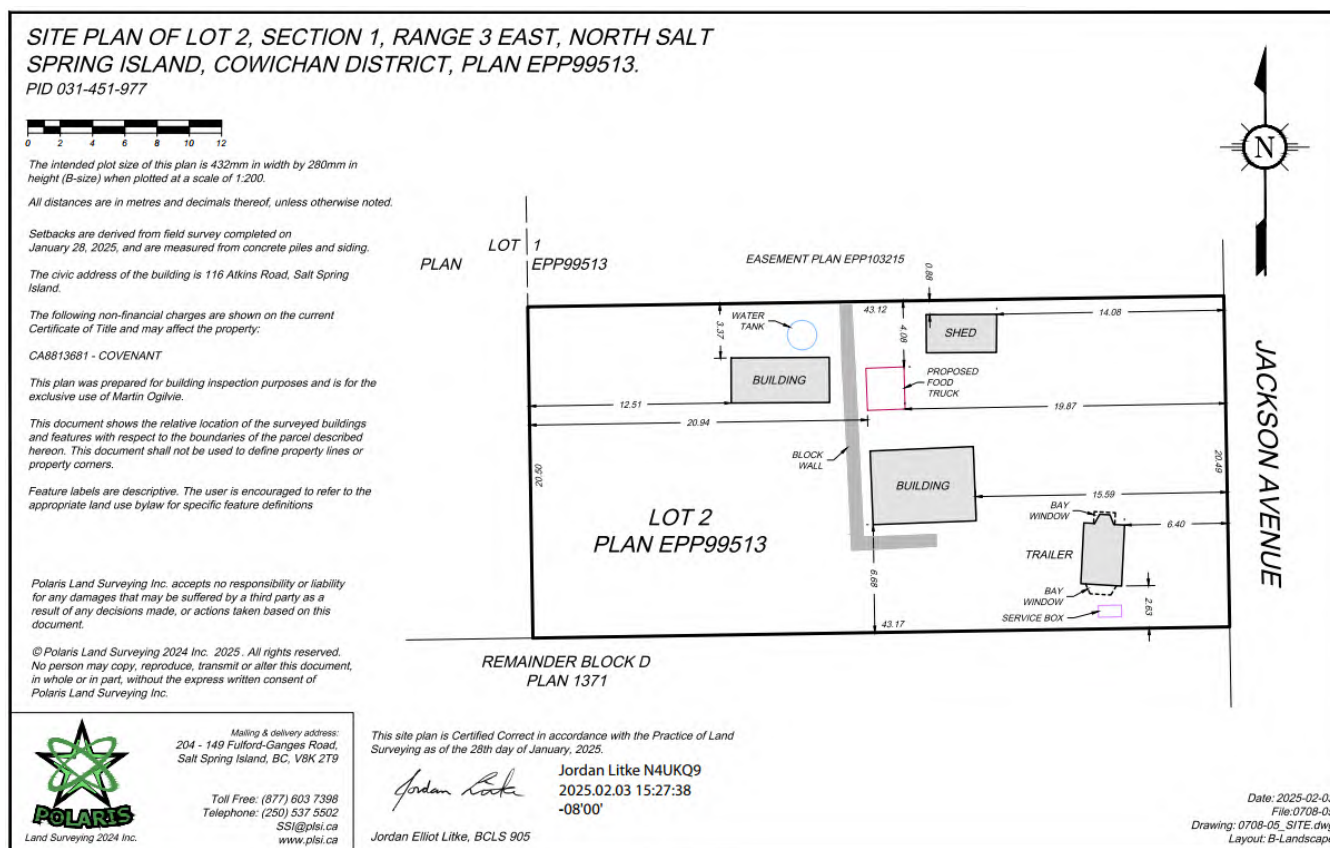


Figure 5 - Site Plan

5.3 PHOTOGRAPH TITLE



Figure 6 – View to the Site (Looking at West)



Figure 7 – View to the South East



Figure 8 –View Toward North - Building A (Shop) and Building B (Counselling)



Figure 9 – Coffee Can



Figure 6 – The Shop (Building A)



Figure 7 – Counselling (Building B)



Figure 8 – Trailer Business (Tattoo)



Figure 9 – View to the North East



Figure 10 – Bike Parking



Figure 11 – Water Tanks



Figure 12 – The Trailer Business (Tattoo)



Figure 13 - The Sidewalk

APPENDIX 3 – OFFICIAL COMMUNITY PLAN OBJECTIVES AND POLICIES

OFFICIAL COMMUNITY PLAN No. 434

	<i>Guideline Not Met</i>		<i>Unclear Whether Guideline Met</i>		<i>Guideline Met</i>
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OCP Objectives	Complies	Planner Comments
A.4.1 General Objectives		
A.4.1.4 To adopt the precautionary principle in the decision-making of the Local Trust Committee. The precautionary principle asserts that, when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically. In this context, the essential elements of a precautionary approach to decision-making include: a. a duty to take anticipatory action to prevent harm; b. the right for the community to know complete and accurate information on potential human health and environmental impacts as best it can be determined; c. requiring the proponent to supply this information to the public; d. an obligation to consider alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of no change; e. a duty to consider broader short-term and long-term costs and benefits to the community when evaluating potential alternatives; and f. a responsibility to make decisions in a transparent, participatory manner, relying on the best available information.		LTC should adopt a precautionary approach – permit conditions intended to ensure reduced impact from development to site.
A.4.1.5 To identify and protect important components of our island's heritage,		No archaeological sites identified.

including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles.		
A.4.4 Our Sense of Community		
A.4.4.1 To ensure that our community continues to function as an authentic, resident-centred community in the face of internal and external pressures to change and grow; to ensure that growth, including the growth of tourism, is managed in a way that does not displace or detract from our community's important function as a home for its residents.		Proposal does not appear to detract from the community's function as a home to its residents. The proposed zoning would permit a duplex and allow small-scale commercial uses on site.
A.4.4.2 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.		Proposal could serve as a commercial space interconnected with the Ganges area.
A.4.4.3 To recognize the strength and exceptional value of the community's diverse human population - a population characterized by people of many ages and backgrounds who, through choice or circumstance, have a rich variety of lifestyles and livelihoods. To recognize the very real, if intangible, loss that is felt in the community when this diversity is diminished by external pressures and changes.		Not Applicable
A.4.4.4 To preserve and protect human diversity in our community by ensuring that the island's people are accommodated by a broad spectrum of appropriate and accessible housing and facilities, transportation choices, service opportunities and choices of livelihood, with a local focus to minimize transportation needs.		The proposed zoning would permit a duplex and allow small-scale commercial uses on site.
A.4.4.5 To recognize the importance of broad community consultation, economic security, coordinated and efficient infrastructure development and established land use policies to the maintenance of a healthy community.		Community Consultation measures taken

A.4.4.7 To recognize that development should be managed to protect our sense of community and maintain our ability to absorb changes.		Small, affordable commercial spaces would support a sense of community and provide opportunities for local small business owners to remain in the community.
A.4.4.8 To identify creative and proactive ways through which a diverse, liveable and vibrant community can be created within the confines of our island's finite land base and resources.		The proposal contributes to a diverse and vibrant community by supporting small-scale, locally owned commercial uses and residential options that make efficient use of the site and its resources.
A.4.5 Community Health and Safety		
A.4.5.1 To accommodate the community's need to be safe, secure and healthy - physically, mentally and spiritually.		Not applicable
A.4.5.2 To encourage multiple modes of healthy, active transportation among residents of all ages, such as walking and bicycling.		Applicable – Location is accessible within the Ganges core
A.4.5.3 To foster improved air quality through strategies to reduce reliance on single-occupancy automobile use, eliminate idling, and encourage fuel-efficient and zero-pollution vehicles.		Not applicable
A.4.5.4 To designate land for appropriate and accessible social and recreational opportunities for all residents.		Not Applicable
A.4.6 Island Livelihoods and Economies		
A.4.6.1 To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character.		Supporting small, affordable commercial spaces helps sustain diverse livelihoods and contributes to a vibrant local economy that reflects and reinforces the community's unique character.
A.4.6.2 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		Enabling small, locally owned businesses that provide on-island employment opportunities, retain revenues within the community, and are compatible with the island's character and environmental values.

