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SALT SPRING ISLAND COMMUNITY ECONOMIC DEVELOPMENT COMMISSION

Notice of Meeting on **MONDAY, June 9, 2014 at 4:00 PM**

School Board Office at 112 Rainbow Road, Salt Spring Island, BC

John Tylee
Emma-Louise Elsey
Wayne McIntyre

Darryl Martin
Janice Harkley

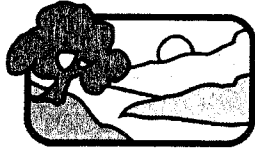
Tarquin Bowers
Ryan Foster

Amber Quiring
Kristine Mayes

AGENDA

- 1. Approval of Agenda**
- 2. Adoption of Minutes of May 12, 2014-to be distributed under separate cover**
- 3. Presentations/Delegations**
- 4. Report of the Chair**
- 5. Reports**
- 6. Outstanding Business**
 - 6.1 Islands Trust Bylaw referral-SS-RZ-2013.5 (315 Robinson Road)**
 - 6.2 Update on BCIT Research Projects**
- 7. Motion to close the meeting in accordance with the *Community Charter, Part 4, Division 3, 90(1)(k)* negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public**
- 8. Next meeting is scheduled for July 14, 2014**
- 9. Adjournment**

To ensure quorum, advise Tracey Shaver 250 537 4448 if you cannot attend.



Islands Trust

BYLAW REFERRAL FORM

Salt Spr.

Ph: (250) 537-9116

Fax: (250) 537-9116

ssiinfo@islandstrust.bc.ca

www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: N/A Date: March 7, 2013

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information, a Public Hearing to consider the Bylaw will be held once the proposal is advanced through the bylaw approval process.

APPLICANTS NAME / ADDRESS:

Cameron Chalmers c/o Platform Properties
315 Robinson Road, Salt Spring Island

PURPOSE OF BYLAW:

Note this is a preliminary referral for input into a rezoning application and OCP amendment prior to bylaw drafting. The applicant proposes to amend the Official Community Plan designation of the subject property from Rural Neighbourhoods to a new designation "Bullock Lake Recreational Cottage" and rezone the property from Rural (R) to a new zone that would permit 50 commercial guest accommodation units and a 557.4 m² (6000 ft²) multi-use "amenity" building.

GENERAL LOCATION:

315 Robinson Road, Salt Spring Island

LEGAL DESCRIPTION:

Strata Lots 1- 51, Section 7 Range 3 East, North Salt Spring Island Cowichan District Strata Plan VIS4458 Together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1.

SIZE OF PROPERTY AFFECTED:

0.20 ha (15.32 ac)

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural Neighbourhood

OTHER INFORMATION:

This is a preliminary bylaw referral for early consultation. A second referral may be circulated if a bylaw is proposed for this development. Attached is a copy of a staff report received by the Salt Spring Island Local Trust Committee on February 27, 2014.

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this proposal.

(Signature)

Name: _____

Title: _____

This referral has been sent to the following agencies:

Federal Agencies

N/A

Regional Agencies

Capital Regional District
CRD Building Inspection
CRD Engineering Services
CRD Regional Parks
CRD Economic Development Commission
Island Health

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
Ministry of Environment
Ministry of Transportation & Infrastructure

Adjacent Local Trust Committees and Municipalities

N/A

PLEASE TURN OVER →

Non-Agency Referrals

SSI PARC (CRD)

SSI Transportation Commission (CRD)

Cedar Lane Water System (CRD)

First Nations

Chemainus First Nation

Cowichan Tribes

Halalt First Nation

Hul'qum'num Treaty Group (for information only)

Lake Cowichan First Nation

Lyackson First Nation

Malahat First Nation - Te'Mexw Treaty Association

Pauquachin First Nation

Penelakut Tribe

Tsartlip First Nation

Tsawout First Nation

Tsawwassen First Nation

Tseycum First Nation

Date: February 20, 2014 **File No.:** SS-RZ-2013.5

To: Salt Spring Island Local Trust Committee
For the meeting of February 27, 2014

From: Justine Starke, Island Planner, Salt Spring Island

CC: Cameron Chalmers

Re: **Rezoning and OCP Amendment Bullock Lake Cottages**

Owner: 0915294 BC LTD

Applicant: Cameron Chalmers

Location: 315 Robinson Road
Strata Lots 1- 51, Section 7 Range 3 East, North Salt Spring Island Cowichan District
Strata Plan VIS4458 Together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1.

THE PROPOSAL:

This report presents a revised Bullock Lake Cottages development proposal for consideration of the Local Trust Committee. The applicant proposes to change the OCP designation of the subject property from Rural Neighbourhoods to a new designation “Bullock Lake Recreational Cottage” and rezone the property from Rural (R) to a new zone that would permit 50 commercial guest accommodation units and a 557.4 m² (6000 ft²) multi-use “amenity” building. The application was revised to exclude Phase 2, and remove Lots 2, 3, 4, 5 from any proposed development.



Existing Built Form Example

Specifically, the application is to create a “Bullock Lake Recreational Cottages” Official Community Plan policy framework that would include the following amendments:

1. Creation of a “Bullock Lake Recreational Cottages” designation and definition based on the development existing and proposed for the property for inclusion in the OCP;
2. An amendment to Map 1 of the OCP to redesignate Strata Lots 1-51 from the current Rural designation to the “Bullock Lake Recreational Cottages” designation;
3. The development of specific policy statements for the Local Trust Committee to consider in response to any future rezoning or development applications.

The proposed Land Use Bylaw amendment creates a new zoning framework to accommodate the Bullock Lake Cottages project. The proposal is to create a Comprehensive Development Zone (or new general commercial or commercial accommodation zone). The fundamental elements of the new zone are proposed to include the following:

1. New definitions of “recreational cottage” and “recreational cottage accommodation” or similarly named buildings and uses that permits the construction

and use of cottages as non-residential cottage units for occupancy by owners, as well as managed accommodation units for the travelling public;

2. Inclusion of permitted use provisions to accommodate the amenity building, including accessory office space and a caretaker's suite;
3. Size, siting, and setback criteria that reflects the built form on the property.

The application was further revised on February 3, 2014 with an amenity plan that proposes:

1. "The Amenity Building" – a multi-purpose building proposed to be available to community groups for booking at a reduced rate (cost recovery). The facility would also be reserved 20 hours/month priority booking for community groups. Community use of the building would be secured through a community use agreement.
2. "Conservation Covenant" – would establish a 30 metre conservation area through restrictive covenant that would protect the foreshore of Bullock Lake along the five properties owned by the applicant; equates to approximately 2.37 ha (5.68 ac) of land. In discussion with staff, the applicant has confirmed this to include a baseline ecological inventory of the existing sensitive ecosystem.
3. "Pedestrian/Bike Path Improvement" – a highway reservation agreement or public access easement agreement (or other mutually agreeable tool) to facilitate a bike/pedestrian path along the Robinson Road frontage of Strata Lots 1-51 and Lots 2-5 (excluding existing utilities and infrastructure).
4. Public Access to Lots 2-5 – 2.37 ha (5.86 acres) secured through legal agreement for a range of possible public uses. Suggestions include community gardens, passive recreation, or park uses. This would include restrictive covenant or other mechanism to prohibit future private development on these lots.

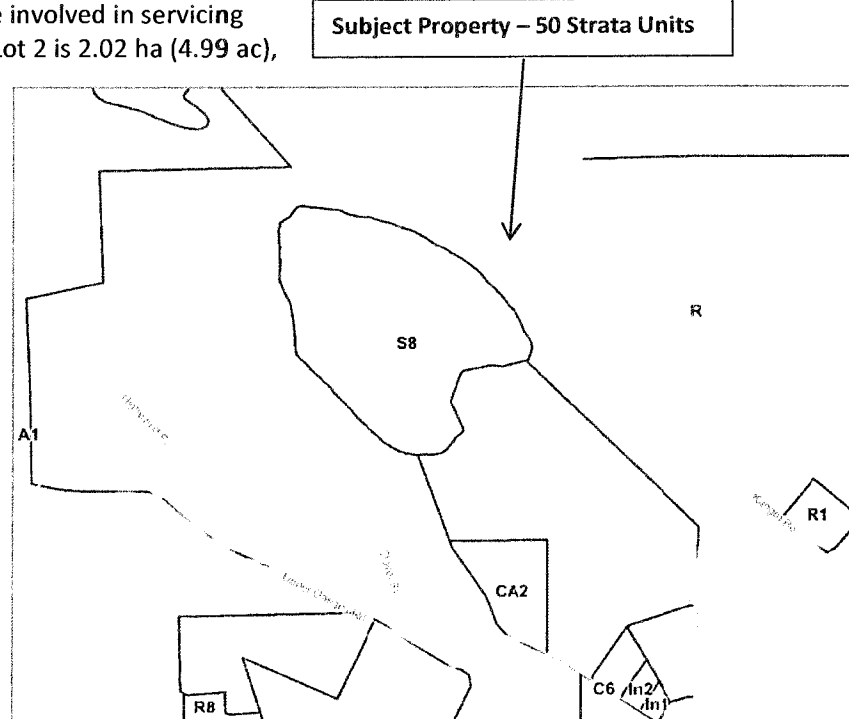
(Please see Appendix 1 to review full details of the amenity proposal)

SITE CONTEXT:

