



DATE OF MEETING: February 15, 2022
TO: Salt Spring Island Local Trust Committee
FROM: Geordie Gordon, Planner 2
Local Planning Services
COPY: Stefan Cermak, Regional Planning Manager
SUBJECT: Rezoning proposal update to permit an increase in residential density to 18 units
Applicant: Dale Rivers
Location: 114 Swanson Road

RECOMMENDATION

1. That resolution SS-2021-91, that the Salt Spring Island Local Trust Committee withhold third reading of the proposed bylaw until a conditional water licence with a specified amount is issued, be rescinded.
2. That resolution SS-2021-90, that the Salt Spring Island Local Trust Committee request staff to prepare a bylaw, be rescinded.
3. That resolution SS-2021-86, that the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a water management report, proof of ground water well registration, proof of water licence application, and a statement of adherence to Groundwater Protection Regulation standards, adopted at the April 27, 2021 regular business meeting of the Salt Spring Island Local Trust Committee, be rescinded.
4. That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust the following:
 - a. A water management report from a Professional Engineer or Geoscientist providing:
 - i. a water quality analysis that demonstrates that the surface water and groundwater from each proposed water supply source or well is potable or can be made potable (as defined in Schedule H of Land Use Bylaw No. 355 and Guidelines for Canadian Drinking Water Quality) with a treatment system customarily used in a single-family dwelling, and include a plan of the subject property indicating each well location where a water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
 - ii. Proof of groundwater well(s) registration including well tag number(s) and well records
 - iii. Proof of FLNRORD groundwater licence application that authorizes the withdrawal of a minimum of 24,000 litres per day of groundwater;

- iv. a statement regarding the adherence to construction standards in the Groundwater Protection Regulation for each surface water supply source.
 - b. A Riparian Areas Protection Regulation report from a Qualified Environmental Professional containing requirements and recommendations to protect the existing Riparian Area on the subject property during construction.
 - c. A storm water management plan prepared by a qualified engineer. The plan should ensure that no flooding of downstream properties occurs as a result of the proposed development.
5. That the Salt Spring Island Local Trust Committee request the applicant revise the application to ensure the provision of affordable housing through administration of a housing agreements.
 6. That the Salt Spring Island Local Trust Committee request the applicant to work with staff and parties interested in transferring densities from conservation areas to the subject property.

REPORT SUMMARY

This report brings forward an update to the Salt Spring Island Local Trust Committee on the rezoning application SS-RZ-2021.1. The applicant has revised the application to propose 18 units in six buildings, an increase of twelve units (an additional two 1-bedroom rentals per building) over what had previously been proposed. Staff analysis of applicable Official Community Plan (OCP) finds that the increase in density is supportable, but predicated on the provision of affordable housing. Staff recommend proceeding with the application with revised water service requirements, as well as a recommendation that the applicant provide a plan for ensuring affordability of at least a portion of the proposed units. Staff do not recommend proceeding to bylaw drafting until adequate supply of water has been demonstrated.

BACKGROUND

This proposal is proceeding as the applicant is seeking a higher density of dwelling units than what is currently permitted under the Land Use Bylaw. The SS LTC previously considered this application at their meeting April 27, 2021 where the following resolutions were passed:

SS-2021-86

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust the following:

- a. A water management report from a Professional Engineer or Geoscientist providing:
 1. A water quality analysis that demonstrates that the surface water and groundwater from each proposed water supply source or well is potable or can be made potable (as defined in Schedule H of Land Use Bylaw No. 355 and Guidelines for Canadian Drinking Water Quality) with a treatment system customarily used in a single-family dwelling, and include a plan of the subject property indicating each well location where a water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
 2. Proof of groundwater well(s) registration including well tag number(s) and well records
 3. Proof of Forests, Lands, Natural Resource Operations and Rural Development groundwater licence application that authorizes the withdrawal of a minimum of 10,950 litres per day of groundwater;

4. A statement regarding the adherence to construction standards in the Groundwater Protection Regulation for each surface water supply source.
- b. A Riparian Areas Protection Regulation report from a Qualified Environmental Professional containing requirements and recommendations to protect the existing Riparian Area on the subject property during construction.
- a. A storm water management plan prepared by a qualified engineer. The plan should ensure that no flooding of downstream properties occurs as a result of the proposed development (114 Swanson Road).

