

DATE OF MEETING: February 13, 2025

TO: Salt Spring Island Local Trust Committee

FROM: Oluwashogo Garuba, Planner 1
Salt Spring Island Team

COPY: Chris Hutton, Regional Planning Manager

SUBJECT: Application amend bylaw to alter the definition of public service
Applicant: Dan Ovington
Location: 210 & 220 Kanaka Road, Salt Spring Island

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee request staff to proceed with processing application PLRZ20240188.
2. 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 include an administrative definition of public works facility in the Salt Spring Island Land Use Bylaw and to rezone LOT 1, SECTION 2, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 17333, EXCEPT PARCEL A (DD 362513I) THEREOF, from Agriculture 1 (A1) to Community Facility 3 (CF3).
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 PARCEL A (DD 362513I) OF LOT 1, SECTION 2, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 17333, from Residential 2 (R2) to Community Facility 3 (CF3).
4. That the Salt Spring Island Local Trust Committee request staff to refer to and seek input from the Advisory Planning Commission, Agricultural Land 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.

REPORT SUMMARY

The purpose of this report is to introduce a rezoning application which seeks to include land use definition for a “public works facility” in the Salt Spring Island Land Use Bylaw No. 355, 1999 (LUB) and also amend the LUB to permit public works facility as a principal use in a proposed new Community Facility 3 (CF3) zone, and to rezone the subject property to Community Facility 3 (CF3), both within the Agriculture Land Reserve (ALR).

This staff report provides the Salt Spring Island Local Trust Committee (LTC) with a preliminary overview of the proposal, outlining its alignment with the LUB, Salt Spring Island Official Community Plan (OCP) No. 434 2008 and the Islands Trust Policy Statement (ITPS). The report also introduces the regulatory changes necessary to support the proposal. Staff recommends that the LTC proceed to prepare the required bylaws for a textual amendment to the LUB, and to rezone the subject property.

BACKGROUND

The Capital Regional District (CRD) parks maintenance facility comprises of two separate properties shown in Figure 1 below. The properties at 210 and 220 Kanaka Road are both within the Agricultural Land Reserve (ALR). these two properties illustrated in Figure 1 are zoned and sized as follows:

- 210 Kanaka Road: Residential 2 (R2), 0.31 ha (0.76 ac)
- 220 Kanaka Road: Agriculture 1 (A1) 0.19 ha (0.46 ac)

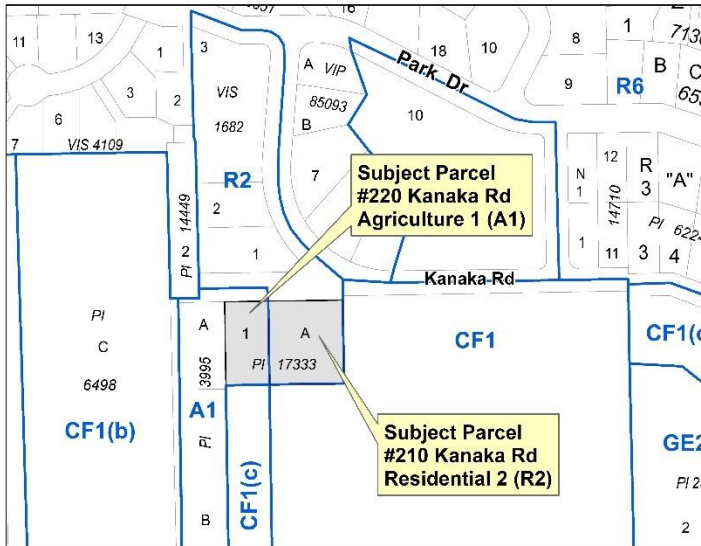


Figure 1: Subject Property Zone map

The facility is currently being used to accommodate the daily functions and storage needs to support the community parks, recreation facilities and public beach accesses. In addition, the site is used for material and equipment storage. The applicant proposes to replace the existing maintenance facility and incorporate upgrades to enhance its functionality. This upgrade includes the following:

- transit bus parking;
- staff and crew vehicle parking, EV charging station;
- vehicle and equipment wash station;
- maintenance building;
- storage units;
- other proposed uses as identified in the application letter attached (Attachment 2).