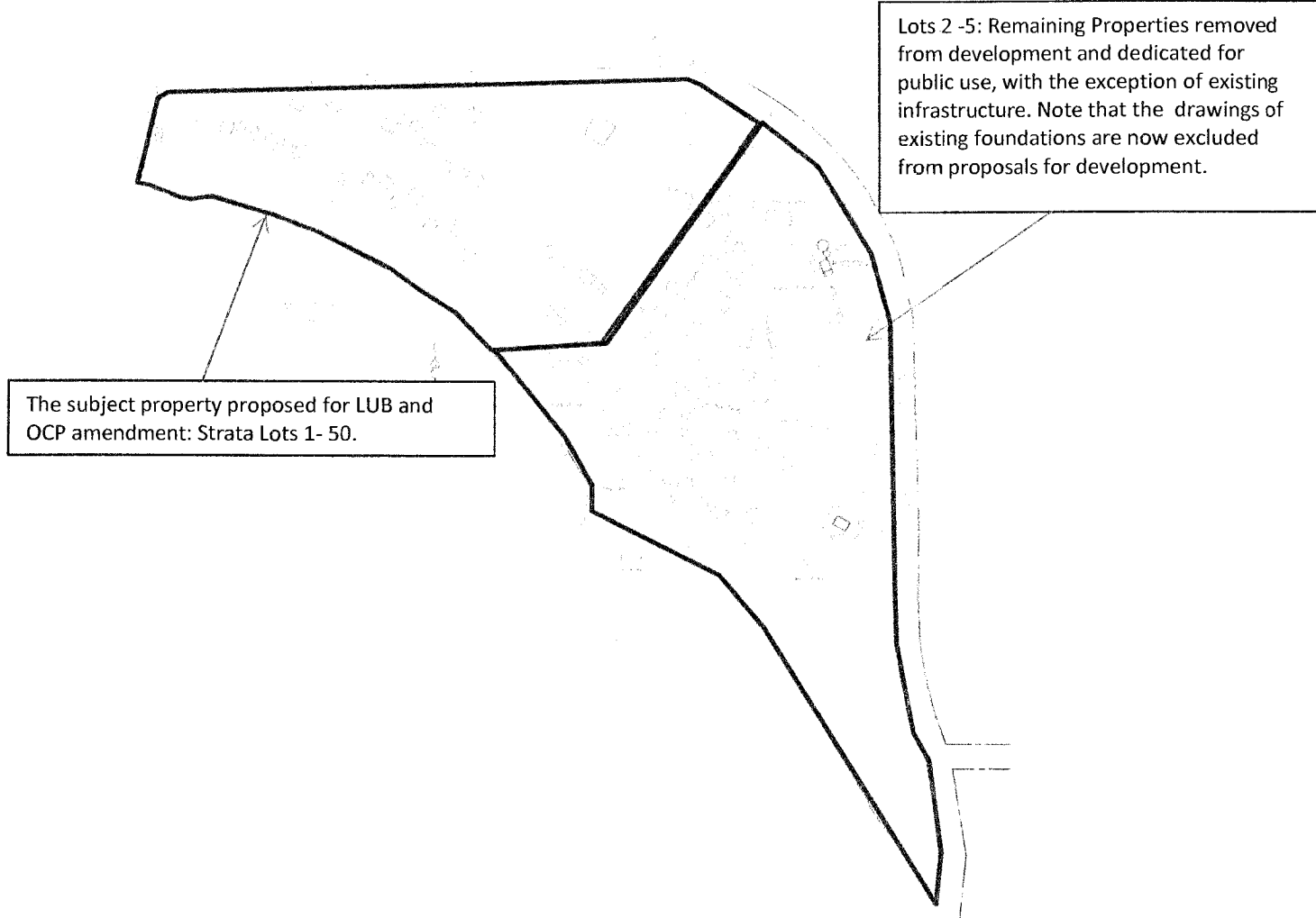
The total area of the site proposed for development is 6.20 ha (15.32 ac) and includes 50 strata lots and common property. The remaining lots 2-5 are not proposed for zoning and OCP amendments, but are held by the owner of the development and are involved in servicing infrastructure and in amenity proposals. Lot 2 is 2.02 ha (4.99 ac), Lot 3 is 2.02 ha (4.99 ac), and Lot 4 is 2.05 ha (5.07 ac). Lot 5 is 2.06 ha (5.1 ac) – it is in common ownership and has reciprocal access easements over Lots 1-4.

All subject properties have frontage on Robinson Road to the north and east, and frontage on Bullock Lake to the south and west.

There is an unopened Ministry of Transportation Right of Way on the western edge of the property. The subject properties are approximately 2.8 km from Ganges Village.



Bullock Lake Resorts Site Plan:



SITE CONTEXT CON'T:

According to Salt Spring Island Land Use Bylaw No. 355 the subject properties are zoned Rural (R). Properties to the northeast and to the south are zoned Agriculture 1 (A1) and are in the Agricultural Land Reserve. The neighbouring properties to the north and west and across Robinson Road to the east are also zoned Rural.

The subject properties are in a rural residential and agricultural neighbourhood. The property to the north is forested. The properties to the east and across Bullock Lake are residential, and two properties to the south are used for farming. The subject properties and properties to the north and east are designated "Rural Neighbourhoods" in the Salt Spring Island Official Community Plan Bylaw No. 434. There are two properties on the south side of Bullock Lake designated "Agriculture;" and Bullock Lake is designated "Marine Lake".

The subject properties slope toward Bullock Lake. There are 50 structures (cottages between 60 and 95% complete) on the strata lots and a foundation for an approximately 900 m² (9687 ft²) building on Strata Lot 1 and an additional 390 m² (4197 ft²) foundation on the strata common property. There are foundations for 73 additional structures on Lots 2, 3, and 4, which are no longer the subject of the proposed LUB and OCP amendments.

The average size of the structures on the strata lots is 105.95 m² (1140 ft²). The site also includes paved strata access routes on the common property that connect the existing structures and the servicing. There is connection to a water treatment building (approximately 90 m², 969 ft²) and reservoir (approximately 30 m², 323 ft²) on Lot 2 and a wastewater treatment building (approximately 120 m², 1292 ft²) on Lot 4. There is one dock that provides access to Bullock Lake.

Surrounding properties draw water either from individual wells or from Bullock Lake. Bullock Lake has been fully allocated in terms of water licenses. The surface area of Bullock lake is 10.2 ha (25.2 acres)¹. The lake has an estimated volume of 510 cubic decameters and flushes approximately once a year².

BACKGROUND

The Salt Spring Island Local Trust Committee received a preliminary report on this application on July 25, 2013. The Salt Spring Island Local Trust Committee passed the following resolution:

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee encourage the applicant for SS-RZ-2013.5 to hold a community information meeting (Chalmers, 315 Robinson Road). **CARRIED**

On November 14, 2014 the Salt Spring Island Local Trust Committee reviewed a request to enter into cost recovery for the applicant to resource a peer review of the technical reports. The SSI LTC passed the following resolution.

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee invite the applicant of SS-RZ-2013.5 (315 Robinson Road) to return with a request for extraordinary services and cost recovery in order to peer review its technical reports, following receipt of a revised proposal for a Land Use Bylaw and Official Community Plan amendment, and following a staff report that includes policy analysis of the revised proposal. **CARRIED**

The applicant did conduct community consultation on the project prior to finalizing submission of a revised development proposal. Site tours were advertised through the summer and fall and surrounding neighbours were invited to tour the site. There has also been selective consultation with community groups such as Water Council and the Chamber of Commerce. A community information meeting was held on November 30, 2013. On January 9, 2014, the SSI LTC received an update report with correspondence and results of the community consultation activities.

The following technical reports have been submitted with the application. All reports are available at the Islands Trust office.

- Applicant submission, "Bullock Lake Cottages Application for Official Community Plan Amendment and Rezoning," dated April 2013
- Revised Application – January 2014
- Amenity Proposal – February 3, 2014
- Economic Impact Study prepared by Grant Thornton, "Economic Impact Study, Bullock Lake Cottages, Salt Spring Island", dated December 2012

¹ Government of BC, Domestic Water Supply Potential of Blackburn, Bullock's, Ford, and Stowell Lakes Salt Spring Island, 1981. Retrieved from <http://www.env.gov.bc.ca/wat/wq/studies/drink81.pdf>

² Sprague, J. Nine Lakes on Salt Spring Island BC: Size, Watershed, Inflow, Precipitation and Evaporation, 2009. Retrieved from <http://www.islandstrust.bc.ca/ltc/ss/pdf/ssrptninelakes.pdf>

- Technical Memorandum (Water), prepared by Kerr Wood Leidal “Bullock Lake Cottages, Development Water Demands and Sustainable Well Yield”, dated May 1, 2013
- Hydrogeological Impact Assessment prepared by Waterline Resources Inc. “Hydrogeological Impact Assessment, Bullock Lake Cottages, Salt Spring Island, British Columbia”, dated May 14, 2013
- Technical Memorandum (Septic) prepared by Kerr Wood Leidal, “Wastewater System Assessment”, dated May 1, 2013.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Official Community Plan

Volume 1 - Land Use and Servicing Policies: The subject property is designated Rural Neighbourhoods (RL) by the OCP Bylaw No. 434. Bullock Lake is designated “Marine Lake”.

The entire shore of Bullock Lake is identified as a wetland on *OCP May 9a: Environmentally Sensitive Ecosystems* and on *Map 12: Potential and Existing Fish Habitat*. Robinson Road has been designated as a *Heritage and Scenic Road* by Map 15 and as a *bicycle route* by Map 5 of the OCP.

Please see Appendix 2(a) to review the OCP objectives that are considered relevant to this proposal; Appendix 2(b) contains an assessment of OCP policies. The discussion under “Staff Comments” is grounded in these objectives and policy considerations.

Volume 2 - Development Permit Area Policies: According to OCP Bylaw No. 434, the subject properties are located in the following Development Permit Areas:

- Development Permit Area 2: Non-Village Commercial and Industrial Island Villages,
- Development Permit Area 4: Lakes, Streams, and Wetlands, and
- Development Permit Area 5: Community Well Capture Zones.

Currently there is no application for any works; however development permit provisions would apply to any future construction including the proposed “amenity” building.

Land Use Bylaw 355

The land is currently zoned Rural by Land Use Bylaw 355.

Bullock Lake is currently zoned Shoreline 8.

The applicant has proposed including additional regulations in the Land Use Bylaw. The following elements of zoning would be relevant to LTC deliberations and could be drafted as part of a Bylaw:

Commercial Guest Accommodation Regulations: The applicant proposes to add new regulations to the Land Use Bylaw that would govern commercial guest accommodation.

Parking and Accessory Uses: LTC is encouraged to consider appropriate accessory uses and parking requirements for such a use. The Land Use Bylaw currently directs that one parking space be provided for each commercial guest accommodation unit. The applicant has indicated that they would seek a caretaker unit in addition to the 50 units of commercial guest accommodation.

Setbacks and Siting: The structures for Phase 1 and the treatment plants for servicing have been constructed, so LTC has limited ability to deliberate on appropriate siting for principal buildings. Further

measures to ensure that setbacks remain vegetated and clear of development may be proposed by the application following further consultation.