CARRIED

SS-2021-87

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee direct staff, upon receipt of a water management plan from the applicant, to refer the plan to the Secretary to the Comptroller of Water Rights, Island Health, CRD Building Inspection and the North Salt Spring Water District for review and comment (114 Swanson Road).

CARRIED

SS-2021-88

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request that staff refer the application to Capital Regional District for confirmation that the subject property can be serviced by the CRD's sanitary sewer system and CRD comments on the requirements for the applicant to connect to the sewer system (114 Swanson Road).

CARRIED

SS-2021-89

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request that the applicant revise the rezoning application to consider the following aspects:

- a. Reduced water consumption through alternative non-potable supply for landscaping;
- b. Sustainable building techniques and energy efficient building design;
- c. The provision of an eligible community amenity as outlined in Official Community Plan Volume 2 Appendix 3 – Amenity Zoning (114 Swanson Road).

CARRIED

SS-2021-90

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee request staff to prepare a draft bylaw to amend the Salt Spring Island Land Use Bylaw No. 355, 1999, to rezone Lot 8, Section 3, Range 3 East, North Salt Spring Island, Cowichan District, Plan 21557 from Residential 6 to a Residential 6 zone variant that permits a maximum of six dwelling units (114 Swanson Road).

CARRIED

SS-2021-91

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee will withhold third reading of the proposed bylaw until a conditional water licence authorizing the withdrawal of at least 10,950 litres per day is issued by Forests, Lands, Natural Resource Operations and Rural Development and any applicable mitigating measures to ensure water sustainability are agreed upon (114 Swanson Road).

CARRIED

The previous staff report can be accessed here: <https://islandstrust.bc.ca/document/salt-spring-ltc-regular-meeting-agenda-2/>

The applicant has not provided any of the information requested by the SS LTC pending the decision on the amending of the application and whether the SS LTC resolves to proceed with the changes.



Figure 1: Revised proposed site plan.

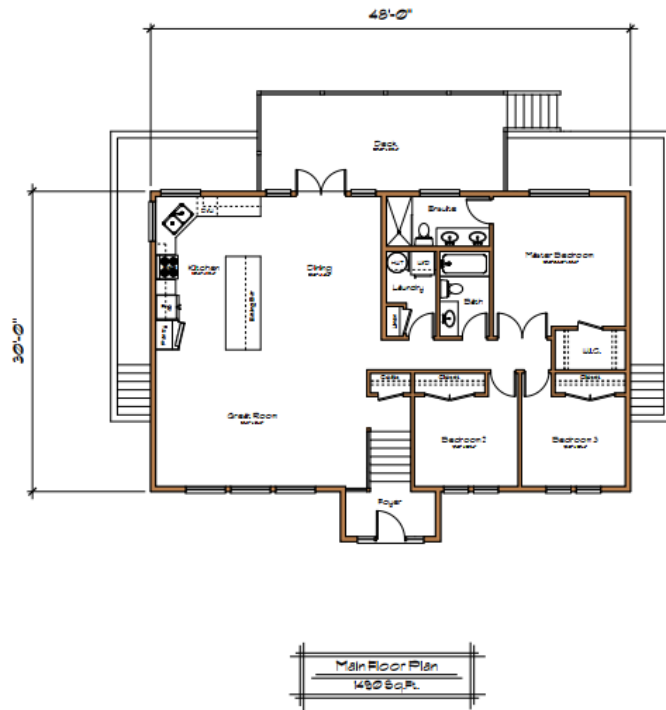


Figure 2: Proposed main floor plan.