production and consumption to meet the needs of islanders.		
A.4.6.3 To encourage living-wage, meaningful, year-round employment and income-generating opportunities that especially enable young people and families to remain on the island.		Slight increase to on-island employment. enabling small, year-round, income-generating opportunities that contribute to living-wage employment and help young people and families remain on the island.
B.2.4.1 Residential Neighbourhoods Designation - OBJECTIVES		
B.2.4.1.1 To continue to provide for a range of medium density residential uses consistent with the community's rural character.		The proposed zoning would permit a duplex, consistent with the character of the community.
B.2.4.1.2 To continue to accommodate non-residential uses that are compatible with medium density residential use.		Small-scale non-residential uses permitted by the proposal are compatible with medium-density residential use.
B.3.1.1 Tourism - Accommodation and Facilities - OBJECTIVES		
B.3.1.1.1 To recognize and welcome the economic value to our community of tourism that is compatible with preserving and protecting the island's natural environment, authentic resident-based sense of community, and the aesthetic values that attract visitors.		small-scale, locally oriented commercial uses that have the potential to contribute to tourism while remaining compatible with protection of the island's natural environment and resident-based sense of community.
B.3.1.1.2 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.		Expands to new location on island.
B.3.1.1.3 To retain and maximize the economic benefits of tourism to the community.		Locally oriented commercial uses that have the potential to contribute to tourism
B.3.1.1.4 To make land use decisions that would encourage tourism in the shoulder and off-seasons and discourage any significant increase in the peak period.		Locally oriented commercial uses can contribute to economic activity during shoulder and off-seasons without encouraging a significant increase in peak-season tourism.

B.3.1.1.5 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.		Proposal blends in with the natural environment.
B.3.1.1.6 To provide for facilities necessary to mitigate the impacts of tourism on the island's natural or social environment. Examples are: sani-dump facilities for boats or recreational vehicles, and tour bus parking areas outside Ganges Village Core.		Not applicable – the proposal is not expected to increase peak-season tourism, so additional facilities to mitigate tourism impacts are not required.

OCP Policy	Complies	Planner Comments
A.5.2 – THE ISLAND ENVIRONMENT - POLICIES		
A.5.2.1 The Local Trust Committee will promote public education and the encouragement of private stewardship to achieve the objectives of this section. The Committee should make information about the natural environment widely available and continue to provide assistance and encouragement to those who protect it through mechanisms such as private covenants.		Not applicable
A.5.2.2 The Local Trust Committee should consider rezoning applications from property owners who wish to transfer their development potential from areas identified as Environmentally Sensitive Areas or High Biodiversity Areas on Maps 9 through 12. Additional Environmentally Sensitive Areas or High Biodiversity Areas could be identified by further study. Such specific areas should be considered "Development Potential Donor Areas", even if they are in a Designation that is identified as a Development Potential Receiving Area. Applications should meet the guidelines in Appendix 4.		Not applicable
A.5.2.3 The protection of Environmentally Sensitive Areas or High Biodiversity Areas is an eligible community amenity, which		Not applicable – mapping indicates no environmentally sensitive areas on site.

could be exchanged for a higher density of development as outlined in Appendix 3.		
A.5.2.4 Maps 9 through 12 are intended to encourage environmental stewardship. These maps show general areas that could be considered Environmentally Sensitive and High Biodiversity Areas. If the Local Trust Committee receives a rezoning application to transfer development or to protect an Environmentally Sensitive Area or a High Biodiversity Area in exchange for additional density, further study could more clearly identify boundaries.		Not applicable – mapping indicates no environmentally sensitive areas onsite.
A.5.2.5 The Local Trust Committee should not make zoning changes that would result in more development or greater impacts on areas identified as Environmentally Sensitive.		Not applicable – mapping indicates no environmentally sensitive areas onsite.
A.5.2.6 The Local Trust Committee may work with the Capital Regional District to develop property tax exemptions as an incentive for the protection of riparian habitat should this be considered feasible.		Not applicable – mapping indicates no riparian areas onsite.
A.5.2.8 The Local Trust Committee will encourage protection of Crown foreshore, wetland, stream and riparian corridor habitats, other sensitive ecosystems, and wildlife habitat through the development permit process: a. The Local Trust Committee will update watercourse mapping and development permit area designations and guidelines to comply with provincial Riparian Area Regulations. b. The Local Trust Committee will undertake updated sensitive ecosystem mapping and should designate sensitive areas as development permit areas for protection of the natural environment. c. The Local Trust Committee will support efforts to map the locations of heron and raptor nests and will review regulations and standards for a protective buffer. The Local Trust Committee should designate development permit areas for the protection of sensitive nest trees. d. The Local Trust Committee will support efforts to map the habitat of threatened or endangered species and will		Not applicable – mapping indicates no environmentally sensitive DP areas onsite.

consider designating development permit areas for the protection of such habitat.		
A.5.2.9 The Local Trust Committee will continue to use Development Permit Area designations for protection of the natural environment to protect watersheds used for community surface water supplies or within the capture zone of community water supply wells. Zoning changes should not be made so that more development would be located in these areas. Development permit area guidelines should encourage subdivision layouts that avoid impacts on these areas. Stewardship on the part of property owners and other agencies will also be encouraged.		Not applicable – Not within in community water supply capture zone or sensitive environment
A.5.2.10 The Local Trust Committee should develop improved methods of determining and assessing environmental impacts and encouraging protection of the natural environment when it is processing land use applications and referrals. The Local Trust Committee should obtain comprehensive development approval information as designated and specified in s. G.1.4.		DAI was provided.
A.5.2.11 The Local Trust Committee should provide advice and education to the public about environmental issues and should continue to encourage and promote private stewardship. The Committee should retain the Environmental Advisory Committee to provide assistance in these initiatives. The Local Trust Committee should also support and seek advice and input from other non-governmental organizations which support the Object of the Islands Trust and the objectives of this Plan		Not applicable
A.5.2.12 The Local Trust Committee encourages landowners and others to avoid the use of pesticides, herbicides and fungicides. If used, pesticides, herbicides and fungicides should be applied in a manner that avoids damage to adjoining lands and drainage areas.		Not applicable
A.5.2.13 The Local Trust Committee encourages landowners and others to		Not Applicable.

utilize current best practices and guidelines in undertaking an ecosystem-based approach to site planning and development. An example is the guidelines in the manual <i>Develop With Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia, 2006</i>, prepared by the B.C. Ministry of Environment. Landowners and developers are encouraged to utilize the following principles in new development: a. identify environmental values prior to site clearing and design. b. locate development away from areas with high environmental values, and place natural buffers between the development site and sensitive features. c. concentrate development in areas with low environmental values. d. develop and implement site plans that protect biodiversity, clean air, and clean water. e. locate developments away from areas that may be subject to erosion, flooding, wildfires, and wildlife conflicts. f. locate developments away from areas of agricultural potential and establish buffers between the development site and farmland. g. minimize impacts of roads and driveways and reduce fragmentation of habitat. h. maintain water quality. i. maintain air quality and reduce greenhouse gas emissions. j. design energy- and water-efficient developments that conserve natural resources. k. minimize wastes, and manage wastes in an environmentally sound manner. l. work with the local community to maximize the benefits of good environmental planning at the community and site level. The Local Trust Committee should continue to ensure that these principles are reflected in its regulations and development permit area guidelines.		
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A.5.2.14 The Local Trust Committee should retain existing regulations to control, surface run-off and to manage stormwater. The LTC should consider adopting regulations to manage soil removal and deposit in order to protect productive or sensitive soils, wetlands, environmentally sensitive areas, and residential neighbourhoods.		Culvert created by applicant downslope, connecting into existing drainage system. Planner asked for water course assessment.
A.5.2.15 The Local Trust Committee should develop ways to encourage sustainable building techniques through support for implementation of energy efficient building design and building practices as demonstrated through recognized building certification programs such as R-2000, BuiltGreen Platinum, and LEED		Not applicable
A.5.2.16 The Local Trust Committee should develop policies and strategies, in cooperation with the Trust Fund Board, to link the community's parklands, conservation lands and other open space into a network of protected areas. The development of community greenways that serve both a recreational and conservation function should be encouraged.		Not applicable
A.5.2.17 The Local Trust Committee will recognize the needs of the local farming community, the Farm Practices Protection ("Right to Farm") Act, the Agricultural Land Commission Act and regulations, and the recommendations of the Area Farm Plan when developing policies or bylaws about environmental protection. The Agricultural Advisory Committee and the Ministry of Environment will be consulted as part of this process to develop mutually acceptable management solutions which protect sensitive environments but do not prohibit or unreasonably restrict farming.		Not applicable
A.5.2.18 The Local Trust Committee should support efforts to restore and enhance environmentally sensitive areas and habitat, including the restoration of streams and other watercourses that have been modified (culverted, ditched, diverted, etc.).		Not applicable