Trust Policy Statement:

If the Local Trust Committee resolves to proceed with the application, based on the OCP analysis staff will follow up with a report that analyses compliance with the Policy Statement and the Directives Only Checklist in accordance with Section 1.9 "Policy Statement Implementation" of the Islands Trust Policy Manual.

INTERESTS:

Islands Trust Fund:

The subject properties are not adjacent to any Islands Trust Fund properties.

Sensitive Ecosystems and Hazard Areas:

The shoreline of Bullock Lake, on the subject property as well as Lots 2-5, are identified as wetlands by the Islands Trust Ecosystem Mapping database. The same portions are identified on *OCP May 9a: Environmentally Sensitive Ecosystems*. The subject properties are also identified on *Map 12: Potential and Existing Fish Habitat*. The subject properties held by the owner are in a drainage basin that leads to a known fish bearing stream. Mapping has been completed by Madrone Environmental Services in June 2013 that identifies the Bullock Lake and shoreline wetlands as fish supporting and suggests a 10 metre SPEA for Bullock Creek.

Archaeological Sites:

Based on the data provided by the Provincial Remote Access to Archaeological Data, there are no known archaeological sites or areas of "significant potential" to contain unknown but protected archaeological sites on the subject property. This application will be referred to First Nations stakeholders as it proposes an amendment to the Official Community Plan.

Bylaw Enforcement:

There are no Islands Trust bylaw enforcement files on the subject properties.

Covenants:

- An Islands Trust Restrictive Covenant currently registered on title requires:
 - No construction: within 7.5 metres of Bullock Lake or 15 metres of any watercourse.
 - Flood protection: all construction to be 1.5 metres above natural boundary of the lake or any watercourse.
- Reciprocal internal access easements over the lots.
- Notice of Interest under Builder's Lien Act
- Statutory Rights of Way for BC Hydro and TELUS

Agricultural Land Reserve:

There is adjacent land in the Agricultural Land Reserve to the north and south. Groundwater supply has been demonstrated to be connected with land in the Agriculture Land Reserve across Robinson Road. A preliminary referral of the application to the Agricultural Advisory Planning Commission is recommended, as well as early consultation with the Agricultural Land Commission and the Ministry of Agriculture.

Servicing:

WATER

The applicant has provided two reports concerning water:

- Technical Memorandum dated May 1, 2013 from Kerr Wood Leidal regarding the water demand for the proposed development and sustainable well yield
- Hydrogeological Impact Assessment dated May 14, 2013 (received May 24, 2013) from Waterline Resources Inc.

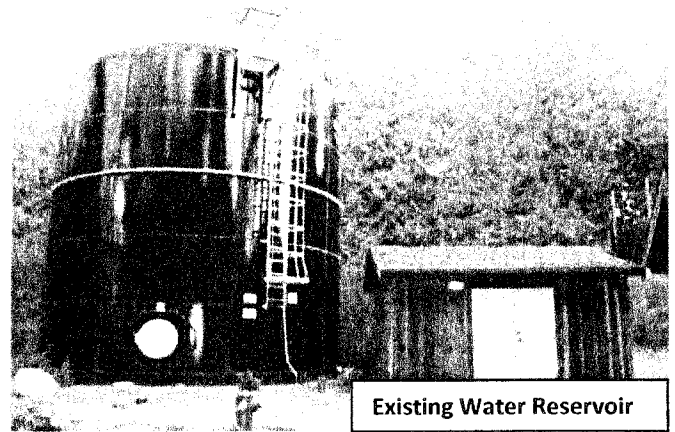
A permit dated July 31, 2013 to operate the water system has been issued by the Island Health Authority. The permit contains the following conditions:

1. Correct the filter backwash line with an acceptable air gap to waste.
2. Implement a monitoring program to obtain additional information on the wells.

Early consultation with Island Health and the Ministry of Environment water Management Branch is therefore recommended.

The memo from Kerr Wood Leidal analyzed projected demand for the 50 units based on the following assumptions:

- Per capita water use will be 155 litres per day
- Occupancy of 2.5-3.0 persons per unit
- Water demand for the proposed additional multi-use building was estimated to be 30 litres per guest, for a maximum of 150 guests



The calculations in the memo posited a range of water demand from 6 m³ per day to 30 m³ per day and assumed that the average use would be 10.5 m³ per day. The sustainable yield for the production wells was 16.1 m³ (16 100 litres) a day

averaged over the year, which would mean that with the projected demand, the development would require an additional 310 m³ of water in July and August, when demand is expected to be highest. The memo from Kerr Wood Leidal concluded that there is an adequate supply of water based on these projections if an additional storage tank is constructed to cover the shortage expected in July and August. This additional storage would ensure the resort does not draw ground water in the summer, but uses the stored water for daily use.

Current rural servicing standards as reflected in the Salt Spring Island Land Use Bylaw No. 355 suggest the following:

- 680 Litres per day for a seasonal cottage, or
- 450 litres per day for a commercial guest accommodation unit, or
- 225 litres per day per bedroom for a bed and breakfast, and
- 1590 litres per day for a community hall or church

The table below presents water requirements that could be anticipated for 50 units using the subdivision standards of Bylaw 355:

Use	Land Use Bylaw Standards	Water Required for 50 units*
Seasonal Cottage	680 litres	35 590 litres
Commercial Guest Accommodation	450 litres per unit	24 090 litres
Bed and Breakfast	225 litres per bedroom	24 090** litres

*includes 1590 litres per day for Community Hall use

**assuming two bedrooms

The applicant's proposal suggests that water management measures could be implemented to support volumes less than those contemplated by the Land Use Bylaw. Measures proposed by Kerr Wood Leidal to manage and reduce the water use include:

- Use of reclaimed water for toilet flushing in multi-use building
- Efficient fixtures (low flow showerheads and toilets, and high efficiency clothes washers)
- No dishwashers in cottages
- Installation of water meters
- Water consumption monitoring program

It is suggested that this conservation program be further developed and secured through a legal agreement that also compelled the future Strata Corporation to report consumption results to the SSI LTC annually, in order to ensure water demand does not exceed the demand assumptions in the water reports or the sustainable yield of the wells. While this has been discussed with the applicant, there is yet to be a commitment provided in writing. The VIHA permit for the waste disposal facility also requires the owner to implement a water conservation education program for strata owners.

The applicant has provided written correspondence dated February 12, 2014 confirming its previous offer to enter into a cost recovery process for third party peer review of the hydrogeological and water supply reports submitted in support of the rezoning application for 50 cottages. This would be advisable, given the concerns raised with the assumptions inherent in the water reports as well as the general concern over water security of the region.

WASTE DISPOSAL FACILITY

The applicant has submitted a Technical Memorandum from Kerr Wood Leidal dated May 1, 2013 that provides an assessment of the constructed wastewater system and the expected wastewater flow for the 50 units. A permit was issued by the Ministry of Environment in 1996 to discharge 95 m³ of effluent per day. The permit was transferred to the current owners in 2012. According to the permit, the owner is required to post financial security and receive final certification of the facility and operators before the final operational permits will be issued. The permit also requires the applicant to undertake a monitoring program. It is noted that a study of Phosphorous levels are not required as part of the monitoring program.

The BC Sewerage System Standard Practices Manual states that daily wastewater flow rates are 1136 litres per residence for one and two bedroom residences up to 148 m² (1593ft²). For 50 units the effluent discharge would total 56.8m³ per day (in addition to 4.5³ per day for the multi-use building). The Kerr Wood Leidal memo suggests that a more conservative estimate be used and estimates that the average daily flow would be 17.5 m³ per day with a peak daily flow of 34.8 m³ per day. The memo states that the treatment facility will provide advanced secondary wastewater treatment that meets the Ministry of Environment permit requirements.

The wastewater report analyzes the impact of 50 units and the multi-use building, noting that the systems in place "will work together to minimize the amount of nitrogen and phosphorus discharged into the receiving environment". The report states that the wastewater will be similar to Class A municipal wastewater effluent which is defined in the "Municipal Wastewater Regulation" under the *Environmental Management Act* as: "high quality municipal effluent resulting from advanced treatment with the addition of disinfection and nitrogen reduction."

Impact on Riparian Area/shoreline

As noted, the Bullock Lake shoreline is identified as a sensitive ecosystem. The application notes that no additional development of the foreshore is contemplated and has proposed a conservation covenant to protect the riparian area within a 30 metre buffer (the Riparian Area Assessment found the SPEA to only be 10 metres). A larger, 30 metre buffer may assist in protecting other riparian values beyond fish habitat (such

as water quality). It is recommended that a Registered Professional Biologist conduct a baseline ecological inventory of the proposed conservation area. The SSI LTC may also consider requesting a report from a professional limnologist (or another relevant field) on avoiding the potential for nutrient loading, including phosphorus, of the lake. Protection of an intact environmentally sensitive area through a conservation covenant is identified as an eligible community amenity in the Official Community Plan.

The current zoning of Bullock Lake would not permit additional docks. The existing dock may be lawfully non-conforming with the Salt Spring Island Land Use Bylaw 355; the onus is on the land owner to demonstrate the dock was constructed prior to Bullock Lake being zoned Shoreline 8 in 2001. If the dock is to be established as legal non-conforming under Section 911 of the Local Government Act, removal of the dock may be required.

Best Management Practices for determining lakeshore development capacity are available and have been used in BC and other jurisdictions³. The Government of Ontario has sponsored research resulting in a Lakeshore Capacity Assessment Model⁴ that suggests a maximum number of units based on lake characteristics. Part of that calculation would include recognition of existing development potential around Bullock Lake. There are 11 properties currently surrounding the lake in addition to the properties under consideration for this application. If proceeding with this application LTC may wish to have this evaluation completed by the applicant recognizing potential for development of all properties under current zoning.

Contaminated Sites

Community members have alleged contamination from the historical construction and burned materials from the fire to be buried on the site. It should be noted that the area of concern is not on the property where the 50 strata lots are located, but on the adjacent Lot 2 which houses the servicing infrastructure. On January 9, 2014, the SSI LTC passed a resolution requesting information on how to address this.