“Public works facility” is not a defined use in the LUB, so not permitted within any zone. The applicant has submitted an application for a text specific amendment and rezoning to permit these proposed uses and bring them into compliance with the LUB.

The following are currently located at the CRD park maintenance facility (see figure 1):

- Modular Building
- Equipment and materials storage
- Waste facility (Dumpster)
- Gate

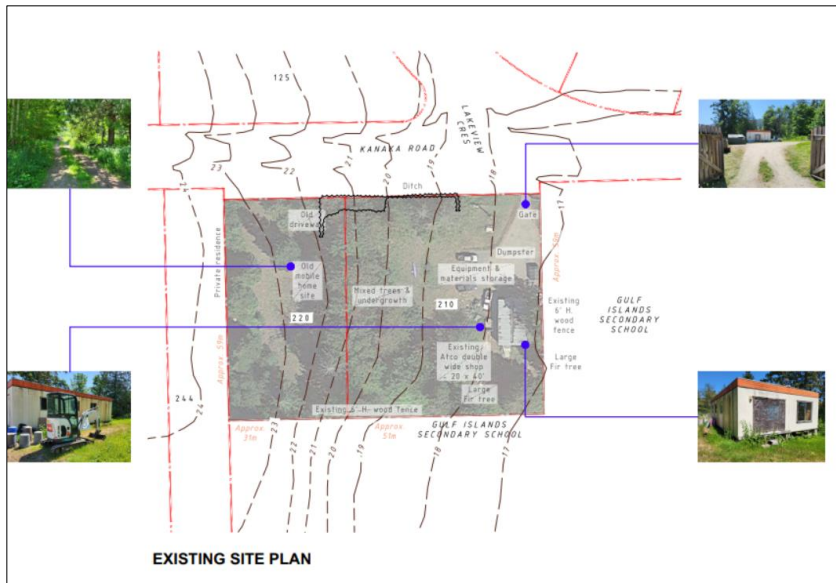


Figure 2: Existing Conditions

The applicant has proposed the following site elements:

- i. Maintenance building;
- ii. Auxiliary building – shared use;
- iii. Perimeter security fencing;
- iv. Security lighting;
- v. Transit bus parking;
- vi. Staff and crew vehicle shared parking with EV charging stations;
- vii. Shared use vehicle and equipment fuel storage;
- viii. Parks small equipment fuel storage
- ix. Shared use garbage dumpster;
- x. Parks maintenance sea-can storage units;
- xi. Parks maintenance bulk material storage bins.

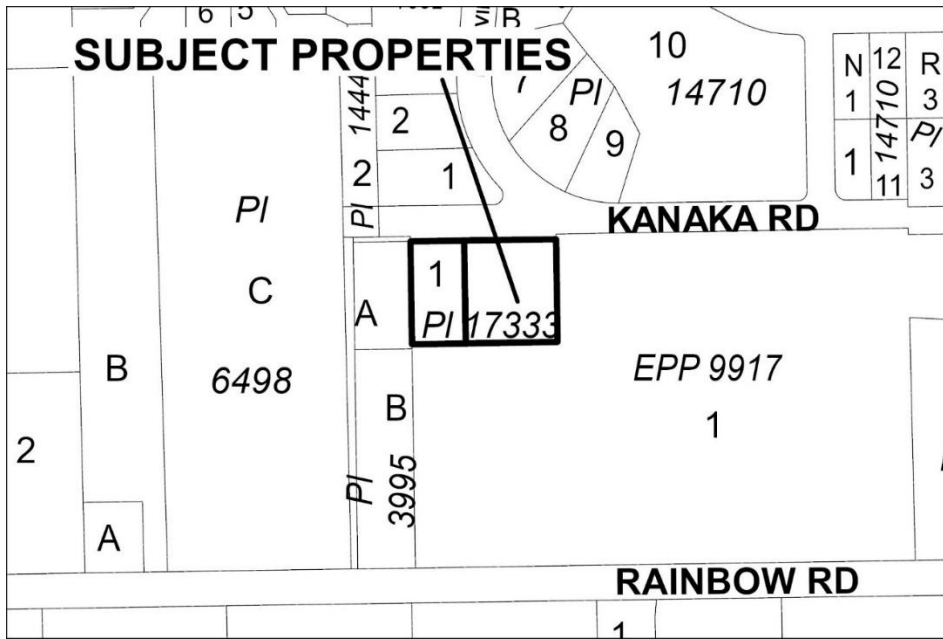


Figure 3: Subject Property Map

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:

4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.

