

AGENDA

SALT SPRING ISLAND AGRICULTURAL ADVISORY PLANNING COMMISSION

Date: Thursday, October 21, 2021
Time: 3:00 PM
Location: Salt Spring Island Baptist Church - Lower Hall, 520 Lower Ganges Road

1. AGENDA

1.1 Approval of Agenda

2. MINUTES OF PREVIOUS MEETINGS

Please propose amendments to the draft minutes as worded resolutions in writing to be presented at the meeting.

2.1 Draft Minutes of the Sep 16, 2021 AAPC Meeting – *For Adoption*

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3. BUSINESS ITEMS

3.1 SS-ALR-2021.3 - S. Antonik - 427 Fulford-Ganges Road, SSI
Staff Memorandum

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3.1 SS-ALR-2020.4 – D. Miller – 2101 Fulford-Ganges Road, SSI
Staff Memorandum

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4. OTHER BUSINESS

4.1 Ex-officio member for the APC

5. ADJOURNMENT



Salt Spring Island Agricultural Advisory Planning Commission

Minutes of a Regular Meeting

Date of Meeting: Thursday, September 16, 2021

Location: Electronic Meeting

Members Present: Bree Eagle, Chair
Ken Byron, Commissioner
Conrad Pilon, Commissioner
Nathan Roberson, Commissioner
Jan Steinman, Commissioner

Regrets: Brent Brochu-Ingram, Vice Chair

Absent: Zack Hemstreet, Commissioner

Staff Present: Geordie Gordon, Planner 2
Kristine Mayes, Planner 1
Sarah Shugar, Recorder

Media and Others Present: Peter Grove, Local Trustee
Laura Patrick, Local Trustee
Reed Bailey, Ministry of Agriculture (MoA)
Doug Pepper, Ministry of Agriculture (MoA)

These minutes follow the order of the agenda although the sequence may have varied.

Chair Eagle called the meeting to order at 3:00 p.m.

1. APPROVAL OF AGENDA

By general consent the agenda was adopted.

2. MINUTES OF PREVIOUS MEETING

2.1 Draft Minutes of the August 12, 2021 AAPC Meeting

By general consent, the minutes of the August 12, 2021 Salt Spring Island Agricultural Advisory Planning Commission meeting were adopted.

3. BUSINESS ITEMS

3.1 Changes to Residential Permissions in the Agricultural Land Reserve

Planner Gordon and Planner Mayes presented a memorandum dated September 1, 2021 regarding forthcoming Agricultural Land Commission (ALC) changes to residential permissions in the Agricultural Land Reserve (ALR).

In discussion the following comments and questions were noted:

- There was a question regarding whether draft Bylaw No. 526 is in line with the Provincial regulations. Planner Gordon reported draft Bylaw No. 526 is intended to bring the Salt Spring Island Land Use Bylaw into conformity with forthcoming ALC changes to residential permissions in the ALR.
- Reed Bailey, MoA Representative asked whether staff considered less than the maximum permissions that the ALC will allow. Planner Gordon reported 90 square metres is in line with other additional residences that have been permitted such as in Bylaw No. 512, a bylaw that expanded permissions for full-time rental cottages.
- There was a comment that the AAPC has been advocating for housing on farmland for a long time and that the AAPC should support the new Provincial regulations.
- Reed Bailey advised that Local Governments are not required to change bylaws to be the same as the new Provincial regulations.
- There was a concern that the increased housing permitted in the new Provincial regulations does not need to be used for farm use and that the AAPC has been advocating for housing for farmworkers.
- There was a comment that the new Provincial regulations permit general housing and a developer could build condominiums on farmland.
- Concern was expressed that the new regulations are being imposed on local governments. Planner Gordon reported local governments could be more restrictive than the ALC permissions. Reed Bailey reported that local governments have authority over residential uses on the ALR within their community, within the bounds of the Agricultural Act.
- Support was expressed for housing to be for the use of the farm.
- There was a question regarding if staff could comment regarding enforcement of housing for farm use. Planner Gordon reported that statutory declarations and/or covenants may be required as enforcement mechanisms.
- There was a comment that requiring farm tax status would be a good mechanism to ensure that at least \$2,500 of farm product is being produced.
- There was a comment that the Salt Spring Island Area Farm Plan recommended that a property would need to have farm tax status to be permitted to have additional housing.
- There was a comment that siting is an important consideration for additional housing on farmland.
- There was a concern that the Provincial regulations reduce the number of permitted campsites on farmland.
- There was a comment regarding farmworker housing on non-ALR properties. Planner Mayes reported the Salt Spring Island Local Trust Committee has directed staff to report on options to amend Section 3.17 of Salt Spring Island Land Use Bylaw No. 355 to utilize subdivision potential for farmworker or long-term housing

- There was a question regarding campsite regulations within the ALR and support was expressed for assurance that farmers will be able to allow camping to supply housing for farmworkers.

It was MOVED and SECONDED,

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that draft Bylaw No. 526 proceed, subject to the following recommendations:

- a. remove Item d) a full-time rental cottage subject to Section 3.15;
- b. remove Item f) on a lot greater than 40 hectares in area, a dwelling unit not exceeding 186 square metres in floor area;
- c. include a recommendation that the campground limitation does not apply to bona fide farmworkers.

CARRIED

4. OTHER BUSINESS - none

5. ADJOURNMENT

By general consent the meeting adjourned at 3:54 p.m.

Bree Eagle, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



DATE OF MEETING: October 21, 2021
TO: Salt Spring Island Agricultural Advisory Planning Commission
FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
SUBJECT: Referral: Non farm use application to permit General Employment uses
(427 Fulford Ganges Rd.)

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has referred the above noted non-farm use application to the Agricultural Advisory Planning Commission (AAPC) for comment.

BACKGROUND

At the SS LTC meeting of October 5, 2021, the LTC passed the following resolution:

SS-2021-193

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.3 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:

- a. Existing and future agricultural use and/or potential of the subject property;
- b. The zoning of the property and intended use;
- c. Whether the LTC should support the non-farm use application.

CARRIED

The preliminary staff report including site context, photos and ALC application is attached as Appendix 1.

NEXT STEPS

Once the AAPC has deliberated on the non-farm use application, the following draft resolutions have been provided for consideration:

1. If the AAPC wishes to recommend supporting the non-farm use application:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that Salt Spring Island Local Trust Committee forward application SS-ALR-2021.3 to the Agricultural Land Commission with support for the following reasons:

- *[list reasons]*

2. If the AAPC wishes to recommend proceeding with the subject to conditions:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that Salt Spring Island Local Trust Committee forward application SS-ALR-2021.3 to the Agricultural Land Commission with support subject to the following recommendations:

- *[list recommendations]*

3. If the AAPC wishes to recommend not proceeding with the bylaw:

That the Salt Spring Island Agricultural Advisory Planning Commission recommends that Salt Spring Island Local Trust Committee not forward application SS-ALR-2021.3 to the Agricultural Land Commission with support for the following reasons:

- *[list reasons]*

Submitted By:	Geordie Gordon, Planner 2	October 7, 2021
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ATTACHMENTS

1. Staff Report from the October 5, 2021 Meeting Agenda Package

DATE OF MEETING: October 5, 2021

TO: Salt Spring Island Local Trust Committee

FROM: Geordie Gordon, Planner 2
Local Planning Services

COPY: Stefan Cermak, Regional Planning Manager

SUBJECT: Non-farm use application to permit all General Employment 2 uses on a property within the ALR.
Applicant: Scott Antonik
Location: 427 Fulford Ganges Rd.

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee refer application SS-ALR-2021.3 to the Agricultural Advisory Planning Commission for comment on the application generally as well as specifically on the following aspects:
 - a. Existing and future agricultural use and/or potential of the subject property;
 - b. The zoning of the property and intended use;
 - c. Whether the LTC should support the non-farm use application.

REPORT SUMMARY

This report brings forward a Non-Farm Use Application that has been made to the Agricultural Land Commission (ALC) to allow the full range of General Employment uses on a property within the Agricultural Land Reserve (ALR) that are already permitted by Islands Trust zoning but not permitted by the ALC regulation. While the zoning already allows the uses being sought, staff recommend referral to the Agricultural Advisory Planning Commission (AAPC) for comment on whether the Salt Spring Island Local Trust Committee (SS LTC) should forward the application to the ALC with support.