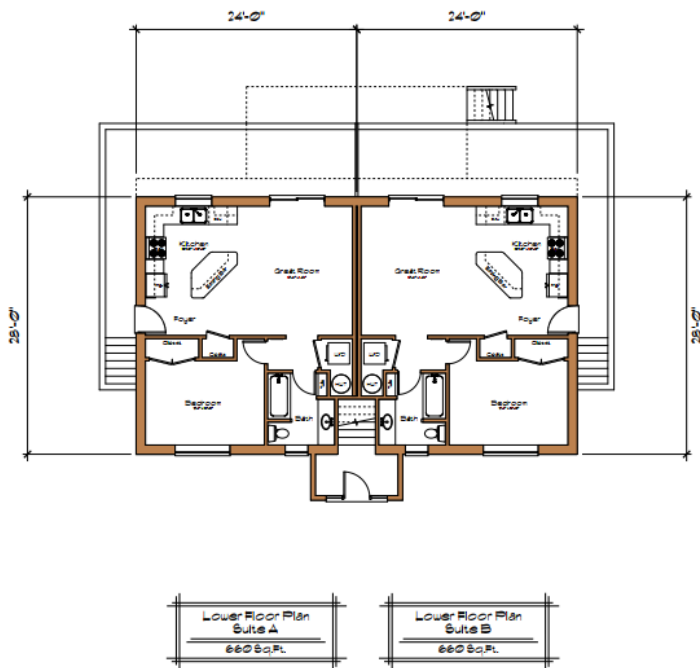


Figure 3: Proposed lower 1 bedroom rental units floor plan.

ANALYSIS

Policy/Regulatory

Refer to the previous staff report for policy and regulatory analysis.

Official Community Plan:

Staff consider the following Official Community Plan policies to be most relevant to the revised application:

- B.2.2.2.5 Land for affordable housing is an eligible community amenity, which could be exchanged for a higher density of development as outlined in Appendix 3.
- B.2.2.2.6 When the Local Trust Committee is considering a rezoning application involving a significant increase in residential density the Local Trust Committee should require that the application include provision of affordable housing.
- B.5.1.2.2 Zoning in Village Designations will continue to allow the mix of commercial, institutional, cultural, and multi-family land uses that are currently allowed. Commercial zoning should be simplified with fewer zones and a broader range of uses allowed in each. The maximum residential density allowed on any single property will remain at 37 units per ha. However, where a multifamily development is comprised of special needs housing or affordable seniors' supportive housing, the density of development may exceed 37 units per ha, provided it does not exceed a floor space ratio of 0.6, a site coverage of 33 percent, a maximum of two storeys and a maximum of 50 units in any one development.

Issues and Opportunities

Density

The applicant has revised the proposal in such a way that the increased density can no longer be characterized as 'slight' as per OCP policy B.5.2.2.4 (increased density in Ganges Village Area Designation in exchange for community amenity), and instead could be considered a 'significant' increase in density over what is currently permitted by zoning. This increase is only supportable by OCP policy if it includes the provision of affordable housing as per B.2.2.2.6 (outlined above).

The proposed density does not conflict with OCP policy B.5.1.2.2, which caps the maximum units per hectare in the Village Designation at 37. Based on a lot size of 0.49 ha, 18 is the maximum number of units that could be achieved.

As per policy B.5.1.2.2, the density requested could also be achieved via the density transfer mechanism in the OCP, though the applicant has not thus far indicated a willingness to undertake this process. Staff have heard from various conservation agencies who are interested in applying the density transfer mechanism.

Affordable Housing

The applicant has not indicated opposition to, nor acceptance of, affordable housing as a component of this application. It is staff's understanding that the proposed suites in each building are envisioned to be utilized for rental units to be administered by the main home owner. However, the applicant has not provided a clear path to ensure affordability of any of the proposed units. Staff consider the provision of affordable housing critical to the advancement of the rezoning and therefore recommend that the applicant be requested to provide details on how affordability of a least some of the units will be achieved. The typical legal mechanism whereby

affordability is required is through housing agreement. Staff have concerns about how a housing agreement would be administered in this type of ownership model (strata), as it is not clear what entity would oversee the enforcement of rental rates in a meaningful way. A housing agreement would require a legal review, and in the absence of this review staff are unsure as to the feasibility of such a legal agreement. Per Islands Trust policy, at some point legal review and a cost recovery agreement with the applicant will likely be required.

Per OCP policy B.2.2.2.1 (that the SS LTC initiate a Housing Needs Assessment), staff have consulted the CRD's [2020 Salt Spring Housing Needs Assessment](#). Notwithstanding that it was not SS LTC initiated, nor has the SS LTC used it to establish affordable housing priorities, staff note the following conclusions from that report:

Evidence suggests that demand for secondary rental market units far exceeds supply, with rents increasing in recent years. At the same time, renter households are growing much more quickly compared to owner households: between 2006 and 2016, the number of renter households increased by 46%, compared to 4% for owner households...While rental housing is unaffordable for all housing types making the median income for renters on Salt Spring Island, households relying on a single income likely struggle the most. Lone parent and single person renter households are most likely to be experiencing Core Housing Need (i.e., living in housing that is inadequate, unsuitable, and/or currently unaffordable, and unable to afford the median rent of alternative local housing).