In 1997, the Salt Spring Island Local Trust Committee, along with all the other Islands Trust Local Trust Areas, passed a resolution to opt out of the site profile system under the Environmental Management Act. (A site profile is a form on which information about the land and the past and present uses of a site is recorded. These forms are used under the Act to screen property for possible contamination). Nevertheless, all land owners and operators are still subject to other provisions in the Environmental Management Act Regulations. For example, a site owner, operator or trustee is required to submit a site profile directly to a Director of Waste Management when a site is decommissioned or subject to foreclosure, even when the local government has chosen to opt out of receiving site profiles⁵. Land Use Bylaw 355 Section 3.2.1(2) prohibits disposal of any waste matter on land except as may lawfully be discharged under the Sewage Disposal Regulation, the Agricultural Waste Control Regulation or the Waste Management Act.

The applicant has updated that the following actions are underway:

- Tour of the property in November with concerned community member(s) to specifically define the area of concern

³ East Kootenay Integrated Lake Management Partnership and Interior Reforestation Co. Ltd, Columbia Lake Shoreline Management Guidelines for Fish and Wildlife Habitats, 2010. Retrieved from ftp://ftp.rdek.bc.ca/pdf/planning%20files/ekilmp/columbia/columbiashorelinemanagementguidelines_august242010_a.pdf

⁴ Government of Ontario, Lakeshore Capacity Assessment Handbook, 2010, Retrieved from http://www.ene.gov.on.ca/stdprodconsume/groups/lr/@ene/@resources/documents/resource/std01_079878.pdf

⁵ http://www.env.gov.bc.ca/epd/remediation/fact_sheets/pdf/fs06.pdf

- After the January 9, 2014 LTC meeting, the applicant extensively excavated the area of concern in order to gain an understanding of what may be located there.
- A relatively minimal amount of ash-based non-native material was found, including a small amount of wood construction waste and metal brackets.
- The applicant feels they have been able to define the area, and at this point do not believe the area represents a dump site of toxic material.
- An environmental engineer has been contracted and will be submitting the material found for laboratory analysis as the land use process moves along, in order to confirm this does not pose an environmental problem to the area.

Transportation

Access from Ganges Village to the site is via Robinson Road. Road is designated as a segment of Scenic and Heritage Road by OCP Map 15. The road is also designated as a bicycle route on by OCP Map 5. Initial development plans propose a single main strata access road to Robinson Road with an additional emergency access. The strata access routes that provide access to the existing structures and servicing infrastructure have been developed. The strata council(s) would retain ownership of these access routes as common property.

The application did not include details regarding the impact of the proposal on existing traffic patterns. The property is approximately 2.8 kilometres away from Ganges which is generally considered to be on the outer limit of walkability⁶. However, width and alignment of Robinson Road past Long Harbour Road does not support pedestrian connectivity and makes walking less attractive to users.

The provision and construction of bicycle lanes, pedestrian and bicycle pathways or trails that add to or support links in the island trail network are considered an eligible community amenity in the Official Community Plan. A pedestrian path/bicycle path has been proposed by the applicant to run along Robinson Road. Should the application proceed, the details of this would be worked out in consultation with the CRD Transportation Commission and potentially Island Pathways. Early consultation and referral to the CRD Transportation Commission and the Ministry of Transportation and Infrastructure is therefore recommended.

Climate Change Mitigation and Adaptation

This application proposes to make use of resources that have already been used in the construction of the structures and alterations to the site. The applicant has also made reference to the carbon benefits of excluding Lots 2-5 from development. Pedestrian and/or bicycle infrastructure help mitigate climate change impacts. A shuttle bus or bicycle valet to and from the ferries could be included in the resort's operating program – this would encourage guests to leave their cars and come to Salt Spring on foot or by bike.

Economic Impact

The existing 50 units are already strata-titled and the proposed multi-use facility building will be owned by the strata corporation. The intent of the project is for each unit to be individually owned, with the owners having the option to include their unit in a managed rental pool. The applicant has submitted an Economic Impact study which posits the economic benefits of the development to the community of Salt Spring Island, based on economic multipliers. The study was not updated to reflect the revised application, but the information provided regarding Phase 1 is relevant. The study concludes that:

⁶ For discussion of this issue see: Moudon et al. Journal of Physical Activity and Health, 2006. Retrieved from http://activelivingresearch.com/files/JPAH_7_Moudon.pdf

- Construction of the amenity building and other development projected under “phase 1” will yield an estimated 40 full time jobs over the construction period, with a total estimated economic output of \$5.9 million.
- Once the resort is in full operation (phase 1) the operating impacts are projected to directly employ the equivalent of 32 full time workers annually, with direct expenditures totalling \$2,164,000.
- The cottages will generate visitation to Salt Spring Island and will not compete directly with existing accommodation facilities on Salt Spring Island.
- It characterizes the model as a destination resort with unique amenities distinct from other commercial accommodation types on SSI.
- The strata ownership model will generate extra community economic benefits through owner usage
- When in operation, the resort will contribute to the local economy by demanding cleaning services and supplies; office services and supplies; catering; events coordination; wedding planners; landscaping services; property/strata management services.

COMMUNITY INFORMATION MEETING(S):

The applicant held a community information meeting on November 30, 2013. The results of this meeting as well as a summary of consultation to date were provided at the January 9, 2014 SSI LTC Meeting.

Should the application proceed, LTC may wish to deliberate on an early referral to the Advisory Planning Commission, Agricultural Advisory Planning Commission, First Nations as well as other relevant agencies detailed in this report.

CORRESPONDENCE:

Since January 9, 2014, several neighbours and community members have submitted correspondence. This correspondence is attached as Appendix 4. The correspondence and general reaction to this proposal demonstrate significant neighbourhood concerns with the proposal; there is particular concern over water supply, impacts on adjacent wells, land use and impacts on the Bullock Lake ecosystem. There is also concern about the relative economic benefits to the Salt Spring economy that can be expected. The correspondence should be considered in its entirety, along with correspondence in previous SSI LTC agenda packages; please also consider the results of the community meeting in November 2013 that was hosted by the applicant at the LTC’s request and included in the January 9, 2014 staff report to the SSI LTC.

STAFF COMMENTS:

The applicant proposes to change the OCP designation of the subject properties from Rural Neighbourhoods to a new designation “Bullock Lake Recreational Cottage” and rezone the property from Rural (R) to a new zone that would permit 50 commercial guest accommodation units and a 557.4 m² (6000 ft²) multi-use building on Bullock Lake. This application is unique in its history and the fact that, with the exception of the amenity building, the built form of the proposal is largely complete. The existing buildings have never been occupied and the resort has never been used. Underlying discussion of the application is a question of the “existing non conformity” of the development. This is a matter that is separate from the land use planning deliberations of LTC and for which planning staff do not offer perspective or advice. From a policy perspective, the application proposes a significant increase in density from the existing zoning and OCP designation.

The key question for LTC to consider is whether there is merit in amending the OCP to support the rezoning of this property in order to support the existing built form to be used as a resort destination. The Salt Spring Island Official Community Plan contains a number of objectives and policies that relevant, as can be seen in

reviewing the appendices. Central to this application are considerations of impacts to ground water, impacts to the ecological health of Bullock Lake, neighbourhood impacts, and economic benefits.

Ground Water

The area is known to have issues with groundwater supply. The Kerr Wood Leidal memo assumed a completed water distribution system and concluded that the treatment system in place is adequate. This memo described two production wells on the property, a water treatment plant, and a water storage reservoir with a capacity of 332 m³.

The technical memorandum concerning water demands and sustainable well yield confirm there is adequate water for the proposed density and uses. The reports provided by the applicant make conservative assumptions about water use for occupancy of the 50 units. Estimates for water supply are based on the size of the units (assuming 2 bedrooms and average unit occupancy of 2.5 or 3 people). The report assumes water demand of 155 litres of water per day per capita which is less than the current requirements of the Land Use Bylaw and of the requirements of the Capital Regional District at the time of Building Permit application.

The water analysis notes that there will be water shortages during July and August and recommends additional water storage to make up the difference between demand and supply. The Waterline Resources Inc. report concluded that the existing wells are directly connected to wells on a neighbouring property. This report also concludes that the production wells are not likely to be connected to Bullock Lake and that pumping from the wells will not impact the water levels of the lake. The assumption that 16.1 m³ is a sustainable well yield is based on current water use of 3.3 m³ on the neighbouring ALR property. If water pumping from the neighbouring well increases, pumping 16.1 m³ litres per day for the commercial guest accommodation use is anticipated to draw down the aquifer.

It is recommended that should the SSI LTC proceed with this application, it enter into a cost recovery agreement with the applicant to have the water reports peer reviewed, as has been suggested by the applicant. Essential to this third party peer review is an analysis of the underlying assumptions and an assessment of the projected levels of water demand. Should this peer review support the conclusions of the existing reports, it is recommended that, as conditions of bylaw approval:

- the applicant install water metres on each of the units
- the applicant develop a water conservation management plan that includes education and holds consumption rates of each strata unit owner to those estimated in the water reports
- that the future strata corporation be required by legal agreement to report annually to the SSI LTC with the resulting water metre data for each of the strata units.

Economic Benefits

The applicant's economic impact study proposes that the cottages will generate visitation to Salt Spring Island that will not compete directly with existing resorts. The strata ownership model is proposed to complement the community by having the owners more engaged and committed to the community than on-time tourists. It is also thought this model will generate extra community economic benefits with year round spending. When in operation, the resort will contribute to the local economy by demanding cleaning services and supplies; office services and supplies; catering; events coordination; wedding planners; landscaping services; property/strata management services.

Health of Bullock Lake

The shoreline is known to be a sensitive ecosystem and an important riparian area for fish protection. The conservation covenant would include a baseline ecological inventory and an analysis of how to protect the riparian area from disturbance.

Potential impacts of the proposed development on Bullock Lake may be addressed through the conservation covenant and/or further professional reports offered by the applicant. To further conform with OCP policies, it is recommended that a drainage report be commissioned, as well as a professional report that makes recommendations on avoiding an increase in nutrient loading that may degrade water quality of the lake. The LTC may also seek specific advice from Ministry of Environment at time of Bylaw referral.

Neighbourhood Impact

While the neighbourhood has already been visually impacted by the development, the resort has never been occupied or used. The current zoning of the property and surrounding area permits low density residential development. The change in use will be screened from the road but the siting of the proposed development on the lake and the proposed size of the development is likely to have impacts on the character of the neighbourhood, especially with regard to traffic, noise, water supply, and level of activity.