BACKGROUND

The application is proceeding as the new owner (no sale data on [BC Assessment](#) as of this report) of the subject property is seeking ALC permission for a wider range of industrial uses than currently permitted. The subject property has been included in a number of planning applications, mostly related to the ALR exclusion, subdivision, rezoning, and development permit of an adjacent property at 201-225 Beddis Rd (now primarily the Windsor Plywood storage yard and Salt Spring Island Farmland Trust Society "the Root" property).

While the subject property is within the ALR, a previous owner obtained permission from the ALC in the late 1980's and early 1990's for subdivision to create the 0.6 hectare lot and use the property for automotive repair and a welding shop.

The new owner would like to establish additional General Employment uses, such as a contractor's shop (specifically for a plumbing business.)

The subject property has long been identified for industrial use in iterations of land use bylaws on Salt Spring Island, starting with CRD Bylaw No. 66 in 1971 which identified it as Industrial 4 (I4). Most recently the zoning was updated to General Employment 2 (GE2) with Bylaw No. 489 (2020).

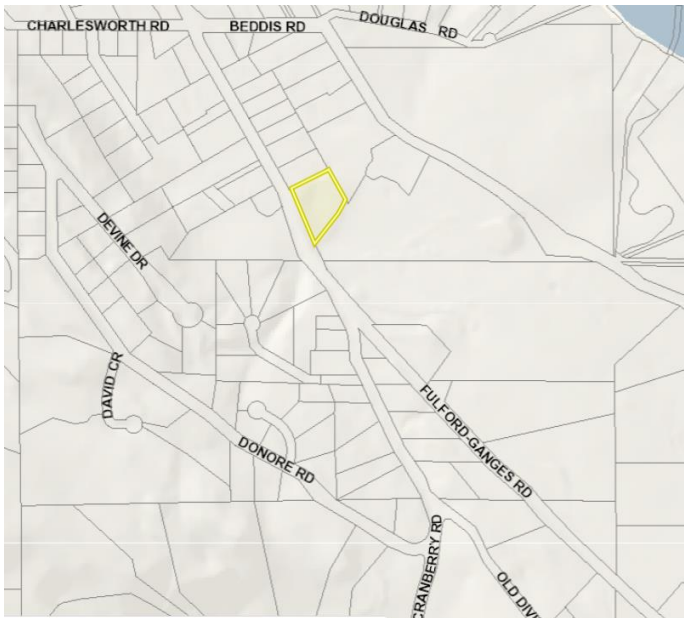


Figure 1: Location of subject property.



Figure 2: Ortho photo of subject property (2017 data).

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject property is designated as General Employment and Commercial Services (GE) in the [Salt Spring Island Official Community Plan Bylaw No. 434](#).

There are a number of General Employment policies applicable to this applicant (see Appendix 2 for a review of OCP policies). Official Community Plan policies are supportive of the continued use of the subject property for General Employment uses.

The following Agricultural policies are relevant to this proposal:

- B.6.2.2.1 The Local Trust Committee should maintain an Agricultural Advisory Committee to:
- provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission.
 - help in developing and interpreting local policies about farming.
 - identify other ways that the Local Trust Committee can encourage and support farming in the community.

- B.6.2.2.16 The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories:
- the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property.
 - the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7.
 - in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of existing non-ALR farmland into the ALR.
 - the non-farm use or exclusion of property for essential community services, if the location of the service is limited by engineering constraints, or by strategic considerations such as those that determine the best location for an emergency response station, and the proponent has demonstrated that there is no suitable alternate, non-ALR property

The subject property is also contained within Development Permit Area 2 – Non Village Commercial and Industrial. Future development of the site will likely require a Development Permit.

Land Use Bylaw:

The subject property is zoned General Employment 2 (GE2) under [Salt Spring Island Land Use Bylaw No. 355](#), which permits the following uses:

	GE2
Principal Uses, Buildings and Structures	
<i>Agriculture</i>	◆
Boat <i>building</i> , servicing and repairs	◆
Car wash	◆
Car wash <i>accessory</i> to vehicle and equipment sales, rental and repair	◆
Collection of recyclable materials, excluding <i>outdoor</i> sorting and storage	◆
<i>Commercial composting facility</i>	◆
<i>Contractor's shop</i>	◆
<i>Creative industry</i>	◆
<i>Farm-related light industry</i>	◆
Food processing, including off-farm storage and processing	◆
<i>Funeral homes</i>	◆
<i>Indoor storage</i>	◆
<i>Light industry</i>	◆
<i>Public service uses</i>	◆
<i>Public utility uses</i>	◆
Rental, repair, sales, and <i>service</i> of equipment, machinery, boats, and vehicles	◆
Sales of <i>building</i> supplies, appliances and furniture, including <i>outdoor</i> sales and storage	◆
Veterinarian clinics and animal hospitals	◆

	GE2
<i>Wholesale sales</i>	◆
<i>Abattoir</i>	◆
Cement factory	
Heavy equipment rental, sales, and <i>service</i>	◆
Storage of goods and vehicles, with the exception of <i>outdoor</i> storage of derelict vehicles or equipment, or waste materials	◆
Accessory Uses	
<i>Retail sales accessory to a permitted principal use</i>	◆
<i>One dwelling unit accessory to a permitted principal use</i>	◆
<i>Office use accessory to a permitted principal use</i>	◆

The applicant is seeking ALC permission to carry out all the uses permitted under the GE2 zoning.

Agricultural Land Reserve:

The Agricultural Land Commission [Act Agricultural Land Reserve Use Regulation](#) specifies what Farm and Non-Farm Uses may be carried out on ALR land. The uses permitted on the subject property under Land Use Bylaw No. 355 are not permitted on ALR land. Correspondence with ALC staff indicates that any non-farm use not explicitly permitted on the subject property by the ALC (in this case, other than automotive repair and a welding shop) requires a non-farm use application.

The following section of the [Agricultural Land Commission Act](#) is relevant to this proposal:

Conflict with bylaws

- 46 (1) In this section, "bylaw" means
- (a) a bylaw, made by a local government, that adopts a regional growth strategy, an official settlement plan, an official community plan, an official development plan or a zoning bylaw,
 - (b) any other bylaw respecting land use in a local government's jurisdiction made by a local government under any other enactment, and
 - (c) a law of a first nation government respecting land use within the first nation's settlement lands.
- (4) A local government bylaw or a first nation government law that is inconsistent with this Act, the regulations or an order of the commission has, to the extent of the inconsistency, no force or effect.

Issues and Opportunities

ALC Non-farm Use

The ALC restricts the uses that may be carried out on ALR land. There may be instances of incongruity between what is permitted by local zoning and that which is permitted by the ALC. In those instances, the ALC legislation is paramount. In order to carry out the range of General Employment uses that have long been permitted by the land use bylaw and the Official Community Plan on the subject property, ALC approval is required.

General Employment Uses

Land zoned for General Employment uses is in limited supply on Salt Spring Island.

The SS LTC Industrial Land Uses Project concluded last year with the adoption of Bylaw Nos. 488, 489 and 490. This project aimed to “encourage socio-economic diversity, and to enhance economic sustainability and security on Salt Spring Island, by seeking to meet the needs for commercial industrial lands for the next 25 years.”

While somewhat out of date, the project was guided by an industrial land needs assessment prepared by Urbanics Consultants, completed in August of 2013. The assessment found that in order to accommodate the forecasted employment growth through 2036, Salt Spring Island would need to add an average of 0.67 acres of industrial zoned-land per year. The assessment also found, in general, the inventory of industrial-zoned land was insufficient to accommodate current or forecasted demand. The assessment found that the greatest challenge is faced by General Employment operations seeking to expand operations due to a lack of suitable spaces.

If the full range of General Employment uses is not permitted by the ALC on the subject property, it would represent a loss of General Employment capacity for Salt Spring.

Agricultural Uses

The agricultural value and potential of the subject property is likely low, given the historical industrial use as well as the fill that appears to have been deposited at various points in time. However, no professional assessment of the agricultural potential has been submitted in support of the application. If the SS LTC determines that this is necessary, an alternative recommendation is provided.

Consultation

Agricultural Land Commission applications are not subject to public notification or consultation; none has been undertaken. At time of this report, staff have not received any correspondence, but comments may be sent to ssiinfo@islandstrust.bc.ca

Protocols

No Islands Trust, [Islands Trust Conservancy](#) or Local Trust Committee agreements have been deemed relevant to this proposal.

Agencies

No agency referrals have been deemed necessary.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

While the subject property is already zoned and designated for the non-farm use sought, SS LTC policy is to refer non-farm use applications to the AAPC for comment.