A.5.2.19 When the Local Trust Committee considers rezoning applications, particularly those in the Ganges Village Area, it should discuss with the Capital Regional District what measures could be taken, or local infrastructure required, to maximize the potential environmental benefits that might result from the project, such as the use of reclaimed waste water or waste energy.		Application must be referred to CRD.
B.5.1.2 GENERAL VILLAGE LAND USE POLICIES		
B.5.1.2.1 Village Designations are shown on Map 1. There are three areas: the Ganges Village Designation, the Fulford Village Designation and the Channel Ridge Village Designation. General Policies that apply to all Village Designations are outlined in this Section (B.5.1.2). Specific objectives and policies for each village are outlined in following sections of this Plan.		Designated Ganges Village Core.
B.5.1.2.2 Zoning in Village Designations will continue to allow the mix of commercial, institutional, cultural, and multi-family land uses that are currently allowed. Commercial zoning should be simplified with fewer zones and a broader range of uses allowed in each. The maximum residential density allowed on any single property will remain at 37 units per ha. However, where a multifamily development is comprised of special needs housing or affordable seniors' supportive housing, the density of development may exceed 37 units per ha, provided it does not exceed a floor space ratio of 0.6, a site coverage of 33 percent, a maximum of two storeys and a maximum of 50 units in any one development.		Duplexes are allowed on current zoning and the applicants are proposing to have commercial uses allowed the property.
B.5.1.2.3 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: home-based businesses and industries,		The subject property is located within Ganges Village.

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.		
B.5.1.2.4 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.		The subject property is located within Ganges Village.
B.5.1.2.5 To retain the compact and pedestrian oriented nature and economic viability of island villages, the Local Trust Committee should only consider rezoning applications that would create more commercially-zoned land in Village Designations if the following guidelines are met: a. the proposed use is compact and not land intensive. b. existing commercial zones are largely developed to their practical development potential and there is evidence of a community need for additional commercial land. c. the proposed rezoning would tend to concentrate development near existing commercial, general employment, institutional or multi-family land uses. d. designs and site plans are consistent with the guidelines in Development Permit Area 1. e. the Local Trust Committee has undertaken a review and inventory of existing commercially zoned land and development, assessed existing and future projected demand, and on the basis of this assessment, may consider re-designating and rezoning land for additional commercial uses. f. the proposed development would be barrier free. g. sidewalks would be provided with any new commercial or general employment development.		The proposal satisfies the intent of this policy. The applicant proposes several compact, non-land-intensive commercial uses located immediately adjacent to existing commercial properties, thereby reinforcing the concentration of development within an established commercial area. The subject property is already terraced and landscaped, and the proposal is not anticipated to obstruct views from neighbouring properties. While a reduced front lot line setback is proposed, the surrounding context is predominantly commercial, where zero-metre front setbacks are common and form part of the existing village character. Sidewalk infrastructure serving the property is already in place and was recently upgraded by the applicant as part of a subdivision application (Photos: Attachment 5). The site design accommodates barrier-free access and maintains pedestrian orientation consistent with village objectives. With respect to the requirement to demonstrate existing and future need for additional commercial land, staff have requested that the applicant provide a realtor's market report to substantiate the demand for the proposed commercial use in the area. DPA 1 Guidelines are assessed separately.
B.5.1.2.6 The Local Trust Committee could consider rezoning applications that would result in some additional general employment uses in Village Designations. However, such uses should not be land		Proposed commercials are not land intensive.

intensive or result in a level of pollution that would be incompatible with commercial and high density residential development.		
B.5.1.2.7 The Local Trust Committee should consider amending local zoning within Village Designations to be more in keeping with traditional village forms and more appropriate to the small, pedestrian nature of villages.		The proposed small-scale commercial uses are consistent with the traditional village form and character.
B.5.1.2.8 The Local Trust Committee may consider making changes to zoning to allow the creation of livework spaces.		Not proposed.
B.5.1.2.9 The Local Trust Committee may consider making changes to zoning to establish maximum floor area limits on commercial and general employment uses.		Not proposed
B.5.1.2.10 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.		Confirmed via Site visit.
B.5.1.2.11 The Local Trust Committee should retain local zoning in Village Designations that does not permit drive-in commercial uses.		No drive in commercials are proposed.
B.5.1.2.12 The form and character of commercial, general employment and multi-family development in Village Designations will be guided through Development Permit guidelines in Part E.		Development Permit guidelines are assesses separately within the same document.
B.5.1.2.13 Preservation of community heritage in villages will be guided through the Heritage Conservation Area guidelines in Part F.		No heritage
B.5.2.2 GANGES VILLAGE LAND USE POLICIES		
B.5.2.2.1 The Ganges Village Designation is shown on Map 1.		Designated Ganges Village Core.
B.5.2.2.2 Zones within the Ganges Village Designation will continue to allow the wide range of commercial, general employment, institutional land uses and the various		Proposal to allow mix of commercial and residential (future) uses on parcel.

densities of residential development allowed by existing zoning.		
B.5.2.2.3 The Local Trust Committee should consider rezoning applications that would allow the addition of some affordable and special needs housing in the Ganges Village Designation, as outlined in Section B.2.2.2.		Not proposed.
B.5.2.2.4 The Local Trust Committee could consider rezoning applications to allow a slightly higher density of residential development than permitted by current zoning as part of a proposal that provided an eligible community amenity (see Appendix 3) or as part of a proposal to transfer development potential (see Section B.2.3.2 and Appendix 4). The Ganges Village Designation is a Development Potential Receiving Area. However, development potential should only be transferred to the North Salt Spring Waterworks District if the District can establish that any incremental demand can be met through water conservation or expansion of licensed supply capacity, or if water is to be supplied from another source.		Not proposed.
B.5.2.2.5 The Local Trust Committee could consider rezoning applications to allow a higher percentage of commercial site coverage or higher floor space ratios as part of a proposal to provide an eligible community amenity (see Appendix 3).		Not proposed
B.5.2.2.6 When considering rezoning applications in the Ganges Village designation, the Local Trust Committee will consider the impact that the proposed change would have on the Ganges sewer treatment plant. The Local Trust Committee should obtain confirmation from the Capital Regional District of sewage system capacity for any change to zoning within the boundaries of the sewered area that may result in a significant change in sewage volume or quality. This policy is further outlined in Section C.4.2.		Referral to CRD.

B.5.2.2.7 The Local Trust Committee will support the development of a Ganges Harbour Management Plan.		Not proposed.
B.5.2.2.8 The Local Trust Committee may consider developing a local area plan for Ganges Village.		
B.5.2.2.9 The Local Trust Committee may consider changing zoning to permit some 3-storey buildings in areas away from the shoreline, the Ganges Village Core and established view corridors.		Not proposed.
B.5.2.2.10 The Local Trust Committee will support continued development of the Ganges Public Pathway System as shown on Map 17 and proposed pathways and trails in the Urban Trails Task Force Report for Ganges Village.		Not proposed.
E.1.4 Guidelines for General Site Design, Building Location and Access		
E.1.4.1 All commercial, general employment and multifamily sites should be designed to reduce impacts on neighbouring properties, on-site residential areas and public places, including the sea. Particular attention should be paid to locating and screening loading docks, waste containers, propane tanks, air-conditioning units and other service areas to reduce noise and visual impacts. This guideline is particularly important for development next to schools and hospitals.		No propane tanks or large waste containers are proposed, and the site is not located within 100 metres of any schools or hospitals.
E.1.4.2 All commercial, general employment and multifamily developments should be designed so that the obstruction of views from neighbouring properties is minimized.		The proposal will not obstruct views from neighbouring properties.
E.1.4.3 Additions to existing commercial and multifamily buildings should maintain the existing building setbacks from the street, unless such setbacks are markedly different from the general neighbourhood pattern.		The general neighbourhood pattern does not reflect a single, consistent character; setbacks vary across different zones and among neighbouring properties, including those zoned C1, C3, and R6.
E.1.4.4 Major new commercial, general employment and multi-family developments should include construction of a sidewalk or walking path on adjacent road rights-of-way. All sidewalks and		A barrier-free sidewalk was developed as part of previous applications.

