



DATE OF MEETING: November 14, 2024

TO: Salt Spring Island Local Trust Committee

FROM: Bruce Belcher, Planner 1  
Salt Spring Island Team

COPY: Chris Hutton, Regional Planning Manager

SUBJECT: Temporary Use Permit for Commercial/Retail use within the Ganges Village Upper on a Commercial Accommodation parcel  
Applicant: Celeste Cavaliere  
Location: 126 Upper Ganges Road

## RECOMMENDATION

- 1. That the Salt Spring Island Local Trust Committee approve issuance of Temporary Use Permit PLTUP20240134 (126 Upper Ganges Road) for a period of three (3) years.**

## REPORT SUMMARY

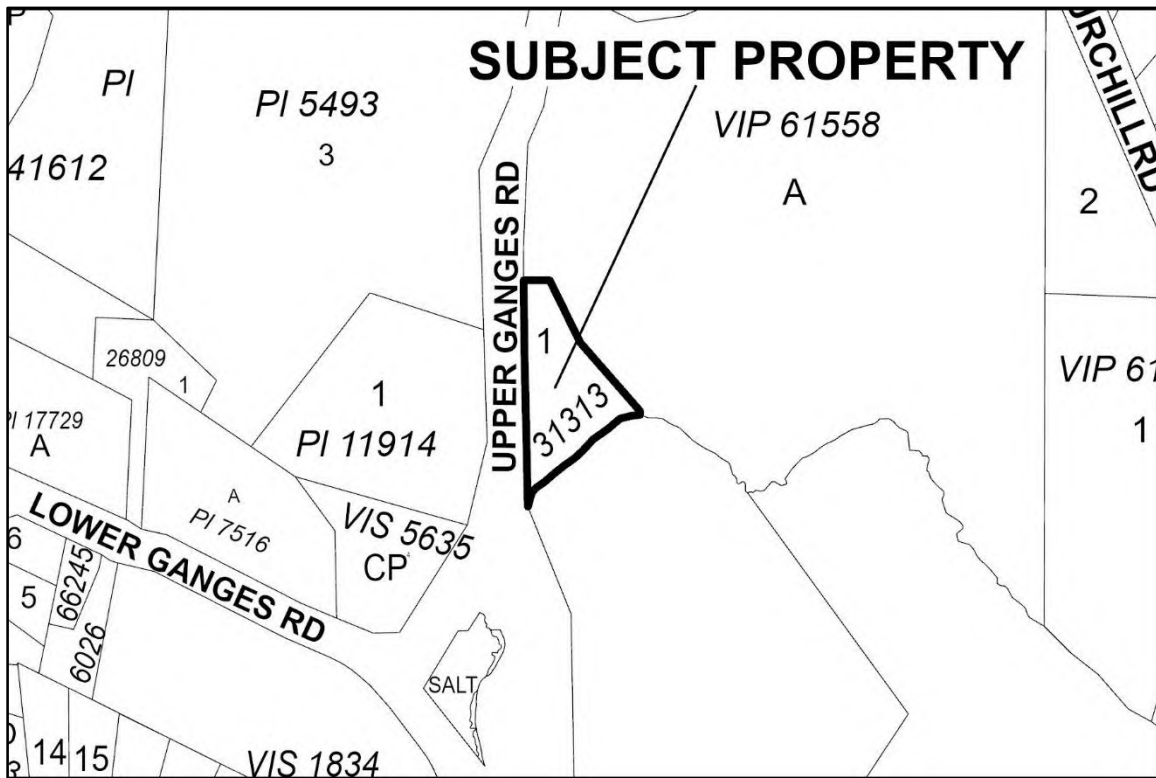
This report concerns an application for a Temporary Use Permit (TUP) for the operation of the Benjamin Moore paint store which is the current tenant of the Harbour’s End Building in the Salt Spring Marina. Pursuant to Section G.1.2 a TUP may be issued on lands designated Ganges Village Upper (GVU) where the use of land is compatible with land use designations but not specifically allowed by the local zoning bylaw.

The property owners are now seeking to bring the commercial land use into compliance with the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB) through a TUP application. Due to the proposed long term use a rezoning application would better suit this property. The owners have expressed a desire to apply for a rezoning, a TUP would provide time for a rezoning application to be made prior to the permit’s expiry. The applicant has provided a letter outlining the history of the property’s use included as Attachment 6.