Alternatives

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

1. Request further information

The SS LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are increased processing time and potentially increased cost to the applicant. If selecting this alternative, the SS LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust an assessment report, completed by a professional agrologist, which identifies the agricultural potential of the subject property.

2. Forward the application to the ALC

The SS LTC may choose to approve the application and forward it to the ALC with support. Staff advise that the implication of this alternative is that the applicant will be permitted to carry out the range of General Employment uses if approved by the ALC. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee request staff to forward application SS-ALR-2021.3 to the Agricultural Land Commission with support for the following reasons:

- (a) The subject property is zoned for General Employment use under Salt Spring Island Land Use Bylaw No. 355;*
- (b) The subject property is designated for General Employment use in Salt Spring Island Official Community Plan Bylaw No. 434;*
- (c) The subject property has a history of industrial uses;*
- (d) The subject property has limited potential for agriculture.*

3. Deny the application

The SS LTC may deny the application. Staff advise that the implications of this alternative are that the applicant will not be permitted to carry out the range of uses permitted by the current zoning. If this alternative is selected, the SS LTC should state the reasons for denial. Recommended wording for the resolution is as follows:

That the Salt Spring Island Local Trust Committee deny application SS-ALR-2021.3 for the following reasons [insert reasons, e.g. the proposed uses would impact the agricultural capacity of the subject property].

NEXT STEPS

If the SS LTC accepts staff's recommendation, the application will be referred to the AAPC at their next meeting, tentatively scheduled for October 21, 2021.

Submitted By:	Geordie Gordon, Planner 2	September 21, 2021
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Concurrence:	Stefan Cermak, Regional Planning Manager	September 21, 2021
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ATTACHMENTS

1. Site Context
2. OCP Policies
3. Site Photographs
4. ALR Application

ATTACHMENT #1 – SITE CONTEXT

LOCATION

Legal Description	LOT A SECTION 18 NORTH SALT SPRING ISLAND RANGE 4 E COWICHAN DISTRICT PLAN VIP60214
PID	023-004-614
Civic Address	427 FULFORD-GANGES RD SALT SPRING ISLAND BC V8K 2K1

LAND USE

Current Land Use	Welding shop, automotive repair, vehicle storage
Surrounding Land Use	North: Agriculture, residential South: Residential East: General Employment land – lumber yard West: Residential

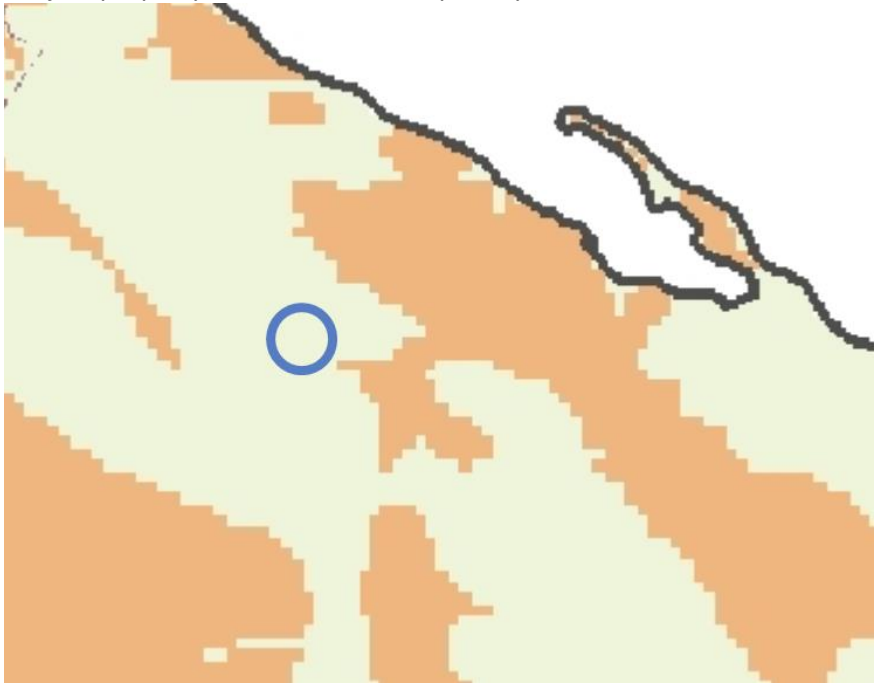
HISTORICAL ACTIVITY

File No.	Purpose
SS-ALR-1987.20	No data on file
SS-ALR-1992.12	Subdivision of subject property and permission for use as a welding shop
SS-ALR-2005.4	Exclusion application for adjacent GE2 parcel at 201 Beddis (approved)
SS-DP-2011.5	DPA2 for a new 3250 sq.ft. building supply center with outside storage, a farm food distr. centre, new building for SSI Farmland Trust 201 Beddis Rd (approved)
SS-RZ-2008.3	Rezone to permit building supply centre, lumber yard, and agricultural distribution centre 201 Beddis Road (approved).
SS-SUB-1993.34	No data on file
SS-SUB-2011.1	Subdivision, rezoning and ALR land exclusion at 201 Beddis Rd. (approved)
SS-TUP-1999.3	To permit the transfer of solid waste and recyclable materials from two waste collection trucks (permit expired 2000).

POLICY/REGULATORY

Official Community Plan Designations	General Employment & Commercial Services (GE) Development Permit Area 2 – Non Village Commercial and Industrial
Land Use Bylaw	General Employment 2 (GE2).
Other Regulations	The subject property is within the Agricultural Land Reserve (ALR)
Covenants	EH151111 – Geotechnical Covenant EH151115 – Easement J31948 – Easement
Bylaw Enforcement	SS-BE-2008.2 – land use. Closed in 2014.

SITE INFLUENCES

Islands Trust Conservancy	No referral requirement identified
Regional Conservation Strategy	Subject property is identified as low priority in the RCS: 
Species at Risk	None mapped
Sensitive Ecosystems	None mapped
Hazard Areas	Areas of low and moderate risk on subject property: 

Archaeological Sites	No areas of concern identified. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Exact use of site unknown, increase in GHG resulting from future use unknown. Site not impacted by sea level rise.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

ATTACHMENT #2– OCP POLICIES

SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 434

	OCP Objective/Policy	Complies	Planner Comments
B.3.3.1.1	To provide an adequate amount of land zoned for general employment use that is affordable, appropriately services and well located to accommodate local economic development.	yes	Proposal to allow full range of uses already permitted by Land Use Bylaw.
B.3.3.1.2	To accommodate additional commercial and <i>general employment</i> land uses where there is a community need, with a preference for those with a low demand for transportation and energy infrastructure requirements. To carefully consider the addition of other clustered sites for <i>general employment</i> operations, to keep needed businesses on the island or to attract needed businesses onto the island.	yes	Not a new location of GE uses, compatible with access/infrastructure requirements.
B.3.3.1.3	To ensure that <i>general employment</i> uses are located in a way that reduces impacts on neighbouring properties and the natural environment.	yes	Not a new location of GE uses.
B.3.3.1.4	To avoid the location of large scale, <i>heavy industry</i> on Salt Spring Island	yes	Proposal would all General Employment 2 uses already permitted by the LUB.
B.3.3.2.2	Zones within the General Employment and Commercial Services Designation will continue to allow a variety of general employment and commercial uses.	yes	Proposal to allow continuation of General Employment uses already permitted by zoning.

ATTACHMENT #3 – SITE PHOTOGRAPHS



Panorama of subject property from south-east





View to adjacent lumber yard.



Property line (south east)

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63736

Application Status: Under LG Review

Applicant: Fulford-Ganges Holdings LTD

Agent: Fulford-Ganges Holdings LTD

Local Government: Islands Trust Regional District

Local Government Date of Receipt: 08/25/2021

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: The purpose of the proposal is to support the local zoning GE2 (industrial) in all the zoning's allowable uses, without reapplying to the ALC for each non farm use allowed in the GE2 zoning, which include:

Agriculture

Boat building, servicing and repairs

Car wash

Car wash accessory to vehicle and equipment sales, rental and repair

Collection of recyclable materials, excluding outdoor sorting and storage

Commercial composting facility

Contractors shop

Creative industry

Farm-related light industry

Food processing, including off-farm storage and processing

Funeral homes

Indoor storage

Light industry

Public service uses

Public utility uses

Rental, repair, sales, and service of equipment, machinery, boats, and vehicles

Sales of building supplies, appliances and furniture, including outdoor sales and storage

Veterinarian clinics and animal hospitals

Wholesale sales

Abattoir

Heavy equipment rental, sales, and service

Storage of goods and vehicles, with the exception of outdoor storage of derelict vehicles or equipment, or waste materials.