internal site circulation routes should ensure barrier-free access.		
E.1.4.5 Site access to commercial and multi-family developments should encourage use by pedestrians and cyclists. Internal circulation routes for pedestrians and cyclists should be segregated from vehicular routes, with an emphasis given to pedestrian and cyclist safety over vehicular convenience if necessary. Site plans of large new developments should show how transit stops could be accommodated in the future. Site access in Ganges Village should be arranged to coordinate with the Ganges Public Pathway System, including the seawalk. Potential routes for the system are shown in a conceptual way on Map 17.		Pedestrian access available
E.1.4.6 Commercial developments should provide structures for the convenient and secure parking and locking of bicycles, close to and visible from the adjacent streets. Such structures should not obstruct pedestrian movement on the site.		bicycle parking has been provided
E.1.4.7 Where appropriate, buildings in the Ganges Village Core, Channel Ridge Village Core and in Fulford Harbour should be connected with arbours, courtyards and pathways to make them inviting to pedestrians. Along pedestrian routes, attractive public seating and resting areas should be incorporated into project designs.		Public seating and resting areas are incorporated into project.
E.1.4.8 Where possible, buildings should be sited and designed in a way that maximizes solar gain and reduces energy loss. Obstruction of solar gain on surrounding properties should be minimized.		Small buildings with high solar gains has been proposed.
E.1.4.9 To ensure a compact and pedestrian-oriented commercial area in village cores, new commercial developments in the Ganges Village Core, the Channel Ridge Village Core and in Fulford Harbour Village should ideally be located with no or little setback from the front property line. Minor variations could be included to provide small public spaces		Reduced setback has been proposed.

and pedestrian amenities along the streetfront. Exceptions to this guideline could be considered:		
E.1.4.10 Where commercial developments have street frontage in the Ganges Village Core, Channel Ridge Village Core and Fulford Harbour Village, the main floor should be preferably occupied by retail stores, restaurants, and personal service uses in order to maintain the interesting and lively commercial character of the villages. Most new business and professional offices and residential units should ideally be located on the upper levels of commercial developments or on a side of the building without street frontage. Access for the disabled to upper levels should be considered.		small, single-storey commercial structures has been proposed.
E.1.4.11 To avoid the appearance of strip development along Lower Ganges Road in Ganges Village, new developments with frontage on Lower Ganges Road north of Upper Ganges Road should be setback 7.6 m from Lower Ganges Road and should maintain an effective vegetation screen between structures or parking lots and the road, with minor breaks for access only. Where no other frontage exists, buildings should be oriented inward around a central court. Where a secondary frontage exists with access to Lower Ganges Road, building access should be from the secondary frontage, and building orientation should be either inward or oriented to the secondary frontage. Where commercial parcels lie between Lower Ganges Road and a residential street, all access should be developed from Lower Ganges Road, to buffer the residential area from commercial traffic. Additions to existing commercial development along Lower Ganges Road should use special creative efforts to avoid continuance of the existing "strip mall" appearance. Parking and shop fronts should be screened from Lower Ganges Road with generous landscaping buffers and islands. Use of designs that face the interior of the parcel with an inner		No frontage to Lower Ganges Rd

court and using scales of traditional village streetscapes should be considered.		
E.1.4.13 Developments along the boundary between the Upper Ganges Village and Ganges Village Core subdesignations should encourage pedestrian linkages between these two areas.		Not located within the designated area.
E.1.4.16 All development in the Ganges Village and Fulford Harbour Village Designations should be located so as not to interfere with existing harbour views from public areas and roadways. Particularly important harbour views to be preserved in Ganges include those from Upper and Lower Ganges Roads, the foot of Park Drive, Rainbow Road and Fulford-Ganges Road, Centennial Park and Gasoline Alley. Views to be preserved in Fulford Harbour include those from Fulford-Ganges Road and from Beaver Point Road.		Development does not interfere with harbour views.
E.1.4.17 Developments next to Ganges and Fulford Harbours should be massed in a way that allows sea view corridors to remain between parts of buildings. Development of Channel Ridge Village should maximize views of Stuart Channel. Consideration should be given to designs that dramatize the view by framing, or that use transparent features such as lattice work, breezeways and colonnades to retain the sea view.		Development does not interfere with harbour views.
E.1.4.18 Developments adjoining agricultural land should be designed to minimize conflicts with that land. The location of access roads, the siting of structures, and the layout of subdivisions should follow the guidelines that have been developed by the BC Ministry of Agriculture and the Agriculture Land Commission as a guide to implementing the Farm Practices Protection (Right to Farm) Act (MAFF, 1996), including the Guide to Edge Planning (2015). Site designs should allow for a vegetated buffer, as outlined in Guidelines for Landscaping and Parking Surfaces Subsection E.1.7.22.		The property does not adjoin agricultural land.

E.1.4.19 Where the subject property adjoins agricultural land, building setbacks for general employment and commercial uses should be at least 15 metres from the property line, to be consistent with the Guide to Edge Planning (2015), developed by the BC Ministry of Agriculture.		The property does not adjoin agricultural land.
E.1.5.1 The preferred location for a parking lot is behind the building it serves, so that the lot cannot be seen from the main street on which the building is located. If parking behind a building is not possible, streetfront parking lots should be designed with a maximum street frontage of 10 m and an effective landscape screen. Developments on Ganges or Fulford Harbours should be considered as exceptions to this general guideline so that buildings (rather than parking lots) are located immediately next to the harbour. In these situations, parking lots would have street frontage but should be well screened from the street and incorporate effective and attractive facilities for pedestrians to access the harbour.		street-front parking is limited to a maximum 10 m frontage and screening is adequate.
E.1.5.2 To avoid an urban or "strip mall" appearance in island villages, parking lots should not be located on a corner lot or between a building and the adjacent sidewalks.		Previously submitted parking plan suggest that the parking lots are located between buildings and adjacent side walks, however since the buildings are not single structure along the street, there won't be strip mall appearance as a result.
E.1.5.3 Parking lot access lanes should be located and designed to reduce breaks along the street wall and to reduce accesses that cross sidewalks. Entrances from secondary frontages or from rear lanes are preferred. Parking lots should hold all vehicular manoeuvring requirements for entry and exit to and from individual parking spaces.		The site has no secondary frontage; therefore, a single access point is proposed along the street to minimize breaks in the street wall. All vehicular manoeuvring is accommodated on site.
E.1.5.4 Offstreet parking spaces should not be located so that cars must exit or manoeuvre by backing over a sidewalk or other pedestrian route.		All vehicular manoeuvring is accommodated on site.
E.1.5.5 In Ganges, between Jackson Avenue and Lower Ganges Road, new developments proposed along the north		Not in the designated area

side of McPhillips Avenue, both sides of Hereford Avenue and the south side of Rainbow Road should allow for the development of a rear lane way (where topography permits) that provides access to parking lots in the rear and minimizes access breaks along the streets. The lane way should be about 7.5 m in width and should be landscaped and paved to make it an attractive pedestrian route. Consideration could be given to using arcades, hidden courts or other architectural features that would encourage development of secondary retail frontage along the lane.		
E.1.5.6 Parking spaces for the disabled should be plentiful, prominently marked and carefully located for maximum convenience and proximity to accessible building entrances and weather protection features. If necessary, exceptions to the guidelines for parking location may be made to maximize convenience for the disabled.		Some structures include large overhangs to provide sheltered seating areas and protection from the rain.
E.1.5.7 Part of the parking required for commercial developments could be located in a parking lot on another property, provided the following conditions are met besides the ones listed above: a. The offsite parking lot is within a convenient walking distance (up to about a half a kilometre) of an entrance to the building it serves. Larger parking lots in the Ganges Village Core should be located to the west of Jackson Avenue. b. Offsite parking lots for commercial uses are to be located on properties that are immediately next to the commercial use or on more distant properties zoned for non-residential use. c. Offsite parking lots must be exclusively dedicated and secured with a legal agreement that is in place before issuance of a building permit and continues for the life of the building served. d. Parking spaces for the disabled are not to be located offsite. e. Signs showing the location of offsite parking should be clearly visible from streets next to the building being		Not proposed.