## BACKGROUND

The subject property is 0.43 ha (1.06 ac) in area and is located at 126 Upper Ganges Road. The property is zoned Commercial Accommodation 1 variant c – CA1(c). The lot contains a commercial marina and marina office, the Moby’s Pub building and patio, a boating amenities building, and the subject building of this application known as the Harbour’s End Building. The previous tenants of the Harbour’s End Building were a marine mechanic and retail facility. The new tenants are the Benjamin Moore paint store which requires a temporary use permit to allow the use to continue. The applicant has described that limited commercial spaces available in the Ganges Village area have made it difficult to find a tenant that meets the specific zoning.

There is no new construction or building additions proposed as a part of this TUP application. The entire commercial business will operate within the existing Harbour’s End Building. The notice and draft permit can be found as Attachment 4 and Attachment 5.



**Figure 1: Subject Property**

**ANALYSIS**

**Policy/Regulatory**

**Islands Trust Policy Statement:**

The following relevant policy has been identified from the Islands Trust Policy Statement:

*4.5.8 - Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.*

**Official Community Plan (OCP):**

Subject to Section G.1.1 *Areas where Temporary Use Permits can be issued*, TUPs may only be issued for specific OCP designations which includes the subject property as it is designated Ganges Village Upper in the OCP.

Additionally the property is sited within Development Permit Area 1 – Island Villages and is adjacent to Development Permit Area 3 – Shoreline. The application is exempt from requiring a Development Permit as there are no construction or building alterations proposed or taking place as a result of TUP application.

The OCP outlines the following objective policy for the Ganges Village Designation relating to this application:

*B.5.2.1.1 To accommodate those land uses that allow Ganges to remain the commercial, social, cultural, and institutional centre for residents of Salt Spring Island.*

Section G.1.3 of the OCP provides guidelines to be used when considering issuance of a TUP. See Attachment 2 for staff's assessment of the application's consistency with each TUP Guideline. An OCP policy analysis along with staff's assessment of all relevant guidelines and policies has also been included as Attachment 3. The application is generally consistent with the TUP objectives and policies. While the LTC does not possess the authority to issue business licenses, TUP's can stipulate certain requirements that mirror that tool. The intent of a TUP is to permit a use temporary in nature, which does not compromise future uses on the property. If the LTC wishes to move forward with this proposal, they should determine if the proposal meets the merits of being a temporary development. In this specific application the TUP would preclude a rezoning application and provide a pilot period for the proposed used.

Relating to the TUP guidelines the Benjamin Moore paint store is not a new business venture and has operated on Salt Spring Island prior to relocating, but it does not appear to have any direct competitors in the form of a dedicated paint store. The proposed location keeps the commercial use within the Ganges Village area in a previously occupied marine commercial building. The proposed use would not remove the potential for future marine dependent sales businesses, however the use could create more competition for marine dependent businesses by increasing the commercial real estate stock.

#### **Land Use Bylaw (LUB):**

The subject property is zoned Commercial Accommodation 1 variant c – CA1(c) in the LUB. A retail paint store is not a permitted principal use in the CA1(c) zone as commercial retail sales are limited to being accessory to a commercial guest accommodation use or a marina. The zoning variant allows for marine-dependent sales as a permitted principal use. The LUB defines marine dependent as:

*“marine-dependent” means a use that either requires direct contact with tidal water and cannot exist at a non-marine location due to the intrinsic nature of its operations, or a use that cannot occur economically in a non-marine location.*

A change of principal use from marine dependant sales to indoor retail sales would not require an increase in required parking spaces. There is an existing parking capacity of 30 regular parking spaces, 7 bicycle parking spaces, and 1 handicap parking space. This meets or exceeds the parking requirements for a commercial use.

#### **Issues and Opportunities**

The location of the proposed temporary use is within the Ganges Village Upper area presenting opportunities and challenges. The location offers visibility and accessibility to Ganges and the entire Salt Spring Island community. Limited available commercial spaces on the island have left the property owners with limited commercial tenant options. The proposed commercial retail principal use is not entirely inconsistent with the area, however given that the zoning is limited to marine dependant sales the change in permitted uses could prevent future marine dependant businesses from finding viable commercial spaces. The request of a temporary use permit for three years would include the option for a renewal for an additional three years. In the meantime, the applicant intends to explore their options to rezone the property to make the use permitted within the LUB.