4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse effects on agricultural land.

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.

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.

The application aligns with all of the above policy statement. Firstly, the application supports the preservation of agricultural land and the proposed use is not conflicting with the intent to preserve agricultural land for current and future use. Additionally, the application supports Policy 5.3.7 by providing opportunities for the development of transportation systems in order to promote alternative transportation options and reduce reliance on private

automobiles. 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 subject property is designated as Agriculture (A) and Ganges Village Upper (GVU) in the OCP. Staff have evaluated the application against relevant policies contained in the OCP and note several policies that relate to the proposed rezoning, but have not noted any inconsistency with the OCP at this time.

Applicable OCP policies relevant to Ganges Village development

***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.*

This policy supports the continued allowance of various institutional uses within the Ganges Village designation which could include public works yard. The text amendment to the LUB to include the definition of public works facility in the LUB is necessary to ensure that the proposed upgrade to the CRD's parks maintenance facility can become a permitted principal use in the new zone, thereby supported by this OCP policy. The text amendment for the inclusion of public works facility as a permitted principal use in the area will ensure that the necessary infrastructure to support the village's development is in place and contributing to the broader goal of sustainable, mixed-use growth in the Ganges Village area, therefore, the application meets this policy.

Applicable OCP policies relevant to Agricultural Land Development

***B.6.2.2.4** Zoning within the Agriculture and Watershed-Agriculture Designations will continue to allow the land uses, structures and densities allowed by existing zoning and subdivision bylaws. Where existing zoning allows general employment and commercial uses, these will remain as permitted uses unless the property owner applies for a zoning change.*

This policy supports the application for a rezoning to allow a land use that is not currently permitted within agricultural designation areas. By providing flexibility for zoning changes when the proposed use serves a public benefit, the policy supports the proposed land use and justifies the rezoning application.

***B.6.2.2.20** Zoning changes should not be made to allow large new multi-family, general employment, institutional or commercial developments in the Agriculture or Watershed-Agriculture Designation. An exception could be considered for community facilities or limited general employment zoning that would provide broad benefits to the community and are specifically mentioned in this Plan.*

This rezoning application is supported by this policy because the public service use is not permitted within the agricultural designation, the proposed public work facility appears to be beneficial to the community of Salt Spring and therefore this justifies the application for a zone change.

Development Permit Areas

One of the subject property (210 Kanaka Rd) is within Development Permit Area (DPA) 1 - Island Villages.

Additional OCP policies relevant to this application include:

C.2.2.2.15 *When considering rezoning applications, the Local Trust Committee should ensure that the proposed zoning change supports the development of non-automotive transportation and public transit service.*

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*

The proposal to include public works facility includes continued support for the public transit service as part of the activities proposed for this property includes providing parking spaces for public transit vehicles.

Policy E.1.4.1 is relevant to the application because the subject property is adjacent to the Gulf Islands Secondary School. To mitigate noise and visual impacts from the development, the applicant has proposed installing new vegetation screening and retaining existing vegetation, in compliance with this policy.

Should the application proceed, a checklist for compliance with the applicable OCP policies would be presented to LTC for review and consideration. As proposed, the summary overview of the proposed plans largely aligns with this subsection.

Land Use Bylaw:

The subject properties are in two different zones – R2 and A1 as identified in the Salt Spring Island Land Use Bylaw No. 355. Public works facility has not been identified as a permitted principal use in any zone on Salt Spring Island, therefore a text specific amendment and zoning variation will be required to permit the proposed principal uses. This application would be necessary to amend the zoning and allow these specific uses, ensuring compliance with the LUB.

