



File No.: SS-RZ-2017.2 (Dragonfly)

DATE OF MEETING: February 8, 2018

TO: Salt Spring Island Local Trust Committee

FROM: Rob Milne, Island Planner
Southern Team

COPY: Stefan Cermak, Regional Planning Manager)

Applicant: Fernando & Tammy Dos Santos
Location: 221 Drake Road

RECOMMENDATION

That the Salt Spring Island Local Trust Committee endorse staff entering into a Cost Recovery Agreement with Fernando and Tammy Dos Santos for Islands Trust legal review for a housing agreement required for affordable housing application SS-RZ-2017.2.

REPORT SUMMARY

This report seeks the Salt Spring Island Local Trust Committee’s (LTC) endorsement of a Cost Recovery Agreement in order to legally review the applicant’s draft housing agreement document.

The recommended legal review is an extraordinary processing service as per Islands Trust Policy 5.6.i and as such, the cost of the review is to be borne by the applicant, subject to a cost recovery agreement endorsed by the Salt Spring Island Local Trust Committee (LTC).

BACKGROUND

At its July 20, 2017 meeting the LTC received a staff report dated June 29, 2017 which introduced rezoning application SS-RZ-2017.2 which proposes to site as many as 30 residences on the south and easterly portion of the property located at 221 Drake Road. The development will be based upon a bare land strata subdivision which will include a common building to be sited on common property. The units are intended to provide a mix of affordable housing and affordable rental housing. Rental rates and home sale prices are intended to be regulated through a housing agreement.

At its regular meeting of October 5, 2017, after consideration of a staff report dated August 10, 2017, the LTC gave first and second readings to Bylaw Nos. 504 and 505 and adopted the following motion.

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that the Salt Spring Island Local Trust Committee directs staff to refer Bylaw Nos. 504 and 505 per Attachment 4 of the Staff Report dated August 10, 2017.

That referral was sent out November 9th, 2017 and a subsequent report will summarize the results of that process and recommend next steps which could include scheduling a public hearing. Staff is currently waiting for late comments from the Capital Regional District prior to bringing that report forward.

As noted, whereas the bylaws have had second readings the next step to move the application would be to proceed to public hearing, assuming no significant concerns have identified through the referral process, which is currently the case. In order to proceed to public hearing it is necessary to have a copy of the proposed housing agreement available for public review as well as for the consideration of the LTC. This will required that a the proposed housing agreement is reviewed and approved by the Islands Trust’s legal counsel prior to the public hearing.

ANALYSIS

Issues and Opportunities

The LTC have an opportunity to receive legal feedback regarding the proposed housing agreement to ensure that the proposed development achieves its stated goals of creating affordable housing which will help to address the current lack of affordable housing on Salt Spring Island. Receipt of this information will help inform the LTC and not fetter the LTC’s decision making authority.

Rationale for Recommendation

The LTC would benefit from legal review of how effective the applicant’s proposed housing agreement may be in ensuring the proposal is in creating affordable housing in both the short term and long term life cycle of the project.

ALTERNATIVES

The LTC may not endorse staff entering into a cost recovery agreement, proceed no further with the application, hold the application in abeyance or simply receive this report for information pending further consideration of the application.

Submitted By:	Rob Milne M.A., RPP, MCIP Island Planner	January 25, 2018
Concurrence:	Stefan Cermak Regional Planning Manager	January 26, 2018