



AGENDA

SALT SPRING ISLAND ADVISORY PLANNING COMMISSION

Date: Thursday, May 5, 2022

Time: 1:00 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 March 3, 2022 Meeting – *For Adoption* Page 2

2.2 Meeting Notes of the April 7, 2022 Meeting – *For Information* Page 6

3. BUSINESS ITEMS

3.1 Draft Bylaw No. 526 – Changes to Residential Permissions in the Agricultural Land Reserve & Bylaw Amendment Options for Dwellings on Large Farms - Staff Report Page 7

4. OTHER BUSINESS

5. ADJOURNMENT



Salt Spring Island Advisory Planning Commission

Minutes of a Regular Meeting

Date of Meeting: Thursday, March 3, 2022

Location: Baptist Church, Lower Level Meeting Room
520 Lower Ganges Road, Salt Spring Island

Members Present: Jeff Thompson, Chair
Mairi Welman, Vice Chair
Jean Brouard, Commissioner
Ron Cooke, Commissioner
Leigh Large, Commissioner
Stanley Shapiro, Commissioner

Regrets: Nancy Krieg, Commissioner
Neil Morie, Commissioner

Staff Present: Jason Youmans, Island Planner
Geordie Gordon, Planner 2
Sarah Shugar, Recorder

Others Present: Laura Patrick, Local Trustee
Applicant David Fulbrook
One member of the public

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

Chair Thompson called the meeting to order at 1:00 p.m.

1. APPROVAL OF AGENDA

By **general consent** the agenda was adopted.

2. MINUTES OF PREVIOUS MEETING

2.1 Draft Minutes of the November 25, 2021 APC Meeting

By **general consent**, the minutes of the November 25, 2021 Salt Spring Island Advisory Planning Commission meeting were adopted.

3. BUSINESS ITEMS

3.1 SS-DP-2018.14 – Kirsten Reite Architecture (KRA) – 2621 and 2661 Fulford Ganges Road, SSI – Proposed development of 17 commercial accommodation units, a restaurant, retail space,

reception area and 2 parking lots in DPA2, DPA3, DPA6 and DPA7

Planner Youmans presented an overview of the applications and reported the Salt Spring Island Local Trust Committee referred application SS-DP-2018.14 to the Salt Spring Island Advisory Planning Commission for its review and comment on the application's consistency with the development permit area guidelines marked in yellow in Appendix 2 of the staff report dated February 15, 2022.

Applicant David Fulbrook presented a Powerpoint presentation.

In discussion the following comments and questions were noted:

- Concern was expressed regarding sea level rise and there was a suggestion for the septic system to be located at a higher elevation. The applicant responded that the septic system is a watertight system that would shut down in the case of flooding;
- There was a comment that the APC is not qualified to determine whether the site can be built on or not;
- There was a comment that storm activity could enhance the impacts of sea level rise and a question regarding the elevation of the lower portion of the property. The applicant reported the elevation of the lowest portion of the property is approximately 2.5 meters;
- There was a question regarding the expected lifespan of the development. The applicant advised the typical depreciation for a commercial development is 30 years;
- There was a suggestion to consult with the Department of Fisheries Oceans and marine scientists regarding impacts to Fulford Creek and the estuary;
- There was a question regarding water availability. The applicant reported there is one unlimited water license on Fulford Creek that was issued in 1930 and there is a second water license on Soule Creek and the applicant has applied to connect the site to the Fulford Water Service Area;
- There was a question regarding the water licenses. The applicant reported the old Fulford Inn property has a water license on Soule Creek and the upland property has a water license on Fulford Creek. The intention is to connect with the Fulford Water Service Area and to not draw water from the creeks;
- There was a question regarding whether 11% site coverage includes the parking areas. The applicant reported the 11% site coverage includes the structures only;
- There was a question regarding whether there is a vegetative buffer between the road and the parking area. The applicant reported there would be a landscaped area along the side of the parking area;
- There was discussion regarding a strategic plan for water availability in the Fulford Village.

Planner Youmans presented the development permit area guidelines marked yellow in Appendix 2 of the staff report for consideration:

- Development permit area guideline E.2.5.3 - Emergency vehicles should be able to readily reach all parts of the development;
 - Support was expressed that this guideline has been satisfied subject to Salt Spring Island Fire Rescue approval;
- Development permit area guideline E.2.6.4 - Where development is allowed along shorelines, it should be designed to conform to, rather than conceal the natural contours of the land that borders the shoreline;
 - Support was expressed that this guideline has been satisfied;

- Development permit area guideline E.2.6.6 - Where practical, building roofs should be similar in design to those on neighbouring structures;
 - Support was expressed that there is not a consistent neighbourhood style of buildings and that Fulford Village has an eclectic building style;
- Development Permit Area Guideline E.2.6.8 - Large areas of curtain-wall glazing should not be used;
 - There was a comment that the applicant should take design considerations to prevent the commercial frontage from looking like a strip mall;
 - A member of the public spoke to the reflection of light onto Fulford Creek and spoke to potential harm to biodiversity including fish and aquatic invertebrates. The member of the public suggested the type of glass, the angle of the glass and the angle of the building should be designed for the least impact to the creek;
 - There was a question regarding whether staff have taken the reflective glass impact concerns into consideration. Planner Youmans reported the guidelines are meant to provide guidelines on form and character, not environmental impacts;
 - Support was expressed that this guideline has been satisfied;
- Development permit area guideline E.2.7.1 - Where a large new commercial service or industrial building is visible from public streets, an effort should be made to make it unobtrusive;
 - Support was expressed that this guideline has been satisfied;
- E.2.10.3 - Plastic, back lit signs should not to be used;
 - This guideline was not discussed;
- E.2.12.1 - New commercial or general employment developments that will create more than 280 m2 of new impervious surfacing should include a report prepared by a Professional Engineer that determines the extent of changes to the natural drainage. It should identify any conditions that should be incorporated into the development permit to protect property from flooding, erosion or from other undesirable impacts as a result of changes to stormwater runoff. Particular attention should be paid to ensuring that drainage changes will not result in detrimental impacts such as flooding or reduced groundwater availability on agricultural lands or watercourses that either adjoin the development or are located in the same watershed;
 - A member of the public asked if there is sufficient evidence that cumulative effects will not impact Fulford Creek and the Fulford Creek Estuary and asked that an independent engineer report and independent biologist report be required;
- E.2.12.3 - Development should not result in the pollution of surface or groundwater supplies. Particular care should be taken to ensure that there are no detrimental impacts on agricultural land or fishbearing watercourses because of water pollution;
 - There was a question regarding whether staff monitor for pollution to surface and/or groundwater. Planner Youmans reported the applicant would monitor and submit the results to Islands Trust staff. The applicant reported the systems are designed for performance based systems and the data would be submitted to Islands Trust staff for a period of 5 years.

It was MOVED and SECONDED,

That the Salt Spring Island Advisory Planning Commission recommend the Salt Spring Island Local Trust Committee consider the adequacy of the landscape design to compensate for window reflection on Fulford Creek when the LTC considers this application for approval.

CARRIED

It was MOVED and SECONDED,

That the Salt Spring Island Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee to proceed with application SS-DP-2018.14 (2621 and 2661 Fulford Ganges Road) subject to the following recommendations:

- That guideline E.2.5.3 – “Emergency vehicles should be able to readily reach all parts of the development” has been satisfied, subject to Salt Spring Island Fire Rescue approval;
- The application conforms to guideline E.2.6.4 – “Where development is allowed along shorelines, it should be designed to conform to, rather than conceal the natural contours of the land that borders the shoreline”;
- The application conforms to guideline E.2.6.6 – “Where practical, building roofs should be similar in design to those on neighbouring structures”;
- The application conforms to guideline E.2.6.8 - “Large areas of curtain-wall glazing should not be used”.

CARRIED

3.2 Draft Bylaw No. 526 – Changes to Residential Permissions in the Agricultural Land Reserve & Bylaw Amendment Options for Dwellings on Large Farms - Staff Report

This item was not dealt with due to lack of time.

4. OTHER BUSINESS

4.1 Adoption of Salt Spring Island Local Trust Committee Bylaw Nos. 474 and 475 - 2850 Fulford-Ganges Road, SSI – For Information

Received.

4.2 2022 APC Meeting Schedule – For Information

Received.

5. ADJOURNMENT

By general consent the meeting adjourned at 2:54 p.m.

Jeff Thompson, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



Salt Spring Island Advisory Planning Commission

Meeting Notes

- Date of Meeting:** Thursday, April 7, 2022
- Location:** Baptist Church, Lower Level Meeting Room
520 Lower Ganges Road, Salt Spring Island
- Members Present:** Mairi Welman, Vice Chair
Jean Brouard, Commissioner
Leigh Large, Commissioner
- Regrets:** Stanley Shapiro, Commissioner
Nancy Krieg, Commissioner
Neil Morie, Commissioner
Gordon Brent Brochu-Ingram, Ex-officio AAPC Commissioner
- Absent:** Jeff Thompson, Chair
Ron Cooke, Commissioner
- Staff Present:** Geordie Gordon, Planner 2
Jennifer Baddeley, Recorder
- Others Present:** Laura Patrick, Local Trustee

At 1:20 p.m. it was determined quorum was not met and the meeting did not proceed.

The next meeting of the Commission is scheduled for Thursday May 5, 2022 from 1:00 p.m. – 3:00 p.m. at the Baptist Church Lower Hall, 520 Lower Ganges Road.