#### **Consultation**

For TUP applications, Section 494 of the *Local Government Act* requires public notification in the form of a newspaper advertisement, and the Salt Spring Island Trust Local Committee Development Procedures Bylaw No. 304 requires that notice be mailed or otherwise delivered to all properties within 100 metres of the subject property.

At the time of writing staff have not received any responses to the public consultation period. Any correspondence received leading up to the November 14<sup>th</sup> will be addressed at the LTC meeting.

**First Nations**

This application does not trigger the requirement for agency or First Nations referrals; however, the LTC may refer to agencies or First Nations if it is determined that any may have interest.

The applicants have been provided with a copy of the Government of British Columbia’s chance-find procedure.

**Rationale for Recommendation**

Staff consider the proposal in line with the TUP objectives while meeting the applicable TUP guidelines outlined in Section G.1.3 of the OCP. Uncertainty remains regarding the potential impact that increased competition of general commercial businesses may introduce for marine dependant sales.

The proposed use would not compromise future uses on the lot and the permit application precludes a rezoning application which the applicant intends to pursue in the future. Staff agree that the temporary use proposal generally meets the objectives and policies in Schedule G of the OCP.

**ALTERNATIVES**

**1. Approve for a different time period**

The LTC may opt to approve the permit for a shorter period. Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee approve application PLTUP20240134 for a period of \_\_\_\_ year(s).*

**2. Request further information**

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee request that the applicant for application PLTUP20240134 submit to the Islands Trust the following \_\_\_\_\_.*

**3. Deny the application**

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

*That the Salt Spring Island Local Trust Committee deny approval of temporary use application PLTUP20240134.*

Submitted By:	Bruce Belcher, Planning Technician	October 22, 2024
Concurrence:	Chris Hutton, Regional Planning Manager	November 6, 2024

## **ATTACHMENTS**

1. Site Context
2. TUP Guideline Analysis
3. OCP Policy Checklist
4. Notice
5. Draft Permit
6. Applicant Letter

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

Legal Description	LOT 1, SECTION 3, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 31313
PID	001-165-291
Civic Address	126 Upper Ganges Rd, SALT SPRING ISLAND BC
Lot Size	0.43 ha (1.06 ac)

### LAND USE

Current Land Use	Commercial, Restaurant, Marina, Marine Facilities
Surrounding Land Use	Agriculture, Residential, Commercial, Marine

### HISTORICAL ACTIVITY


File No.	Purpose
SS-ALR-1983.7	-
SS-CL-2006.4	To expand marina lease area and install a floating breakwater
SS-CL-2019.1	Water Lease for Salt Spring Marina - 126 Upper Ganges Road, SSI
SS-DP-1992.3	-
SS-DP-2001.8	DPA1 & DPA2 Applications to expand the hotel component of original Development Permit.
SS-DP-2010.8	DPA3 - shoreline - to authorize re-development of Salt Spring Marina.
SS-DP-2017.4	DP amendment to expand and renew the marina.
SS-DP-2021.12	Amendment for expanded patio space
SS-DVP-2004.9	Variance to permit extension of deck
SS-LCB-2012.1	Liquor primary licence expansion
SS-LCB-2018.1	LCB application to amend hours of operation. 124A Upper Ganges Road (Moby's Pub), SSI
SS-LCB-2021.3	Permanent License for Patio Space - 126 Upper Ganges Road, SSI
SS-RZ-2008.1	SS Marina - to rezone marina so that 1 zone captures the entire marina, and to expand the marina. [OCP amendment (DP amendment), DP3, RZ]
SS-TUP-2000.2	Sell Budget Rental cars from a 210 ft. office space in the Salt Spring Marina.
SS-TUP-2005.1	Fitness Centre
UN-CL-1989.40	-
UN-DP-1987.16	-
UN-DP-1987.6	-
UN-DP-1989.1	-
UN-DP-1989.22	-

UN-DP-1990.20	-
UN-RZ-1988.26	-
UN-TUP-1987.4	-

**POLICY/REGULATORY**

Official Community Plan Designations	Salt Spring Island Official Community Plan Bylaw #434, 2008 – Ganges Village Upper (GVU)
Land Use Bylaw	Salt Spring Island Land Use Bylaw #355, 1999 – Commercial Accommodation 1 zone variant (c)
Other Regulations	N/A
Covenants	FB310381, Granted to the SSI LTC regarding requirements for the marina facilities. Minimum requirements of dock space available for rent at the marina. Minimum boardwalk requirements.
Bylaw Enforcement	SS-BE-2006.21 – Illegal use in a CA1(c) zone