Staff also note that the assessment found that 140 additional one bedroom or studio units were required to meet current demand, with roughly the same amount required again by 2025.

If the proposed rental unit are to be considered affordable, staff recommend using the affordable housing definition of 30 per cent of median gross income – utilizing lone parent households as the income data source. Income data from the 2016 census shows a Median total income of one-person households in 2015 of \$29,402. This would mean a rental rate of approximately \$735/month ($\$29,402 \times 30\% = \$8,820.60/12 \text{ months} = \$735/\text{month}$). At a rate of two units per building, this would mean rental income of approximately \$1,470 per building.

Staff recommend using these figures as a starting point for a housing agreement, noting that updated household data for the 2021 census is expected to be released on July 13, 2022.

Water Supply

The SS LTC previously requested that the applicant obtain a water licence from the Ministry of Forest Land Natural Resources Operations and Rural Development (FLNRORD) for the withdrawal of 10,950 liters per day (1600 litres per day per dwelling, plus 225 litres per dwelling for a home-based business). Upon revising the application, staff have recommended revising the licenced amount to 4000 litres per building (1600 litres per main dwelling plus 1200 litres per each secondary dwelling) for a total daily withdrawal of 24,000 litres.

If the SS LTC considers this amount to be excessive, staff suggest that the applicant be required to provide a water management plan (including volumes) that is justified based on the expected occupancy of all dwellings to use as the basis for a water licence application amount. As was recommended in the previous staff report, depending on the outcome of the water licence application, staff may recommend additional mitigation measures (i.e. continuous monitoring) be required through a covenant to ensure that sustainable management of the ground water resource is achieved on a long term basis.

Consultation

The SS LTC has received two pieces of correspondence on this application, which can be reviewed on the Islands Trust Salt Spring Island applications webpage: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/>. Correspondence received (both from the same writer) suggested that the application only proceed

if it is for affordable housing, that the groundwater impacts of already approved projects on the same aquifer should be considered, and that the applicant be required to purchase the additional densities through the density transfer system.

Correspondence can be sent to the SS LTC via ssiinfo@islandstrust.bc.ca.

Agencies

Staff referred the application to the CRD for comment on sewer capacity. Capital Regional District staff indicated the determination for sewer capacity should be made to the Ganges Sewer Commission by the applicant.

Additional referrals of a proposed bylaw will be conducted at the appropriate time.

First Nations

To date, no First Nations consultation has been undertaken. If the SS LTC resolves to proceed with bylaw drafting, the proposed bylaw will be referred to First Nations for comment.

Rationale for Recommendation

If the application is revised to ensure affordability of some of the dwellings, staff find there is OCP support to advance this application and request further information from the applicant as noted in the recommended resolutions.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increased processing time and likely increased cost to the applicant. If selecting this alternative, the SS 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 submit to the Islands Trust an Assessment Report, completed by a Professional Engineer, which identifies the potential impacts of the proposed development on local pedestrian and vehicular transportation routes and patterns.

2. Proceed no further.

The LTC may deny the application. Staff advise that the implications of this alternative are that staff will cease processing this application and it will be assessed for the applicable refund amount. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee proceed no further with application SS-RZ-2021.1 for the following reasons [insert reasons].

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance pending completion of a significant study or OCP process, etc.

4. Receive for information

The LTC may receive the report for information – no resolution is required. If no action is taken, the previously passed resolutions will remain in effect.

NEXT STEPS

If the SS LTC accepts staff's recommendation, the applicant will be requested to produce the specified information in order to proceed with the application.

Submitted By:	Geordie Gordon, Planner 2	February 2, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	February 3, 2022

ATTACHMENTS

1. Revised site plan



Plan Showing
Proposed Strata Development
Affecting

Lot 8, Section 3, Range 3 East,
North Salt Spring Island, Cowichan District, Plan 21557
PID: 000-140-589

Civic Address: #14 Swanson Road, Salt Spring Island, B.C.

Scale: 1" = 50'

Date: January 17th, 2022

Owner: Seale Development Group Ltd.