DATE OF MEETING: March 3, 2022

TO: Salt Spring Island Advisory Planning Commission

FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
 Kristine Mayes, Planner 1, Salt Spring Island Team

SUBJECT: Draft Bylaw No. 526 – Changes to Residential Permissions in the Agricultural Land Reserve & Bylaw Amendment Options for Dwellings on Large Farms

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has referred proposed Bylaw No. 526 (cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 3, 2021") to the to the Advisory Planning Commission (APC).

BACKGROUND

At the SS LTC meeting of February 15, 2022, the SS LTC passed the following resolution:

SS-2022-022

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff refer Proposed Bylaw No. 526 to agencies, organizations and First Nations, as identified in this staff report dated February 15, 2022.

CARRIED

NEXT STEPS

Once the APC has deliberated on the proposed bylaw, the following draft resolutions have been provided for consideration:

1. If the APC wishes to recommend proceeding with the bylaw:

That the Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 526 proceed for the following reasons:

- *[list reasons]...*

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

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

- *[list recommendations]...*

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

That the Advisory Planning Commission recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 526 not proceed for the following reasons:

- *[list reasons]...*

Submitted By:	Geordie Gordon, Planner 2 & Kristine Mayes, Planner 1	February 23, 2022
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ATTACHMENTS

1. Staff Report from the February 15, 2022 Meeting Agenda Package



DATE OF MEETING: February 15, 2022
 TO: Salt Spring Island Local Trust Committee
 FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
 Kristine Mayes, Planner 1, Salt Spring Island Team
 COPY: Louisa Garbo, Island Planner, Salt Spring Island Team (Housing Action Program Manager)
 Stefan Cermak, Regional Planning Manager, Salt Spring Island Team
 SUBJECT: Draft Bylaw No. 526 – Changes to Residential Permissions in the Agricultural Land Reserve
 & Bylaw Amendment Options for Dwellings on Large Farms

RECOMMENDATIONS

1. That Salt Spring Island Local Trust Committee Bylaw No. 526, cited as “Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 3, 2021”, be read a first time.
2. That the Salt Spring Island Local Trust Committee request staff refer Proposed Bylaw No. 526 to agencies, organizations and First Nations, as identified in this staff report dated February 15, 2022.

PURPOSE

This staff report proposes amendments to the [Salt Spring Island Land Use Bylaw No. 355](#) (LUB) following preliminary referral in consideration of changes to Agricultural Land Commission (ALC) residential permissions within the Agricultural Land Reserve (ALR) and complimentary amendments to Section 3.17 of the LUB to utilize subdivision potential for farmworker housing. Staff recommend the Salt Spring Island Local Trust Committee (SS LTC) consider first reading of the draft bylaw (Appendix No. 1) and referral of the bylaw to agencies and First Nations.

BACKGROUND

This report follows a staff report to the November 18, 2021 special meeting of the SS LTC where the following resolution was passed:

SS-2021-231

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee request staff to refer Draft Bylaw No. 526, as amended, to agencies and organizations, as identified in this staff report dated November 18, 2021.

CARRIED

ANALYSIS

Policy/Regulatory

The SS LTC is unfettered in its consideration of a bylaw amendment and may choose to request more information, proceed more incrementally, or receive for information.

Islands Trust Policy Statement:

An assessment of the draft bylaw relative to the Islands Trust Policy Statement (ITPS) was undertaken following preliminary referral of the draft bylaw (Appendix No. 2).

Official Community Plan:

The following [Salt Spring Island Official Community Plan No. 434](#) (OCP) policies are pertinent to this report. See Appendix No. 3 for a full review of relevant OCP policies.

- B.2.2.2.16 Seasonal cottages should continue to be allowed wherever they are allowed by current zoning. The Local Trust Committee may also consider amending the Land Use Bylaw to allow the use of seasonal cottages as full time affordable rental housing units in certain areas. In order to encourage housing for families, the Land Use Bylaw may be amended to permit cottages with a maximum floor area of 90 m² on lots 2 hectares or larger in area, while retaining the existing floor area limits on cottages on lots between 1.2 hectares and 2 hectares in area.

Any amendment to zoning to allow cottages to be used as full time residences should address the following criteria:

- a. Full time residence of cottages should only be allowed in areas with an adequate supply of potable water.
- b. Full time residence of cottages should not be allowed in areas that are community water system supply watersheds or in community well capture zones.
- c. New construction of cottages for full time residence should be not allowed in areas containing sensitive ecosystems or areas that are hazardous for development.
- d. The use of cottages will not be for short-term rental in accordance with the Land Use Bylaw.
- e. *Building* safety and waste disposal issues are addressed through compliance with the B.C. Building Code and applicable health standards.
- f. The Local Trust Committee will consider the use of housing agreements and other measures to ensure that cottages are affordable and to address occupancy.
- g. The Local Trust Committee will work with the Capital Regional Housing Corporation on the administration of housing agreements in order to implement this policy.
- h. The Local Trust Committee should coordinate implementation of zoning changes with Capital Regional District Building Inspection and the Vancouver Island Health Authority.
- i. The Local Trust Committee may also consider limits on the location of cottages to minimize dependency on private automobiles.
- j. The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of full-time units on the island.
- k. The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied cottages.

- B.6.2.2.8 On the advice of the Agricultural Advisory Committee, the Local Trust Committee should continue to support local farming by:

- a. addressing the need for additional housing on *agricultural land*.
- b. permitting appropriate farm uses as defined by the Agricultural Land Reserve Act and Regulations.
- c. recognizing the traditional uses of the property owned by the Salt Spring Island Farmer's Institute on Rainbow Road.
- d. allowing for the processing and warehousing of island farm products on the Institute's property.
- e. supporting zoning that would allow various forms of community farming activities.
- f. supporting the development of farmers' markets.
- g. considering changes to the Land Use Bylaw, based on the objectives of the Area Farm Plan and in consultation with the Agricultural Land Commission and the Ministry of Agriculture and Lands, to permit additional dwellings for farm workers.
- h. considering changes to the Land Use Bylaw to further support agri-tourism.
- i. supporting efforts to ensure a viable local livestock *industry*.
- j. updating agricultural information, monitoring changes in the agricultural sector and helping to identify unused or available farmland.

Issues and Opportunities

Farmworker Dwelling Unit Definition

Staff have proposed an amendment to the existing farmworker's dwelling unit definition to allow the units to be used by immediate family members that may not be directly involved with or employed by a farm business. The intent of this change is to help facilitate the transition from one generation to the next by allowing parents of children taking over the farm business to remain on the lot once retired to addresses the Salt Spring Island Agricultural Alliance's (SSI AA) comments about the need for multi-generational housing on farms. This change is also responsive to the ALC's removal of the manufactured home for immediate family permission as a result of the changes that came into effect at the end of 2021. There is an opportunity to include reference to what constitutes 'immediate' family within the covenant on such a dwelling (see the "Covenant Template" section of this staff report) – staff suggest that the definition be consistent with provincial legislation and includes a spouse, child, parent, guardian, sibling, grandchild or grandparent of the person occupying the principal dwelling. The proposed change in the definition would also remove the requirement that farmworkers are employed permanently and full-time by the farm business, in recognition of the SSI AA's comments about the seasonal and part-time nature of farm work. A comparison of the existing versus proposed wording is as follows:

Current LUB Definition	Possible Draft Bylaw Amendment
“dwelling unit, farmworker’s” means a <i>dwelling unit</i> that is accessory to a <i>commercial farm business</i> on a lot and is used for the <i>residential</i> accommodation of a farmworker permanently employed full-time in that <i>farm business</i> .	“dwelling unit, farmworker’s” means a <i>dwelling unit</i> that is accessory to a <i>commercial farm business</i> on a lot and is used for the <i>residential</i> accommodation of a farmworker permanently employed full-time in that <i>farm business</i> or for immediate family.

Secondary Suites and Additional Dwellings

Following provincial information sessions, discussions with the agricultural community, review of preliminary referral responses, and review of applicable OCP policies and objectives, staff have amended the draft bylaw to reflect the desire of the agricultural community to support the provision of farmworkers housing and housing for family on agricultural zoned lands (see “Farmworker Dwelling Unit Definition” section of this staff report). Amendments of note include permitting a secondary suite on all lots in agricultural zones and permitting a second accessory dwelling unit for lots 1.2 hectares or greater in area on lands classified as a farm under the *Assessment Act* (Figure No. 1 & 2). In accordance with the provincial changes to residential permissions and OCP policy B.2.2.2.16, the maximum floor area of the second accessory dwelling unit is proposed to vary depending on the lot size – from 56 square metres up to 186 square metres. Staff note the proposed bylaw amendment removes a seasonal cottage as an accessory use (which required a non-farm use application to the ALC), replacing it with a farmworker’s dwelling unit, as [Section 33](#) of the *Agricultural Land Reserve Use Regulation (ALR Use Regulation)* restricts the use of a ‘cabin’ to agri-tourism accommodation – a use which is narrowly limited to the operation of specific agri-tourism activities under [Section 12](#) of the *ALR Use Regulation*.