**SITE INFLUENCES**

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Species at Risk	Western Painted Turtle Pacific Coast population, Surf Scoter
Sensitive Ecosystems	N/A
Hazard Areas	Moderate, Low risk steep slopes
Archaeological Sites	<p>Possible archaeological potential and known archaeological site identified on the property, Borden Number DfRu-3. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p> 

Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	N/A



## ATTACHMENT 2 – TEMPORARY USE PERMIT GUIDELINES

### 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 Objective/Policy	Complies	Planner Comments
G.1.3.1 Permits can be issued for any period up to two years and could be considered for renewal once for any further period up to two years.		The Local Government Act now allows TUPs to be issued for up to three years, which is what is proposed in attached permit PLTUP20240134.
G.1.3.2 Permit conditions should be generally consistent with applicable Development Permit Area guidelines, while recognizing the temporary nature of structures and site development.		Development Permit Area 1 exempt as change of building use would not result in a change in the capacity of the existing parking lot. Development Permit Area 3 also on the property is not impacted by the proposed permit as no development is proposed.
G.1.3.3 Permit conditions should ensure that temporary commercial and industrial uses are compatible with adjacent land uses. Noise, traffic, parking, general activity levels and any disturbance that may be apparent beyond the property's boundaries should be considered.		Proposed use is an internal commercial retail business similar to the previous tenant. Noise associated with the business has been reduced since the previous tenant. Traffic is expected to be similar as the previous use and the available parking remains the same and complies with the Land Use Bylaw requirements for commercial use. There are 30 parking spaces, 7 bike parking spaces, and 1 handicap parking space which equals or exceeds the parking requirements for a commercial use.
G.1.3.4 Permit conditions should ensure that off-street parking is provided in a way that is consistent with local bylaws.		The available parking remains the same and complies with the Land Use Bylaw requirements for commercial use.
G.1.3.5 Permits applications should include evidence that suitable alternate sites with appropriate zoning are not available.		Applicant claims finding a suitable tenant has been challenging with limited commercial businesses operating on Salt Spring Island.
G.1.3.6 Permits should not be issued for uses in excess of 60 days unless it is a new venture that does not directly compete with an existing business in a legal zone and there is a demonstrated need or market for the proposed use. Consideration could also be given to the temporary relocation of an existing business in emergency or hardship situations.		Does not appear to be any dedicated paint stores on Salt Spring Island. Hardware stores selling paint would be possible competitors. Business is not a new venture, has operated on Salt Spring Island prior to relocation.
G.1.3.7 Permitted uses should be consistent with the objectives of this Plan. B.5.1.1.1 <i>To continue to provide an adequate supply of appropriately zoned land in compact pedestrian oriented villages to support the community's larger commercial, institutional and cultural activities in combination with high and medium density residential use.</i> B.5.1.1.2 <i>To encourage a modest scale of village development compatible with the rural character of Salt Spring Island and with the</i>		The proposed retail commercial principal use is generally consistent with the objectives of the OCP General Village Land Use Objectives.

<p>protection of the community's natural and heritage resources.</p> <p>B.5.1.1.3 To encourage the commercial viability of island villages and to retain traditional village functions.</p> <p>B.5.1.1.4 To promote mixed uses of village land.</p> <p>B.5.1.1.5 To avoid the development of commercial strips along roads leading into island villages.</p> <p>B.5.1.1.6 To ensure that village land uses continue to focus on the requirements and convenience of residents and that traditional village functions are not displaced.</p>		
<p>G.1.3.8 Permitted uses should not preclude or compromise future permitted uses on the land parcel affected.</p>		<p>Proposed principal retail commercial use would not remove the ability for future marine dependant sales businesses to occupy the Harbour's End Building.</p> <p>SS LTC should consider that the proposed use could create more competition for the marine dependent sales businesses by reducing the dedicated marine dependent sites on the Island.</p>
<p>G.1.3.9 Uses should not be allowed if they conflict with any ongoing or intended planning policies or programs.</p>		<p>The proposed use does not conflict directly with any ongoing or intended planning projects.</p>
<p>G.1.3.10 Where appropriate, permit conditions should outline operational plans, including hours and days of operation and staffing to ensure compatibility with neighbouring land uses.</p>		<p>No operational conditions are recommended, as the proposed use would be equivalent to a commercial retail building with little impact outside of the lot lines.</p>
<p>G.1.3.11 Permits can include, as a condition, the provision of an undertaking by the owner of the affected land to remove buildings and restore land to a condition specified in the permit by a date specified in the permit.</p>		<p>The proposed use will take place in a renovated existing building. No removal or restoration will be required as a condition of this permit.</p>
<p>G.1.3.12 Permits can include, as a condition, the provision of security to guarantee the performance of the terms of the permit.</p>		<p>Provision of security not recommended.</p>

