



DATE OF MEETING: September 24, 2026

TO: Salt Spring Island Local Trust Committee

FROM: Oluwashogo Garuba, Planner 2
Salt Spring Island Team

COPY: Jason Youmans, Regional Planning Manager

SUBJECT: Land Use Bylaw amendment to permit commercial uses following expiration of Land Use Contract Bylaw 10
Applicant: Chris Schmah
Location: 104 Atkins Road, SSI

RECOMMENDATION

1. That Salt Spring Island Local Trust Committee Bylaw No. 552, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026” be amended in accordance with Attachment 1 of the staff report dated September 24, 2026.
2. That Salt Spring Island Local Trust Committee Bylaw No. 552, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026”, be read a second time as amended.
3. That the Salt Spring Island Local Trust Committee directs staff to schedule a Public Hearing for Bylaw No. 552, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026.”
4. That the Salt Spring Island Local Trust Committee directs staff to draft a restrictive covenant under Section 219 of the *Land Title Act* that requires, in the event of the removal of the large greenhouse building on the subject property, installation of a vegetative buffer consistent with applicable Agricultural Land Commission guidelines along the boundary of the subject property and any abutting land in the Agricultural Land Reserve.
5. That the Salt Spring Island Local Trust Committee directs staff to enter into a cost-recovery agreement with the applicant for application SS-RZ-2023.1, pursuant to Trust Council policy and the Salt Spring Island planning application fees bylaw, for legal counsel review of the ALR vegetative buffer covenant.

REPORT SUMMARY

This report recommends that the Salt Spring Island Local Trust Committee (SS LTC) give second reading to, and schedule a public hearing for, an amendment to Salt Spring Island Land Use Bylaw No. 355 (LUB) that would allow existing uses to continue at the property currently occupied by Foxglove Farm and Garden Supply at 104 Atkins Road. It recommends that the LTC to enter into a restrictive covenant with the land owner to address issues raised through referral to the Agricultural Land Commission. This rezoning is required following the expiry of Land Use Contract (LUC) Bylaw No. 10 which authorized those

current uses. Bylaw No. 552 would amend zoning on the subject property from Rural (R) to Commercial 1 variant e (C1(e)).

BACKGROUND

This report follows the April 9, 2026 regular meeting of the SS LTC where the following resolutions were passed:

SS-2026-052

that the Salt Spring Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that draft Bylaw No. 552 cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026" (104 Atkins Road) is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SS-2026-053

that the Salt Spring Island Local Trust Committee Draft Bylaw No. 552 cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026", be read a first time (SS-RZ- 2023.1, 104 Atkins Road).

CARRIED

SS-2026-054

that the Salt Spring Island Local Trust Committee request staff to refer the draft amendment bylaw and other information to First Nations, Advisory Planning Commission, Agricultural Advisory Planning Commission and other applicable agencies to seek comment on the proposal to amend Salt Spring Island Land Use Bylaw No. 355, 1999.

CARRIED

Trustee Harris opposed

SS-2026-055

that the Salt Spring Island Local Trust Committee request staff to schedule a Community Information Meeting (CIM) prior to the meeting at which the proposed bylaw is anticipated to be provided to the Local Trust Committee for second reading.

CARRIED

As directed by the LTC, staff referred proposed Bylaw No. 552 to the applicable agencies and scheduled a Community Information Meeting (CIM), which was planned to be held on September 24, 2026. Proposed Bylaw No. 552 is in Attachment 1. Agency and First Nations referral responses are included as Attachments 2 through 6 respectively.

Previous staff reports, including site context, photos, and correspondence can be found on the [Salt Spring Island Current Applications Webpage](#).

ANALYSIS

Policy/Regulatory

See staff report of [February 12, 2026](#) for analysis of applicable OCP and Islands Trust Policy Statement policies.

Official Community Plan:

The subject property is designated Rural Neighbourhood in the Official Community Plan (OCP). Staff initially proposed rezoning the property to Commercial 1 (C1), as the C1 zone generally reflects the range of commercial activities previously permitted by the Land Use Contract Bylaw No. 10. However, the C1 zone permits a broader range of uses, including post offices, banks and credit unions, liquor stores, and libraries than were permitted in the old land use contract.

The OCP provides specific direction regarding the location of such uses. Policy B.5.1.2.4 states:

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.