Table No. 1 represents the number of properties potentially affected by the draft bylaw – 397 agricultural zoned properties exceed 1.2-hectares in area, with 172 presently classified as a farm under the *Assessment Act*. Notwithstanding, lots with a lawful non-conforming existing dwelling (such as an existing seasonal cottage) or manufactured home would not be permitted an additional accessory dwelling unit. Accordingly, the proposed amendments to Section 9.1 of the LUB would allow an agricultural zoned property to encompass up to 3 dwellings – a single-family dwelling up to 500 square metres; a 90 square metre secondary suite contained within the single-family dwelling; and for lots 1.2-hectares or greater classified as a farm under the assessment act, a third purpose built farmworker dwelling requiring a covenant restricting use of the dwelling with a maximum floor area between 56 to 186 square metres depending on the area of the lot.

Accessory Uses			
One additional <i>dwelling unit</i> , provided that the existing <i>single-family dwelling</i> is 500 square metres in <i>floor area</i> or less and is consistent with Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019 or any legislation which may be enacted in substitution, that is:			
a) a pre-existing <i>dwelling unit</i> constructed before February 22, 2019, or			
b) a <i>mobile home</i> for immediate family constructed between July 4, 2019 and December 31, 2021, or			
c) a <i>farmworkers’ dwelling unit</i> not exceeding 90 square metres in <i>floor area</i> on agricultural land classified as a farm under the <i>Assessment Act</i> , or	♦		♦
d) a <i>full-time rental cottage</i> subject to Section 3.15, or			
e) a <i>secondary suite</i> subject to Section 3.16, or			
f) on a lot greater than 40 hectares in area, a <i>dwelling unit</i> not exceeding 186 square metres in <i>floor area</i> .			
Information Note:	For lots 40 hectares or less in area where the <i>single-family dwelling</i> exceeds 500 square metres in <i>floor area</i> , permission to construct an additional <i>dwelling unit</i> for farm use must be applied for and approved in writing by the Agricultural Land Commission.		

Figure 1: Draft Bylaw No. 526 at Preliminary Referral

Accessory Uses			
A <i>secondary suite</i> subject to Section 3.16		♦	♦
Where a lot is classified as a farm under the <i>Assessment Act</i> , a second <i>accessory dwelling unit</i> is permitted provided that:			
a) it is a pre-existing <i>dwelling unit</i> constructed before February 22, 2019; or			
b) it is a <i>manufactured home</i> constructed between July 4, 2019 and December 31, 2021; or			
c) where the owner grants to the Salt Spring Island Local Trust Committee a covenant under the <i>Land Title Act</i> restricting use of the <i>dwelling unit</i> , it is a <i>farmworker’s dwelling unit</i> not exceeding:		♦	♦
i. 56 square metres in <i>floor area</i> on a lot between 1.2 hectares and 2 hectares or less in area; or			
ii. 90 square metres in <i>floor area</i> on a lot greater than 2 hectares in area; or			
iii. 186 square metres in <i>floor area</i> on a lot greater than 40 hectares in area.			
Information Note:	For lots 40 hectares or less in area where the <i>single-family dwelling</i> exceeds 500 square metres in <i>floor area</i> , permission to construct an additional <i>dwelling unit</i> for farm use must be applied for and approved in writing by the Agricultural Land Commission.		

Figure 2: Draft Bylaw No. 526 at First Reading

Agriculture Zoned Lots	1.2-ha to 2-ha	2-ha to 40-ha	40-ha+	Total:
Farm Status	9	153	10	172
No Farm Status	47	172	6	225
Total:	56	325	16	397

Table 1: Farm Status on Agricultural Zoned (ALR) Properties

500m² limit on Dwelling Units

The draft bylaw contains an amendment to LUB Section 3.11 (Dwelling Units) by implementing a 500 square metre (5,300 square foot) floor area limit on all dwelling units. [Article 20.1\(1\)\(b\)](#) of the *Agricultural Land Commission Act* limits the size of a principal dwelling to 500 square metres and so the agricultural zoning in the LUB should reflect

this limit, as local governments may only be more restrictive on this floor area limit, not more permissive. Rather than creating an Agricultural zone specific dwelling floor area limit, staff recommend simply amending the language in the LUB to apply the 500 square metre limit to all dwelling units by amending LUB Section 3.11. If an applicant wishes to construct a dwelling larger than 500 square metres (outside the ALR), they would be required to apply to the SS LTC for a Development Variance Permit. Given that the proposed change would impact all dwellings, not just those in the ALR, wider notification, consultation, and input may be requested by the SS LTC.

Additional Temporary Farmworker Housing

In discussions with the agricultural community, desire was expressed to permit additional temporary farmworker housing on large lots where seasonal farmworkers may occupy tents or recreational vehicles during the growing season. Staff note the amended draft bylaw provides provisions for up to three dwelling units on lots classified as a farm larger than 1.2-hectares – staff note both accessory dwelling units, a secondary suite and farmworker’s dwelling, could be used as farmworker accommodation. The *ALR Use Regulation* does not speak to additional temporary farmworker dwellings and local governments in their bylaws cannot exceed residential permissions under provincial regulation in the ALR. Agri-tourism or tourist accommodations are limited to 10 sleeping units (including bedrooms in a principal dwelling forming part of a bed and breakfast home-based business) – for short-term/seasonal use – staff note the draft bylaw allocates these 10 units for commercial guest accommodation. Notwithstanding, farms seeking additional temporary residential use of an agricultural property could apply to the ALC and the Islands Trust. In land use designations where the SS LTC may issue Temporary Use Permits (TUPs) – such as the agricultural designation – a TUP could be applied for to allow temporary dwelling units (not requiring a building permit, such as occupancy of recreational vehicles or tiny homes on wheels). Staff note there are currently no guidelines for staff to assess the merits of such applications (only OCP policies and objectives) as proposed Bylaw No. 471 (TUPs for Residential Use) is still under consideration by the SS LTC.

Recommendations of the MoAFF & ALC

Following preliminary referral, the Ministry of Agriculture, Food and Fisheries (MoAFF) and ALC recommended amendments to uses within the table under Subsection 9.1.1 regarding the processing and sale of farm products. [Section 11\(2\)](#) of the *ALR Use Regulation* allows the storing, packing, preparing and processing of farm products on agricultural land if 50% of the farm product is produced either on that agricultural land or by an association to which the owner of the agricultural land belongs – additionally, farm retail sales are permitted provided [Section 11\(3\)](#) of the *ALR Use Regulation* is met. These uses (storing, packing, preparing, processing, and sale of farm products) are designated a farm use which may not be prohibited by local government. As such, staff have removed the accessory uses shown in Figure No. 3 and have amended the information note under “agriculture” as shown in Figure No. 4 in accordance with the recommendations from these provincial bodies.

Processing of the <i>farm products</i> of another farm located within the Salt Spring Island Local Trust Area.	◆	◆
Information Note: <i>This use requires the written permission of the Land Reserve Commission.</i>		
Sale of the <i>farm products</i> of another farm, provided that the <i>floor area</i> used for the storage and display of the products from another farm may not exceed 5 square metres or one third of the total <i>floor area</i> on a lot that is occupied by <i>farm product</i> storage and display.	◆	◆

Figure 3: Accessory Uses Proposed to be Removed from LUB Table 9.1.1

Agriculture, farm buildings and structures

Information Note: By definition, “agriculture” includes the processing, storage, **and** sale of farm products produced on **that agricultural land or by an association to which the owner of the agricultural land belongs. These uses must consistent with the [Agricultural Land Reserve Use Regulation.](#)**

Figure 4: Information Note under Agriculture (Principal Use)

Covenant Template

In a referral response to the draft bylaw, the SSI AA suggested that the additional dwellings on agricultural land should be subject to some mechanism whereby additional dwelling units are permitted only on lots classified as a farm and occupied by farmworkers or immediate family. The SSI AA recommended that this mechanism not be overly onerous to the point where it might become a barrier to achieving the desired outcome. The SSI AA suggested that proving farm tax status would be sufficient way to ensure that the criteria are met.

Staff agree that this approach would essentially impose no burden on a landowner, as producing this documentation would be minimal in effort (once the status is achieved), however staff consider that there would be limited long-term assurance that this status would be retained, or, in the event that a property is sold, that the criteria required for the extra dwelling continues to be met.

Staff therefore suggest if there is strong interest in having the dwelling restricted for use by immediate family members or farmworkers, that the owners be required to register a covenant restricting the use accordingly. This would require the applicant to incur legal costs to develop and register the covenant, and may prove to be the type of barrier that the SSI AA is seeking to avoid. If the SS LTC wishes to proceed with the covenant requirement, staff will prepare a draft covenant template and seek legal review, and present it to the SS LTC at a future meeting. Establishing a good model template will substantially reduce future applicant costs.

Consultation

Draft Bylaw No. 526 was referred to select agencies, groups and Local Trust Committees in December 2021 (Appendix No. 4). Referrals of rezoning bylaws to agencies, organizations and First Nations typically occur at time of first reading. The SS LTC may consider if it wishes to undertake additional consultation beyond the below groups identified in this report and direct staff accordingly.