# ATTACHMENT 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
<b>A.4.1 General Objectives</b>		
<p>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:</p> <ul style="list-style-type: none"> <li>a. a duty to take anticipatory action to prevent harm;</li> <li>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;</li> <li>c. requiring the proponent to supply this information to the public;</li> <li>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;</li> <li>e. a duty to consider broader short-term and long-term costs and benefits to the community when evaluating potential alternatives; and</li> <li>f. a responsibility to make decisions in a transparent, participatory manner, relying on the best available information.</li> </ul>		<p><b>LTC should adopt a precautionary approach – permit conditions intended to ensure reduced impact from development to site.</b></p>
<p>A.4.1.5 To identify and protect important components of our island’s heritage, including archaeological and First Nations cultural sites, whether they are reminders of past or present lifestyles.</p>		<p><b>Existing Archaeological site on the property. No site excavation is proposed, all alterations are within existing buildings.</b></p>
<b>A.4.3 Limits to Growth</b>		

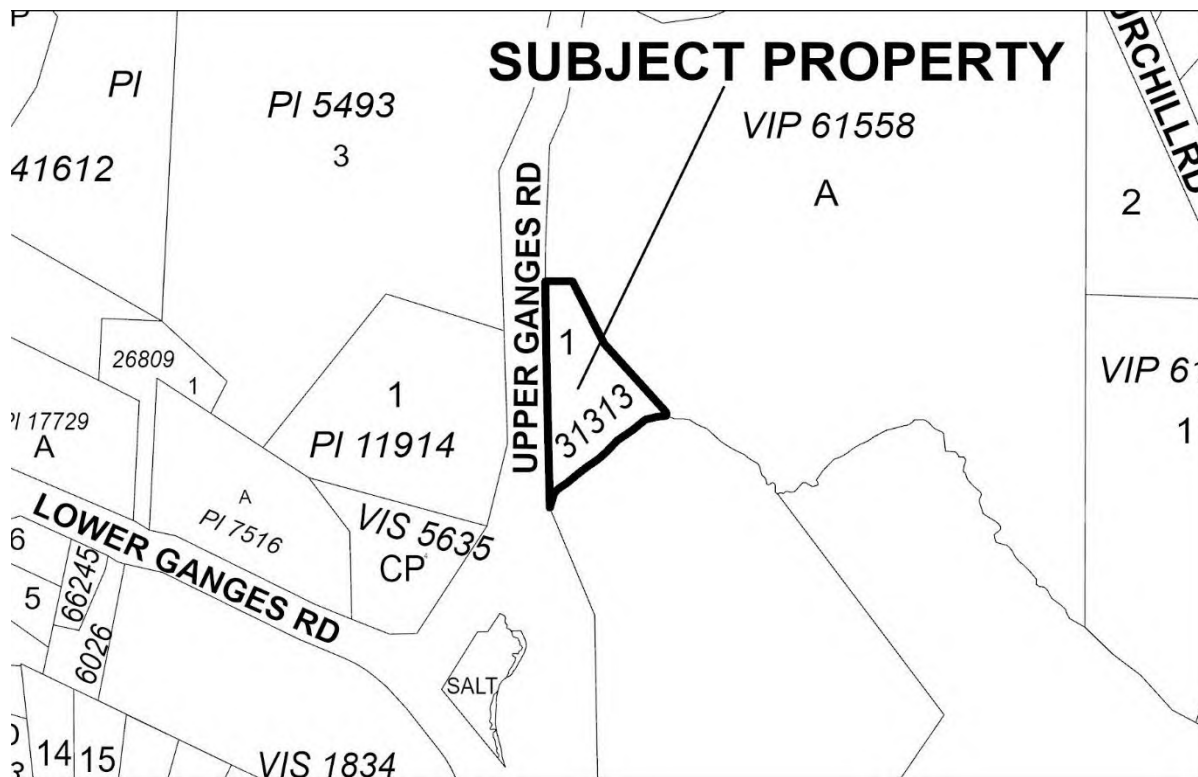
A.4.3.4 To accommodate and direct appropriate development so that its location, appearance and impact are in harmony with the natural environment, community resources, character and existing land uses. To ensure that clustered settlements are well designed so that they become and remain acceptable and compatible with existing development.		<b>Proposal is generally consistent with surrounding character and community resources</b>
<b>A.4.4 Our Sense of Community</b>		
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.		<b>Proposal does not appear to detract from the community's function as a home to its residents.</b>
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.		<b>Proposal could serve as a commercial space interconnected with the Ganges area.</b>
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.		<b>LTC to consider through decision making process</b>
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.		<b>Proposal provides a relatively unique commercial business within the Ganges Village area.</b>
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.		<b>Community Consultation measures taken</b>
A.4.4.7 To recognize that development should be managed to protect our sense of community and maintain our ability to absorb changes.		<b>LTC to determine applicability.</b>