ACCESSORY USES

Retail sales accessory to a permitted principal use

One dwelling unit accessory to a permitted principal use

Office use accessory to a permitted principal use.

LOT COVERAGES AND FLOOR AREA

Maximum combined lot coverage of all buildings and structures 66% of lot size
Maximum floor area of accessory dwelling units 185 square meters.

Agent Information

Agent: Fulford-Ganges Holdings LTD

Mailing Address:

305 Canvasback Place
Salt Spring Island , BC
V8K 2W5
Canada

Primary Phone: (250) 537-6358

Email: s.antonik@hotmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 023-004-614

Legal Description: LOT A SECTION 18 NORTH SALT SPRING ISLAND RANGE 4 E
COWICHAN DISTRICT PLAN VIP60214

Parcel Area: 0.6 ha

Civic Address: 427 Fulford Ganges Rd

Date of Purchase: 08/05/2021

Farm Classification: Yes

Owners

1. **Name:** Fulford-Ganges Holdings LTD

Address:

305 Canvasback Place
Salt Spring Island , BC
V8K 2W5
Canada

Phone: (250) 537-6358

Email: s.antonik@hotmail.com

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

None

2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**

None

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Before ALC's inception this land was part of a larger parcel used for a sawmill and zoned as such. The land was subdivided and a .6 ha lot resulted. This .6 ha parcel is the land referred to for this application. It has never been used for agricultural purposes. It has been used as a welding shop and automotive, tire, and equipment repair shop.

In 1995 the land was cut and filled with off site soil. The purpose was to obtain level ground for a welding shop and parking. From 1997 - July 2021 the property was operating as a repair shop. Those are the only uses this land has had since it was subdivided.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Single family dwelling.

East

Land Use Type: Industrial

Specify Activity: Automotive repair and rental housing

South

Land Use Type: Industrial

Specify Activity: Lumber storage facility

West

Land Use Type: Residential

Specify Activity: Highway and residential

Proposal

1. How many hectares are proposed for non-farm use?

0.6 ha

2. What is the purpose of the proposal?

The purpose of the proposal is to support the local zoning GE2 (industrial) in all the zoning's allowable uses, without reapplying to the ALC for each non farm use allowed in the GE2 zoning, which include:

Agriculture

Boat building, servicing and repairs

Car wash

*Car wash accessory to vehicle and equipment sales,
rental and repair*

*Collection of recyclable materials, excluding
outdoor sorting and storage*

Commercial composting facility

Contractors shop

Creative industry

Farm-related light industry

*Food processing, including off-farm storage and
processing*

Funeral homes

Indoor storage
Light industry
Public service uses
Public utility uses
Rental, repair, sales, and service of equipment, machinery, boats, and vehicles
Sales of building supplies, appliances and furniture, including outdoor sales and storage
Veterinarian clinics and animal hospitals
Wholesale sales
Abattoir
Heavy equipment rental, sales, and service
Storage of goods and vehicles, with the exception of outdoor storage of derelict vehicles or equipment, or waste materials.

ACCESSORY USES

Retail sales accessory to a permitted principal use
One dwelling unit accessory to a permitted principal use
Office use accessory to a permitted principal use.

LOT COVERAGES AND FLOOR AREA

Maximum combined lot coverage of all buildings and structures 66% of lot size
Maximum floor area of accessory dwelling units 185 square meters.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

- *There is a severe shortage of GE2 zoned property and nothing suitable is available for sale.*
- *The subject land was zoned Industrial 5 before ALC inception and later, was filled and levelled with clay and rock removed from the construction site of new high school.*
- *Subsequently, the land became inappropriate for any form of direct agriculture.*
- *The property has been used for industrial purposes (sawmill and mechanical repairs) for more than 26 years.*

4. Does the proposal support agriculture in the short or long term? Please explain.

- *The proposed use of this property is to accommodate specialized business activities for local, commercial entrepreneurs and trades that provide technical and other material support to home-based businesses, farmers, and other community services. Examples include the warehousing of supplies and servicing of equipment for plumbing, irrigation, fire suppression, hydraulic, and well-water pumping equipment used in island households, businesses, farms, and community support/emergency services.*
- *The vision in this proposal certainly recognizes that the traditional and iconic nature of agriculture on Salt Spring Island could become more resilient in serving the local community if additional space and technical expertise were made available from an island based, centrally located, hub for small business organizations.*

· *Facilitating this vision will help reverse the decline in locally owned technical support activities and will provide a base for inspiring, training and retaining young, interested workers, enhance the community tax base, and encourage the consumption of locally farmed products.*

· *Approval of this proposal will, directly and indirectly, help ensure the viability of the island agriculture community.*

5. Do you need to import any fill to construct or conduct the proposed Non-farm use?

No

Applicant Attachments

- Agent Agreement-Fulford-Ganges Holdings LTD
- Site Photo-Photographs of property
- Proposal Sketch-63736
- Certificate of Title-023-004-614

ALC Attachments

None.

Decisions

None.



DATE OF MEETING: October 21, 2021
TO: Salt Spring Island Agriculture Advisory Planning Commission
FROM: Kristine Mayes, Planner 1, Salt Spring Island Team
SUBJECT: Application for Non-Farm Use and Subdivision in the Agricultural Land Reserve

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has re-referred application SS-ALR-2020.4 following receipt of a farm plan and amended site plan (reducing the common property access road) to the Agricultural Advisory Planning Commission (AAPC) to provide comment on specific [Salt Spring Island Official Community Plan No. 434](#) (OCP) policies and objectives for a Non-Farm Use and Subdivision application in the Agricultural Land Reserve.

BACKGROUND

At the SS LTC meeting of June 29, 2021, the LTC passed the following resolution:

SS-2020-139

It was **MOVED** and **SECONDED**,

That the Salt Spring Island Local Trust Committee re-refer application SS-ALR-2020.4 to the Agricultural Advisory Planning Commission with the staff report dated June 8, 2021, a farm plan and a plan to reduce the road width (2101 Fulford-Ganges Road).

CARRIED

NEXT STEPS

Once the AAPC has deliberated, the following draft resolutions have been provided for consideration:

1. If the AAPC wishes to recommend approval of the application:

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that application SS-ALR-2020.4 (2101 Fulford-Ganges Road) be approved.

2. If the AAPC wishes to recommend approval of the application with conditions:

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that application SS-ALR-2020.4 (2101 Fulford-Ganges Road) be approved with the following recommendations:

- *In respect to policy B.4.4.2.4 ...*
- *In respect to policy/objective... [see the staff report for a complete list of policies/objectives]*
- *In respect to the Salt Spring Island Area Farm Plan...*

3. If the AAPC wishes to recommend the application be denied:

That the Salt Spring Island Agricultural Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that application SS-ALR-2020.4 (2101 Fulford-Ganges Road) be denied for the following reasons:

- *[list reasons]...*

Submitted By:	Kristine Mayes, Planner 1	October 8, 2021
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ATTACHMENTS

1. Staff Report & Appendices from June 29, 2021 Meeting Agenda Package
2. Farm Plan
3. Amended Site Plan (Reduced Common Property Access Road)



Islands Trust

STAFF REPORT

File No.: SS-ALR-2020.4

DATE OF MEETING: June 29, 2021
 TO: Salt Spring Island Local Trust Committee
 FROM: Kristine Mayes, Planner 1, Salt Spring Island Team
 COPY: Stefan Cermak, Regional Planning Manager, Salt Spring Island Team
 SUBJECT: Application for Non-Farm Use and Subdivision in the Agricultural Land Reserve
 Applicant: D. Miller
 Location: 2101 Fulford-Ganges Road, Salt Spring Island, BC (PID: 026-693-526)

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee decline forwarding application SS-ALR-2020.4 to the Agricultural Land Commission for the following reasons:
 - a. The application is not supported by the Salt Spring Island Agricultural Advisory Planning Commission;
 - b. The proposal conflicts with the intent of the Islands Trust Policy Statement Directive Policy 4.1.7; and
 - c. The proposal is contrary to Official Community Plan Policies B.6.2.2.14, B.6.2.2.15, B.6.2.2.16 and Official Community Plan Objective B.6.2.1.4.
2. That the Salt Spring Island Local Trust Committee request staff to notify the Agricultural Land Commission of the decision regarding SS-ALR-2020.4.