served. Such signs may not be necessary if the offsite parking lot is to be used primarily by tenant employees as a condition of lease.		
E.1.5.8 Parking lots should not generally consist of more than thirty spaces, unless a considerable amount on midlot landscaping is incorporated into the design. Parking lots in the existing commercial part of Fulford Harbour Village should not generally consist of more than fifteen spaces. Where development requires more spaces, parking should be located in discontinuous areas or be separated by generous landscaping		6 Parking lots are proposed.
E.1.5.9 Parking should only be at ground level or below		Ground level parking is proposed.
E.1.5.10 Areas should be provided for the loading and unloading of trucks. Sites should allow delivery trucks to manoeuvre without having to block or back onto an adjacent street, parking aisle or pedestrian route. Emergency vehicles should be able reach all parts of the development easily		Proposal includes a loading bay.
E.1.5.11 Multi-family developments should provide parking in locations that minimize walking distances for residents. However, designs where the front elevation of units is dominated by a garage door or parking pad should be avoided. Parking areas located along the front elevation of units should be well screened by vegetation. Parking for visitors should be located close to project entries and should be assigned and marked as visitor parking. Screened parking should be provided for the storage of recreational vehicles and boats.		Not a Multi-family development
E.1.6.1 Building height should be in keeping with local bylaws and neighbouring structures. If a third storey is allowed by zoning for residential use, it should be located as a half storey. In such a situation, a building height variance up to 10.6 m could be requested, provided other design aspects work to reduce the apparent mass of the structure.		Not proposed.

E.1.6.2 Horizontal building modulation and articulated facades should be used to reduce the apparent mass of buildings facing the street. They should create a pedestrian scale and interest along adjacent sidewalks and along the Ganges Public Pathway System. To enhance village vitality, consideration should also be given to creating secondary retail frontage along arcades and at the rear of buildings. These ideas should especially be considered where buildings are next to the Ganges Public Pathway System.		Small scale commercial structures are proposed.
E.1.6.3 On slopes, horizontal modulation (stepped structures) should be used so the building conforms to the site.		Small-scale structures are proposed on a stepped site, consistent with the guideline for horizontal modulation on slopes.
E.1.6.4 Existing site topography and landscape should not be significantly altered and should be complemented by proposed structures.		Small-scale structures are proposed on a stepped site
E.1.6.5 Development next to Ganges and Fulford Harbours should be designed to conform to rather than conceal the natural contours of the harbour. Where zoning allows structures to extend over the water surface, the maximum height should not exceed 7.6 m above sea level at the natural boundary of the sea.		The site is not adjacent to Ganges or Fulford Harbour, and the proposed building heights do not exceed the applicable limits.
E.1.6.6 New buildings should not have a street frontage width more than 2.5 times their height. Buildings with extensive street frontage should avoid long homogenous facades. They should have a scale, size, massing, shape, roof line and exterior finish that is sufficiently varied and articulated as to give the impression of separate small units, rather than a large mass.		Small-scale structures are proposed on a stepped site
E.1.6.7 The existing "rhythm" of buildings along street frontages should be respected. Buildings that replace existing structures should retain the original width of the front elevation and the spacing between buildings. In Fulford Harbour particularly, the size, spacing, front elevation width and orientation of buildings along Fulford-		The general neighbourhood pattern does not reflect a single, consistent character; setbacks vary across different zones and among neighbouring properties, including those zoned C1, C3, and R6.

Ganges and Morningside roads should be retained by any new development.		
E.1.6.8 In Ganges Village, new development along Lower Ganges Road north of Upper Ganges Road, should be massed with articulation and rhythms similar to existing non-commercial development. The development of a commercial strip appearance along the road should be avoided		Not in the designated area.
E.1.6.9 Landmark buildings should not be created in island villages.		Not proposed
E.1.6.10 To encourage use of the village during all seasons, continuous weather protection should be provided for pedestrians along sidewalks. The minimum width should be 1.5 m.		Some structures include large overhangs to provide sheltered seating areas and protect pedestrians from rain.
E.1.6.11 All roof-top mechanical equipment (satellite dishes, air-conditioning) should be screened from view.		None existed.
E.1.6.12 Large areas of curtain-wall glazing should not be used.		The building design does not include large curtain-wall glazing.
E.1.6.13 The use of handcrafted doors made by local artisans is encouraged.		Not proposed
E.1.6.14 The use of imaginative, handcrafted products of local craftspeople is encouraged. In Fulford Harbour Village particularly, natural and "found" materials should be incorporated into exterior details by local artisans, in keeping with existing development. More conventional or formal materials should be avoided.		Proposed design fits the character of the neighbourhood
E.1.6.15 A pleasant pedestrian environment in villages should be enhanced by pedestrian-oriented features		High-visibility, small-scale commercial uses are proposed.
E.1.6.16 Development along Ganges and Fulford Harbours should incorporate and retain existing docks, wharves and buildings that reflect traditional harbour uses such as freight storage and fishing fleet service.		the site is not adjacent to Ganges or Fulford Harbour, and no existing docks, wharves, or harbour-related buildings are affected.
E.1.6.17 All portions of a building should be authentic, functional space - artificial or contrived architectural features		No artificial or decorative architectural features, are proposed

(for example, artificial lighthouses, windmills or turrets) should not be included in building designs.		
E.1.6.18 Blank walls visible from pedestrian routes or roadways should be treated with landscaping, architectural features or artwork. At least half of the surface should be covered.		No blank walls
E.1.6.19 Large new developments should have their electrical and telephone connections provided underground.		Not a large new development.
E.1.6.20 Facilities should be provided for convenient, barrier-free access for the disabled.		Confirmed through site visit
E.1.7.1 Informal, natural landscaping that gives a native appearance is encouraged as opposed to formal, decorative plantings. Hard surfacing should not be used as a substitute for vegetation		No hard surfacing or decorative plantings are proposed as part of the development.
E.1.7.2 Landscaping adjacent to Ganges and Fulford Harbours should be left in as natural a state as possible. Existing trees should be incorporated. Designs should display natural features such as attractive rock outcroppings, tidal pools and mature trees.		No further changes to the site are proposed. Existing natural features, will be retained.
E.1.7.3 Plant materials should be durable, low-maintenance types. Care should be taken not to obscure sight lines at intersections and parking lot entrances.		low-maintenance plant materials are proposed.
E.1.7.4 Landscaping should be used to as an integral part of developments and should help in the function and organization of a site; to create the sense of entry into buildings and to define and enliven public spaces. While screening of unattractive building features is important, landscaping should be designed to ensure a broader function.		Landscaping is incorporated to support the function and organization of the site and to define the site entrance
E.1.7.16. The area calculated as soft landscaping does not include parking areas, vehicle lanes and manoeuvring areas, private open space and adjacent boulevards on public lands.		Supported

E.1.7.6 All landscaping work on major new developments should meet the British Columbia Landscape Standard published by the British Columbia Society of Landscape Architects and the British Columbia Nursery Trades Association and should be covered by a performance bond for a period of one year from the date of final installation, in order to ensure survival or replacement of plantings. All landscaping should be maintained in perpetuity.		The required landscaping, paving, and related amenities were previously permitted under a Temporary Use Permit
E.1.7.7 All hard and soft landscaping and paving, including sidewalks, pedestrian amenities, street furniture, cycle racks and parking lot lines on major new developments should be installed prior to issuance of any building occupancy permit. A letter of credit should be deposited for an amount equal to 150% of the cost of the work to be completed.		The required landscaping, paving, and related amenities were previously permitted under a Temporary Use Permit
E.1.7.8 Plant materials should be chosen with a view to conserve water.		low-maintenance plant materials are proposed.
E.1.7.9 Landscaping next to creeks within villages should be left natural and wild to retain fish habitat. Species with a high water demand or that may require the use of pesticides or fertilizers should not be located in this area. Bark mulches and impermeable landscape fabric should not be used. Landscaping should be consistent with guidelines in Development Permit Area 4.		The site does not contain creeks.
E.1.7.10 Special care should be taken to retain existing vegetation and incorporate it into new development. Particular attention should be paid within Channel Ridge Village to the preservation of Garry Oak and Arbutus trees and to the unique habitat that surrounds them.		No further tree removal has been proposed.
E.1.7.11 Other existing natural site features such as rock formations and ground contours should be preserved.		No further changes to site has been proposed
E.1.7.12 Care should be taken to ensure that new landscape features enhance, but will not block existing ocean views from roads and public areas as they mature.		Landscape will not block existing ocean views.