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.		<b>A variety of commercial options within the Ganges core.</b>
<b>A.4.5 Community Health and Safety</b>		
A.4.5.2 To encourage multiple modes of healthy, active transportation among residents of all ages, such as walking and bicycling.		<b>Applicable – Location accessible in the Ganges core</b>
<b>A.4.6 Island Livelihoods and Economies</b>		
A.4.6.1 To recognize the important role that varied livelihoods and a vibrant economy play in our community's unique character.		<b>LTC to determine applicability, proposal provides a unique commercial business in the Ganges Village area despite reducing the available marine dependant commercial space.</b>
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 production and consumption to meet the needs of islanders.		<b>LTC to determine applicability, proposal provides a unique commercial business in the Ganges Village area despite reducing the available marine dependant commercial space.</b>
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.		<b>Slight increase to on-island employment.</b>
<b>B.5.2 Ganges Village Designation Objectives and Policies</b>		
B.5.2.1.1 To accommodate those land uses that allow Ganges to remain the commercial, social, cultural, and institutional centre for residents of Salt Spring Island.		<b>Proposed use allows a unique commercial use to remain within the Ganges Village area.</b>
B.5.2.1.6 To maintain the economic viability of Ganges Village by guiding development into a compact, pedestrian-friendly form within a defined containment boundary with a broad variety of complementary uses.		<b>Proposed use is within walking distance of Ganges Village area.</b>
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.		<b>Unclear if proposed use will limit the variety of uses permitted within Ganges Village by reducing marine dependant sales zoned areas.</b>

**NOTICE** is hereby given pursuant to Section 494 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of Temporary Use Permit. The proposed permit would allow a commercial retail use within an existing building on the commercial accommodation zoned marina lot as part of a commercial operation.

The property is located on **126 Upper Ganges Road, Salt Spring Island** and is legally described as LOT 1, SECTION 3, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 31313 (PID: 001-165-291).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 – 1627 Fort Street Victoria, BC V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding statutory holidays, commencing **November 1, 2024** and continuing up to and including **November 13, 2024**.

For the convenience of the public only, and not to satisfy Section 494 (2) (c) of the *Local Government Act*, copies of the Proposed Permit may be inspected online at <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/>.

Enquiries or comments should be directed to Bruce Belcher, Planning Technician at (250) 537-9144, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca) before 4:30 pm, **November 13, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **November 14, 2024** starting at **12:30 p.m.** at the Salt Spring Legion, Meaden Hall, 120 Blain Road, Salt Spring Island. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Rob Pingle, Deputy Secretary

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT PLTUP20240134



To: SS Marina LTD.

1. This Permit applies to land described below:

**Legal Description:** LOT 1, SECTION 3, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 31313

**PID:** 001-165-291

2. This Permit is issued to allow the following:

2.1 A principal use of indoor retail sales within the existing "Harbour's End Building."

3. This Permit is valid for a period of three years from the date of issuance. The uses may be carried out subject to the following conditions:

3.1 The buildings, parking, and general site layout shall be in accordance with Schedule No. 1.

3.2 Any and all signs shall be in accordance with *Salt Spring Island Local Trust Committee Land Use Bylaw No. 355* and Section E.1.9 of *Salt Spring Island Official Community Plan Bylaw No. 434*.

4. This Permit does not relieve the Permittee from the need to secure all other approvals necessary for the proposed uses.