REPORT SUMMARY

This Agricultural Land Reserve (ALR) non-farm use and subdivision application addresses the proposed creation of three lots (one of which is proposed to be in the ALR) and a common property access road across the ALR thus requiring a subdivision application and non-farm use application for the proposed common property access road and placement of fill. This application was considered by the Salt Spring Island Local Trust Committee (LTC) and was forwarded to the Agricultural Advisory Planning Commission (AAPC) for review and comment. In accordance with the AAPC's recommendation and as the proposal is at variance or potentially at variance with several [Salt Spring Island Official Community Plan No. 434](#) (OCP) policies and objectives and an Islands Trust Policy Statement (ITPS) Directive Policy, staff recommend the LTC decline forwarding the application to the Agricultural Land Commission (ALC).

BACKGROUND

This report follows a preliminary staff report to the April 27, 2021 meeting of the LTC where the following resolution was passed (the preliminary staff report including OCP policies and objectives, site context, and photos can be found on the [Salt Spring Island Local Trust Committee Regular Meeting Agenda](#) for April 27, 2021):

SS-2021-75

It was **MOVED** and **SECONDED**,

that the Salt Spring Island Local Trust Committee refer application SS-ALR-2020.4 to the Agricultural Advisory Planning Commission for comment on whether or not the proposed subdivision and non-farm use is consistent with Salt Spring Island Official Community Plan No. 434 policies B.4.4.2.4, B.6.2.2.14, B.6.2.2.15 and B.6.2.2.16; and objectives B.6.2.1.2 and B.6.2.1.4 in consideration of the Salt Spring Island Area Farm Plan (2101 Fulford-Ganges Road).

CARRIED

At the Agricultural Advisory Planning Commission (AAPC) of May 13, 2021, the AAPC passed the following resolution (see extract of the draft minutes in Appendix No. 1):

It was **MOVED** and **SECONDED**

That the Salt Spring Island Agricultural Advisory Planning Commission recommend the Salt Spring Island Local Trust Committee does not forward application SS-ALR-2020.4 to the Agricultural Land Commission for the following reasons:

- The current proposal as it stands does not embody a strategy for maintaining or expanding agriculture on the ALR lands; and
- The proposed 20-metre wide common property access route could disrupt the modest agriculture that is currently taking place in the ALR portion of the property (2101 Fulford-Ganges Road).

CARRIED

Subsequent to the AAPC meeting, the applicant submitted a letter to the LTC dated June 9, 2021 in response to the AAPC's recommendation (Appendix No. 2)

ANALYSIS

Islands Trust Policy Statement:

The relevant ITPS policies have been extracted in Table No. 1 for consideration. Review of the application suggests that it is inconsistent with ITPS policy 4.1.7 and may be inconsistent with ITPS policies 4.1.5, 4.6.3 and 4.1.8.

Table 1: Islands Trust Policy Statement Directives Only Checklist (Part IV: Policies for the Stewardship of Resources)

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
Maybe	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
No	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
Maybe	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.6	Soils and Other Resources
Maybe	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

Official Community Plan:

The relevant OCP policies and objectives the application may be at variance with have been extracted in Table No. 2 for consideration. Review of the application suggests that it is at variance with OCP Policies B.6.2.2.14, B.6.2.2.15, B.6.2.2.16 and OCP Objective B.6.2.1.4 and may be at variance with Policy B.4.4.2.4 and Objective B.6.2.1.2.

Table 2: OCP Policies/Guidelines the Application May Be At Variance With

Complies	OCP Policy/Objective	Planner Comments
Maybe	Policy B.4.4.2.4 The Local Trust Committee will continue to ask emergency response organizations to comment on emergency access and safety issues when the Committee is considering rezoning applications and applications for development permits or subdivision.	Staff Comments: The LTC could consider referring this application to emergency response organizations. Staff note the approving officer may consider the sufficiency of access routes per Section 6 of the <i>Strata Property Act</i>
No	Policy B.6.2.2.14 The Local Trust Committee could support applications to the Agricultural Land Commission to subdivide land within the Agricultural Land Reserve if: a. the subdivision results in improved farming capability or production on all proposed lots in a way that would be impossible without subdivision. b. the subdivision is to provide a house site up to 0.6 ha in size for an adult relative of the property owner, as defined by Section 946 of the <i>Local Government Act</i> and the parcel was held by that owner (or a blood relation) before the adoption of the <i>Agricultural Land Commission Act</i> on December 21, 1972. the subdivision is clearly in the public interest consistent with other objectives of this Plan.	Staff Comments: (a) The application seeks to unlock the subdivision potential on the subject property and does not propose to improve farming capability or production. (b) The proposed subdivision is not for a family member. (c) The application seeks to unlock the subdivision potential on the subject property and is somewhat consistent with other objectives of the OCP.

No	Policy B.6.2.2.15	The Local Trust Committee should only support the use of lands in the Agriculture or Watershed-Agriculture Designations for road access to other lands if the proposed road does not interfere with farming capability.	Staff Comments: This application is for non-farm use (common property access). However, staff note it is pre-existing and utilized as a driveway for the dwelling on the subject property.
No	Policy B.6.2.2.16	The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories: - the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property. - the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7. - in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of existing non-ALR farmland into the ALR. the non-farm use or exclusion of property for essential community services, if the location of the service is limited by engineering constraints, or by strategic considerations such as those that determine the best location for an emergency response station, and the proponent has demonstrated that there is no suitable alternate, non-ALR property.	Staff Comments: - The application seeks to unlock the subdivision potential on the subject property and it is unlikely it will decrease the farming capability of the property. - N/A - N/A - N/A - N/A
Maybe	Objective B.6.2.1.2	To maintain and protect the long term potential for farming and agro-forestry on Salt Spring Island; to preserve <i>agricultural land</i> and necessary water supplies.	Staff Comments: Not enough information is available whether the proposal may affect the long-term potential of farming or preserve agricultural land/water supplies.
No	Objective B.6.2.1.4	To limit the non-farm use of <i>agricultural land</i> .	Staff Comments: This application is for non-farm use (common property access). However, staff note it is pre-existing and utilized as a driveway for the dwelling on the subject property.

Issues and Opportunities

Recommendations of the AAPC

The LTC referred this application to the AAPC for review and comment on the six OCP policies and objectives (Table No. 2) which the application may be at variance with as they relate to the subdivision and non-farm use of ALR land. The AAPC comprises of a panel of experts in the field of agriculture and provide the LTC and staff with invaluable insight and context when considering applications and projects that may affect agriculture. The application was considered at the May 13, 2021 AAPC meeting where the AAPC recommended the LTC not forward the application citing “the current proposal as it stands does not embody a strategy for maintaining or expanding agriculture on the ALR lands; and, the proposed 20-metre wide common property access route could disrupt the modest agriculture that is currently taking place in the ALR portion of the property” (Appendix No. 1).

Farm Plan: the AAPC noted concern regarding the lack of information as to how the proposed subdivision would benefit local farming or improve farming capability or production. The applicant in their letter to the LTC (Appendix No. 2) details the agricultural activities that have occurred following their acquisition of the property and their future plans for the ALR lands. Staff note in the absence of a farm plan it is difficult to assess whether these measures address both staff’s and the AAPC’s concerns. The LTC could consider requiring the applicant to provide a farm plan to address the ITPS directives and OCP policies and objectives that the application is at variance or may be at variance with.

Access Road Width: the AAPC noted concern regarding the proposed width of the common property access road. Staff note in accordance with the [Land Act](#), a 20 metre width is standard for land designated as a road. Subdivision of the neighbouring property with a similar exclusion of ALR lands for road access shows a 20-metre width for its roadway (servicing six residential lots in addition to the agricultural lot). Schedule “D” of the [Salt Spring Island Land Use Bylaw No. 355](#) recommends a minimum width of 3.6 metres (single lane) for a

residential lot (including a turnaround within 30 metres for emergency access). Staff note a recent subdivision with a common property access road was approved with a width of 16-metres. The LTC could consider requesting the applicant to provide an amended site plan with a reduced road width (however, it is unknown whether the Ministry of Transportation and Infrastructure Approving Officer would allow a reduced width, which if not, would necessitate a new ALR application).