Public Agencies	Islands Trust/Local Government	First Nations*
<ul style="list-style-type: none"> ▪ Agricultural Land Commission⁺ ▪ Ministry of Agriculture⁺ ▪ BC Assessment Authority ▪ Ministry of Municipal Affairs and Housing ▪ Ministry of Transportation & Infrastructure ▪ Ministry of Forest Lands, Natural Resource Operations and Rural Development (Water Authorizations) ▪ Front Counter BC ▪ CRD – All Referrals⁺ ▪ CRD – SSI Economic Sustainability Commission ▪ CRD – SSI Building Inspection⁺ ▪ CRD – SSI Director ▪ CRD – SSI Transportation Commission ▪ CRD – Housing Secretariat ▪ CRD – SSI Liquid Waste Disposal Local Service Commission ▪ Vancouver Island Health Authority⁺ 	<ul style="list-style-type: none"> ▪ Galiano Island Local Trust Committee⁺ ▪ Mayne Island Local Trust Committee⁺ ▪ North Pender Island Local Trust Committee⁺ ▪ Thetis Island Local Trust Committee⁺ ▪ Cowichan Valley Regional District⁺ ▪ Islands Trust Bylaw Enforcement and Compliance⁺ ▪ Islands Trust – Trust Conservancy Board 	<ul style="list-style-type: none"> ▪ Cowichan Tribes ▪ Halalt First Nation ▪ Lake Cowichan First Nation ▪ Lyackson First Nation ▪ Penelakut Tribe ▪ Stz’uminus First Nation ▪ Malahat First Nation ▪ Pauquachin First Nation ▪ Tsartlip First Nation ▪ Tsawout First Nation ▪ Tseycum First Nation ▪ Semiahmoo First Nation ▪ Tsawwassen First Nation ▪ Hul’qumi’num Treaty Group (for information only) ▪ Te’Mexw Treaty Association (for information only)
	Community Agencies/Groups	
	<ul style="list-style-type: none"> ▪ BC Ambulance Service ▪ North Salt Spring Waterworks District⁺ ▪ RCMP ▪ SSI Fire-Rescue ▪ SSI Advisory Planning Commission ▪ SSI Agricultural Advisory Planning Commission⁺ ▪ SSI Agricultural Alliance⁺ ▪ Housing Action Program Task Force 	<p><i>*And others as determined by SIPA & Ministry of Municipal Affairs</i></p>

⁺ Draft bylaw referral agencies/groups/Local Trust Committees

Statutory notification of the proposed rezoning will be made in accordance with [Section 466](#) of the *Local Government Act* and the [Salt Spring Island Development Procedures Bylaw No. 304](#) at time of public hearing.

Rationale for Recommendation

Following early referral of Draft Bylaw No. 526, staff attended information sessions held by MoAFF and ALC, and have sought to incorporate changes to the bylaw in consideration of comments and concerns from the agricultural community and various stakeholders. The amended draft bylaw for consideration of first reading addresses proposed amendments to the definition of a farmworker’s dwelling unit to include immediate family; permits secondary suites on all agricultural zoned properties; permits a second accessory dwelling unit for lots classified as a farm 1.2 hectares or greater (either lawful non-conforming or a new farmworker’s dwelling unit requiring a covenant to restrict use); changes information notes and at the request of the MoAFF, removes processing and sale regulations and maximum number of campsites per hectare as the reduced number of permitted sites; and adds a regulation restricting the floor area of a dwelling unit to 500 square metres mirroring [Article 20.1\(1\)\(b\)](#) of the *Agricultural Land Commission Act*. The amended draft bylaw is supported by OCP policies and objectives – notably B.2.2.2.16 and B.6.2.2.8(a)(g) and generally supported by the ITPS Directives Policies. In consideration of the forgoing, staff recommend first reading of Draft Bylaw No. 526 and recommend referral to various agencies, organizations and First Nations including the Advisory Planning Commission, Agricultural Advisory Planning Commission and Housing Action Program Task Force.

ALTERNATIVES

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

1. Amend Draft Bylaw No. 526

The SS LTC may wish to amend the draft LUB prior to first reading. If selecting this alternative, the SS LTC should describe the specific amendment. Recommended wording for resolution:

That Salt Spring Island Local Trust Committee amend Bylaw No. 526, cited as ""Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 3, 2021", by [list amendments...].

That Salt Spring Island Local Trust Committee Bylaw No. 526, cited as ""Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 3, 2021", be read a first time, as amended.

2. Receive for information

The SS LTC may receive this staff report for information. Staff advise that the implication of this option is that the current "additional dwelling" and "dwellings on large farm" regulations would remain in force. A mobile home up to 90 square metres could be constructed but could only be used for immediate family as well as a secondary suite and seasonal cottage. A farm workers' dwelling unit could not be constructed without specific approval from the ALC through a Non-Farm Use application, which would no longer be required after December 31, 2021, thus creating a potential barrier to approval. Applicants would no longer be able to apply to the ALC for a Non-Farm Use as it would not be required by the ALC, but would therefore not be able to meet the letter of the regulatory requirements of the LUB as written.

3. Request further information

The SS LTC may request further information prior to making a decision. Staff advise that the implications of this option is a delay in implementing bylaw amendments. If selecting this alternative, the SS LTC should describe the specific information needed and the rationale for this request. Staff again advise that the availability of resources makes much further analysis and reporting challenging and could significantly delay any legislative process. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee direct staff to report back on [item]...

NEXT STEPS

If the recommended resolutions are accepted, the draft bylaw will be given first reading and sent to agencies, organizations and First Nations. The application will return to the SS LTC for their consideration once the referral period has concluded.

Submitted By:	Geordie Gordon, Planner 2 & Kristine Mayes, Planner 1	February 1, 2022
Concurrence:	Stefan Cermak, Regional Planning Manager	February 2, 2022

APPENDICES

1. Draft Bylaw No. 526
2. Islands Trust Policy Statement Directives Only Checklist
3. OCP Policies
4. Referral Responses

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 526

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 3, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By replacing the definition of “dwelling unit, farmworker’s” under Section 1.1 – Definitions – with the following:

“dwelling unit, farmworker’s” means a *dwelling unit* that is *accessory* to a *commercial farm business* on a *lot* and is used for the *residential* accommodation of farmworkers employed in that *farm business* or for immediate family.

2.2 By replacing the table under Subsection 9.1.1 – Permitted Uses of Land, Buildings and Structures – with the following:

	A1	A2
Principal Uses, Buildings and Structures		
<i>Agriculture, farm buildings and structures</i> <i>Information Note: By definition, “agriculture” includes the processing, storage, and sale of farm products produced on that agricultural land or by an association to which the owner of the agricultural land belongs. These uses must consistent with the <u>Agricultural Land Reserve Use Regulation</u>.</i>	◆	◆
<i>Single-family dwellings</i>	◆	◆
Accessory Uses		
<i>A secondary suite subject to Section 3.16</i>	◆	◆
<i>Where a lot is classified as a farm under the <u>Assessment Act</u>, a second <i>accessory dwelling unit</i> is permitted provided that:</i>		
<i>a) it is a pre-existing <i>dwelling unit</i> constructed before February 22, 2019; or</i>		
<i>b) it is a <i>manufactured home</i> constructed between July 4, 2019 and December 31, 2021; or</i>		
<i>c) where the owner grants to the Salt Spring Island Local Trust Committee a covenant under the <u>Land Title Act</u> restricting use of the <i>dwelling unit</i>, it is a <i>farmworker’s dwelling unit</i> not exceeding:</i>	◆	◆
<i>i. 56 square metres in <i>floor area</i> on a lot between 1.2 hectares and 2 hectares or less in area; or</i>		
<i>ii. 90 square metres in <i>floor area</i> on a lot greater than 2 hectares in area; or</i>		
<i>iii. 186 square metres in <i>floor area</i> on a lot greater than 40 hectares in area.</i>		

<i>Information Note:</i> For lots 40 hectares or less in area where the single-family dwelling exceeds 500 square metres in floor area, permission to construct an additional dwelling unit for farm use must be applied for and approved in writing by the Agricultural Land Commission.		
Home-based business use subject to Section 3.13	◆	◆
Commercial guest accommodation in a campground on agricultural land classified as a farm under the Assessment Act <i>Information Note:</i> This use requires an agri-tourism activity consistent with the <u>Agricultural Land Reserve Use Regulation</u> to be occurring on the lot.	◆	

2.3 By replacing the table under Subsection 9.1.2 – Siting and Density of Permitted Uses, Buildings and Structures – with the following:

	A1	A2
Lot Coverage		
Maximum combined <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> , excluding greenhouses (per cent)	35	35
Maximum combined <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> , including greenhouses (per cent)	75	75
Maximum <i>lot coverage</i> of all <i>campsites</i> , <i>buildings</i> and <i>structures</i> in a <i>campground</i> (per cent)	5	N/A
Number of Units and Site Areas		
Maximum combined number of bedrooms used in a <i>bed and breakfast home-based business</i> and <i>campsites</i> on any <i>lot</i> <i>Information Note:</i> The <u>Agricultural Land Reserve Use Regulation</u> only permits a <i>bed and breakfast home-based business (tourist accommodation)</i> to be operated within the <i>principal residence</i> .	10	N/A
Setbacks		
Despite Article 4.3.1(2), the following <i>lot line</i> setbacks apply in the <i>zone</i> indicated:		
Minimum <i>rear lot line</i> setback (metres) for <i>buildings</i> , <i>structures</i> and <i>uses</i> that are not listed in Subsections 4.3.4 through 4.3.9	4.5	4.5

2.4 “By replacing Section 3.17 – Dwellings on Large Farms – with the following:

3.17 Despite other provisions of this bylaw, where *agriculture* is a permitted *principal use* on a *lot* not in an *Agricultural zone*, additional *farmworkers’ dwelling units* corresponding with the *subdivision* potential of the *lot* are permitted provided that:

- (1) the lot is classified as a farm under the Assessment Act;
- (2) the lot complies with Section 3.5;
- (3) the number of additional *farmworker’s dwelling units* correspond with the *subdivision* potential of the *lot* in accordance with Subsection 5.8.1 and the zone-applicable *Subdivision and Servicing Requirements* of Part 9;
- (4) each *farmworker’s dwelling unit* must be supplied with *potable* water in accordance with Section 5.5;
- (5) the maximum *floor area* of a *farmworker’s dwelling unit* is 186 square meters;

- (6) the owner grants to the Salt Spring Island Local Trust Committee a covenant under the Land Title Act restricting *use* of the *farmworkers’ dwelling units* and prohibiting further *subdivision* of the *lot*.