E.1.7.13 Fencing should be natural in appearance and coordinated with the design of the main building. Appropriate materials are those that reflect a natural, locally crafted character, such as local stone, heavy timbers or local wood.		Natural fencing is incorporated.
E.1.7.14 The use of trees and other vegetation along roadways in a manner that "crowds" the street, and causes automotive traffic to slow is strongly encouraged.		Vegetation do not crowd the street
E.1.7.15 Deciduous boulevard trees should be included with a spacing of 10 m in all large new commercial and multifamily projects in Ganges Village with frontage on Fulford-Ganges and Lower Ganges Roads.		Not a large commercial complex.
E.1.7.16 Parking lots should be carefully landscaped to screen them from adjacent streets and land uses, to provide shade and to avoid large expanses of uninterrupted asphalt. The following landscape guidelines apply specifically to parking lots, including off-site parking lots: a. Parking lots with street frontage should be screened by a landscaped strip with a minimum width of 3 m. The perimeter of parking lots should also be screened with a minimum width of 2 m. b. Parking lots with more than 10 spaces should include interior landscaping islands and peninsulas that occupy at least 5 per cent of the lot area besides the street frontage and perimeter strips. Irregular shapes of parking islands are encouraged, especially those incorporating existing vegetation naturally and informally. c. Reductions in parking space requirements may be requested to accommodate adequate parking lot landscaping. d. The use of permeable parking materials such as "hard grass" is strongly encouraged to soften the visual effect of parking lots and minimize changes to site drainage		No asphalt surfacing is proposed. Parking areas are gravelled and semi-permeable. Fewer than 10 parking spaces are proposed, limiting the need for interior landscaping islands.
E.1.7.17 Parking lots should be surfaced and lined before issuance of an occupancy permit to ensure efficient use. Alternatives to paving such as interlocking or permeable pavers are encouraged. Unpaved parking		Gravelled Parking lot

lots may be considered in some locations provided lots have less than 10 spaces and other techniques are used to ensure efficient use. Unpaved parking lots are encouraged in Fulford Harbour Village. Driveways providing access to multifamily developments should employ speed control devices at entries.		
E.1.7.18 Sidewalks, patios and decks should be constructed of natural materials or interlocking pavers. Brushed concrete and asphalt should be avoided. In Fulford Harbour in particular, sidewalks should be carefully and creatively designed to ensure that the informal and somewhat irregular character of the village is retained.		No brushed concrete or asphalt is proposed.
E.1.7.19 Pathways that form part of the Ganges Public Pathway System should usually consist of natural materials. Pathway width should be a minimum of 1 m.		Not situated along Ganges Public Pathway
E.1.7.20 All multifamily developments should include landscaped areas for individual and group activities of a recreational or social nature. At least 9 m ² of private open space should be provided for each dwelling unit. Developments that provide special needs housing or affordable seniors' supportive housing may provide less private open space, if areas for outdoor group activities are provided.		Not a multi family development.
E.1.7.21 Multifamily developments designed for families should also include at least 2.5 m ² of children's play area for each bedroom in the development, excluding master bedrooms.		Not a multi family development.
E.1.7.22 Where the property being subdivided or developed adjoins agricultural land, a vegetated buffer is to be planted or retained. The buffer should be 8 metres wide, with a minimum recommended height at plant maturity of 6 metres, and should be consistent with the Landscaped Buffer Specifications (ALC, 1993) developed by the Agricultural Land Commission, and the Guide to Edge Planning (2015), developed by the BC		The property does not adjoin agricultural land.

Ministry of Agriculture. The buffer area should be protected from disturbance by a covenant.		
E.1.8.1 Lighting of commercial and general employment sites should be kept to the minimum necessary for pedestrian safety and visibility. A low level of light should be maintained in the night time atmosphere of villages. Lighting in parking lots should be adequate for security purposes.		Minimum light is proposed.
E.1.8.2 Light fixtures on commercial and general employment sites should be carefully chosen to focus light on the area to be illuminated. The spillage of light into onsite residential areas, neighbouring properties, streets or other public areas including the sea should be avoided. Fixtures should not result in glare when viewed from residential areas that overlook villages.		No light spillage into onsite residential areas.
E.1.8.3 Light fixtures should be simple and unobtrusive in design. The use of indirect lighting mounted on the fronts and sides of village buildings is encouraged.		Indirect lights are incorporated
E.1.8.4 Incandescent fixtures are preferred		No incandescent lights but minimal lights are provided.
E.1.8.5 Light fixtures mounted on masts or walls should be pedestrian in scale and should not exceed 3.5 m in height.		Supported.
E.1.8.6 Lighting should be provided along the Ganges Public Pathway System. Light fixtures provided along the seawalk portion of the System should be of consistent height and design.		Not situated along Ganges Public Pathway
E.1.8.7 Flashing or strobe lights should not be used to attract attention to commercial uses.		None proposed.
E.1.9.1 Signs should be coordinated with buildings in terms of location, scale, materials, finishes and colours.		Supported.
E.1.9.2 Signs should be kept to the minimum size and number needed to inform and direct residents and visitors. Sign size and lettering should not exceed that necessary to direct pedestrians and slow-moving traffic: letters should rarely exceed 20 cm in height; the area of		Supported.

individual signs should rarely exceed 2.5 m ² . Total permitted sign area should not exceed that permitted by local bylaw.		
E.1.9.3 All signs should be kept at a pedestrian viewing level. They should not obstruct pedestrian traffic. Some exceptions to the guidelines in this Section may be considered for marine-oriented businesses which offer services to marine traffic. However care must be taken to ensure that the character of the harbour as viewed from the sea is not dominated by commercial signs.		lighting will not obstruct pedestrian traffic.
E.1.9.4 Signs should be constructed of natural materials, preferably with a handcrafted look. Plastic, back lit signs should not to be used, especially those dominated by product logos and trademarks.		No plastic back lit signs were proposed.
E.1.9.5 Front-lit signs with soft light levels are preferable.		Soft light is incorporated.
E.1.9.6 Signs should not move or be audible. They should not incorporate lighting that moves or flashes or gives the impression of doing so. Neon lighting should not be used outside buildings.		None proposed.
E.1.10.1 New commercial, general employment, institutional and multi-family residential developments that will create more than 280 m ² of new impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as the result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduced groundwater availability on agricultural lands or watercourses that either adjoin the development or are located in the same watershed.		Approximately 85 m² of new impervious surface is proposed, well below the 280 m² threshold. However, as the property is located on seasonally flooded land and the applicant has requested an increase in lot coverage, a stormwater management plan was required as part of the terms of reference.

E.1.10.2 Developments that would create less than 280 m ² of impervious surface area should not alter drainage in a way that would cause detrimental impacts on other properties, including agricultural land. The Local Trust Committee could request that a drainage plan be prepared by a Professional Engineer to assist it in establishing development permit conditions related to drainage		Approximately 85 m² of new impervious surface is proposed, well below the 280 m² threshold. However, as the property is located on seasonally flooded land and the applicant has requested an increase in lot coverage, a stormwater management plan was required as part of the terms of reference.
E.1.10.3 Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on agricultural land or to fishbearing watercourses because of water pollution.		The proposed development is not expected to result in pollution of surface or groundwater

Commercial zoning rational

I wish to proceed with the application based on the following rational.

1. Would give a sense of certainty to the valuable tenants I have been lucky enough to attract to this location.
2. I would like to reduce the set back for the rear lot line to 3 meters, this would allow me to build another building which would make the economics of owning this property viable. I have an excess in the parking requirements as of now.
3. I would like to reduce the front set back from the Jackson Ave. road to 4.5 meters. This would allow a commercial enterprise to be closer to the road for visibility and it helps with traffic calming
4. The property line bordering on the road easement, reduce the set back to 1.5 meters. Not with standing that the electrical/plumbing shed and water tanks are closer, but approved.
5. The property line bordering on the residential lot, reduce to 1.59 meters A row of fast growing shrubs has been planted to screen this area. This would allow a mobile business to be closer to the property line and make the turn lane in the parking lot better.
6. I would like to have the following uses be considered for this property.
7. Indoor retail sales and rentals.
8. Indoor retail services, no laundromats.
9. Outdoor retail sales of nursery plants and home garden supplies.
10. Indoor production of food and drink items, clothing, crafts, art work, jewellery, and similar items for retail or wholesale sales. Water consumption not to exceed 1600 litres/day.
11. Single family dwelling, and or a duplex.
12. Offices.
13. Bank or credit union.