Salt Spring Island Area Farm Plan: the LTC requested the AAPC consider the application in respect to the [Salt Spring Island Area Farm Plan](#) (SSIAFP). The 2008 SSIAFP is currently in the process of being updated. The key recommendations of the SSIAFP are to (1) establish a Salt Spring Island Agricultural Alliance; (2) Establish a community farmland Trust; and (3) establish key community facilities that support the expansion of agricultural activities with various additional recommendations. Review of the SSIAFP notes the following additional recommendation is of note to this application: (5) implement accepted agricultural OCP policies (desired outcome: “greater consideration of farmland and issues affecting agriculture in the OCP” and “increased protection for farmland”).

Consultation

There is no statutory requirement for consultation for a subdivision or fill application; subdivision in the ALR is no exception and therefore no consultation is required to be undertaken.

Protocols

The following agreements relate to the ALR land on the subject property:

- [Letter of Understanding](#) on Agricultural Land Reserve within the Islands Trust Area
- [Protocol Agreement](#) on Agricultural Land Reserve in the Trust Area

These documents indicate that both the ALC and the Islands Trust share a responsibility for the protection of farm land and farming activities, and that land use planning decisions often impact both agencies mandates and thus require coordinated responses.

Agencies

This application is a referral from the ALC. Islands Trust staff have been in communication with ALC staff, primarily for clarification of relevant ALC policies that may apply to this application.

First Nations

This proposal does not require First Nations referral.

Notwithstanding, the Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Remote Access to Archaeological Data (RAAD) indicates the subject property has areas of archaeological potential.

Rationale for Recommendation

Staff have reviewed various issues and opportunities related to this application in the preliminary staff report as well as related Islands ITPS Directives, OCP policies and objectives, and comments from the AAPC. Although the subject property is actively farmed (and is classified farm land per the *Assessment Act* (Classification of Land as a Farm Regulation)), staff consider the proposal at variance with OCP Policy B.6.2.2.14, B.6.2.2.15, B.6.2.2.16 and OCP Objective B.6.2.1.4 and at variance with ITPS Directive Policy 4.1.7. As such, and in consideration of the AAPC’s comments and recommendation, staff recommend the LTC not forward this application to the ALC.

ALTERNATIVES

The Local Trust Committee may consider the following alternatives to the staff recommendation:

1. Request a Farm Plan

The LTC may request the applicant provide a farm plan in consideration of the ITPS and OCP policies and objectives the proposal is at variance with or potentially at variance prior to making a decision. Staff advise that the implications of this alternative are increased processing time and potentially increased costs to the

applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a farm plan, completed by a professional Agrologist which identifies how the proposed non-farm use and subdivision application meets relevant Islands Trust Policy Statement Directives and Official Community Plan Policies and Objectives (SS-ALR-2020.4, 2101 Fulford-Ganges Road).

2. Request a Reduced Access Road Width

The LTC may request the applicant revise their application to reduce the proposed common property access road width. Staff advise that the implications of this alternative are increased processing time and potentially increased costs to the applicant. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee request that the applicant submit to the Islands Trust a revised site plan, completed by a British Columbia Land Surveyor which reduces the width of the common property access road to XX.X-metres (SS-ALR-2020.4, 2101 Fulford-Ganges Road).

NEXT STEPS

If the recommended resolution is adopted, the file will be closed and the ALC will be notified of the LTC's decision.

Submitted By:	Kristine Mayes, Planner 1	June 8, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	June 10, 2021

APPENDICES

1. Extract of Draft AAPC Minutes from May 13, 2021
2. Letter from Applicant to LTC dated June 9, 2021

3.2 SS-ALR-2020.4 – 2101 Fulford-Ganges Road (D. Miller)

Planner Mayes presented a memorandum dated May 3, 2021 regarding an application for non-farm use and subdivision in the Agricultural Land Reserve (ALR).

In discussion the following comments and questions were noted:

- Concern was expressed regarding the impacts of the proposed 20-metre wide common property access route including the road allowance area would no longer be available for farming. Planner Mayes reported the proposed 20-metre wide common property access route would include the road, drainage ditches and utility services. Planner Mayes reported the applicant does not intend to increase the existing single-track road although the approving officer may require additional works.
- Concern was expressed that increased traffic could negatively impact livestock and could decrease farming capability.
- Concern was expressed regarding access to a land locked parcel (PID: 009-727-884) that is located south of the subject property.
- There was a question regarding whether the entire property is within the Agricultural Land Reserve. Planner Mayes reported the subject property is split zoned Agriculture and Rural.
- There was a question regarding the portion of the property adjacent to Fulford-Ganges Road. Planner Mayes reported Fulford Creek runs through the southwest portion of the subject property and is protected by a covenant.
- Concern was expressed that the subject property has been subdivided in previous years and each subdivision reduced the farming capability.
- Concern was expressed that the proposed subdivision would not improve agricultural capability.
- It was noted Bill 52 proposed changes to the Agricultural Land Reserve Act and Agricultural Land Reserve Regulations, which may allow a second residence on a parcel in the Agricultural Land Reserve subject to Local Government regulations.
- Chair Eagle presented the following comments that were received from Commissioner Pilon prior to the meeting: “The proposed additional density on this lot does not provide clear evidence of corresponding increase in agricultural/farming output. This condition supported by the Official Community Plan and the priorities of the Salt Spring Island Area Farm Plan

should continue to guide the LTC in their assessment of this application. Changes to farmland use should be supported when they provide a clear plan to increase food production. This additional step would also improve chances of approval by the Agricultural Land Commission. Should the Local Trust Committee decide to forward this application to the Agricultural Land Commission for approval, the Local Trust Committee may consider recommending that the applicant seek the assistance from a professional(s) with a background in agronomy/horticulture to develop a plan to improve/increase food production on the lot.”

It was MOVED and SECONDED

That the Salt Spring Island Agricultural Advisory Planning Commission recommend the Salt Spring Island Local Trust Committee does not forward application SS-ALR-2020.4 to the Agricultural Land Commission for the following reasons:

- The current proposal as it stands does not embody a strategy for maintaining or expanding agriculture on the ALR lands; and
- The proposed 20-metre wide common property access route could disrupt the modest agriculture that is currently taking place in the ALR portion of the property (2101 Fulford-Ganges Road).

CARRIED

Dennis G. Miller



Sent Via eMail

June 9th, 2012

Islands Trust, Local Trust Committee
1-500 Lower Ganges Road
Salt Spring Island, BC

Attention: Kristine Mayes, Planner 1

Dear Ms. Mayes,

RE: Subdivision Application: SS-ALR-2020.4 (“Application”)
Decision of the Agricultural Advisory Planning Committee (“AAPC”)

I would like to take this opportunity to respond to the resolution passed at the June 27th, 2012, meeting of the AAPC regarding the aforementioned application (“Resolution”).

Unfortunately, I was unable to attend the AAPC meeting and therefore unable to respond to the AAPC directly.

The Resolution indicates two reasons for the recommendation that the Application not be forwarded to the Agricultural Land Commission (“ALC”).

1. The current proposal as it stands does not embody a strategy for maintaining or expanding agriculture on the ALR lands; and
2. The proposed 20-metre wide common property access route could disrupt the modest agriculture that is currently taking place in the ALR portion of the property (2101 Fulford-Ganges Road).

The Application seeks to separate ALR lands from non-ALR land by creating two residential strata lots on the non-ALR lands and a fee simple farm containing the ALR lands, except the ALR land utilized by an existing roadway leading to the existing residence; which is on one of the proposed residential lots. The existing roadway also provides access to the second proposed residential lot. The roadway would also continue to be used by the ALR lands

by way of easement. No expansion or reconstruction of the roadway is deemed required or proposed.

In preparing the Application, it was and remains my belief that the Application has no adverse impact on the current and future agricultural activities or potential of the ALR lands. Accordingly, little information was included in the Application on this issue.

Before dealing with the current or future agricultural potential of the subject property, I feel it's important to understand some of the history of the property that is the subject of the Application. For the past many years, the property has been owned by persons not directly engaged in agricultural endeavours. For much of this period, the ALR lands have simply been leased for hay production on those portions that were suitable. Areas unsuitable for hay production were generally left idle and untended.

The primary value in the property has been and remains today, for purposes other than agricultural. In the mid 2000's, the property was acquired for its residential potential and an architectural residence was constructed on the residential zoned portion of the property. The result being that currently the value of the agricultural land is greatly overshadowed by the value attributable to the residence. The agricultural portion of the property, the ALR lands, and its agricultural value are encumbered by this fact. The ALR lands are enhanced as a fee simple farm with significant existing agriculturally essential infrastructure, unencumbered by the existing architectural residence.