Information Note: Applications should be consistent with the guidelines in H.2.1.3 of the Salt Spring Island Official Community Plan.

2.5 By inserting in Section 3.11 – Dwelling Units – the following:

3.11.5 The maximum floor area for a *dwelling unit* is 500 square metres.

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS _____ DAY OF _____ 20_____

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
 _____ DAY OF _____ 20_____

ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary



Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: Housing Action Program

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	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.
✓	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.
N/A	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.
✓	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.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
TBD	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
TBD	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
✓	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
✓	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
✓	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY
	5.5	Recreation

N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
TBD	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

ATTACHMENT 3 – POLICIES

OFFICIAL COMMUNITY PLAN NO. 434

OCP Objective/Policy	Complies	Planner Comments
Policy A.5.1.8 To integrate the spirit and intent of federal and provincial environmental legislation and the <i>Agricultural Land Commission Act</i> and the <i>Farm Practices Protection ("Right to Farm") Act</i> into local environmental policies and bylaws.	yes	The draft bylaw proposes amendments incorporating the intent of provincial legislation.
Objective B.2.1.1.1 To support a mix of housing types in appropriate locations without compromising protection of the natural environment.	yes	The draft bylaw proposes dwellings limited by floor area – existing LUB regulations set out setbacks to features such as water bodies.
Objective B.2.1.1.2 To develop zoning that allows many different types of housing and accommodates a diverse population.	yes	The draft bylaw proposes offers greater residential flexibility.
Objective B.2.1.1.3 To acknowledge that a framework that limits growth may restrict housing choices as supply is limited; to respond to the challenge of fostering socioeconomic diversity within such a framework.	yes	The flexibility offered is capped at a maximum floor area.
Policy B.2.1.2.1 Zoning changes should be avoided if they would likely result in a larger island population than is expected under the development potential zoned in 2008. Exceptions to this policy are to be few and minor and only to achieve <i>affordable housing</i> and other objectives of this Plan.	yes	One additional dwelling is already permitted in Agricultural zones – the draft bylaw proposes amendments to subsection 9.1.1 of the LUB which could affect approximately 172 lots.
Policy B.2.2.2.16 Seasonal cottages should continue to be allowed wherever they are allowed by current zoning. The Local Trust Committee may also consider amending the Land Use Bylaw to allow the use of seasonal cottages as full time affordable rental housing units in certain areas. In order to encourage housing for families, the Land Use Bylaw may be amended to permit cottages with a maximum floor area of 90 m ² on lots 2 hectares or larger in area, while retaining the existing floor area limits on cottages on lots between 1.2 hectares and 2 hectares in area. Any amendment to zoning to allow cottages to be used as full time residences should address the following criteria: a. Full time residence of cottages should only be allowed in areas with an adequate supply of potable water. b. Full time residence of cottages should not be allowed in areas that are community water system supply watersheds or in community well capture zones. c. New construction of cottages for full time residence should be not allowed in areas containing sensitive ecosystems or areas that are hazardous for development. d. The use of cottages will not be for short-term rental in accordance with the Land Use Bylaw. e. <i>Building</i> safety and waste disposal issues are addressed through compliance with the B.C. Building Code and applicable health standards. f. The Local Trust Committee will consider the use of housing agreements and other measures to ensure that cottages are affordable and to address occupancy. g. The Local Trust Committee will work with the Capital Regional Housing Corporation on the administration of housing agreements in order to implement this policy. h. The Local Trust Committee should coordinate implementation of zoning changes with Capital Regional District Building Inspection and the Vancouver Island Health Authority. i. The Local Trust Committee may also consider limits on the location of cottages to minimize dependency on private automobiles. j. The Local Trust Committee will make zoning changes incrementally and monitor changes in order to have the effect of limiting the overall number of full-time units on the island. k. The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied cottages.	yes	The draft bylaw proposes to permit a second accessory farmworker's dwelling unit on an agricultural zoned property. a. As a requirement of Building Permit, the CRD would require proof of water. b. Agricultural zoned properties may be located within community water system supply watersheds / community well capture zones. c. LUB regulations and Development Permits areas may address siting in respect to sensitive ecosystems/hazards. d. A residential dwelling unit cannot be used as a short term vacation rental. e. The construction of dwellings is subject to a building permit. f. Covenant restricting use proposed. g. SS LTC covenant restricting use proposed. h. The draft bylaw will be referred to the CRD & VIHA (Island Health). i. The draft bylaw may increase dependency on private vehicles as agricultural properties are generally located on larger lots. j. The draft bylaw would apply to 397 properties. k. Can be tracked through preliminary plan review process.

<p>Policy B.3.1.2.5 Campgrounds are permitted by zoning in some Agriculture-zoned locations. The Local Trust Committee should consider rezoning applications from property owners wishing to develop small, low impact campgrounds on larger properties in the following Designations:</p> <ul style="list-style-type: none"> Rural Neighbourhoods Agriculture (subject to approval of the Agricultural Land Commission) Forestry Uplands <p>Applications for such a zoning change should demonstrate an adequate water supply, appropriate sewage disposal capability, and a site plan that would be uncrowded and well buffered by natural vegetation from neighbouring properties. If the Local Trust Committee considers such rezoning applications, preference should be given to those where services can be easily reached by walking, bicycle or public transit. Rezoning applications for the development of campgrounds meant primarily for large Recreational Vehicles should not be considered.</p>	<p>yes</p>	<p>Campgrounds are already permitted in Agricultural zones – the draft bylaw proposes amendments in line with the ALR Use Regulation and will still be subject to Schedule “F”.</p>
<p>Objective B.6.1.1 To recognize and retain traditional resource-based livelihoods such as agriculture, forestry and fishing. To maintain and protect their land bases, support <i>sustainable</i> management practices and to develop zoning that accommodates supportive land uses. To resist pressures to manage agriculture, forestry and fishing for reasons that are primarily aesthetic.</p>	<p>yes</p>	<p>The draft bylaw proposes amendments incorporating ALC changes to residential permissions.</p>
<p>Objective B.6.2.1.1 To support farming as a social, cultural and economic priority, and an ecologically responsible land use on Salt Spring Island.</p>	<p>yes</p>	<p>The draft bylaw proposes amendments incorporating ALC changes to residential permissions.</p>
<p>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.</p>	<p>maybe</p>	<p>The draft bylaw proposes amendments incorporating ALC changes to residential permissions. One additional dwelling is already permitted in Agricultural zones. Additional development may take small amounts of land out of agricultural production, but only as consistent with ALC permissions.</p>
<p>Objective B.6.2.1.3 To incorporate the spirit and intent of the provincial <i>Agricultural Land Commission Act, the Agricultural Land Reserve Use, Subdivision And Procedure Regulation, and the Farm Practices Protection ("Right to Farm") Act</i> into local land use policies and bylaws.</p>	<p>yes</p>	<p>The draft bylaw proposes amendments incorporating the intent of provincial legislation.</p>
<p>Objective B.6.2.1.4 To limit the non-farm use of <i>agricultural land</i>.</p>	<p>yes</p>	<p>The draft bylaw proposes one additional accessory dwelling unit limited by floor area.</p>
<p>Objective B.6.2.1.5 To accommodate a level and type of residential use on <i>agricultural land</i> that reflects the business needs of farm operations and is consistent with objectives for island population.</p>	<p>yes</p>	<p>The draft bylaw proposes amendments incorporating ALC changes to residential permissions.</p>
<p>Objective B.6.2.1.6 To reduce the potential for conflicts between agricultural areas and those areas that have been identified for higher density settlement.</p>	<p>yes</p>	<p>Agricultural land is distributed across the island, potential conflict may be minimal. Some agricultural land is located in close proximity to areas designated for higher density (e.g. Ganges)</p>
<p>Objective B.6.2.1.7 To encourage the creation and implementation of environmental farm plans.</p>	<p>yes</p>	<p>The draft bylaw proposes to implement recommendations from the SSI AFPR. The proposed changes may offer greater flexibility than that called for in the SSI AFPR.</p>
<p>Objective B.6.2.1.8 To ensure that sufficient water supplies remain available for agricultural purposes.</p>	<p>yes</p>	<p>One additional dwelling is already permitted in Agricultural zones.</p>
<p>Objective B.6.2.1.9 To recognize agriculture’s contribution to the island’s social, economic and environmental nature and appeal, and to retain and build on the island’s agricultural base, especially organic.</p>	<p>yes</p>	<p>Proposed changes would offer farmers options to house farmworkers or immediate family and expand/more easily maintain agricultural capacity.</p>
<p>Policy B.6.2.2.1 The Local Trust Committee should maintain an Agricultural Advisory Committee to:</p> <ol style="list-style-type: none"> a. provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission. b. help in developing and interpreting local policies about farming. c. identify other ways that the Local Trust Committee can encourage and support farming in the community. 	<p>yes</p>	<p>The draft bylaw will be referred to the AAPC.</p>