Public works facility has not been defined in the Salt Spring Island Land Use Bylaw but some other municipalities such as city of Sidney have defined this in their LUB.

Public Works Facility: Land, buildings, structures, and associated uses that are used to accommodate the Town's public works yard.

	A1	A2
Principal Uses, Buildings and Structures		
<i>Agriculture, farm buildings and structures</i> <i>Information Note: By definition, "agriculture" includes the processing, storage, and sale of farm products produced on that agricultural land. These uses must consistent with the <u>Agricultural Land Reserve Use Regulation</u>.</i>	♦	♦
<i>Single-family dwellings</i>	♦	♦
Accessory Uses		
<i>A secondary suite subject to Section 3.16</i>	♦	♦
Where a lot is classified as a farm under the <u>Assessment Act</u> , in addition to a <i>secondary suite</i> , a second <i>accessory dwelling unit</i> is permitted provided that it is: a) a pre-existing <i>dwelling unit</i> constructed before February 22, 2019; or b) a <i>manufactured home</i> constructed between July 4, 2019 and December 31, 2021; or c) a <i>farmworker's dwelling unit</i> not exceeding: i. 56 square metres in <i>floor area</i> on a lot between 1.2 hectares and 2 hectares in area; or ii. 90 square metres in <i>floor area</i> on a lot greater than 2 hectares in area; or iii. 186 square metres in <i>floor area</i> on a lot greater than 40 hectares in area. <i>Information Note: For lots 40 hectares or less in area where the single-family dwelling exceeds 500 square metres in floor area, permission to construct an additional dwelling unit for farm use must be applied for and approved in writing by the Agricultural Land Commission.</i>	♦	♦
<i>Home-based business use</i> subject to Section 3.13	♦	♦
<i>Commercial guest accommodation</i> in a <i>campground</i> on agricultural land classified as a farm under the <u>Assessment Act</u> <i>Information Note: This use requires an agri-tourism activity consistent with the <u>Agricultural Land Reserve Use Regulation</u> to be occurring on the lot.</i>	♦	

Figure 4: Permitted principal uses in A1

	R1	R2
Principal Uses, Buildings and Structures		
<i>Single-family dwellings</i>	◆	◆
<i>Duplexes</i>	◆	◆
<i>Duplexes constructed before July 31, 1990</i>		
<i>Multi-family dwellings</i>	◆	◆
Dental and medical office <i>services</i> for a maximum of two medical practitioners		
Elementary schools, pre-schools and <i>child day care</i> centres		
Hospitals and <i>public</i> health care facilities		
<i>Community halls</i>		
<i>Non-commercial outdoor active recreation</i>	◆	
<i>Churches</i>		
<i>Agriculture, excluding intensive agriculture</i>		
<i>Public service uses</i>	◆	◆
<i>Seniors' supportive housing complex</i>		
Accessory Uses		
<i>Home-based businesses, subject to Section 3.13</i>	◆	◆
<i>Seasonal cottages</i> subject to Section 3.14		

Figure 5: Permitted principal uses in R2

Islands Trust Conservancy:

In accordance with Islands Trust Conservancy Board Policy 3.1, the Islands Trust Conservancy (ITC) does not have covenants on the property or adjacent properties and therefore the proposal has no considerations for the ITC.

Agricultural Land Reserve (ALR)

Both properties are within the Agricultural land Reserve (ALR) and therefore all non farm uses are subject to permission from the Agricultural Land Commission (ALC). If the non farm use is permitted by the ALC and consistent with the LUB, then it may be permitted. However, the applicant has submitted written confirmation (see attachment 3) from the ALC confirming that both parcels of land are not subject to the ALR use regulations as per section 23(1) of the *Agricultural Land Commission Act* “restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act*, R.S.B.C. 1960, c. 208, less than 2 acres in area”. However, they are subject to the other applicable regulations and bylaws including the *Local Government Act* and LUB.