Since acquiring the property [REDACTED], I have implemented an agricultural development plan for the ALR lands which has included, but not been limited to the following:

- Created a large fenced garden area with poly tunnel;
- Recommissioned the farmyard water well (30+ gpm) and septic system;
- Repaired and refurbished some outbuildings, fencing and other agricultural infrastructure and demolished obsolete ones;
- Rehabilitated the holly orchard;
- Introduced livestock;
- Rehabilitated the farmyard and heritage orchard;
- Planted new fruit and nut trees;
- Expanded the size of hay fields; and
- Rehabilitated the dam (Fulford Creek) and associated infrastructure, licenses and permits.

Future plans for the ALR lands include:

- Expanding the number and type of livestock; and
- Generating other agricultural opportunities. Many such opportunities are being considered having regard with both the local market on Salt Spring and the potential

for off island agricultural sales having regard for factors associated with the island location.

The property is blessed with an abundance of water, an essential element in developing agricultural potential now and in the future. Both the residence and farmyard have water wells (5 and 30+ gpm respectively) and there is a licensed dam and reservoir (24,200 m³/yr) and water use permit (.01 m³/sec).

None of the existing or projected agricultural activities would be adversely impacted by the proposed subdivision. To the contrary, the agricultural potential of the ALR lands would be enhanced by the subdivision.

Whereas the agricultural activities on the ALR lands would continue to utilize the same existing roadway post subdivision as it currently does, there would be no practical loss of use or enjoyment and therefore no adverse agricultural consequence. Moreover, the ALR lands would directly benefit from cost sharing with the residential strata for maintenance of essential agricultural infrastructure.

In response to the AAPC concern that the proposed 20 metre wide roadway could be disruptive, I would suggest that while I do not believe there is any disruption, this could be reduced by narrowing the roadway width to 10 metres. This would be in keeping with other internal strata roadways on Salt Spring and sufficient for the purposes of the proposed roadway serving the strata. Additionally, it would reduce the area required to be removed from the ALR by 50%, preserving it for agricultural purposes.

Utilizing the existing roadway is consistent with the LTC, Agricultural Land Uses Objectives in as much as it:

- Is ecologically and environmentally responsible by not requiring the development of new infrastructure. Improving the utilization of existing infrastructure having a net zero carbon footprint.
- Maintains ALR lands for agricultural purposes.

The Application also preserves unto the ALR lands, control of significant water resources, an important element for agricultural development, especially on Salt Spring Island, where access to adequate water supply is a growing challenge.

The scope of the Application is consistent with the agricultural character of the area and specifically the adjacent Fulford Creek Farm development, which maintains the high agricultural value lands within the ALR and utilizes the upper bench lands for residential purposes.

Consistent with the current zoning, the Application creates new and environmentally responsible residential housing potential on Salt Spring Island while preserving agricultural potential.

The structure of the Application, creating a two lot strata and fee simple farm, is consistent with the adjacent development and ensures that the owner of the ALR land is free to introduce, change and diversify agricultural pursuits at their sole discretion.

Yours truly,

Dennis G. Miller

**Farm Plan
In Support of
Subdivision Application SS-ALR-2020.4**

October 7th, 2021

INTRODUCTION

This Farm Plan provides additional information in support of subdivision application SS-ALR-2020.4. Specifically, it will address the ITPS directives and OCP policies and objectives that Planning Staff believe the application is at variance or may be at variance with.

SUMMARY / OVERVIEW

Subdivision application SS-ALR-2020.4, seeks to: (a) separate ALR lands from non-ALR lands, (b) create a 2 lot rural residential strata upon the residential zoned lands (one lot having an existing residence), and (c) provide access to the strata by sharing an existing ALR roadway with the farm.

The shared access roadway is upon ALR lands and already exists. No new design, construction or development is necessary. It can adequately serve the needs of both the growing farm operation and the strata.

The roadway was developed over time, to be “fit for purpose” by the farm. Sharing the roadway will have no adverse impact on farming capacity or potential. To the contrary, the farm will benefit from reduced roadway maintenance costs paid by the strata.

Sharing the existing roadway to provide new housing development, is environmentally responsible.

The proposed subdivision is consistent with the adjacent property, Fulford Creek Farm, providing for farming upon ALR land, housing in the non-ALR lands and a shared access roadway across ALR land.

Separating the ALR lands from the rural residential zoned lands allows both to achieve their best use and potential for the community.

DIRECTIVES, POLICIES AND OBJECTIVES

The following are the directives, policies and objectives that Islands Trust staff have determined subdivision Application SS-ALR-2020.4 is or may be at variance with and our response to each.

1. Islands Trust Policy Statement Directives

a. Policy 4.1.5

- i. Policy: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
- ii. Staff Position: Maybe consistent.
- iii. Response:
 1. The application is consistent with the Policy by preserving the agricultural potential of the ALR lands.
 2. The only impact that the application has on farming, is the sharing of an existing farm roadway.
 3. All arable farmland is preserved.
 4. The application would create a fee simple farm containing all of the ALR lands, except only the shared roadway.
 5. Providing access across ALR lands in order to open up for development, lands already zoned Rural (Residential), is:
 - a. consistent with adjacent properties (Fulford Creek Farm); and
 - b. the Plan and its objectives.
 6. The AAPC, with respect to the adjacent Fulford Creek Farm application (SS-ALR-2011.2), which created six strata lots, deemed that the separation of ALR from non-ALR lands, “not to be a detriment to agriculture but will enhance the agricultural potential of the ALR farm as well as agriculture in the rural zone”. The same is true for this application.

b. Policy 4.1.7

- i. Policy: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
- ii. Staff Position: Is not consistent.

iii. Response:

1. The application is consistent with the Policy.
2. The application proposes to utilize a pre-existing road system and servicing corridor.
3. No new road system or service corridor design is proposed.
4. There are no agricultural considerations flowing from the shared use of the roadway and no mitigation measures are required.

c. Policy 4.1.8

- i. Policy: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.

ii. Staff Position: Maybe consistent.

iii. Response:

1. The application is consistent with the Policy.
2. The application does not compromise the agricultural capability of the ALR lands. They remain unchanged.
3. Sharing roadway maintenance and repair costs will benefit the farm.

d. Policy 4.6.3

- i. Policy: Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

ii. Staff Position: Maybe consistent.

iii. Response:

1. The application is consistent with the Policy.
2. No soils are impacted or will be disturbed by the application.
3. There is no new roadway or other infrastructure construction required.
4. The application is environmentally responsible.

2. Official Community Plan Policies/Guidelines

a. Policy B.4.4.2.4

- i. Policy: The Local Trust Committee will continue to ask emergency response organizations to comment on emergency access and safety issues when the Committee is considering rezoning applications and applications for development permits or subdivision.

ii. Staff Position: Maybe complies.

- iii. Staff Comments: The LTC could consider referring this application to emergency response organizations. Staff note the approving officer may consider the sufficiency of access routes per **Section 6** of the *Strata Property Act*
- iv. Response:
 - 1. The application is consistent with the Policy.
 - 2. The application was submitted with a 20 meter wide roadway. In response to concerns expressed by the AAPC, the width has been reduced to 10 meters. A revised sketch is attached.
 - 3. Ministry of Transportation and Infrastructure (Haley Leech, Development Services Officer, Saanich Area) has advised that, for a strata development of the size proposed (3 lots total including the farm), the width of the roadway access, “10 meters would be plenty”.

b. Policy B.6.2.2.14

- i. Policy: The Local Trust Committee could support applications to the Agricultural Land Commission to subdivide land within the Agricultural Land Reserve if:
 - 1. the subdivision results in improved farming capability or production on all proposed lots in a way that would be impossible without subdivision.
 - 2. the subdivision is to provide a house site up to 0.6 ha in size for an adult relative of the property owner, as defined by Section 946 of the *Local Government Act* and the parcel was held by that owner (or a blood relation) before the adoption of the *Agricultural Land Commission Act* on December 21, 1972.
 - 3. the subdivision is clearly in the public interest consistent with other objectives of this Plan.
- ii. Staff Position: Does not comply.
- iii. Staff Comments:
 - 1. The application seeks to unlock the subdivision potential on the subject property and does not propose to improve farming capability or production.
 - 2. The proposed subdivision is not for a family member.
 - 3. The application seeks to unlock the subdivision potential on the subject property and is somewhat consistent with other objectives of the OCP.
- iv. Response:
 - 1. The application does comply.