Policy B.6.2.2.2 To The Local Trust Committee will work with the local farming community, the Ministry of Agriculture and Lands, and the Agricultural Land Commission to develop common policies to the benefit of farming on Salt Spring Island and to support implementation of the Area Farm Plan.	yes	The draft bylaw proposes to implement some recommendations from the SSIAA, MoA, incorporates changes to residential permissions, and proposes to implement some recommendations from the SSI AFPR. Referral to agricultural bodies is recommended.
Policy B.6.2.2.4 Zoning within the Agriculture and Watershed-Agriculture Designations will continue to allow the land uses, structures and densities allowed by existing zoning and subdivision bylaws. Where existing zoning allows <i>general employment</i> and commercial uses, these will remain as permitted uses unless the property owner applies for a zoning change.	yes	One additional dwelling is already permitted in Agricultural zones.
Policy B.6.2.2.5 Farming activities and necessary structures should continue to be allowed by zoning in other Designations on all properties where they are currently allowed.	yes	The draft bylaw proposes additional dwellings on farmland outside of the ALR.
Policy B.6.2.2.8 On the advice of the Agricultural Advisory Committee, the Local Trust Committee should continue to support local farming by: <ul style="list-style-type: none"> a. addressing the need for additional housing on agricultural land. b. permitting appropriate farm uses as defined by the Agricultural Land Reserve Act and Regulations. c. recognizing the traditional uses of the property owned by the Salt Spring Island Farmer's Institute on Rainbow Road. d. allowing for the processing and warehousing of island farm products on the Institute's property. e. supporting zoning that would allow various forms of community farming activities. f. supporting the development of farmers' markets. g. considering changes to the Land Use Bylaw, based on the objectives of the Area Farm Plan and in consultation with the Agricultural Land Commission and the Ministry of Agriculture and Lands, to permit additional dwellings for farm workers. h. considering changes to the Land Use Bylaw to further support agri-tourism. i. supporting efforts to ensure a viable local livestock industry. j. updating agricultural information, monitoring changes in the agricultural sector and helping to identify unused or available farmland. 	yes	<ul style="list-style-type: none"> a. The draft bylaw proposes amendments incorporating ALC changes to residential permissions. b. N/A c. N/A d. N/A e. Additional housing options may increase community farming activities. f. N/A g. The draft bylaw proposes amendments incorporating the intent of provincial legislation. h. The draft bylaw proposes amendments incorporating the intent of provincial legislation in respect to agri-tourism. i. N/A j. N/A
Policy B.6.2.2.22 The Local Trust Committee will consider impacts on local food security when making land use decisions.	yes	Comments from AAPC will likely provide comment on this impact.
B.6.2.2.23 The farming community of Salt Spring Island is recognized and encouraged in its ongoing efforts in support of local agriculture.	yes	
B.6.2.2.25 The B.C. Assessment Authority is urged to carefully consider its impact on local farming. It is encouraged to develop policies and procedures that recognize the unique challenges faced by the local farming community. The Local Trust Committee will develop and recommend specific policies in consultation with local farmers through the Agricultural Advisory Committee.	N/A	
B.6.2.2.32 The Local Trust Committee will encourage and support efforts by others to promote and sustain local food security.	yes	
B.6.2.2.32 The Local Trust Committee will support the implementation of the Area Farm Plan by the Salt Spring Island Agricultural Alliance.	yes	The draft bylaw proposes to implement some recommendations from the SSI AFPR. Further consultation with the SSIAA is recommended.
Objective C.3.2.1.5 To ensure that zoning changes within the boundaries of water systems do not result in such a level of demand on island water sources that agricultural activities cannot obtain water.	yes	One additional dwelling is already permitted in Agricultural zones.
Objective C.3.2.2.11 When the Local Trust Committee receives applications for zoning changes within a water system's boundaries, and the zoning change would increase the demand for water, the Committee will consider the impacts on agriculture, as further outlined in Section B.6.2.	yes	One additional dwelling is already permitted in Agricultural zones.



Islands Trust

Referrals: Bylaw SS-526

Agency	Sent	Received
Agricultural Advisory Planning Commission - Salt Spring 1-500 Lower Ganges Road:	01-Dec-2021	
Agricultural Land Commission Rm. 133 4940 Canada Way: <i>Comment:</i> No staff objections to the adoption of Bylaw No. 526. Please see substantive response. Additional response provided 2022-01-21: Please see substantive response.	01-Dec-2021	06-Dec-2021
BC Assessment Authority <i>Policy, Audit and Legal Services:</i> Cathie McIntyre	01-Dec-2021	
Bylaw Enforcement <i>Islands Trust:</i> Warren Dingman	01-Dec-2021	
Capital Regional District - All Referrals Christine Condron 625 Fisgard Street:	01-Dec-2021	
Capital Regional District - SSI Senior Manager 145 Vesuvius Bay Road: . . <i>Comment:</i> Interest Unaffected.	01-Dec-2021	17-Jan-2022
Cowichan Valley Regional District 175 Ingram Street: Mike Tippett <i>Comment:</i> Interests Unaffected.	01-Dec-2021	17-Jan-2022
Front Counter BC <i>FrontCounterBC@gov.bc.ca:</i>	01-Dec-2021	
Galiano Island Local Trust Committee 200 - 1627 Fort Street: . .	01-Dec-2021	
Mayne Island Local Trust Committee <i>Islands Trust:</i> . .	01-Dec-2021	
Ministry of Agriculture PO Box 9099, Stn. Prov. Govt.: <i>Comment:</i> Several comments provided. Please see substantive response.	01-Dec-2021	14-Jan-2022
North Pender Island Local Trust Committee <i>Islands Trust:</i> . .	01-Dec-2021	27-Jan-2022



Referrals: Bylaw SS-526

Agency	Sent	Received
<i>Comment:</i> Interests Unaffected		
North Salt Spring Waterworks District 761 Upper Ganges Road: The Manager <i>Comment:</i> Approval recommended subject to conditions outlined below. Please see substantive response.	01-Dec-2021	17-Dec-2021
SSI Agricultural Alliance 106 Old Scott Road: <i>Comment:</i> Submission dated November 17, 2021 - Regarding agenda item 3.4 Document provided outlining the perspective of the SSI Ag Alliance. Please see substantive response.	01-Dec-2021	01-Dec-2021
Thetis Island Local Trust Committee Northern Office: . .	01-Dec-2021	
Vancouver Island Health Authority 1952 Bay Street: Christopher Laughlin <i>Comment:</i> Interests Unaffected.	01-Dec-2021	03-Dec-2021

November 17, 2021

Salt Spring Island Local Trust Committee
Islands Trust

Re: Potential Changes to the Land Use Bylaw Regarding Housing on Agricultural Land

Thank you for consulting with us on this important matter.

The Agriculture Alliance has reviewed the possible draft amendments to the Land Use Bylaw for changes to residential permissions on lots located in the Agricultural Land Reserve. We wish to request some adjustments to the possible draft amendments, to better support farming and local food production, while continuing to protect agricultural land.

We – and the Area Farm Plan – support the creation of additional options for farmworker housing, which recent changes to provincial legislation make possible. The measured and thoughtful creation of additional housing options on properties that are being actively farmed could provide long-term support for increased local food production, enhanced food security and improved economic viability of agriculture on Salt Spring Island.

As you know, Salt Spring Island’s Official Community Plan identifies several significant community benefits of agricultural land uses:

- Enhanced local food production is a significant factor in reducing food transportation costs and greenhouse gas emissions (A.6.2.15)
- Farming is an ecologically responsible land use and a social, cultural and economic priority (B.6.2.1.1)

Our Official Community Plan aims to maintain and protect the long-term potential for farming and agro-forestry on Salt Spring Island and to preserve agricultural land and necessary water supplies (B.6.2.1.2). It calls for accommodating a level and type of residential use on agricultural land that reflects the business needs of farm operations and is consistent with objectives for island population (B.6.2.1.5)

Our Official Community Plan recognizes that the benefits of agricultural activity on Salt Spring Island accrue in all zones where agriculture is permitted, not just on land within the Agricultural land Reserve.

In our view, bylaw changes affecting housing on agricultural land must address the housing needs of farm workers and farm families without having a negative impact on the use of agricultural land for farming. Increased housing options are essential to support local agriculture, but should not be viewed as a way to significantly increase residential densities on Salt Spring. For this reason, we believe that additional housing on agricultural land should only be permitted where and when it supports enhanced local farm production.

With this in mind, we are generally supportive of changes to permit second dwelling units on lots being actively farmed, with the following suggested revisions:

1. We request that a second dwelling unit be permitted on lots being actively farmed, as long as that housing is occupied by full-time farmworkers and/or family members retiring from the farm.

Permitting retired farm family members, as well as fulltime farmworkers, to live in a second dwelling would support succession planning in agriculture, enabling young families to take over operation of farms while older relatives remain on the property, providing mentorship (and ownership equity) to support the establishment of younger farmers.

2. We request that this provision apply to all lots where commercial farm businesses are legally operating rather than being limited to lots located within the Agricultural Land Reserve.

Our Official Community Plan does not suggest that the benefits of local agriculture are limited to lots located within the Agricultural Land Reserve. By permitting a second housing unit on all lots where commercial farming is legally taking place, this would add only a modest number of additional housing units in total, simply because of the limitations relating to commercial agricultural activity and the potential occupants of such housing.