Site Data:	Hectares	Acres	Square Feet	Percentage
Lot Area:	0.50ha.	1.24ac.	54,014 sq.ft.	100%
Site Coverage Calculations:				
Unit Footprint = 1490 Sq.Ft. x 6 Buildings Total =	8940 Sq.Ft.			16.55%
Proposed Yield:				
6 Owner Units (1490 sq.ft.) each consisting of				
2-1 Bedroom Rental Suites (660 sq.ft. each.)				
Total Development: 18 Units				
Parking Requirements:				
Bylaw: 1.5 stalls per unit = 27 stalls				
Provided: 28 stalls				



P.O. Box 617, Salt Spring Island, B.C., V8K 2W2
Phone: 604-488-4850 or 250-889-6575
Email: seaisle@shaw.ca

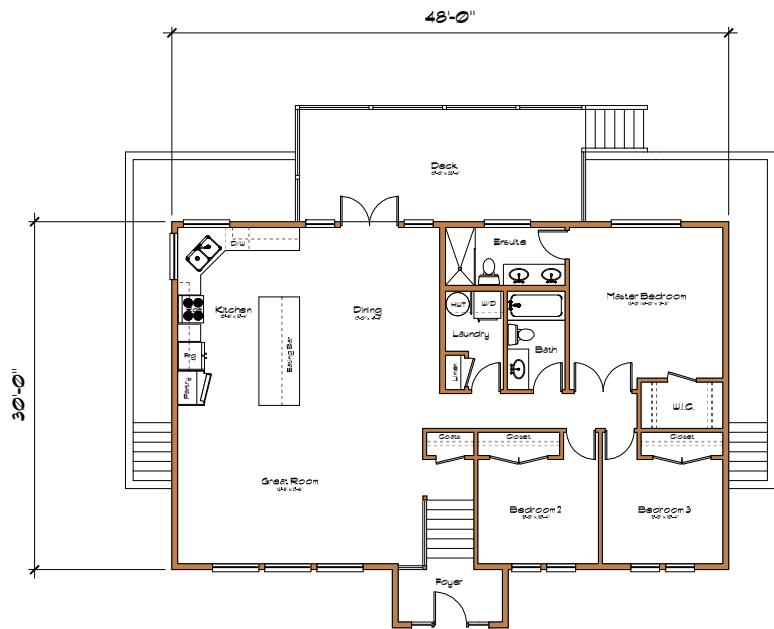
Drawn By: DR

Date: Jan. 17th, 2022

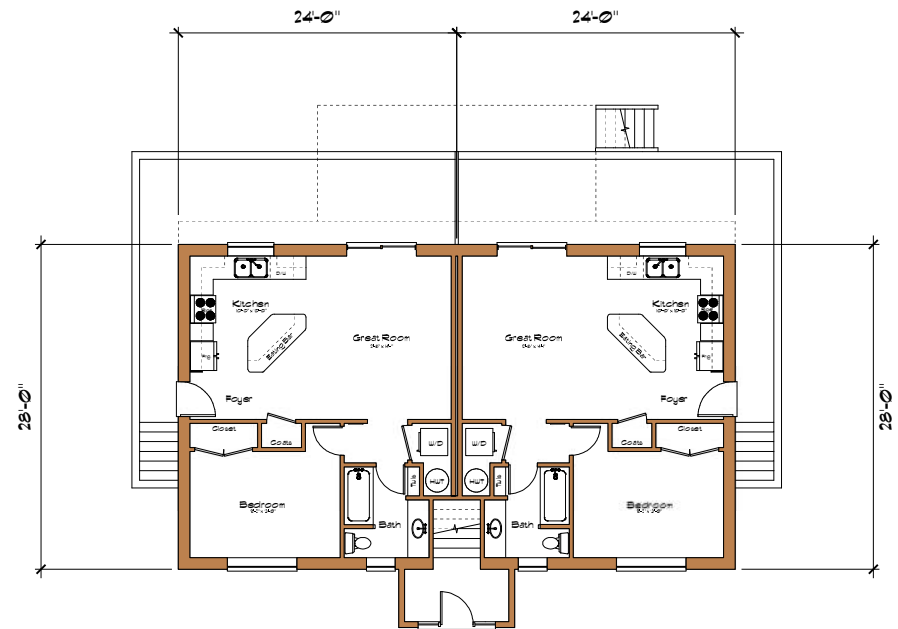
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Drawing No.