Atkins Road is the western boundary of the Ganges Village designation, and the subject property sits just outside of it. While the proposed land use bylaw amendment is intended to establish a zoning that reflects the property's existing and historically-permitted commercial function, applying the C1 zone outright would permit uses that are identified in OCP Policy B.5.1.2.4 as uses the LTC should not entertain.

In response to this policy consideration, staff recommend that the property be rezoned to Commercial 1 variant "e." The proposed new zone would permit the range of commercial uses allowed in the C1 zone, while specifically excluding post offices, banks and credit unions, liquor stores, and libraries.

The proposed new C1(e) zones recognizes the property's established commercial use, while also ensuring that the new zoning regulations are consistent with the OCP direction to keep certain high-traffic destination uses within the village boundaries.

Issues and Opportunities

see staff reports of [February 12, 2026](#) and [April 09, 2026](#) for detailed discussion of issues and opportunities associated with this application.

Proposed Bylaw No. 552

Bylaw 552, attached to this report as Attachment 1, incorporates the recommended amendments to the LUB to ensure consistency with OCP Policy B.5.1.2.4. The amendments restrict certain uses that are not permitted outside the Village designation, as the subject property is designated Rural Neighbourhoods. Staff has communicated these proposed restrictions to the applicant, who is in agreement.

The redline version of Bylaw No. 552 in Attachment 1 also proposes revised lot line setback requirements. The 0-metre front and exterior side lot line setbacks permitted in the Commercial 1 (C1) zone are appropriate for the village core, but not for this site at the edge of the village/rural interface. 0-metre lot line setbacks would be out of character with surrounding institutional and multi-family land uses.

Agricultural Land Reserve Vegetative Buffer

See "Agencies" section for ALC referral response.

The Agricultural Land Commission (ALC) has recommended that SS LTC consider urban-side non-residential setbacks and buffering measures consistent with the Ministry of Agriculture and Food's *Guide to Edge Planning* (2015), in order to reduce the potential for urban/agricultural conflicts and the potential for intrusion of the proposed use onto the neighbouring Agricultural Land Reserve (ALR) parcel.

Staff note that there is an existing structure located approximately four (4) metres from the interior side lot line and therefore within the eight (8) metre vegetative buffer area recommended by the Guide to Edge

Planning. Given the existing structure, staff consider it would be unreasonable to require installation of such a buffer now. As an alternative, staff recommend that a covenant be registered on title requiring that, in the event of redevelopment or replacement of Building 1 in Attachment 8, an eight (8) metre vegetative buffer be provided and maintained adjacent to the ALR boundary in accordance with the ALC's guidelines.

Wastewater Management

See "Agencies" section for Vancouver Island Health Authority referral response.

Island Health has flagged that the existing sewerage system should be reviewed by an Authorized Person (AP), in accordance with Section 6 of the Sewerage System Regulation, to confirm that it has sufficient capacity to accommodate the additional wastewater generated by new businesses or structures resulting from the proposed zoning change. However, no new uses, buildings, or structures are presently proposed for the property, and staff are unaware of any specific concerns about the current on-site wastewater disposal system. Should any new buildings be proposed, or major change of occupancy occur to existing buildings, the building permitting process is anticipated to require demonstration of adequate septic servicing.

See "Alternatives" below if SS LTC wishes to require a wastewater system assessment as part of the current rezoning process.

Ganges Village Boundary and Development Permit Area 1

Because the subject property would be permitted a range of commercial uses and re-development opportunities under proposed Bylaw No. 552, it should be included in Development Permit Area 1 for the control of the form and character of commercial, general employment, and multi-family development. This was not conveyed to the applicant at the outset of the application process, and as such has not been considered by SS LTC up until now. The implications of the land not being included in DPA 1 is that future redevelopment on the site would not be subject to any form and character controls to ensure that building design and landscaping are consistent with the design expectations and planning principles that Salt Spring Island has established. SS LTC can consider whether further readings of Bylaw No. 552 should be conditional upon submission of an OCP amendment application from the applicant to make the map amendment that adds the land to DPA 1. Alternatively, the extension of DPA 1 to the subject property may be possible through SS LTC's ongoing OCP/LUP update project.

Consultation

Statutory Requirements

In accordance with LTC resolution **SS-2026-054**, this application was referred to the applicable agencies as staff advised in the April 9, 2025 report (See Attachment 7).