Archaeological Material

Desktop review indicates that there are no known areas of archaeological potential within the subject property. 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

Staff have identified the following issue discussed below and may be considered further once an amendment bylaw is tabled and through with referral responses, if the LTC chooses to proceed with the application:

- **Setback from Lot lines:** The site plan submitted with the proposal indicates that it does not meet the setback requirements specified in the Land Use Bylaw (LUB). Certain structures, such as the car parks and the office/lunch room/locker room building, are located within the required setback areas. The applicant has explained that the plan was developed based on several factors, including the turning radius of transit buses, and therefore, cannot be amended. Staff has identified this as non-compliant with the LUB and recommends that the new zoning include a 0-meter setback from the lot lines, with this adjustment reflected in the setback regulations of the new CF3 zone.

Consultation

Provided that further policy analysis confirms no inconsistency with the OCP, a public hearing may not be required for this application, in accordance with section 464(3) of the Local Government Act.

Agencies

Should the application proceed, staff have identified the following agencies for bylaw referral. LTC may direct staff to include additional agencies for referral:

- Agricultural Land Commission (ALC);
- Agricultural Advisory Committee (AAC);
- Advisory Planning Commission (APC)

First Nations

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.

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

1. Request additional information

The LTC may request additional information prior to making a decision. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust in addition to the recommended resolution the following....

2. 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 PLRZ20240188 for the following reasons

NEXT STEPS

If the recommendations are supported,

Staff will proceed with processing the rezoning application, refer it to the Agricultural Land Commission (ALC), 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.

Submitted By:	Oluwashogo Garuba, Planner 1	January 30, 2025
Concurrence:	Chris Hutton, Regional Planning Manager	February 5, 2025

ATTACHMENTS

1. Site Context
2. Applicant's Letter of Rationale
3. ALC's Letter of Exemption for Subject Properties

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	PARCEL A (DD 362513I) OF LOT 1, SECTION 2, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 17333 LOT 1, SECTION 2, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 17333, EXCEPT PARCEL A (DD 362513I) THEREOF
PID	003-915-255 003-915-204
Civic Address	210 Kanaka Road, Salt Spring Island 220 Kanaka Road, Salt Spring Island
Lot Size	0.31 ha (0.76 ac) – 210 Kanaka Road 0.19 ha (0.46 ac) – 220 Kanaka Road


LAND USE

Current Land Use	Agriculture & Residential
Surrounding Land Use	Community Facilities 1 -CF1 Community Facilities 1 zone variant c - CF1(c)

HISTORICAL ACTIVITY

File No.	Purpose
SS-RZ-2002.5	Rezoning

POLICY/REGULATORY

Official Community Plan Designations	<p>Salt Spring Island Official Community Plan Bylaw No. 434, 2008 Designation: Ganges Village Upper – 210 Kanaka Rd Agriculture – 220 Kanaka Rd Development Permit Areas – Island Villages – 210 Kanaka Road</p>  <p>DEVELOPMENT PERMIT AREAS Salt Spring Island DPA Island Villages</p>
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Land Use Bylaw	Salt Spring Island Land Use Bylaw No. 355, 1999 Residential 2 (R2) – 210 Kanaka Road Agriculture 1 (A1) – 220 Kanaka Road
Other Regulations	Agricultural Land Reserve (ALR) use regulation
Covenants	Covenant - EL37008 – 210 Kanaka Road
Bylaw Enforcement	SS-BE-2024.5 - Concerns are residential lots being used as a maintenance yard.

SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None
Sensitive Ecosystems	None
Hazard Areas	None
Archaeological Sites	None 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 Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act 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	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A



Making a difference...together

Salt Spring Island Electoral Area
108-121 McPhillips Avenue
Salt Spring Island, BC, V8K 2T6

T: 250.537.4446

www.crd.bc.ca

ATTACHMENT 2

PROJECT NARRATIVE - SSI CRD Park Maintenance and Bus Storage

Background

The Salt Spring Island (SSI) Parks and Recreation 2019 Strategic Plan identified the park maintenance service levels, equipment, facilities, and resource capacity as one of the top three priorities of future focus. This priority is the action required under the strategy to “invest in our capacity to deliver excellent service.” A thorough evaluation of equipment and facility needs was completed in collaboration with maintenance staff. It was determined that the current maintenance facility is inadequate for the work required to meet service levels and maximize service delivery.