**AUTHORIZING RESOLUTION FOR THE ISSUANCE OF THIS TEMPORARY USE PERMIT PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.**

\_\_\_\_\_  
DEPUTY SECRETARY, ISLANDS TRUST

\_\_\_\_\_  
DATE OF ISSUANCE

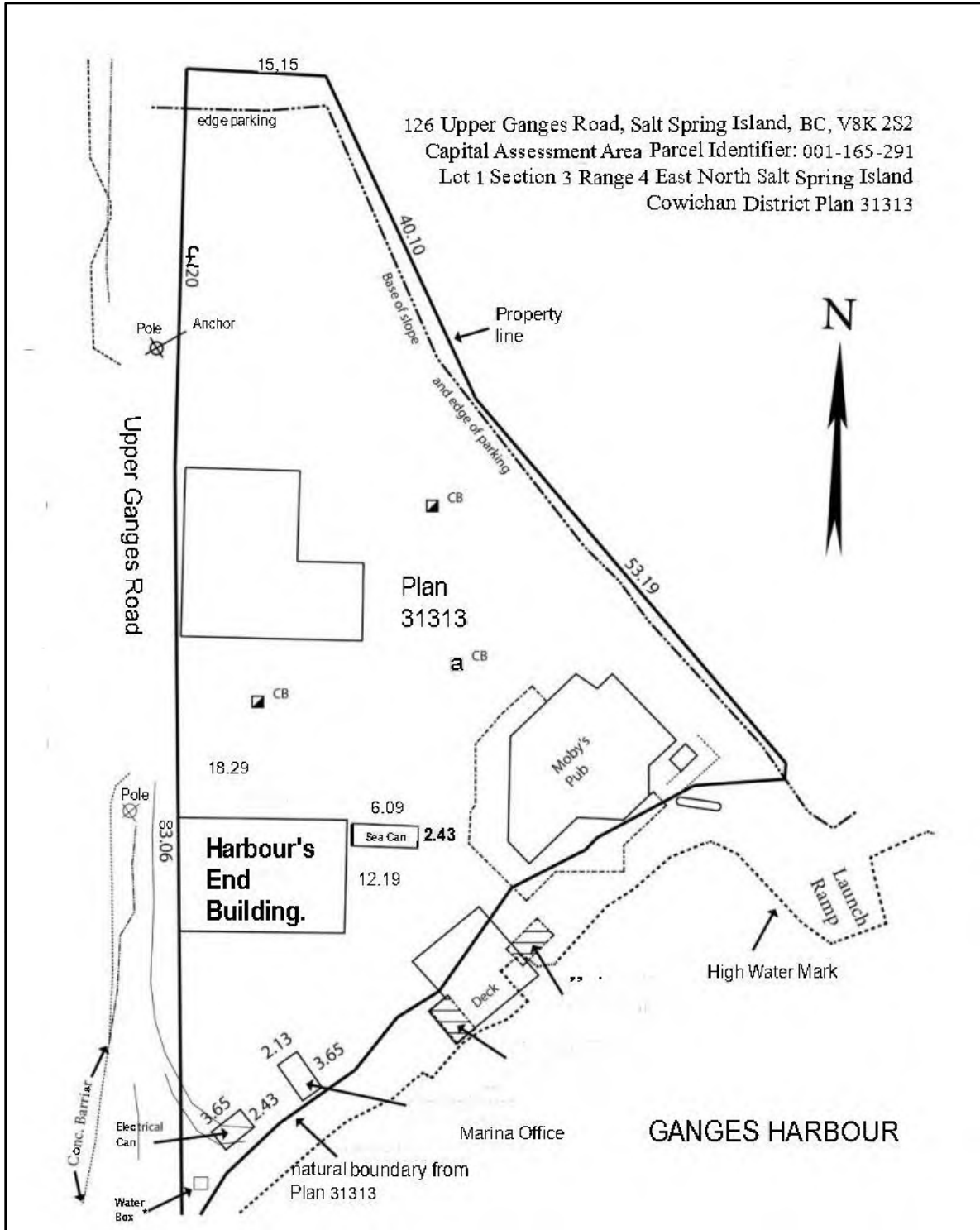


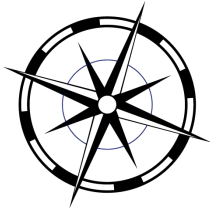


# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT PLTUP20240134

### SCHEDULE NO. 1





**SALT SPRING**  
**MARINA**

July 12, 2024

Islands Trust  
500 Lower Ganges Rd #1  
Salt Spring Island, BC V8K 2N8

To Whom it May Concern,

**Re: Existing and Proposed Uses, Buildings, and Structures at 126 Upper Ganges Rd**

We are writing to provide a detailed description of the existing and proposed uses, buildings, and structures on the property at 126 Upper Ganges Road in order to obtain a temporary use permit.