2. The application is consistent with the OCP:
 - a. Policy B.2.3.2.4: By clustering the proposed strata lots onto lands with the best capacity for residential development, and the least value for agriculture, forestry or environmental protection.
 - b. Objective B.2.5.1.1: By providing land for medium density residential use which meets the minimum average area of lots and minimum area of an individual lot.
 - c. Objective B.2.5.2.2: In providing medium density residential development allowed by the existing zoning.
 3. The separation of ALR from non-ALR lands is permitted by the ALC.
- c. Policy B.6.2.2.15
- i. Policy: The Local Trust Committee should only support the use of lands in the Agriculture or Watershed-Agriculture Designations for road access to other lands if the proposed road does not interfere with farming capability.
 - ii. Staff Position: Does not comply.
 - iii. Staff Comments: This application is for non-farm use (common property access). However, staff note it is pre-existing and utilized as a driveway for the dwelling on the subject property.
 - iv. Response:
 1. The sharing of the roadway would not interfere with farming operations or capability.
 2. The roadway was developed to meet the needs of the farm and is fit for purpose. It is also fit for use as a access roadway to a 2 lot strata.
- d. Policy B.6.2.2.16
- i. Policy: The Local Trust Committee could support applications to the Agricultural Land Commission for non-farm use or exclusion of land within the Agricultural Land Reserve in some situations where local farming or the greater community would benefit. Support for such applications should only be considered if the application has been referred to the Agricultural Advisory Committee and falls into one of the following categories:
 1. the proposed non-farm use or exclusion would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the property.

2. the proposed non-farm use or exclusion is consistent with local zoning or a land use designation or policy in this Plan, including policies B.3.3.2.10 and B.7.2.2.7.
 3. in the instance of a proposed exclusion, the Local Trust Committee may consider an application that would result in inclusion of existing non-ALR farmland into the ALR.
- the non-farm use or exclusion of property for essential community services, if the location of the service is limited by engineering constraints, or by strategic considerations such as those that determine the best location for an emergency response station, and the proponent has demonstrated that there is no suitable alternate, non-ALR property.
- ii. Staff Position: Does not comply.
 - iii. Staff Comments: (a) The application seeks to unlock the subdivision potential on the subject property and it is unlikely it will decrease the farming capability of the property.
 - iv. Response:
 1. The shared roadway does not decrease farming capability.
 2. The unlocking of lands zoned for residential development using existing infrastructure would generate income to the farm operation and housing development opportunities to the community.
 3. The proposed strata development is consistent with the current zoning of the non-ALR lands and the objectives of the Plan.
- e. Objective B.6.2.1.2
- i. Policy: To maintain and protect the long term potential for farming and agro-forestry on Salt Spring Island; to preserve *agricultural land* and necessary water supplies.
 - ii. Staff Position: Maybe complies.
 - iii. Staff Comments: Not enough information is available whether the proposal may affect the long-term potential of farming or preserve agricultural land/water supplies.
 - iv. Response:
 1. The application does comply with the Policy.
 2. The farm operations would continue to use the roadway, preserving all ALR lands for farming.
 3. The application preserves unto the ALR lands, the water rights associated with the existing water license (License number C130040).
 - a. Water Storage: 24,200 m³/year
 - b. Water Use: 0.01 m³/sec

4. The ALR land has a drilled well (Well ID Plate Number 25603) having a measured flow rate of 30+ USgpm. This would continue to be used exclusively by the farm.

f. Objective B.6.2.1.4

- i. Policy: To limit the non-farm use of *agricultural land*.
- ii. Staff Position: Does not comply.
- iii. Staff Comments: This application is for non-farm use (common property access). However, staff note it is pre-existing and utilized as a driveway for the dwelling on the subject property.
- iv. Response:
 1. All ALR lands would continue to be available for farm use.
 2. The application would allow for residential use of a shared use roadway. Farming operations would continue to use the same roadway for farming operations.
 3. There would be no adverse impact on the farm operations from minor residential use of the roadway. The use by the current residence (Lot 1) has no impact on farm operations. A single additional residence (Lot 2) would have no impact.
 4. The farm uses the roadway to provide access across the farm. This will not be impeded by the application.

SKETCH PLAN OF PROPOSED BARE LAND STRATA OF PART OF LOT B, SECTION 6, RANGE 2 SOUTH, SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN VIP81107.

BCGS MAP SHEET 92B.073

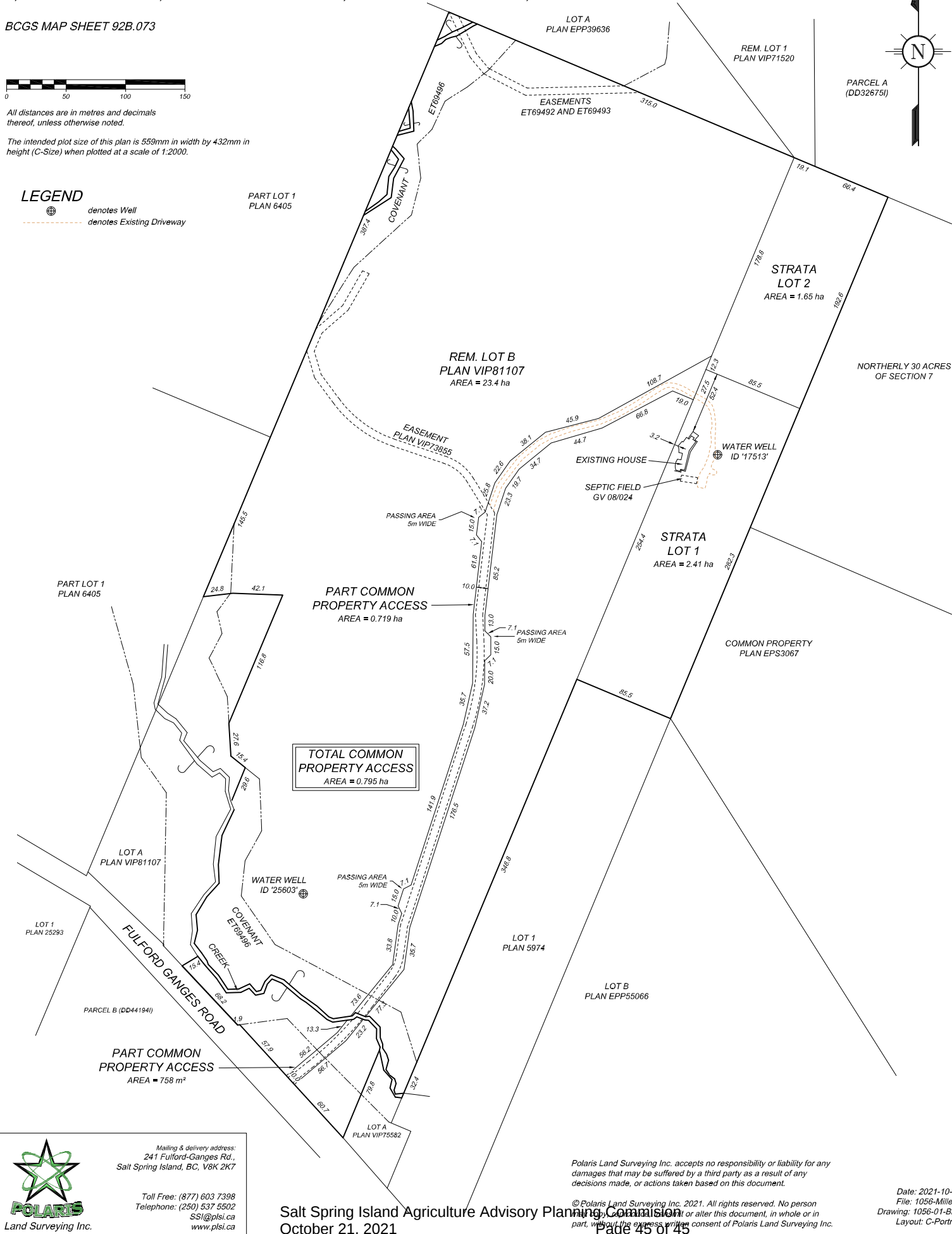


All distances are in metres and decimals thereof, unless otherwise noted.

The intended plot size of this plan is 559mm in width by 432mm in height (C-Size) when plotted at a scale of 1:2000.

LEGEND

- denotes Well
- denotes Existing Driveway



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Salt Spring Island Agriculture Advisory Planning Commission
October 21, 2021

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Date: 2021-10-07
File: 1056-MillerD
Drawing: 1056-01-BLS
Layout: C-Portrait