Land or facilities for community cultural or recreational purposes is an eligible community amenity. The proposal to dedicate Lots 2-5 for community use has the potential to improve the neighbourhood by offering a opportunities for community gardening, hiking, or passive recreation. Removing these properties from residential development also serves to keep the neighbourhood less developed. Provision of transportation alternatives such as a pathway along frontage of Lots 1-51 and Lots 2- 5 as well as a conservation covenant along the shoreline are considered to meet some climate change goals and mitigate the traffic impact of the proposed development.

Community Amenity

The guidelines for amenity zoning applications are attached as Appendix 2(c). These guidelines do not contemplate an increase in density as significant as that proposed for this application. Further, the guidelines specify that the increase in density permitted as a result of the amenity contribution should not exceed the maximum density permitted by the existing neighbourhood designation. Despite this, the applicant has offered an amenity package that strengthens the proposal's compliance with OCP policies and also mitigates some of the perceived negative impacts of the development.

OCP Compliance

As can be seen by reviewing the OCP objectives attached in the Appendix 2a, there are a number of areas where the scale and location of this development is at odds with the goals of the community plan. The application proposes a density envisioned in the previous CA-2 Commercial Accommodation Zone, but proposes a significant increase in density for the current Rural Zoning. Without the proposed amendment to the OCP designation, the proposal is notably inconsistent with the policies of the Rural Neighbourhoods designation. However, the application is proposing a different OCP designation and deliberations should focus on the *OCP policies* that guide this decision. Appendix 2b demonstrates that there are two policies where the application conflicts directly with OCP policy and mitigative measures cannot be taken:

1. *B.2.3.2.3 Village containment boundaries for Ganges, Fulford and Channel Ridge Village are identified by the Village Designations on Map 1. The intent of village containment boundaries is to keep village development compact, and prevent 'leap frog' development, reduce the need for additional infrastructure and services, minimize the loss of rural lands, and minimize impacts on sensitive ecosystems and other environmentally sensitive areas. The Local Trust Committee should not approve rezoning applications that would allow large new commercial, institutional or multifamily development outside Village Designations. Exceptions should be made for new village or hamlet applications, for applications to provide affordable housing, for neighbourhood convenience stores and for home based businesses as*

outlined in Section B.3.2. Expansion or extension of containment boundaries should only be considered where there are no available sites within the containment boundaries. Any such expansion or extension should incorporate land next to an existing boundary, lands which do not contain sensitive ecosystems, lands which do not exhibit geo-technical or other hazards, lands that are along existing transportation routes, and lands which can provide efficient access to potable water and other services.

2. *B.3.1.2.7 No additional properties on Salt Spring Island should be zoned for resorts, hotels or motels until the percentage of built units has reached at least 80 per cent of the current (2008) development potential. Future levels of development around lakes and streams should be restricted if there would be negative impacts on the supply or quality of freshwater resources.*

A key deliberation is whether the future growth of Salt Spring Island would benefit from this proposal. The policy analysis reveals that there are a number of areas where the application can implement policy direction by proposing to protect the sensitive ecosystem, offering community benefits such as land and a facility for cultural activities and recreation, building an energy efficient amenity building, and by dedicating a bike/pedestrian path. Central to determining consistency with the OCP policies is the necessity to ensure that the resort will not negatively impact the groundwater supply of the neighbourhood. Further mitigation of the impacts of the development would be assisted by a drainage report, and the conservation covenants to ensure protection of water quality and the riparian area.

RECOMMENDATIONS:

OPTION 1: PROCEED NO FURTHER

The Local Trust Committee is advised that if it does not, in its discretion, consider an application to be sufficiently consistent with the Official Community Plan, it need not proceed further. As noted, there are many objectives of the OCP that caution against the location and scale of this proposal. There also are two key policies that are inherently at odds with the proposal, as discussed above. The precautionary principle is a central tenant of the Official Community and supports a motion of proceed no further.

OPTION 2: PROCEED TO EARLY CONSULTATION WITH AGENCIES

It is recommended that the SSI LTC decide on "Option 2." While the application is not seen to further a number of OCP objectives, it is the policies that require consistency in evaluating whether an application is in direct collision with an OCP. A deeper understanding of the application relative to the OCP policies can be achieved through a peer review of the water reports; a study of the potential for phosphorus to enter the lake, through feedback from relevant agencies; and through negotiations with the partners needed for implementation of the amenity package. In exercising this level of due diligence, the SSI LTC can indeed apply a precautionary approach and allow the community to consider the relative benefits of the proposal as a whole.

If the LTC does consider proceeding, the following next steps are recommended in advance of drafting bylaws for consideration:

1. Direct staff to refer the current staff report to the Advisory Planning Commission and the Agricultural Advisory Planning Commission.
2. Direct staff to send a preliminary referral to First Nations as well as the Ministry of Environment, Island Health, the Cedar Lane Water District, the Capital Regional District Transportation Commission, CRD Park and Recreation Commission, the CRD Economic Development Commission,

the Ministry of Transportation and Infrastructure, the Agricultural Land Commission, and the Ministry of Agriculture.

3. Direct staff to enter into a cost recovery agreement with the applicant for third party review of the potable and waste water reports, according to mutually agreed terms of reference. Essential to this third party peer review is an analysis of the underlying assumptions and an assessment of the projected levels of water demand. Should this peer review not support the properties' ability to provide water for the resort use without depleting neighbouring wells or exceeding a sustainable yield of the aquifer, it is recommended that the SSI LTC proceed no further with the application.
4. In order to lend certainty to the application, staff note that the anticipated steps prior to public hearing and/or prior to bylaw adoption would include:
 - a) Conservation Covenant to protect a 30 metre riparian area along the shore of Bullock Lake (excluding existing works). This covenant is to be informed by a baseline inventory of the riparian area performed by a Registered Professional Biologist or Ecologist, and including recommendations for mitigating upland impacts on the conservation area; and measures for annual covenant monitoring.
 - b) Implementation (through works or legal agreement) of a drainage study of the land that holds Lots 1-50 and common property, conducted by a Professional Engineer with expertise in hydrogeology.
 - c) Implementation (through works or legal agreement) of a professional report by a limnologist or similar registered professional that makes recommendations for avoiding any nutrient loading of Bullock Lake that may result from the resort's operation. If nutrient loading cannot be avoided, the SSI LTC is recommended to proceed no further with this application.
 - d) That the amenity building be required to include energy efficient design that exceeds the BC Building Code
 - e) A Community Use agreement for the amenity building to ensure reduced rental rates for community groups and 20 hours/month of priority booking.
 - f) Installation (or mechanisms to ensure installation) of water metres on each of the units
 - g) Development of a water conservation management plan that includes education of future strata members and guests
 - h) Implementation of the water conservation plan through a legal requirement for annual reporting to the SSI LTC by the future Strata Corporation, confirming consumption rates of each strata unit do not exceed the sustainable yield identified through professional reports
 - i) Construction (or mechanisms to ensure construction) of an additional water storage tank as per recommendations in the Kerr Wood Leidal water report.
 - j) Agricultural buffers as landscaping provisions in the bylaw
 - k) Agreement with the Transportation Commission or other entity for the dedication and construction (or other agreement) of a pedestrian or bicycle path along Robinson Road (excluding existing accesses and works).
 - l) Public Access to Lots 2-5 – secured through legal agreement for a range of possible public uses including but not restricted to: community gardens, passive recreation, or park uses. This would include restrictive covenant or other mechanism to prohibit future private development on these lots.
 - m) Any required easements to implement the project's goals.

RECOMMENDATIONS:

THAT the Salt Spring Island Local Trust Committee direct staff to refer the current staff report dated February 20, 2014 for application SS-RZ-2013.5 (Chalmers, 315 Robinson Road) to the Advisory Planning Commission and the Agricultural Advisory Planning Commission.

THAT the Salt Spring Island Local Trust Committee direct staff to send a preliminary referral of application SS-RZ-2013.5 (Chalmers, 315 Robinson Road) to First Nations as well as the Ministry of Environment, Island Health, the Cedar Lane Water District, the Capital Regional District Transportation Commission, CRD Park and Recreation Commission, the CRD Economic Development Commission, the Ministry of Transportation and Infrastructure, the Agricultural Land Commission, and the Ministry of Agriculture.

THAT the Salt Spring Island Local Trust Committee direct staff to enter into a cost recovery agreement with the applicant of SS-RZ-2013.5 (Chalmers, 315 Robinson Road) for third party review of the potable and waste water reports, according to a terms of reference mutually agreed to by the applicant and Islands Trust staff.

Prepared and Submitted by:

Justine Starke, Island Planner, Salt Spring
Island

Date

Concurred in by:

Leah Hartley

Date

Appendix 1: Amenity Proposal
Appendix 2a: OCP Objectives
Appendix 2b: OCP Policy Analysis
Appendix 2c: Amenity Zoning OCP Extracts
Appendix 3: Correspondence

**Amenity Proposal
Bullock Lake Cottages
315 Robinson Road
Salt Spring Island, BC
February 3, 2014
File #: SS-RZ-2013.5**

1 Introduction

The following represents a comprehensive amenity proposal in support of the application for Official Community Plan (OCP) and Land Use Bylaw (LUB) amendment at 315 Robinson Road. It is based on the revised application for the 50 existing cottage units submitted January 2014.

2 Background

In May 2013 application was made for OCP and LUB amendment to restore a commercial land use and appropriate zoning regulations for the 50 existing cottages and the existing foundations for another 73 units as a future second phase for a total of 123 cottages. The application also included a +/- 6,000 sq.ft. amenity building.

In January 2014, the Owner revised the application to eliminate any consideration of future development on the existing foundations, and limiting the application to only the 50 cottages that have been built on the property, a 60% reduction in the scale of the initial proposal.

The amendment was driven largely by comments and feedback heard through the public consultation process. That process also identified other community needs and aspirations that have informed this amenity proposal.

3 Proposed Amenities

The following amenities are being offered in conjunction with the approval of the rezoning application for the 50 existing cottages. All amenities will be provided or appropriately secured before adoption of the zoning bylaw. Any additional amenity requests, offsite improvements, or alterations to the proposal will affect this amenity proposal.