Agencies

Staff referred Bylaw No. 552 to relevant agencies for comment. The following is a summary of responses received to date:

Vancouver Island Health Authority (Attachment 2):

Approval recommended subject to the following conditions:

- An Authorized Person (AP), as per Section 6 of the Sewerage System Regulation, is required to ensure the sewerage system is adequate to handle wastewater created by the on-site properties or to complete any required upgrades to the sewerage system.

Agricultural Land Commission (Attachment 3):

ALC staff recommend considering urban-side non-residential setbacks and buffering measures in accordance with the Ministry of Agriculture and Food's *Guide to Edge Planning* (2015) to reduce potential for urban/agricultural conflicts and to reduce the potential for intrusion of the proposed use onto the neighbouring ALR parcel.

Ministry of Agriculture and Food (Attachment 4):

Ministry staff recognize the important role that Foxglove Farm and Garden Supply Ltd., provides to the greater agricultural community on Salt Spring Island and as such, support rezoning the subject property from Rural (R) to Commercial 1 (C1) to allow Foxglove to continue their existing operation.

North Salt Spring Water District: Interests unaffected

Ministry of Housing: Interests unaffected

Capital Regional District: Interests unaffected

Local Planning Commissions

SSI Advisory Planning Commission (APC)

The APC considered the subject application at its April 30, 2026 meeting where the following resolution was passed:

It was MOVED and SECONDED,

that the Advisory Planning Commission recommends to the Salt Spring Island Local Trust Committee that application SS-RZ-2023.1 (104 Atkins Road) proceed.

CARRIED

See APC minutes included in the [May 14, 2026, LTC agenda package](#) for summary of APC discussion on this matter.

SSI Agricultural Advisory Planning Commission (AAPC)

The AAPC considered the subject application at its April 23, 2026 meeting where the following resolution was passed:

It was MOVED and SECONDED,

that the Agricultural Advisory Planning Commission recommend approval of the application for the following reasons:

- *The applicant provides an essential service to the agricultural community, and employment, and they are proven stewards of the land.*

CARRIED

See AAPC minutes included in the [May 14, 2026, LTC agenda package](#) for summary of AAPC discussion on this matter.

Local Trust Committees

North Pender Island Local Trust Committee: Interests unaffected

Galiano Island Local Trust Committee: Interests unaffected

Mayne Island Local Trust Committee: Interests unaffected

Thetis Island Local Trust Committee: Interests unaffected

First Nations

It is Islands Trust policy that rezoning applications in areas where there is anticipated First Nations interest (recorded archaeological sites, shorelines, etc) are referred to First Nations. First Nations referrals for Bylaw No. 552 were distributed May 14, 2026. The referral response window closed on July 14, 2026 and these are the summaries of responses received to date regarding the application:

Cowichan Tribes: (See Attachment 5) Cowichan Tribes raised concerns regarding the timing and adequacy of consultation, as well as the consideration of cultural and natural heritage matters in the application review, including references in an earlier report to archaeological potential in the surrounding area. Cowichan Tribes also questioned whether the proposed C1 zoning could permit uses beyond the existing farm store and nursery operation and whether reliance on the absence of reported or observed impacts provides sufficient support for the applicable OCP and ITPS consistency findings.

Staff Comment: Staff will follow up with Cowichan Tribes to answer questions their staff have raised in the referral response. There are two avenues available for SS LTC to address Cowichan Tribes concerns about cultural and heritage values on the property:

- 1) SS LTC can require, as a condition of further reading of Bylaw No. 552, that the applicant provide an archaeological overview assessment for the property; or
- 2) SS LTC can require, as a condition of bylaw approval, that the applicant enter into a restrictive covenant with SS LTC that new development on, or re-development of, the property requires an archaeological impact assessment (AIA) and that future development must proceed in accordance with the findings of that AIA.

In the absence of actioning 1 or 2 above, the land would be subject to the provisions of the [Heritage Conservation Act](#) and the requirements that legislation sets out around the discovery of archaeological objects.

Tsawout First Nation: (See Attachment 6) Tsawout First Nation supports the proposed rezoning application.

Pauquachin First Nations: States that the subject area appears to fall outside the recognized title and governance boundaries of the Pauquachin First Nation, indicating a Level 1 rights designation. Defers to First Nations whose traditional territory encompasses or is impacted by the project.

Penelakut First Nation: Defers to the First Nation(s) whose traditional territory encompasses or is impacted by the project.