14. Restaurants
15. Day care centres for children, seniors, or people with special needs.
16. Funeral home

PROJECT NARRATIVE:

- A. The land is presently fully terraced and landscaped. An organic apple orchard which is fenced has been created on the 3rd tier. As this area used to support apple trees I wanted to carry this on in Ganges. Water collection tanks from roof water will help to water same. They are installed.

Presently the buildings on the property are as follows:

Electrical/plumbing building, all services are underground creating a nice clean look to the property.

Mobile Tattoo studio working out of a tastefully made old fashioned shingle walled mobile cart. It fits in with the character of Ganges of years ago.

Next building is comprised of mainly Canadian made goods. The style of the building with big overhangs at the entrance allow for people to sit and get out of the rain. It has an old fashioned look to it but it is modern at the same time.

Next building is a Sea Can which has been modified to house the COFFEE CAN business. It is very popular with locals and tourists alike. It creates a lovely people synergy.

On the 2nd tier, parking has been created to allow a medical consultant in a new building.

The 3rd or last tier is landscaped and houses the apple orchard, a proposed new building at one end is visioned subject to getting a rear and side setback variance.

This tier will also have tables and sunshades for people to enjoy in Ganges and hopefully have a coffee from the COFFEE CAN.

B. This has been above. Don't know what the new build, if approved will house. The market will dictate this.

C. The development is completed now and fully leased with a waiting list. Outstanding is the potential building on the 3rd tier. The buildings, not including the Tattoo studio and electrical shed have been built incorporating steel I beams allowing them to be moved if required. All approved by professional engineer and building dept.

D. The land around me is predominately commercial. Directly across the street on Hereford Ave is two separate buildings across from each other with C1 zoning I think. Beside me looking towards Jackson Ave is the gas station on the other side of my road easement. On the other side looking to Jackson Ave is R6 and my back boundary borders on R6.

Reasons in support of the bylaw amendment:

Ganges needs more small, tastefully done commercial buildings. The village needs to grow and this is basically the last street that had suitable property for sale. The demand is there.

The area is surrounded by commercially zoned properties now. My wish list for uses on the property is extensive, but it is important to have options to support multiple enterprises that support my values.

Technical reports.

I have installed a roof water drain management system on all the applicable buildings, can supply pictures and product info if required. The building footprints don't create the magic number size requiring this to be done but felt it was a responsible thing to do. Two tanks are in place now and collecting water.

Contaminated site report:

Already submitted and all digging has been done except for a small amount if the top tier building happens.

At this time I want all covenants registered against the TITLE to be removed as I complied with them all. This will be paid for the Islands Trust.

Respectfully submitted.

Martin Ogilvie

Jan. 7-2026.

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

Mar-02-2021 16:24:37.001

118 Jackson Ave. **Attachment 5** CA8813681

PAGE 1 OF 12 PAGES

Your electronic signature is a representation that you are a designee authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

James Daniel
Alexander
Pasuta 8PA4AR

Digitally signed by James
 Daniel Alexander Pasuta
 8PA4AR
 Date: 2021.03.02 10:07:42
 -08'00'

1. APPLICATION: (Name, address, phone number of applicant, applicant's solicitor or agent)

JAMES PASUTA, Barrister & Solicitor

Box 414

Telephone No: 250-537-9995

560 Fulford-Ganges Road

Salt Spring Island

BC V8K 2W1

File No: M3592

Document Fees: \$74.87

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:
 [PID] [LEGAL DESCRIPTION]

SEE SCHEDULE

STC? YES

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

Covenant

4. TERMS: Part 2 of this instrument consists of (select one only)

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

HAYDEN SERVICES INC., (BC0695646)

6. TRANSFEREE(S): (including postal address(es) and postal code(s))

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

8. EXECUTION(S): This instrument creates, assigns, modifies, 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)

James Pasuta

Barrister & Solicitor

Box 414

560 Fulford-Ganges Road

Salt Spring Island, B.C., V8K 2W1

Execution Date

Y	M	D
21	02	16

Transferor(s) Signature(s)

HAYDEN SERVICES INC.
(BC0695646)
 by its authorized signatory

RICHARD DENNIS SHERWOOD
HAYDEN - President

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. 1996, c.124, 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.

LAND TITLE ACT
FORM E

SCHEDULE

PAGE 21 OF 12 PAGES

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

005-269-466**LOT A, SECTION 1, RANGE 3 EAST, NORTH SALT SPRING ISLAND,
COWICHAN DISTRICT, PLAN 10515**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

005-269-482**LOT B, SECTION 1, RANGE 3 EAST, NORTH SALT SPRING ISLAND,
COWICHAN DISTRICT, PLAN 10515**

STC?

YES ☐

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

[LEGAL DESCRIPTION]

STC?

YES ☐

**LAND TITLE ACT
FORM E****SCHEDULE**

PAGE 31 OF 12 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

6. TRANSFEREE(S): (including postal address(es) and postal code(s))**SALT SPRING ISLAND LOCAL TRUST COMMITTEE**

A Corporation under the Islands Trust Act, R.S.B.C., 1996, c.239

1 - 500 Lower Ganges Road

Salt Spring Island, B.C., V8K 2N8

PART 2 – TERMS OF INSTRUMENT

SECTION 219 COVENANT

This Agreement dated for reference the 16th day of February, 2021 is

AMONG:

HAYDEN SERVICES INC.
199 SALTSRING WAY
SALT SPRING ISLAND BC
V8K 2G2

(the "Owner")

AND:

SALT SPRING ISLAND LOCAL TRUST COMMITTEE, a Corporation under the *Islands Trust Act*, R.S.B.C. 1996, c.239, with an office at 1 – 500 Lower Ganges Road, Salt Spring Island, BC, V8K 2N8

(the "Local Trust Committee")

GIVEN THAT:

- A. The Owner is the registered owner in fee simple of that parcel of land located on Salt Spring Island, British Columbia which is legally described as:

Parcel Identification Number: 005-269-466

Legal Description: LOT A, SECTION 1, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 10515

Parcel Identification Number: 005-269-482

Legal Description: LOT B, SECTION 1, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 10515

(the "Lands");

AND WHEREAS the Owner proposes to subdivide the Land, according to a plan of subdivision completed and certified correct on the 29th day of March, 2019 by Polaris Land Surveying Inc., a copy of which is attached hereto as Schedule "A", into Lots 1 & 2 as indicated on Schedule "A", which Lots are referred to as such in this Agreement.

- B. Section 219 of the *Land Title Act* (British Columbia) provides that there may be registered as a charge against the title to land a covenant, whether of a negative or positive nature, in respect of the use of land, the building on land, the subdivision of land and the preservation of land or a specified amenity on the land.
- C. The Lands are in the Ganges Village Core as designated on Schedule 1 of the Salt Spring Island Official Community Plan Bylaw No. 434.
- D. At time of subdivision, sidewalks with boulevards must be constructed on or adjacent to all abutting highways when lots are being subdivided in the Ganges Village Core.
- E. Sidewalks must be constructed according to the dimensions in Schedule G of the Salt Spring Island Land Use Bylaw No. 355, a copy of which is attached hereto as Schedule "B"
- F. Section 498 of the *Local Government Act* (British Columbia) provides that the Local Trust Committee may, by resolution, issue a development variance permit that varies Subdivision and Development: Requirements and Related Matters.
- G. The Local Trust Committee, by resolution, issued development variance permit SS-DVP-2020.10 on October 6, 2020 varying the requirement for construction of sidewalks with boulevards on or adjacent to all abutting highways subject to the owner registering a restrictive covenant with provisions ensuring that no building or structure may be occupied on the Lands until construction of a sidewalk with boulevards is completed.
- H. Schedule "C" integrates Schedule A and Schedule B to denote sidewalk with boulevard design and landscaping requirements on and adjacent to the Lands.