The maintenance staff currently work out of a modular building located at 210 and 220 Kanaka Road. The maintenance facility is used to accommodate the daily functions and storage needs of park maintenance staff on SSI. This building has reached the end of its useful life and needs to be replaced.

Alternative locations including 262 Rainbow Road (Rainbow Recreation Centre) and 145 Vesuvius Bay Road (Portlock Park) have been explored as alternative locations for the park maintenance facility. Portlock Park is currently over subscribed and would require the removal of an existing park amenity to accommodate this use. Rainbow Recreation Centre was deemed unsuitable during the master planning process with community feedback supporting reserving this site for recreation purposes given it is the only CRD park land zoned for indoor recreation on SSI.

210 Kanaka is 0.76 acres, zoned Residential 2 (R2) and 220 Kanaka is 0.46 acres zoned Agriculture 1 (A1). Both Kanaka properties are located in the Agricultural Land Reserve (ALR), however the CRD received confirmation from the Agricultural Land Commission that the restrictions on use of agricultural land contained in the Agricultural Land Commission Act and BC Regulation 30/2019 do not apply to the properties as both parcels are under two acres in size.

The current zoning allows for public service uses. “Public Service” is defined as the use of land, building or structures for the maintenance, repair or storage of vehicles, equipment or construction material that are used solely for the provision, maintenance or repair of public utilities or highways, and for emergency response facilities are operated for the benefit of the general population of the island on which it is located. “Public Utilities” is defined as a use of land, or of unoccupied works and structures such as pipes, wires, poles, or towers, for the provision of electricity, gas, water, sewage collection, telephone, cablevision or telecommunications services to the public of the island on which it is located, or the use of land or unoccupied structures for navigational aids.

A zone-specific variation (site specific text amendment) based on the conceptual site plan would need to be approved through the Islands Trust to include a public works and bus depo in the definition of “Public Service” prior to developing the Kanaka lots for this purpose.

Existing Uses

SSI CRD Parks Maintenance Staff have worked out of a modular building located at 210 and 220 Kanaka Road for over 25 years. The modular is used to accommodate the daily functions and storage needs to support our community parks, recreation facilities and public beach accesses.

In addition to a modular building the site is used for material and equipment storage and a dumpster.

Proposed Uses

Proposed upgrades to the site to support park maintenance and bus storage have been detailed in Concept Drawing 3.1 & 3.2:

- Maintenance Building
- Auxiliary Building – shared Use
- Perimeter Security Fencing
- Security Lighting
- Transit Bus Parking
- Staff and Crew vehicle Shared Parking with EV Charging Stations
- Shared-Use Vehicle & Equipment Wash Station
- Parks Small Equipment Fuel Storage
- Shared-Use Garbage Dumpster
- Parks Maintenance Sea-Can Storage Units
- Parks Maintenance Bulk Material Storage Bins

Building and Structures on the Property

- 20'x40' Existing Modular Building
- Equipment and Materials Storage
- Dumpster
- Gate

**Agricultural Land Commission**

201 – 4940 Canada Way
 Burnaby, British Columbia V5G 4K6
 Tel: 604 660-7000
 Fax: 604 660-7033
 www.alc.gov.bc.ca

March 4, 2021

ALC Inquiry: 52118

Colleen Cybulski
DELIVERED ELECTRONICALLY
ccybulski@crd.bc.ca

Dear Capital Regional District:

RE: 210 Kanaka Rd, Salt Spring Island

This letter is further to correspondence, received by electronic mail on February 19, 2021, from Colleen Cybulski. The purpose of the correspondence was to confirm whether the property is subject to either the *Agricultural Land Commission Act* or BC Regulation 30/2019 (Agricultural Land Reserve Use Regulation) as per s.23(1) of the *Agricultural Land Commission Act* which reads:

Exceptions

23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act*, R.S.B.C. 1960, c. 208, less than 2 acres in area.