**Existing Uses and Structures:**

The property has a commercial marina, the Moby's Pub building with a patio, a shed containing the marina office, a central building that houses several boater amenities, and an old building that has previously been used as a marine mechanic and retail facility (referred to here as the Harbour's End Building or HEB). We are seeking a temporary use permit to allow the HEB to continue to be used as the Benjamin Moore paint store, which is the current tenant.

## **History of the Building and Property :**

The Harbour's End Building was constructed in the early 1940s by Warren Hastings, a naval architect known for designing WWII landing crafts. Initially, the building served as a workshop for Hastings' landing craft prototypes and personal sailboat projects. At that time, the property featured a single float extending from the beach.

In 1980, the property changed hands to Dick Durante, while Ross Walker owned the marine repair business operating there. Subsequently, the business was sold to Barry Green. During this period, the central building housed the Driftwood newspaper, and then a heating oil distribution company. The building currently accommodates marina laundry, showers, washrooms, marina maintenance storage, and management offices. Additionally, smaller spaces are rented to a car rental company, a hairdresser, an electrician, a cabinet maker, and a sandwich shop, benefiting both boaters and island residents. In 2005, Jerry Parks and Bonny O'Connor acquired the property, while the marine repair business continued to be run by Barry Green. Alongside marine repairs, Harbour's End Marine & Equipment also held franchises for Stihl and Honda, selling tools like chainsaws, lawnmowers, blowers, drills and hand tools which became a significant part of their business.

In 2014, the Harbour's End Marine & Equipment business was sold to Daniel Morgan. The old docks were removed in 2018, and the new expanded marina opened in 2020. Harbours End Marine and Equipment faced significant challenges and were unable to sustain operations. The pandemic and the loss of key clients, including the Salt Spring Water Taxis and the RCMP marine fleet, significantly reduced the marine repair business. In 2021, a Temporary Use Permit allowed Mid-Isle Marine to perform small boat repairs just up the road from our property, further reducing the marine repair business for Harbour's End Marine & Equipment.

While experiencing reduced business, to meet its obligations Harbour's End Marine & Equipment ramped up the retail portion of its business, offering chainsaws, lawn care products, and other retail products including boat paint. In 2023, Daniel Morgan sub-leased a portion of the retail space in the building to the Salt Spring Adventure Company. However, by September 2023, the Harbour's End Marine & Equipment business could no longer afford its costs, so Daniel Morgan terminated his lease and seemingly dissolved his business. The space was advertised as available from the end of 2023, but no marine mechanic or related service businesses expressed interest. Eventually, Benjamin Moore Paints expressed interest and took over the retail storefront in the HEB, continuing the previous use of that portion of the building.

### **Proposed Uses:**

In February 2024, a lease was signed with Benjamin Moore Paints, whose business parallels the former retail operations historically conducted in the HEB, evidenced in part by the fact that they offer boat paint, flooring and other retail products to boaters.

Since taking over, Benjamin Moore Paints has improved the building's functionality and aesthetics, enhancing the curb appeal and eliminating any risk from noxious work done in the old boat yard. Instead of the loud, unpleasant sights and smells that used to occur in the space, we have tidied up the area and are using it as a parking lot for annual boaters. Instead of a privacy wall poorly insulating the marina guests' and pub patio customers from boat washing and mechanical repairs, we have opened up the area and improved the overall appearance, functionality and experience for all. More of the marina deck has been leased to Moby's Pub, and the marina office has been relocated to a quieter, more visible area, away from pub noise and congestion. This new arrangement poses no environmental risks, unlike the previous marine repair operations. We are confident in Benjamin Moore's safe handling of materials, ensuring a cleaner, more efficient use of the property.

We believe these changes constitute a legitimate legal non-conforming use, maintaining the property's historical function while adapting to current market needs. We look forward to your favorable consideration on this matter.

Thank you for your attention.

Sincerely,

Bonny O'Connor, Gerald T Parks and Celeste Cavaliere  
S.S. Marina LTD