This Agreement is evidence that in consideration of the premises and covenants herein contained, the payment of two dollars (\$2.00) by the Local Trust Committee to the Owner, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Restriction on Use

1. The Owner shall not use the Land including any lots into which the Land may be subdivided, nor occupy any building or structure located on the Land for any residential, commercial, institutional, or domestic purpose, unless the Owner is in full compliance with the terms of this Agreement.

Construction of a Sidewalk with Boulevards

2. The Owner covenants and agrees with the Covenant Holder that:
 - (a) No building or structure shall be constructed on the Lands until a design and cost estimate for a sidewalk with boulevards designed substantially in accordance with the

dimensions in Schedule "C" have been provided and a security in the amount of 150% of the cost estimate received and accepted by an official (an official assigned from time to time to provide planning services to the Local Trust Committee is the official for the purposes of this covenant).

No Effect On Laws or Powers

3. This Agreement does not
 - (a) affect or limit the discretion, rights, duties or powers of the Transferees under any enactment or at common law, including in relation to the use or subdivision of the Land;
 - (b) impose on the Transferees any duty of care or other legal duty of any kind to the Owner or to anyone else;
 - (c) oblige the Transferees to enforce this Agreement, which is a policy matter within the sole discretion of the Transferees;
 - (d) affect or limit any enactment relating to the use or subdivision of the Land;
 - (e) relieve the Owner from complying with any enactment, including in relation to the use or subdivision of the Land.

Limitation on Obligations

4. The Owner is only liable for breaches of this Agreement caused or contributed to by the Owner, or which the Owner permits or allows, in respect of the Owner's particular lot or lots. The Owner is liable only for the covenants and obligations contained in this Agreement and breaches of this Agreement which occur while the Owner is the registered owner of any interest in the Land and then only to the extent of that interest.

Indemnity

5. The Owner hereby indemnifies and saves harmless the Transferees, and their respective elected and appointed officials, officers, employees and agents, from and against all loss, damage, cost, actions, suits, debts, expenses and harm of any kind whatsoever which the Owner may at any time suffer or incur arising out of or related to this Agreement or any breach of it.

No Liability in Tort

6. The parties agree that this Agreement creates only contractual obligations. The parties agree that no tort obligations or liabilities of any kind exist between the parties in connection with the performance of or any default under or in respect of this Agreement. The intent of this section is to exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract.

Covenant Runs With the Land

7. Every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under section 219 of the *Land Title Act* (British Columbia) in respect of the Land. This Agreement burdens the Land and runs with it and binds the successors in title to the Land. This Agreement burdens and charges all of the Land and any parcel into which it is subdivided by any means and any parcel into which the Land is consolidated.

Registration

8. The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Land with priority over all financial charges, liens and encumbrances registered or pending registration in the Land Title Office at the time of application for registration of this Agreement.
9. The Owner shall be entitled to a discharge of this Agreement, upon presentation of a registrable discharge document for execution by the Transferees, in the event that the Owner's application to subdivide the Land in the manner described in Schedule "A" has been refused in writing by the approving officer having jurisdiction and the Owner has provided a copy of the refusal letter to the Transferees, or the Owner has withdrawn the application and the approving officer has confirmed the withdrawal in writing to the Transferees.
10. The Owner shall be entitled to a Discharge of this Agreement upon confirmation that a "sidewalk with boulevards" has been constructed pursuant to the requirements set out in Paragraph 2 of this Agreement."

Waiver

11. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach. A waiver by the Transferees of a breach of this Agreement by the Owner does not operate as a waiver of any other breach of this Agreement.

Severance

12. If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.

No Other Agreements

13. This Agreement is the entire agreement between the parties regarding its subject and it terminates and supersedes all other agreements and arrangements regarding its subject.

Binding of Successors

14. This Agreement binds the parties to it and their respective successors, heirs, executors and administrators.

Further Acts

15. The Owner must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.

Deed and Contract

16. By executing and delivering this Agreement the Owner intends to create both a contract and a deed executed and delivered under seal.

Execution Using Form C

17. As evidence of their agreement to be bound by the terms of this instrument, the parties each have executed the Land Title Office Form C which is attached hereto and which forms part of this Agreement.

JACKSON AVENUE

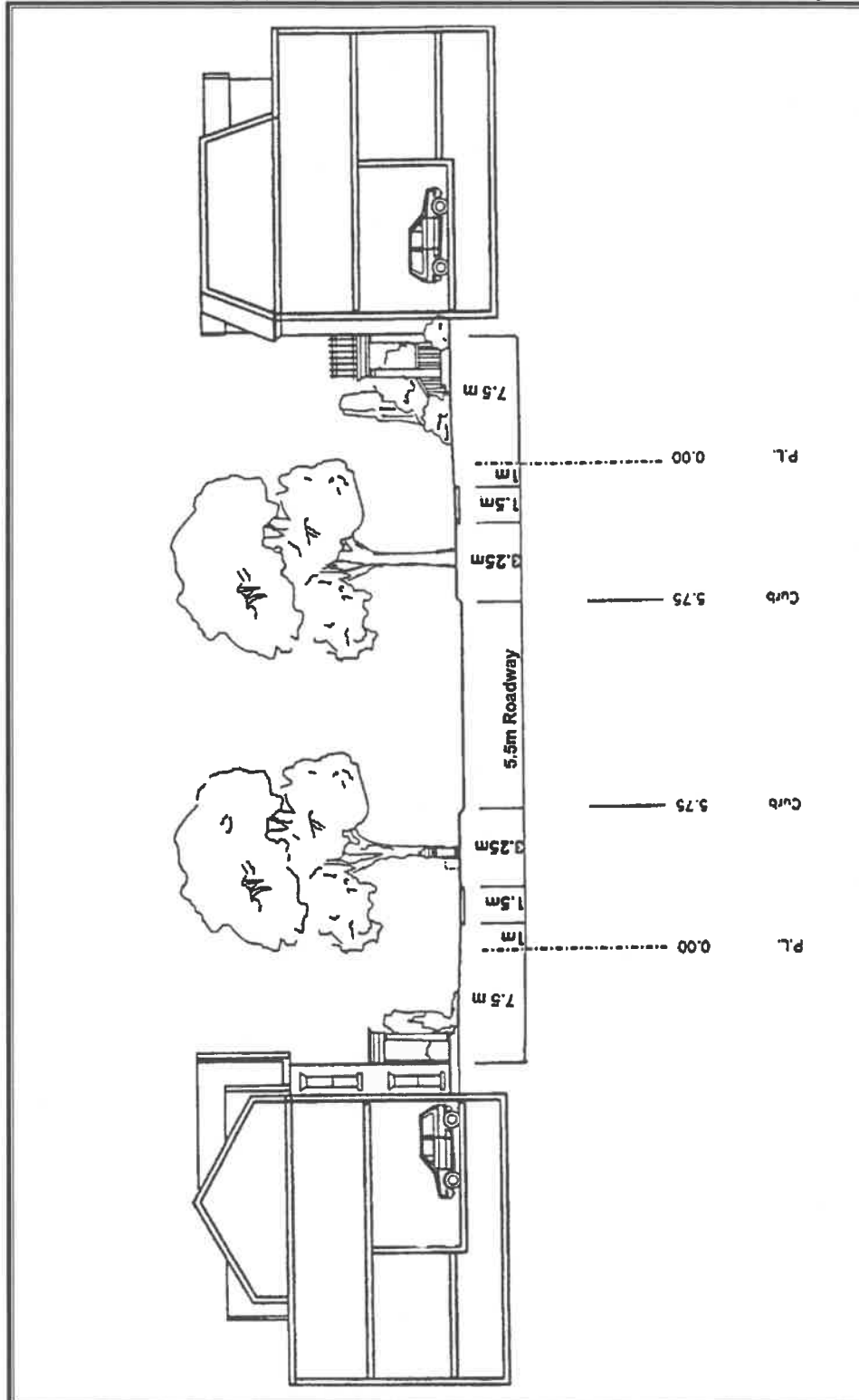


Schedule B

SCHEDULE "G"- SIDEWALKS – TYPICAL DIMENSIONS

Information Note:

These standards will apply only when land is being subdivided within island villages.



Schedule C