Based on the information provided, the Agricultural Land Commission (the “ALC”) has ascertained the following facts:

1. The property is legally described as:
PID: 003-915-204
 LOT 1, SECTION 2, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 17333, EXCEPT PARCEL A (DD 362513I) THEREOF;
2. The subdivision plan (Plan 1733) which created the property was deposited at the Victoria Land Registry Office on October 14, 1964;
3. Certificate of Title No. 362514I existed from June 18, 1965 until cancelled on May 27, 1975. During this period of time the property was the only property identified on said Certificate of Title No. 362514I; and
4. On June 12, 1964, the property was surveyed at 1.22 acres in size.

Given the above, the ALC confirms that the restrictions on the use of agricultural land contained in the *Agricultural Land Commission Act* and BC Regulation 30/2019 (Agricultural Land Reserve Use Regulation) do not apply to the property; however, the property remains in the Agricultural Land Reserve.

Please be advised that this does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Also, please note that this confirmation of “exception” from the restrictions of the ALC Act does not suggest that a local government is compelled to re-designate or re-zone the property for non-agricultural uses. The ALC recommends that the local government exercise its authority to refuse to authorize incompatible uses on excepted parcels, or to minimize their impact on adjoining farmland as per advice provided in Ministry of Agriculture’s [Guide to Edge Planning](#). Any future advice provided to the local government by the ALC as part of bylaw referral process, further described in the [ALC Bylaw Reviews: A Guide for Local Governments](#), will confirm the ALC’s mandate to preserve farmland and maintain the integrity of the ALR.

Please direct further correspondence with respect to this letter to ALC.LUPRT@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in blue ink, appearing to read 'C. Heer'.

Carmen Heer, Land Use Planning Technician

52118m1



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000
Fax: 604 660-7033
www.alc.gov.bc.ca

March 4, 2021

ALC Inquiry: 52128

Colleen Cybulski
DELIVERED ELECTRONICALLY
ccybulski@crd.bc.ca

Dear Capital Regional District:

RE: 220 Kanaka Rd, Salt Spring Island

This letter is further to correspondence, received by electronic mail on February 19, 2021, from Colleen Cybulski. The purpose of the correspondence was to confirm whether the property is subject to either the *Agricultural Land Commission Act* or BC Regulation 30/2019 (Agricultural Land Reserve Use Regulation) as per s.23(1) of the *Agricultural Land Commission Act* which reads:

Exceptions

23(1) Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the *Land Registry Act*, R.S.B.C. 1960, c. 208, less than 2 acres in area.

Based on the information provided, the Agricultural Land Commission (the “ALC”) has ascertained the following facts:

1. The property is legally described as:

PID: 003-915-255

PARCEL A (DD 362513I) OF LOT 1, SECTION 2, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 17333;

2. The subdivision plan (Plan 1733) which created the parent parcel was deposited at the Victoria Land Registry Office on October 14, 1964;
3. Certificate of Title No. A87478 existed from November 2, 1972 until cancelled on August 11, 1979. During this period of time the property was the only property identified on said Certificate of Title No. A87478; and
4. On June 12, 1964, the parent parcel was surveyed at 1.22 acres in size.

Given the above, the ALC confirms that the restrictions on the use of agricultural land contained in the *Agricultural Land Commission Act* and BC Regulation 30/2019 (Agricultural Land Reserve Use Regulation) do not apply to the property; however, the property remains in the Agricultural Land Reserve.

Please be advised that this does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

Also, please note that this confirmation of “exception” from the restrictions of the ALC Act does not suggest that a local government is compelled to re-designate or re-zone the property for non-agricultural uses. The ALC recommends that the local government exercise its authority to refuse to authorize incompatible uses on excepted parcels, or to minimize their impact on adjoining farmland as per advice provided in Ministry of Agriculture’s [Guide to Edge Planning](#). Any future advice provided to the local government by the ALC as part of bylaw referral process, further described in the [ALC Bylaw Reviews: A Guide for Local Governments](#), will confirm the ALC’s mandate to preserve farmland and maintain the integrity of the ALR.

Please direct further correspondence with respect to this letter to ALC.LUPRT@gov.bc.ca.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in blue ink, appearing to read 'C. Heer', is positioned above the printed name.

Carmen Heer, Land Use Planning Technician

52128m1