3. In addition to permitting retired farm family members to reside in the second housing unit, we request that the proposed definition of farmworker's housing be revised to better reflect the reality of farm staff turnover: "dwelling unit, farmworker's" means a dwelling unit that is accessory to a commercial farm business on a lot and is used for the residential accommodation of a farmworker ~~permanently~~ employed full-time in that farm business or family members retired from working in that farm business.

The term "permanently employed" would be difficult to enforce and is unreasonable, given the reality of relatively frequent staff turnover.

4. We request that the second dwelling be allowed to be part of a farm accessory building.

This would minimize impacts on farmland of adding a second dwelling unit. For example, a farm having a housing unit within an equipment storage or processing building.

5. We request that principal residences on lots being actively farmed should be permitted to have a secondary suite.

Agricultural Land Reserve regulations permit this and it would further address the need for farmworker housing with no additional impact on agricultural land.

6. We request that a limited amount of short-term farmworker camping should be permitted on lots being actively farmed. This is in addition to the proposed limited amount of agritourism camping. Both types of camping should be permitted in a tent located on a fixed base.

It is common in many places where agriculture is practised for farmworkers to camp, particularly during busy harvest periods. We believe that the land use bylaw should explicitly permit such short-term non-

tourism camping activity (perhaps up to five tents) and that it should be permissible for any tent accommodation to be on a fixed base (floor/platform).

7. We request that legal mechanisms used to ensure compliance with these bylaw changes impose minimal costs and delays on property owners.

While we fully support including measures to ensure that a second housing unit is limited to lots that are being commercially farmed and is occupied only by fulltime farmworkers and/or retired farm family members, it is important that mechanisms to enforce these limitations are not excessively onerous. The use of farm tax status is an example of a relatively simple and low-cost mechanism to ensure a lot is being actively farmed.

With these recommended additions/revisions, we believe these changes to the land use bylaw would enhance the viability of local agriculture, while protecting agricultural land and having only a small impact on the total number of housing units on Salt Spring Island.

Thank you for considering these requests.

Salt Spring Island Agricultural Alliance

From: Takeuchi, Kazuhiro <Kazuhiro.Takeuchi@islandhealth.ca>
Sent: Friday, December 3, 2021 3:33 PM
To: Daniela Murphy
Subject: RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 526 - Farm Housing
Attachments: Bylaw Referral Form Bylaw 526 - Island Health Response.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Daniela,

Referral response attached.

If you have any questions, feel free to call me at 250-519-3655.

Sincerely,

Kazuhiro (Kaz) Takeuchi, B.Sc., B.Tech., CPHI(C)
Environmental Health Officer
Gateway Village Health Unit
Suite 201 – 771 Vernon Avenue, Victoria, BC. V8X 5A7
Phone: (250) 519-3401 Ext 33655
Email: Kazuhiro.Takeuchi@IslandHealth.ca



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BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

Dec 3, 2021
(Date)

526
(Bylaw Number)

Environmental Health Officer
(Title)

Island Health
(Agency)

From: Collins, Martin J ALC:EX <Martin.Collins@gov.bc.ca>
Sent: Monday, December 6, 2021 9:29 AM
To: SSInfo
Subject: FW: Islands Trust dec 2021.pdf
Attachments: Islands Trust dec 2021.pdf

From: Collins, Martin J ALC:EX
Sent: December 6, 2021 8:31 AM
To: 'ssinfor@islandstrust.bc.ca' <ssinfor@islandstrust.bc.ca>
Subject: FW: Islands Trust dec 2021.pdf

From: Collins, Martin J ALC:EX
Sent: December 2, 2021 11:50 AM
To: 'ssinfor@islandtrust.bc.ca' <ssinfor@islandtrust.bc.ca>
Cc: Bailey, Reed AFF:EX <Reed.Bailey@gov.bc.ca>
Subject: Islands Trust dec 2021.pdf



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

December 2, 2021

Reply to the attention of Martin Collins
ALC Inquiry:
Local Government File: SS-BL-526

Kristine Mayes Planner
Geordie Gordon Planner
Islands Trust

Email: ssinfor@islandtrust.bc.ca

Delivered Electronically

Re: Bylaw No. 526

Thank you for forwarding Island Trust Bylaw No. 526 (the “Amendments”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Amendments are consistent with the purposes of the ALC Act, the Agricultural Land Reserve (ALR) General Regulation, (the “ALR General Regulation”), the ALR Use Regulation (the “ALR Use Regulation”), and any Orders of the ALC.

Current Proposal:

The Amendments are proposed to bring the Island’s Trust bylaws into consistency with OIC No. 438 pertaining to residential flexibility in the ALR. Additionally Bylaw No.526 proposes to amend bylaw No. 355 to address(limit) subdivision potential for parcels accommodating farmworker housing outside the ALC for agriculturally zoned parcels which are classified as “farm” under the Assessment Act.

ALC Staff Comments:

ALC staff notes that the proposed amendments that affect the Agricultural Land Reserve are consistent with the proposed residential flexibility amendments to the ALC Use Regulation and to the current ALC Act and Regulations and the Ministry of Agriculture Guide for Bylaw Development (i.e. lot coverage etc). As such there are no staff objections to the adoption of Bylaw No. 526.

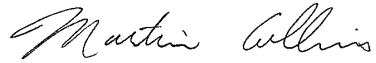
The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

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

If you have any questions about the above comments, please contact the undersigned at 236-468-1884 or by e-mail (Martin.Collins@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "Martin Collins". The signature is written in a cursive style with a large initial 'M' and a long, sweeping underline.

Martin Collins, Director of Policy and Planning

cc: Ministry of Agriculture – Attention: Reed Bailey

BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

The North Salt Spring Waterworks District (NSSWD) is supportive of this Bylaw for properties located outside of the NSSWD Service Boundary.

Any properties located within the NSSWD Service Boundary would be subject to the current Water Service Connections during Moratorium Policy (NSSWD OP#9):

It is the policy of the North Salt Spring Waterworks District that decisions on applications for water service connections made after the implementation of the moratorium on October 1, 2014, will be made in accordance with the following guidelines:

- i. Each property on the NSSWD parcel tax roll, regardless of zoning, will be entitled to only one ¾" (19mm) water service connection to either a single residential unit or a single commercial unit; and
- ii. Where the application for service is for the subdivision of a property on the NSSWD parcel tax roll, only one lot will be served with a ¾" (19mm) connection and all other lots created must provide potable water by other means; and
- iii. Where the building inspector requires an increase in the size of an existing service connection in order to issue a building permit for a renovation to an existing structure, the application for a larger diameter service connection will be denied; and
- iv. Where the application is for new cottages or secondary suites located on a property that is already served, the application will be denied; and
- v. Where the application is for the legalization of an existing secondary suite or seasonal cottage, approval will be given only if proof is provided of the existence of the suite or cottage prior to implementation of the moratorium on October 1st, 2014; and
- vi. Where the property is not on the NSSWD parcel tax roll, the application will be denied.

Salt Spring Island Trust Area
(Island)


(Signature)

17 December 2021
(Date)

526
(Bylaw Number)

District Manager
(Title)

North Salt Spring Waterworks District (NSSWD)
(Agency)

Referral Due: January 17, 2022



January 14, 2022

Geordie Gordon & Kristine Mayes
Planners – Salt Spring Island
Islands Trust
Sent by email

Dear Geordie and Kristine:

Re: Bylaw 526 – Farm Housing

Thank you for providing the opportunity for the Ministry of Agriculture, Food and Fisheries (Ministry) to comment on Bylaw 526 that proposes a series of amendments to Salt Spring Island Land Use Bylaw No. 355, 1999 in response to amendments to the Agricultural Land Reserve (ALR) Use Regulation for residential flexibility. Please note that all text in italics below has been copy and pasted from the Bylaw. From an agricultural perspective, the Ministry offers the following comments:

Subsection 9.1.1 – Permitted Uses of Land, Buildings and Structures

*Processing of the farm products of another farm located within the Salt Spring Island Local Trust Area.
Information Note: This use requires the written permission of the Agricultural Land Commission*

Ministry Comment: As per section 11(2) of the Agricultural Land Reserve Use Regulation (the 'Regulation'), farmers are able to process farm products grown on other farms, without approval from the Agricultural Land Commission, provided that at least 50% of the farm product that they process is produced on their ALR property. Ministry staff suggest amending this part of the Bylaw to be consistent with the Regulation.

Commercial guest accommodation in a campground on agricultural land classified as a farm under the Assessment Act, subject to Schedule "F"

Ministry Comment: As per section 33 of the Regulation, campsites/campgrounds are only permitted as agri-tourism accommodation. Further, an ALR landowner is only permitted to conduct an agri-tourism accommodation operation in relation to an agri-tourism activity (as

defined in section 12 of the Regulation) occurring on their ALR property. As such, Ministry staff suggest requiring that commercial guest accommodation in a campground only be permitted on properties in the ALR/the A1 zone, if they are consistent with section 33 of the Regulation.

Subsection 9.1.2 – Siting and Density of Permitted Uses, Buildings and Structures

Maximum number of campsites per ha in a campground on any lot – 10

Maximum number of bedrooms used in a bed and breakfast home-based business and campsites on any lot – 10

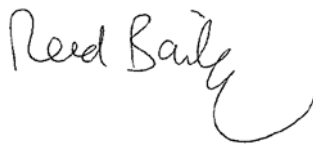
Ministry Comment: Similar to the Ministry’s aforementioned comment associated with commercial guest accommodation, campsites/campgrounds are only permitted as agri-tourism accommodation and as such, Ministry staff suggest requiring that campsites only be permitted on properties in the ALR/the A1 zone, if they are consistent with section 33 of the Regulation.