1



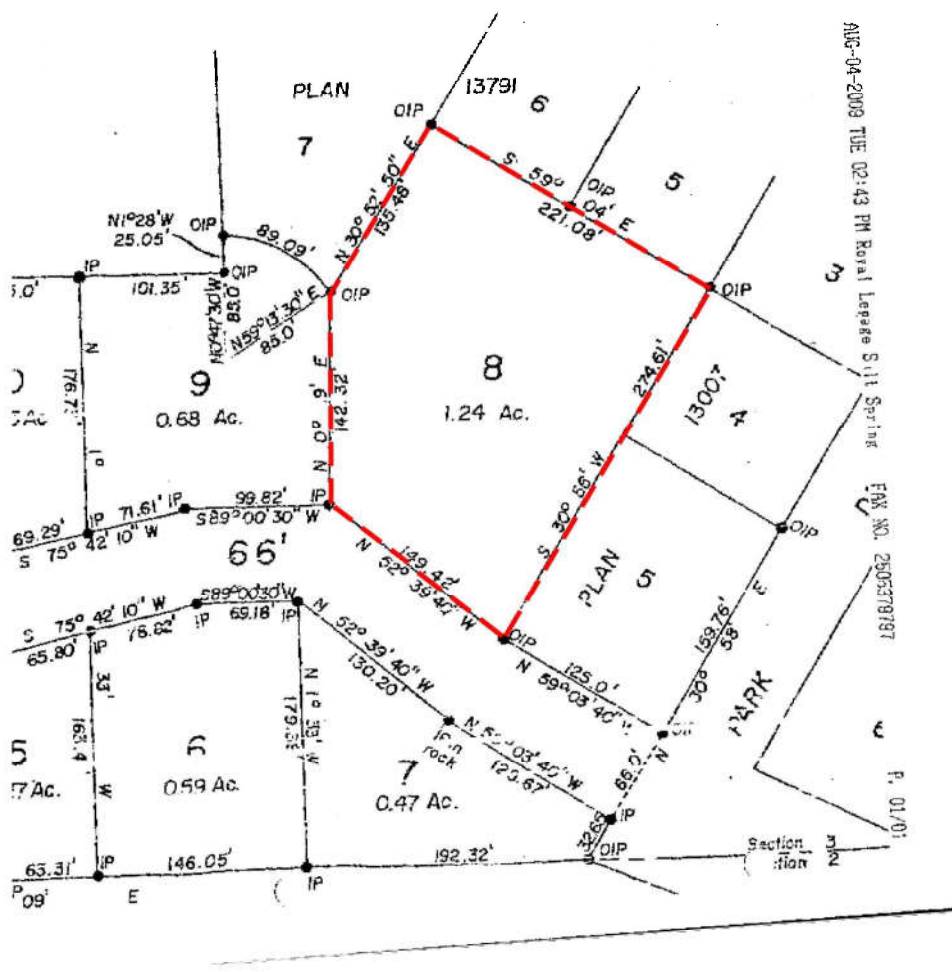
Main Floor Plan
1430 Sq.Ft.



Lower Floor Plan
Suite A
660 Sq.Ft.

Lower Floor Plan
Suite B
660 Sq.Ft.

 <p>SEA ISLE DEVELOPMENT GROUP LTD. Creating Coastal Lifestyles</p> <p>P.O. Box 617, Salt Spring Island, B.C., V8K 2W2 Phone: 604-488-4850 or 250-888-6575 Email: seaisle@shaw.ca</p>	Drawn By: DR
	Date: Jan. 17th, 2022
	Scale: 3/32" = 1'
	Drawing No. 2



Plan Showing
 Portion of Registered Legal Plan # 21557
 Affecting
 Lot 8, Section 3, Range 3 East
 North Salt Spring Island, Cowichan District, Plan 21557
 PID: 000-140-589
 Civic Address: * 114 Swanson Road,
 Salt Spring Island, B.C.
 Scale: N.T.S.
 Date: January 17th, 2022
 Owner: Sea Isle Development Group Ltd.

- Notes:
- Dimensions shown are in Feet or decimals thereof.
 - Subject Property shown bounded thusly: _____

 SEA ISLE DEVELOPMENT GROUP LTD. Creating Coastal Lifestyles	Drawn By: DR
	Date: Jan. 17th., 2022
P.O. Box 617, Salt Spring Island, B.C., V8K 2W2 Phone: 604-488-4850 or 250-888-6575 Email: seaisle@shaw.ca	Scale: N.T.S.
	Drawing No. 3



**Plan Showing
Existing Site Plan and Peripheral Features
Affecting**

**Lot 8, Section 3, Range 3 East
North Salt Spring Island, Cowichan District, Plan 21557
PID: 000-140-589**

**Civic Address: * 114 Swanson Road,
Salt Spring Island, B.C.**

Scale: 1:1000

Date: January 17th, 2022

Owner: Sea Isle Development Group Ltd.

