



File No.: SS-RZ-2013.7

DATE OF MEETING: February 16, 2021
TO: Salt Spring Island Local Trust Committee
FROM: Jason Youmans, Island Planner
Salt Spring Island Team
SUBJECT: Proposed Land Use Bylaw Amendment to Increase Residential Density
APPLICANT: Eric Booth
LOCATION: Lot 10, Section 2, Range 3 East, North Salt Spring Island, Cowichan District, Plan 14710

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee proceed no further with application SS-RZ-2013.7.

REPORT SUMMARY

The purpose of this staff report is to recommend that the Salt Spring Island Local Trust Committee (LTC) proceed no further with application SS-RZ-2013.7 as the file has been open since 2013 with little progress toward resolving the issues identified in the staff report of [May 26, 2020](#).

Appendix 1 contains the applicant's rationale for why the subject file should remain in abeyance pending future policy decisions by North Salt Spring Waterworks District.

BACKGROUND

Through this rezoning application, the applicant proposes:

- To increase the permitted residential density on the subject property from 33 to 49 units (16 additional units), of which 8 are proposed to be *affordable housing dwelling units* provided as an eligible community amenity under [OCP Section H.3](#);
- To restrict permitted dwelling units on the property to 24 studio apartments with floor areas not exceeding 38 square metres (400 ft²), 24 one-bedroom apartments with floor areas not exceeding 70 square metres (750 ft²), and one detached single-family dwelling.
- To increase the permitted number of storeys to three, not exceeding 10 metres in height.

See Appendix 2 for the applicant's proposed zone variant.

This application was opened in August 2013 and was last considered by the LTC at its meeting of May 26, 2020. At that meeting the applicant expressed optimism that new connections to the North Salt Spring Waterworks District would be possible in the near future.

The LTC agreed at that time to hold the file in abeyance in accordance with the following resolution.

SS-2020-060

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee agree that file SS-RZ-2013.7 be put in abeyance for a period of six months (Lot 10, Park Drive).

CARRIED

See staff reports of [October 2013](#), [June 2016](#) and [May 2020](#) for further information.

Several development permit applications have been made for the subject lot over the years, in 1995, 1996, 2005 and 2011. The latest, application SS-DP-2011.6, was declared a dormant application by the LTC at its June 2, 2016 meeting and subsequently closed.



Image 1: Lot 10, Park Drive, 2017 ortho photo

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

See staff report of May 2020 for Islands Trust Policy Statement consistency.

Official Community Plan:

See staff reports of [October 2013](#), [June 2016](#) and [May 2020](#) for discussion of applicable OCP policies and Development Permit Areas.

Land Use Bylaw:

See staff reports of [October 2013](#), [June 2016](#) and [May 2020](#) for discussion of applicable Land Use Bylaw regulations.

Issues and Opportunities

Water

In the absence of a piped community water connection, staff do not consider there to be sufficient on-site potable water to service the residential density proposed by the applicant in accordance with established occupancy assumptions.

See staff report of [May 26, 2020](#) for detailed discussion of this issue.

In Appendix 1 of this staff report the applicant contends that there may be movement by the North Salt Spring Waterworks District to lift or otherwise modify its moratorium on new connections in the coming months. Staff make no assumptions of NSSWD activity and await confirmation from the agency itself regarding any potential amendments to their policies.

Other

See staff report of [May 26, 2020](#) for discussion of sewer, site development, traffic, affordable housing, and other issues associated with the proposed rezoning.

Application Cost Recovery

This application file has been altered several times since it was opened in 2013 and staff have already provided four comprehensive reports to the LTC. There is currently no sufficient source of potable water to service the residential density sought by the applicant. The amount of staff time allocated to this file, which has not even advanced to the bylaw drafting stage, could be considered an inefficient use of staff resources. This sort of extraordinary staff resourcing is not anticipated by the rezoning application fee.

Rationale for Recommendation

1. That the Salt Spring Island Local Trust Committee proceed no further with application SS-RZ-2013.7.

The subject rezoning application has been open since 2013. Since the LTC agreed to hold this file in abeyance in May 2020 the North Salt Spring Waterworks District has not lifted its moratorium on new connections. Thus from staff's perspective, on-site groundwater remains the only potential potable water source. See the "rationale for recommendation" in the staff report of [May 26, 2020](#) for an assessment of the issues associated with on-site groundwater at this location.