3.1 The Amenity Building

Amenity

The proposal includes the provision of an amenity building as described in the application. The upper level of the building will be made available to not-for profit and community groups and organizations on a cost-recovery basis as community space. The intent is the facility could be used for community meetings, gatherings, celebrations, and learning.

Implementation

The Owner is prepared to offer a "community use agreement" to make the facility available to not-for-profit organizations and other community organizations for events. The agreement will include provisions to cap the rental rate at the true cost-recovery rate for cleaning service and triple net for all community based rentals. The agreement will provide for a minimum availability of 20 hours per month for community use. The agreement will also contain provisions regarding scheduling practices for additional community use above the 20 hours per month which will be provided for at the reduced rental rate.

3.2 Conservation Covenant

Amenity

To acknowledge the sensitivity of the Bullock Lake foreshore, the Owner is prepared to enter into a conservation covenant, or other similar restrictive covenant, to preserve the foreshore of Bullock Lake and Bullock Creek riparian area.

In addition to the covenant, the Owner will agree to posting interpretive signage at all access points and at various intervals along the lake frontage advising of the sensitivity of the lake, and its importance to adjacent agricultural users, and to encourage preservation of the foreshore area.

Implementation:

If a suitably qualified and willing conservation organization (including the Islands Trust Fund) can be identified in a timely manner, the Owner will enter into a conservation covenant as legally described with that organization. If a suitably qualified and willing organization cannot be identified in a timely manner, the Owner will enter into a similar restrictive covenant prohibiting any disruption or development of the foreshore.



In either event, the agreement will establish no-development and no disturbance areas of 30 metres from the current surveyed boundary of the entire Bullock Lake and Bullock Creek frontages. This will equate to approximately 2.37 ha (5.86) acres of land to be conserved in perpetuity.

The agreement will also require the Owner, or any successors such as the Strata Council, to post and maintain interpretive signage about the ecological and agricultural importance of Bullock Lake for at all access points and at intervals along the frontage. If a conservation organization is involved, they can prepare the content of the signage in concert with the Owner should they choose.

The agreement will acknowledge the presence of the existing dock, and will provide for its repair or replacement with a similar size dock. Any existing development or improvement that exists as of the date of approval will be identified and exempted from the agreement.

3.3 Pedestrian/Bike Path Improvement

Amenity

In acknowledgement of the significance and extent of the Robinson Road frontage, the Owner is prepared to work with the Capital Regional District and/or Islands Pathways to facilitate pedestrian and cycling improvements along the extent of the Robinson Road frontage. This will involve making land available adjacent to the existing highway allowance for a separated pedestrian/cycling path.

Implementation

The Owner is prepared to enter into a highway reservation agreement, public access easement agreement, or other mutually agreeable document to provide access to 4 metres of the Strata Lots 1-51, and Lots 2-5 except where existing entrances, parking areas, service roads, as well as existing and future utilities and infrastructure are located. This amounts to a land dedication of up to 0.26 ha (0.64 acres).

Any agreement will indemnify and save harmless any Owner, Owner Developer, or Strata Corporation.

Any agreement will allocate responsibility for ongoing maintenance to the CRD, Islands Pathways, or other suitable organization. Additional details about the frontage trail will emerge through consultation with the CRD's Transportation Commission, and review of the relevant transportation and cycling plans.



3.4 Public Access to Lots 2-5

Amenity

The Owner is prepared to make most of Lots 2-5 available for public access and public use, except for the existing infrastructure locations. Under the current zoning, the land may be used for agricultural uses such as community gardens or other site suitable agriculture. Under the uses permitted in all zones, passive recreation such as pathways, agriculture, or other park uses are permitted for public enjoyment. This will result in approximately 6.23 ha. (15.39 acres) being made available for public access, in addition to the 2.37 ha (5.86 acres) of land encumbered by conservation covenants and existing servicing infrastructure.

Though there may be a small level of development for pathways, community agriculture, or park use, it is anticipated that the land will remain largely undeveloped and be allowed to regenerate to help protect the integrity of the lake, provide habitat, and offset some of the carbon impacts arising from the operationalization of the existing 50 cottages. The intent of the Owner is to preserve sensitive portions as described in the conservation covenant section, and then secondarily to provide public access for a range of public uses on the portions suitable for such use.

Implementation

There are several implementation options, depending on the long-term ownership of the lands, which will be resolved through the process. Though subject to final decision and negotiation, the present proposal is to have the Strata corporation own the land so as to protect the existing water and sanitary treatment plants and associated infrastructure. Security of existing utilities between properties is already restricted on title through reciprocal easement agreements.

The land would then be encumbered with agreements such as a park use agreement, public access easement agreement or other community use that permits public access to portions of it for pathways, community agriculture, passive recreation, and small park use such as a tot-lot, provided said access does not conflict with the conservation covenant areas, and protects the existing and future water and sewer infrastructure. Details of future development or programming will emerge through the remaining community and agency consultation.

There would likely also be a restrictive covenant preventing development or construction on the site for anything other than the uses noted above.

The Owner, Owner Developer, and/or Strata Corporation would all be indemnified and held harmless by any agreement.



4 Summary

As mentioned, the amenity proposal is calibrated to the approval of the rezoning application as amended in January 2014 for the 50 existing cottages. The amenity proposal would see approximately 9.11 ha (22.5 acres) of the 14.36 ha (35.5 acre) property, or over 61% of the land available, set aside for pedestrian improvements, conservation or community use.

Though this proposal suggests implementation options, the Owner is open to discussing whatever mechanisms or approaches necessary to achieve the amenities described herein.

Appendix 2(a) OCP Objectives SS-RZ-2013.5

Salt Spring Island Official Community Plan Bylaw 434 Objectives

General Objectives

A.4.1.1 To recognize and protect the fragility and significance of our natural environment as one of our community's greatest and irreplaceable assets.

A.4.1.2 To recognize and protect our unique nature as an island - a remote place, unconnected to other land masses, which exists at a smaller scale; a place where boundaries are absolute, resources are finite, and biophysical and socioeconomic impacts can be concentrated due to containment and proximity.

A.4.1.3 To retain our island's rural character and peaceful and quiet atmosphere; to guide development so that it complements the outstanding natural beauty that surrounds us and reflects our unique community character. To ensure that the predominant feature of Salt Spring Island remains the natural environment, rather than manmade structures.

A.4.1.4 To adopt the precautionary principle in the decision-making of the Local Trust Committee. The precautionary principle asserts that, when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-and-effect relationships are not fully established scientifically. In this context, the essential elements of a precautionary approach to decision-making include:

- a) a duty to take anticipatory action to prevent harm;*
- b) the right for the community to know complete and accurate information on potential human health and environmental impacts as best it can be determined;*
- c) requiring the proponent to supply this information to the public;*
- d) an obligation to consider alternatives and select the alternative with the least potential impact on human health and the environment, including the alternative of no change;*
- e) a duty to consider broader short-term and long-term costs and benefits to the community when evaluating potential alternatives; and*
- f) a responsibility to make decisions in a transparent, participatory manner, relying on the best available information.*

Environment

A.4.2.1 To recognize the importance of sustainability in all community decisions. To avoid land use decisions that threaten the integrity or sustainability of natural ecosystems.

A.4.3.3 To reflect the finite nature of islands by identifying limits to residential, commercial and institutional growth tailored to the community's land base and ecological carrying capacity. Special attention should be paid to ensuring that the human use of potable water can be sustained without negative impact on other values and uses for natural water bodies.

B.2.3.1.1 To encourage future development to locate away from environmentally sensitive areas, agricultural and forestry lands, community water supply watersheds, lands with the potential for surface erosion or slope instability, public lands, tidal waterfront, areas with outstanding natural beauty and views, or archaeological and historic sites. To ensure buffers are retained on settlement lands where they adjoin agricultural lands.

B.2.3.1.5 To create future settlement patterns that minimize energy and resource use.

Appendix 2(a) OCP Objectives SS-RZ-2013.5

C.3.1.1.1 To apply the precautionary principle in ensuring that the density and intensity of land use is not increased in areas which are known to have concerns with the supply of potable water.

C.3.3.1.1 To avoid zoning changes that result in the depletion of existing wells or springs or water bodies used as water supplies.

A.4.3.3 To reflect the finite nature of islands by identifying limits to residential, commercial and institutional growth tailored to the community's land base and ecological carrying capacity. Special attention should be paid to ensuring that the human use of potable water can be sustained without negative impact on other values and uses for natural water bodies.

A.4.3.4 To accommodate and direct appropriate development so that its location, appearance and impact are in harmony with the natural environment, community resources, character and existing land uses. To ensure that clustered settlements are well designed so that they become and remain acceptable and compatible with existing development.

Community Character

A.4.4.1 To ensure that our community continues to function as an authentic, resident-centred community in the face of internal and external pressures to change and grow; to ensure that growth, including the growth of tourism, is managed in a way that does not displace or detract from our community's important function as a home for its residents.

A.4.3.4 To accommodate and direct appropriate development so that its location, appearance and impact are in harmony with the natural environment, community resources, character and existing land uses. To ensure that clustered settlements are well designed so that they become and remain acceptable and compatible with existing development.

B.2.3.1.2 To redirect the island's future pattern of settlement from one of "modest overall density" to one that includes clusters of development interspersed with large areas of open space, protected areas, and resource lands. To guide future development into clusters and towards existing or new villages and hamlets where non-automotive transportation alternatives and appropriate services are available and most efficiently and affordably provided.

B.2.3.1.3 To create future settlement patterns that reduce dependency on private automobiles and encourage other forms of transportation such as walking, cycling and public transit.

B.2.3.1.4 To create future settlement patterns that allow for the efficient and affordable delivery of public services such as road maintenance, utilities, school transportation and emergency response.

B.2.3.1.6 To promote efficient land use with zoning that accommodates mixed or shared uses where appropriate and by encouraging joint use of major community developments.

B.3.1.1.5 To encourage tourism that blends well with the community and complements the rural, peaceful nature of the island, and to avoid the development of tourist attractions that are unrelated to the island's natural environment, social base or cultural heritage.

Appendix 2(a) OCP Objectives SS-RZ-2013.5

C.2.1.1.4 To carefully consider the impacts of additional traffic and increased traffic flow when development choices are being made.

C.2.2.1.2 To preserve the scenic rural character of existing island roads.