Notes:

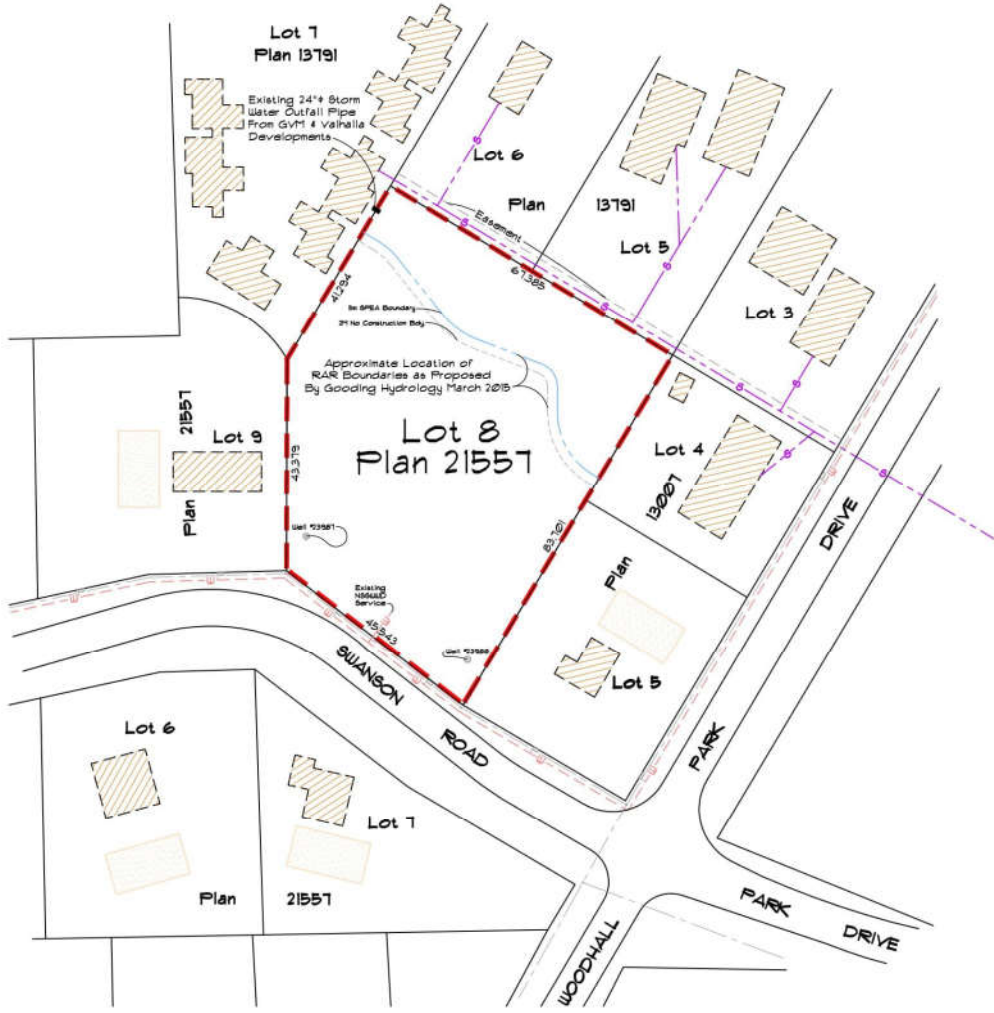
- Dimensions shown are in Meters or decimals thereof.
- Subject Property shown boundedly:

Legend:

- Drilled Well Locations
- Water Line
- Power Line
- Sanitary Sewer Line
- Proposed RAR Boundary
- Approximate Location of Existing Structures
- Approximate Location of Septic Fields

Property Schedules:

Zoning - Current	R6
Current Lot Size - Lot 8:	124 Ac. / 0.50 Ha.



SEA ISLE DEVELOPMENT GROUP LTD. Creating Coastal Lifestyles	Drawn By: DR
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	Drawing No. 4