ALTERNATIVES

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

1. Maintain the file in abeyance

If the LTC shares the applicant's optimism that the North Salt Spring Waterworks District moratorium will be lifted, and that this rezoning proposal has sufficient merit to remain open until that time, it can keep the file in abeyance.

A resolution in this regard is as follows:

That the Salt Spring Island Local Trust Committee agree that file SS-RZ-2013.7 be put in abeyance for a period of six months (Lot 10, Park Drive) commencing February 16, 2021.

NEXT STEPS

If the LTC accepts staff’s recommendation, the file will be closed and the applicant refunded in accordance with Salt Spring Island Local Trust Committee [Bylaw No. 428](#).

If the LTC wishes to take an alternate approach, staff will carry out the LTC’s direction.

Submitted By:	Jason Youmans, Island Planner	February 3, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	February 3, 2021

ATTACHMENTS

1. Applicant request for continued file abeyance
2. Proposed Land Use Bylaw Amendment – Applicant Submission

Jason Youmans

From: [REDACTED]
Sent: Thursday, January 28, 2021 7:46 PM
To: Jason Youmans
Cc: Peter Grove; Laura Patrick; Peter Luckham
Subject: RE: SS-RZ-2013.7 - Status Update

Hi Jason

I have today been informed by the Ministry of Environment that an update report, to the 2015 Lake Maxwell hydrology study by Kerr Wood Leidal, is currently underway and is expected to be completed by KWL sometime in March. That will logically form the basis for the moratorium review by NSSWD.

On November 28 2020 (see page 16 at [Regular-Meeting-Package-Nov-26-2020.pdf \(northsaltspringwaterworks.ca\)](#)), NSSWD budgeted \$35,000 for the KWL study, and, \$25,000 for the “Consulting to facilitate a transparent decision making process” with respect to “Moratorium Decision Making.”

Thus, it appears at this time, we are now just a few months away from a decision on whether the moratorium will be lifted, which will be of great benefit to all proposed affordable housing projects on the island, including Drake Road’s affordable housing rezoning application which was started the year after ours.

Given the circumstances, I would request the current abeyance be extended until NSSWD has come to a final decision on whether it will lift the moratorium.

In light of the existing mathematical argument for the lifting of the moratorium, which I trust will be supported by the KWL review expected shortly, I believe there is an excellent chance the moratorium will be lifted.

Once the agenda package has been sent out, I will review your report, and see if there are any other points that specifically need responding to.

If you have any follow up questions, please don’t hesitate to contact me.

Thanks again.

Best regards,

Eric

Eric Booth
Salt Spring Ventures Inc.

Jason Youmans

From: [REDACTED]
Sent: Tuesday, August 13, 2019 1:06 PM
To: Jason Youmans
Subject: Proposed Zoning

Hi Jason – Here’s what I’m proposing:

Proposed Bylaw:

Section 9.9 –

RESIDENTIAL ZONES, Subsection 9.9.4 - “Exceptions in Particular Locations” is amended by adding a new R1(c) zone variation as follows:

“Zone Variation – R1(c)”

*(1) Despite all other regulations of this bylaw, the principal uses within lands zoned R1(c) include **dwelling units, affordable housing.***

(2) Despite subsection 9.9.2 – Size, Siting and Density of Permitted Uses, Buildings and Structures –

(a) the maximum number of dwelling units is 49 with a minimum of 8 affordable housing dwelling units,

(b) the maximum number of dwelling units by type and size that can connect to a private water supply system are as follows –

(a) 24 studio suites not exceeding 37.2 square metres in size,

(b) 24 one bedroom dwellings not exceeding 75 square meters in size.

(3) Despite Subsection 3.8.1 - Height of Buildings and Structures”- the maximum building height for a structure is 10 metres provided that the structure does not exceed three storeys.”

(4) Despite Section 3.13 – Home-Based Businesses, Subsection 3.13.6 – bed and breakfast operations, boarding houses, and repair of automobiles are not permitted.

(5) Despite Section 9.9.3 - Subdivision and Servicing Requirements - Minimum water servicing requirements will be met as follows:

(a) potable water will be provided by North Salt Spring Water District and/or through a water supply system approved by Island Health,

(b) water for fire protection purposes will be provided by North Salt Spring Water District, and

(c) water for landscape irrigation purposes shall be provided through a water supply system that is separate from the potable water supply system.