Economic Development

A.4.4.1 To ensure that our community continues to function as an authentic, resident-centred community in the face of internal and external pressures to change and grow; to ensure that growth, including the growth of tourism, is managed in a way that does not displace or detract from our community's important function as a home for its residents.

A.4.6.3 To encourage living-wage, meaningful, year-round employment and income-generating opportunities that especially enable young people and families to remain on the island.

B.3.1.1.1 To recognize and welcome the economic value to our community of tourism that is compatible with preserving and protecting the island's natural environment, authentic resident-based sense of community, and the aesthetic values that attract visitors.

B.3.1.1.2 To allow visitor accommodation to develop in a way that will best retain and distribute the resulting economic benefits and reduce any negative impacts; to avoid concentrating benefits and impacts in only a few locations.

B.3.1.1.3 To retain and maximize the economic benefits of tourism to the community.

B.3.1.1.4 To make land use decisions that would encourage tourism in the shoulder and off-seasons and discourage any significant increase in the peak period.

OCP	POLICY	CONSISTENT?	STAFF COMMENT
A.5.2.5	The LTC should not make zoning changes that would result in more development or greater impacts on areas identified as Environmentally Sensitive.	Yes	The area around Bullock Lake has been identified as Environmentally Sensitive wetland. The applicant has proposed a conservation covenant of 30 metres along the shore of the lake. This conservation covenant should establish a baseline inventory of the sensitive ecosystem and restrict the area for conservation. The applicant's submission establishes setbacks based on the built structures so that the development is not "intended to significantly alter the current character of the lake" (p. 25).
A.5.2.9	The LTC will continue to use Development Permit Area designations for protection of the natural environment to protect watersheds used for community surface water supplies or within the capture zone of community water supply wells. Zoning changes should not be made so that more development would be located in these areas. Development permit area guidelines should encourage subdivision layouts that avoid impacts on these areas. Stewardship on the part of property owners and other agencies will also be encouraged.	Yes	The subject properties are in an area designated as an environmental Development Permit Area (DPA 4). The buildings and structures are located outside of the Development Permit Area.
A.5.2.3	The protection of Environmentally Sensitive Areas or High Biodiversity Areas is an eligible community amenity, which could be exchanged for a higher density of development as outlined in Appendix 3.	Yes	The applicant has proposed protection of the environmentally sensitive area with a conservation covenant.
A.6.2.2	The Local Trust Committee will consider the energy efficiency attributes and climate change adaptation and mitigation impacts in all rezoning applications that propose an increase in density or significant change of use.	Yes	The proposal is to install energy efficient appliances and landscaping to improve efficiency (p. 53). The proposal makes use of existing buildings, and proposes to explore green building features in the design of the proposed amenity building. Green design attributes can be secured through legal agreement or covenant with the land owner.
A.6.2.3	Rezoning applications proposing a significant increase in density or significant change of use may be requested to include a calculation of the projected carbon budget, or demonstrate conformity with LEED Neighbourhood Design criteria, or the equivalent.	No	The proposal contains a sustainability statement (p. 53), but does have a carbon budget or commit to LEED or an equivalent rating scheme.
A.6.2.10	The Local Trust Committee will consider energy efficient building design features exceeding the BC Building Code as a community amenity.	~	The applicant has not proposed to exceed the BC Building Code as part of the community amenity.
A.7.2.2	The Local Trust Committee will continue to require applicants for large new commercial, industrial or multifamily developments in village areas to ensure their development does not increase flooding or downslope properties. Such effects will be managed through the Development Permit process or through Land Use Bylaw regulations.	~	The property is within Development Permit Area 2: Non-Village Commercial and Industrial. Further development of the property, including the construction of the "amenity building" proposed in the applicant's submission would require a Development Permit that may include controls to avoid the risk of flooding. The applicant has proposed to have a drainage study commissioned to ensure this policy is met.
B.2.3.2.3	Village containment boundaries for Ganges, Fulford and Channel Ridge Village are identified by the Village Designations on Map 1. The intent of village containment boundaries is to keep village development compact, and prevent 'leap frog' development, reduce the need for additional infrastructure and services, minimize the loss of rural lands, and minimize impacts on sensitive ecosystems and other environmentally sensitive areas. The Local Trust Committee should not approve rezoning applications that would allow large new commercial, institutional or multifamily development outside Village Designations. Exceptions should be made for new village or hamlet applications, for applications to provide affordable housing, for neighbourhood convenience stores and for home based businesses as outlined in Section B.3.2. Expansion or extension of containment boundaries should only be considered where there are no available sites within the containment boundaries. Any such expansion or extension should incorporate land next to an existing boundary, lands which do not contain sensitive ecosystems, lands which do not exhibit geo-technical or other hazards, lands that are along existing transportation routes, and lands which can provide efficient access to potable water and other services.	No	The subject property is not adjacent to the boundary of a Village designation, and includes an identified sensitive ecosystem. This policy clearly conflicts with the intent of the application. The existing built form may influence LTC consideration of this policy.
B.2.5.2.2	Zones within the Rural Neighbourhoods Designation will continue to allow medium density residential development and the other rural uses allowed by existing zoning. Existing commercial and industrial zones will remain, but exceptionally large new commercial or industrial developments should not be allowed in this Designation. Existing zones that allow higher densities, smaller lots and multifamily use will also remain.	No	The subject properties are designated Rural Neighbourhoods. Proposal is to amend this Official Community Plan designation. The existing built form may influence LTC consideration of this policy.
B.3.1.2.7	No additional properties on Salt Spring Island should be zoned for resorts, hotels or motels until the percentage of built units has reached at least 80 per cent of the current (2008) development potential. Future levels of development around lakes and streams should be restricted if there would be negative impacts on the supply or quality of freshwater resources.	No	A preliminary inventory of existing commercial accommodation zones indicates the island has not reached 80% built out.

B.3.1.2.8	<p>To manage the impact of commercial tourist accommodation zones located in residential areas, the Local Trust Committee could consider retaining zoning to:</p> <ul style="list-style-type: none"> a) limit the maximum number of tourist accommodation units in any one operation to 50 units. b) establish an appropriate total floor area for tourist operations and for the accessory uses currently allowed in commercial tourism accommodation zones. c) establish standards for vegetation screening next to residential property. d) establish density and standards for campgrounds. 	Yes	<p>The proposal is for a commercial guest accommodation operation for 50 cottages averaging 105.95 square metres (1,140 square feet), in 37 buildings. The bylaw provisions proposed by the applicant seek floor area and setback regulations that are consistent with the existing built form. A draft bylaw could introduce further regulatory provisions to implement this policy.</p>
B.3.1.2.9	<p>The Local Trust Committee will not consider rezoning applications that would allow the development of large new destination resorts, large convention centres, water slides, theme parks, casinos, and mini golf courses.</p>	Yes	<p>The intent of the project is to draw visitors to the island throughout the year and populate the cottages. The proposed development will also host corporate retreats and small conferences. The Technical Memorandum on the Wastewater System assumes the maximum capacity of the amenity building to be 150 people. While the Economic Impact Study prepared by Grant Thornton and submitted with the application characterises the proposal as a destination resort, "meaning that the development contains, in and of itself, the necessary guest attraction capabilities; for investors and guests [sic]" (p. 16), the scale of the proposal is not considered to be a large new destination resort or large convention centre.</p>
B.3.1.2.10	<p>The development of time-shared resorts will not be supported.</p>	Yes	<p>The proposal is not a time-share as defined by the <i>Real Estate Marketing Development Act</i>. The applicant's submission states that individual units will be strata-titled and separately owned with an opportunity for owners to put the units in a rental pool.</p>
B.6.2.2.16	<p>When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure the availability of water for farming would not be reduced because of a zoning change. If a rezoning application would result in an increase in water use, the Local Trust Committee will ask the Agricultural Advisory Committee for advice about the potential impacts on farming.</p>	Yes, according to the current reports.	<p>Surrounding farms rely on surface water supply from Bullock Lake. The applicant has provided a technical memorandum from Kerr Wood Leidal dated May 1, 2013 concerning water use and a hydrogeological report from Waterline Resources Inc. dated May 14, 2013 confirming water supply. The reports confirm water will be supplied by groundwater and pumping of the wells does not influence lake levels. Staff would recommend a referral to the Agricultural Advisory Planning Commission and the Agricultural Land Commission as the proposal assumes that water usage on a neighbouring ALR parcel will remain unchanged.</p>
B.6.2.2.18	<p>When it considers rezoning applications for land that borders or drains into agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming. For example, the Committee could require that a vegetation buffer be maintained on land that is being rezoned next to farm land, if the proposed use could result in conflicts with a farming operation. The Committee should also ensure that a zoning change would not result in detrimental changes to natural drainage or pollution of water supplies. The Agricultural Advisory Committee will be asked for advice about rezoning applications on land that borders or drains into agricultural land.</p>	~	<p>Staff would recommend a referral to the Agricultural Advisory Planning Commission and the Agricultural Land Commission for further deliberation and guidance on the impact of the proposal on farming.</p> <p>The proposal does not include information about drainage patterns, but the applicant has committed to commissioning a drainage study.</p>
B.6.2.2.20	<p>The Local Trust Committee will use the Development Permit process to ensure that development in higher density areas such as commercial, industrial and multifamily zones remains buffered from agricultural areas, is designed to reduce conflicts with agriculture, and does not result in detrimental impacts due to water pollution or changes in the drainage regime.</p>	N/A	<p>This policy would be implemented through the Development Permit Process. A drainage plan of the properties will inform this process.</p>
B.9.6.2.3	<p>The Local Trust Committee will encourage the joint use of private docks to reduce impacts on the natural and aesthetic environment.</p>	N/A	<p>The existing development has one older dock; the application proposal "does not contemplate more docks or further shoreline development." It should be noted that Bullock Lake is zoned Shoreline 8 which does not permit new docks.</p>
C.2.2.2.5	<p>The construction of walking and bicycle pathways for transportation or recreation is an eligible community amenity, which could be exchanged for a higher density of development as outlined in Appendix 3. If bicycle and walking pathways are constructed in this way, those parts of the bicycle network and walking pathways that provide safe routes to public schools should be identified as high priority, and should be developed in consultation with the Salt Spring Island Transportation Commission, in coordination with Salt Spring Island's overall transportation strategy.</p>	Yes	<p>Dedication of walking and bicycle pathways have been offered as an amenity; staff note the policy requires construction of a pathway. It is recommended the application be referred to the Transportation Commission of the CRD to examine what role the Robinson Road frontage could play for pedestrian improvements.</p>
C.2.2.2.16	<p>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.</p>	~	<p>This proposal is not on the transit routes identified on Map 5 of the OCP. The CRD Transportation Commission would be referred the application for input. The Local Trust Committee could request a shuttle service be established in the operation of the resort to promote non-automotive tourism to the resort.</p>