Tsawwassen First Nation: Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final environmental and archaeological reports produced for this project.

Ts'uubaa-asatx First Nation: Defers to the First Nation(s) whose traditional territory encompasses or is impacted by the project.

Tsartlip First Nation: Is not going to participate in this referral at this time; requests ongoing referrals from Islands Trust.

Rationale for Recommendation

1. **That the Salt Spring Island Local Trust Committee Bylaw No. 552, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026” be amended in accordance with Attachment 1 of the staff report dated September 24, 2026.**

Staff Comment: The proposed amendments ensure consistency with OCP Policy B.5.1.2.4 by restricting uses not contemplated outside the Village designation. Revised setback requirements are also appropriate given the property’s location at the village/rural transition area and provide greater compatibility with surrounding institutional and multi-family land uses.

2. **That Salt Spring Island Local Trust Committee Bylaw No. 552, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026”, be read a second time as amended.**

Staff Comment: The proposed land use bylaw amendment is generally consistent with the Salt Spring Island Official Community Plan (OCP) and the Islands trust Policy Statement and can be advanced.

3. **That the Salt Spring Island Local Trust Committee directs staff to schedule a Public Hearing for Bylaw No. 552, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 1, 2026.”.**

Staff Comment: The proposed land use bylaw amendment is generally consistent with the Salt Spring Island Official Community Plan (OCP) and the Islands trust Policy Statement and can be advanced.

4. **That the Salt Spring Island Local Trust Committee directs staff to draft a restrictive covenant under Section 219 of the Land Title Act that requires, in the event of the removal of the large greenhouse building on the subject property, installation of a vegetative buffer consistent with applicable Agricultural Land Commission guidelines along the boundary of the subject property and any abutting land in the Agricultural Land Reserve.**

Staff Comment: See discussion in “Issues and Opportunities” above.

5. **That the Salt Spring Island Local Trust Committee directs staff to enter into a cost-recovery agreement with the applicant for application SS-RZ-2023.1, pursuant to Trust Council policy and the Salt Spring Island planning application fees bylaw, for legal counsel review of the ALR vegetative buffer covenant.**

Staff Comment: The proposed covenant requires legal review by Islands Trust legal team prior to registration, which constitutes an extraordinary service associated with the application. The associated review costs are therefore to be recovered from the applicant through a cost-recovery agreement in accordance with Salt Spring Island Fees Bylaw No. 527.

ALTERNATIVES

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

1. Require a wastewater disposal system assessment

If SS LTC wishes to action Island Health’s recommendation regarding this rezoning application, it could require the applicant to provide an assessment of the existing wastewater disposal system on site. Recommended wording for such a resolution is as follows:

That the Salt Spring Island Local Trust Committee request, as a condition of further readings of Bylaw No. 552, that the applicant for SS-RZ-2023.1 provide confirmation from an Authorized Person under Section 6 of the Sewerage System Regulation that the onsite wastewater system is adequate to handle the discharge from all uses permitted in the C1(e) zone and, if not adequate, that the necessary system upgrades have been made.

2. Require an archaeological overview assessment

If SS LTC wishes to address the concern raised by Cowichan Tribes that insufficient attention has been paid to the potential for objects of heritage and/or cultural value on the subject property, it may wish to require that the applicant commission an archaeological overview assessment. If this is the case, it could consider the following resolution:

That the Salt Spring Island Local Trust Committee request, as a condition of further readings of Bylaw No. 552, that the applicant for SS-RZ-2023.1 provide an archaeological overview assessment for the subject property along with recommendations from the consulting archaeologist that SS LTC should consider.

3. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny application SS-RZ-2023.1 for the following reasons . . .

NEXT STEPS

If the above recommendations are accepted, staff will schedule a public hearing for Proposed Bylaw No. 552 and the application will return to the Local Trust Committee for third reading at a later date.

Submitted By:	Oluwashogo Garuba, Planner 2	September 21, 2026
Concurrence:	Jason Youmans, Regional Planning Manager	September 21, 2026

ATTACHMENTS

1. Proposed Bylaw No. 552
2. Vancouver Island Health Authority Referral Response
3. Agricultural Land Commission Referral Response
4. Ministry of Agriculture and Food Referral Response
5. Cowichan Tribes Referral Response
6. Tsawout First Nation Referral Response
7. Referral List
8. Site Plan