C.3.3.2.2	<p><i>When considering rezoning applications, the Local Trust Committee should consider the impacts of the proposed new use on existing wells, springs, or other water supplies. If the proposed use is expected to need more water than the uses already allowed on the property, then the Committee should ask for evidence that wells or other water supplies in the neighbourhood would not be depleted. The Committee should also consider whether water use would affect agricultural activities or deplete any springs necessary to maintain fish habitat. Should a zoning change be proposed where groundwater supplies are not adequate, the applicant could be encouraged to find other means of supplying water. Rainwater catchment or a water conservation program could be considered.</i></p>	Yes, according to current information.	<p>The applicant has provided a technical memorandum from Kerr Wood Leidal dated May 1, 2013 concerning water use and a hydrogeological report from Waterline Resources Inc. dated May 14, 2013 confirming water supply. The water supply infrastructure exists on the site and has been granted water source approval and operating permits from Island Health. The applicant conducted a 6 month monitoring program on adjacent wells to gain a clear understanding of the hydrogeology of the area. It was found that there is a hydrogeological connection between Cedar Lane Water District and the site, but the study concluded that the property can supply the necessary water under the proposed management program. It should be noted that the report's projected water demands are considerably less than the standards set by Salt Spring Island Land Use Bylaw 355 and by the Capital Regional District Building Bylaw. These water reports could be peer reviewed to confirm the viability of the assumptions within them.</p> <p>The report's assumptions are based on current estimates of demand, using modern appliances. The applicant proposes a water conservation program to influence behavior of guests and reduce water consumption. A water storage tank is also proposed to supply the resort with water in the dry season and not draw from the aquifer during drought months. This conservation program and offer of a water supply tank should be confirmed by legal agreement.</p>
C.4.2.2.8	<p><i>The Local Trust Committee should not make zoning changes that would result in a type of waste entering either an on-site disposal system or a community sewer system that could degrade downstream treatment processes. The Local Trust Committee acknowledges that the quality of end products such as compost produced from liquid waste treatment or processing depends on the nature of the materials that are disposed of and enter the waste stream. Rezoning applications for non-residential uses should be referred to the Capital Regional District for advice on this topic.</i></p>	Yes	<p>There is an existing secondary treatment sewage disposal system, approved under a Discharge Permit from the Ministry of Environment. Confirmation of the permit's conditions is proposed to be provided to the Ministry of Environment prior to occupancy. There is a wastewater report prepared by Kerr Wood Leidal Associates Ltd. dated May 1, 2013, and submitted with the proposal. Community consultation has revealed concerns that increases in phosphorus entering the lake ecosystem threaten lake water quality. The application states "that earlier studies also conclude that given the projected discharge rate, and the quality of the treatment plant, the amount of nitrogen and phosphorus discharged by the system will result in immeasurable increases of these compounds in Bullock Lake" (p. 48). Nevertheless, the owner is undertaking additional efforts to further investigate the potential for phosphorous discharge from the treatment plant under existing permitting.</p> <p>In accordance with the policy, the CRD will be referred the application for advice on this topic.</p>
C.4.2.3.1	<p><i>When the Local Trust Committee receives rezoning applications for land without community sewer service, it should ask for evidence that the expected amount of sewage can be treated on site and effluent disposed of on-site without it reaching the surface of the land, discharging into a body of water, or contaminating a supply of potable water.</i></p>	Yes	<p>The applicant has provided a technical memorandum prepared by Kerr Wood Leidal and dated May 1, 2013 concerning wastewater treatment for the existing 50 units and proposed amenity building.</p>

Appendix 2(c)

Amenity Zoning: Extracts from the Salt Spring Island Official Community Plan

Amenity Zoning

Amenity zoning is the granting of additional development potential by the Local Trust Committee in exchange for the voluntary provision of a community amenity by the land owner. Any amenity rezoning should advance the Object of the Islands Trust and the goals and objectives of this OCP, and should be consistent with the following guidelines. Amenity rezoning may be considered on a case-by-case basis, upon application for rezoning. The approval of an amenity rezoning should be conditional on compliance with the following policy guidelines. These guidelines do not re-determine a favourable outcome for any particular application.

Guidelines for Amenity Zoning Applications

H.3.1.1 Where appropriate, applications for amenity zoning should propose a density level that does not exceed the target density levels outlined in this Plan for the applicable Land Use Designation. For example, an application in the Rural Neighbourhoods Designation should propose a density level no greater than 1 lot per 1.2 ha, as outlined in the policies for that Designation (See Policy B.2.5.2.3).

H.3.1.2 Applications for amenity zoning should propose that one of the eligible community amenities listed in Section H.3.2 will be provided in exchange for the higher density level being requested.

H.3.1.3 Increased density may take the form of additional lots or additional dwelling units. The Local Trust Committee should ensure the total number of additional dwelling units allowed in exchange for community amenities on Salt Spring Island does not exceed 40. This maximum number of total additional dwelling units should be reviewed each time that the OCP is reviewed.

H.3.1.4 It is intended that applications should be for relatively modest increases in density, consequently the Local Trust Committee should not consider applications in which more than 10 additional dwelling units are proposed in exchange for any one community amenity.

H.3.1.5 Amenity Zoning Applications should be consistent with other policies of this Plan.

H.3.1.6 Prior to approving any amenity zoning application, the Local Trust Committee should give consideration to the appropriateness of the land for the increased density. The following factors should be considered where relevant:

- a) environmental values are identified prior to site clearing and design.
- b) development is located away from areas with high environmental values, and natural buffers are placed between the development site and sensitive features.
- c) development is concentrated in areas with lower environmental values.
- d) site plans protect biodiversity, clean air, and clean water.
- e) development is located away from areas that may be subject to erosion, flooding, wildfires, and wildlife conflicts.
- f) the impacts of roads are minimized and development is located in proximity to and accessible to existing services, constructed roads, and transit, and the development should have the potential to contribute to reducing community dependence of travel by automobile
- g) the fragmentation of habitat is minimized.
- h) potable water quality is maintained and an adequate supply is available to support the permitted level of development.
- i) air quality is maintained and energy efficient design and climate change mitigation and adaption are considered.
- j) energy- and water-efficient development is designed to conserve natural resources.

Appendix 2(c)

Amenity Zoning: Extracts from the Salt Spring Island Official Community Plan

- k) development minimizes waste, and manages waste in an environmentally sound manner.
- l) that the development would not compromise archaeology sites or significant or outstanding landscape features.
- m) that the development would be located away from community well capture zones.

The Local Trust Committee should request that the applicant provide reports and other information satisfying concerns that the Local Trust Committee considers relevant, including provision of a site plan that shows how additional lots, building sites and accesses will be designed to minimize negative impacts. The Local Trust Committee may consider the use of site-specific zoning, covenants, designation of development permit areas, or a combination of tools to implement these criteria.

Eligible Community Amenities

H.3.2.1 The Local Trust Committee could consider Amenity Zoning applications that would provide the following eligible community amenities:

- a) the dedication of intact Environmentally Sensitive Areas to a public or private conservation body, or protection through conservation covenant.**
- b) land for, or construction of, affordable or special needs housing.
- c) the dedication of public park and recreation lands, or of funds to be held in trust for their purchase, to the Capital Regional District.
- d) land that is acceptable to the Salt Spring Fire District for the location of a fire station, if provided to the District at no charge and it results in public ownership of the Ganges Firehall site.
- e) land for community-owned farmland or land for community agricultural processing or storage facilities provided to the Salt Spring Farmers' Institute or a community farmland trust organization.
- f) the provision and construction of bicycle lanes, pedestrian and bicycle pathways or trails that add to or support links in the island trail network.**
- g) the dedication of alignment and construction of a Ganges Alternate Route.
- h) protection, restoration and designation of heritage property.
- i) suitable, productive forest land donated to a community organization for the operation of a community owned and managed woodlot.
- j) implementation of energy efficient building design criteria that exceeds that required by the B.C. Building Code or other regulations.**
- k) land or facilities for community cultural or recreational purposes.**
- l) the permanent formal protection of an archaeological site or other site of significance to First Nations peoples.

H.3.2.2 The Local Trust Committee could consider applications that would provide either a maintenance annuity or funds in trust for the purchase or development of all or part of an eligible community amenity.

Guidelines for Amenity and Density Valuation

H.3.3.1 The appraised dollar value of the community amenity provided should not be less than 75% of the increase in the value of the land attributable to the rezoning. The increase in the land value should

Appendix 2(c)

Amenity Zoning: Extracts from the Salt Spring Island Official Community Plan

be calculated as the gross difference between the appraised value of the land before and after the rezoning. Costs associated with the rezoning application, site preparation costs, and profit should not be deducted from the calculation of the increase in the value of the land.

H.3.3.2 The appraised value of both the proposed community amenity and of the increased density should be determined by means of a report provided by an independent professional appraiser, or other independent qualified professional, selected by and reporting to the Local Trust Committee. The cost of the valuation analysis should be borne by the applicant through the mechanism of a cost recovery agreement. Where valuation of the proposed amenity or of the proposed increase in land value are complex or there may be extraordinary costs, the Local Trust Committee may request that the applicant disclose financial information related to the proposal to the appraiser or to Island Trust staff and the appraiser or Islands Trust staff may enter into an agreement not to disclose confidential information.

H.3.3.3 Where the proposed community amenity includes areas of land and valuation of the amenity is difficult or impractical, the Local Trust Committee may consider an alternative to undertaking financial appraisal of the value of the amenity. In such instances, the Local Trust Committee may consider permitting a maximum of one additional parcel or one additional dwelling unit for each parcel of dedicated land that is equal to the base minimum average parcel size for the Land Use Designation where it is located. For example, if land in the Uplands Designation is dedicated, a maximum of one density could be exchanged for each 8 ha dedicated or protected.