Further, given that a maximum of 10 campsites is permitted on any lot and that a maximum of 10 campsites per ha is permitted on any lot, it appears that the Bylaw requires that the 10 campsites must be located within a one ha area on each lot. The Ministry has no objection to this portion of the bylaw as written and simply wanted to bring this to the attention of Islands Trust staff in the event that the one ha campsite restriction was not the intended outcome of this portion of the Bylaw.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,



Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca



Doug Pepper, P.Ag.
Regional Agrologist
250-737-2417
Doug.Pepper@gov.bc.ca

cc: Shannon Lambie, Regional Planner – Agricultural Land Commission

From: Shayla Burnham <sburnham@crd.bc.ca>

Sent: Monday, January 17, 2022 10:21 AM

To: SSIInfo <ssiinfo@islandstrust.bc.ca>

Subject: RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 526 - Farm Housing

Hi all,

On behalf of Karla Campbell, CRD SSI Senior Manager, please note our interests unaffected.

Thank you,

Shayla Burnham | Committee Clerk

Salt Spring Island Parks and Recreation | Capital Regional District

108-121 McPhillips Road, Salt Spring Island, BC, V8K 2T6

T: 250.538-4304 | E: sburnham@crd.bc.ca



BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

526

(Bylaw Number)

Emily Dixon
(Signature)

Planner II (Community Planning)
(Title)

January 17, 2022

(Date)

Cowichan Valley Regional District
(Agency)

From: Lambie, Shannon ALC:EX <Shannon.Lambie@gov.bc.ca>
Sent: Friday, January 21, 2022 3:03 PM
To: SSInfo
Cc: Bailey, Reed AFF:EX
Subject: 46802m1 - Bylaw No. 526, A Bylaw to Amend Salt Spring Island Land Use Bylaw No. 355, 1999
Attachments: 46802m1 ALC Response - Bylaw No. 526, A Bylaw to Amend Salt Spring Island Land Use Bylaw No. 355, 1999.pdf

Good afternoon,

Please find attached the Agricultural Land Commission's response with respect to Bylaw No. 526, A Bylaw to Amend Salt Spring Island Land Use Bylaw No. 355, 1999.

The ALC strives to provide a detailed response to all bylaw referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft bylaw provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions, please do not hesitate to contact me.

Sincerely,
Shannon

Shannon Lambie

Island and South Coast Regional Planner | Agricultural Land Commission
201-4940 Canada Way, Burnaby, BC, V5G 4K6 | T 236-468-2026 (**NEW**)
shannon.lambie@gov.bc.ca | www.alc.gov.bc.ca



Agricultural Land Commission
201 – 4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033

January 21, 2022

Reply to the attention of Shannon Lambie
ALC Planning Review: 46802

Geordie Gordon and Kristine Mayes
Planners, Islands Trust
ssiinfo@islandstrust.bc.ca

DELIVERED ELECTRONICALLY

Re: Bylaw No. 526, A Bylaw to Amend Salt Spring Island Land Use Bylaw No. 355, 1999

Thank you for forwarding a draft copy of Bylaw No. 526 (the “Bylaw”) for review and comment by the Agricultural Land Commission (ALC). The following comments are provided to help ensure that the Bylaw is consistent with the purposes of the *ALC Act*, the Agricultural Land Reserve (ALR) General Regulation, the ALR Use Regulation, and any decisions of the ALC.

The Bylaw is an amending bylaw, updating Salt Spring Island Land Use Bylaw No. 355, 1999. ALC staff thank Islands Trust for the opportunity to review the Bylaw and provide the following comments for consideration.

2.1 Replacing the table under *Subsection 9.1.1 – Permitted Uses of Land, Buildings and Structures* – with the following:

Principle Uses, Buildings and Structures

Agriculture, farm buildings, and structures

By definition, “agriculture” includes the processing, storage, sale of farm products produced on the same lot, or on another lot that is part of the same farm business.

ALC Staff Response:

ALC staff provide the following suggested edits: By definition, “agriculture” includes the processing, storage, **and** sale of farm products produced on ~~the same lot, or on another lot that is part of the same farm business~~ **that agricultural land or by an association to which the owner of the agricultural land belongs.**

Accessory Uses

One additional dwelling unit, provided that the existing *single-family dwelling* is 500 square metres in floor area or less and is consistent with Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019 or any legislation which may be enacted in substitution, that is:

- a) a pre-existing dwelling unit constructed before February 22, 2019, or
- b) a mobile home for immediate family constructed between July 4, 2019 and December 31, 2021, or
- c) a farmworkers' dwelling unit not exceeding 90 square metres in floor area on agricultural land classified as a farm under the Assessment Act, or
- d) a full-time rental cottage subject to Section 3.15, or
- e) a secondary suite subject to Section 3.16, or
- f) on a lot greater than 40 hectares in area, a dwelling unit not exceeding 186 square metres in floor area.

ALC Staff Response:

a) ALC staff do not object to a) above, however ALC staff note that there is no right to replacement for any grandfathered structures if they are destroyed more than 75%.

b) The provision for a manufactured home for family members has been removed as of December 31, 2021. Existing manufactured homes on a property are no longer limited to use only by family members, however they must stay the same size and footprint. Additionally, if all permits and necessary authorizations were in place prior to December 31, 2021, the placement of the manufactured home can occur after the December 31, 2021 deadline. If the permits expire, they may not be renewed.

c) ALC staff do not object to this.

d) A full time rental cottage is described in s. 3.15 as 2 "A full-time rental cottage may not exceed 56 square metres in floor area on a lot less than 2 hectares in area, or 90 square metres in floor area on lots with an area 2 hectares or greater. Because of this, ALC staff do not object.

e) S 31 of the ALR Use Regulation permits secondary suites within the Principal residence. There is no provision for a secondary suite in the additional residential dwelling unit.

f) ALC staff do not object to this.

Processing of the farm products of another farm located within the Salt Spring Island Local Trust Area. *Information Note: This use requires the written permission of the Agricultural*

ALC Staff Response: The use of agricultural land for storing, packing, preparing and processing farm products is designated as a farm use and may not be prohibited as described in section 4 if at least 50% of the farm product is (a) produced either on that agricultural land or by an association to which the owner of the agricultural land belongs, or (b) feed required for farm use on that agricultural land. With this in mind, it is possible that a farm on Salt Spring could allocate up to 50% of their overall processing capability to another farm. If a property was unable to meet the 50% threshold using their own products or if the farm intended to process more than 50% of farm products that **were not** produced on that agricultural land or by an association to which the owner of the agricultural land belongs, then a Non-Farm Use application would be required. The ALC generally does not issue letters when a proponent is engaged in an activity that is consistent with the ALC Act and its regulations.

Sale of the farm products of another farm, provided that the floor area used for the storage and display of the products from another farm may not exceed 5 square metres or one third of the total floor area on a lot that is occupied by farm product storage and display.

ALC Staff Response:

The use of agricultural land for conducting farm retail sales is designated as a farm use and may not be prohibited as described in section 4 if (a) all of the farm products offered for sale are produced on that agricultural land, or (b) the area used for all retail sales meets both of the following conditions: (i) the total area, both indoors and outdoors, does not exceed 300 m²; (ii) at least 50% of that area is limited to the sale of farm products produced either on that agricultural land or by an association to which the owner of the agricultural land belongs. With this in mind, ALC staff suggest the following edits:

Sale of the farm products of another farm, provided that the floor area used for the storage and display of the products from another farm may not exceed 5 square metres (minimum building size of at least 10 square meters, with at least 50% allocated to farm products produced on that agricultural land) or one third of the total floor area (up to 300 square meters) on a lot that is occupied by farm product storage and display.

Home-based business use subject to Section 3.13

ALC Staff Response:

ALC staff do not object to this.

Commercial guest accommodation in a campground on agricultural land classified as a farm under the Assessment Act, subject to Schedule "F".

ALC Staff Response:

Section 33 of the ALR Use Regulation permits up to 10 sleeping units (such as a campsite) in relation to an agri-tourism activity if the following conditions are met: (a) the accommodation is located on agricultural land that is classified as a farm under the Assessment Act; (b) the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel; (c) the accommodation is limited to 10 sleeping units in total, including bedrooms under section 34 [tourist accommodation]; (d) accommodation is provided on a seasonal or short-term basis only. With this in mind, ALC staff have identified some potential areas of inconsistency in Schedule F. In Particular, *"A campground with more than 5 campsites must have space for recreational areas such as playgrounds, parks, or a sports and games area to serve the campground. The recreational area is not to be less than five percent of the total area of the campsites, exclusive of buffer areas, parking areas, ancillary buildings, campsites, driveways and storage areas."* ALC staff advise that these uses require a Non-Farm Use application.

2.2 By replacing the table under Subsection 9.1.2 – Siting and Density of Permitted Uses, Buildings and Structures – with the following:

Siting and Density of Permitted Uses, Buildings and Structures

Lot Coverage

Maximum combined lot coverage of all buildings and structures, excluding greenhouses (35 per cent)

ALC Staff Response:

ALC staff do not object to this.

Maximum combined lot coverage of all buildings and structures, including greenhouses (75 per cent)

ALC Staff Response:

ALC staff do not object to this.

Maximum lot coverage of all campsites, buildings and structures in a campground (5%)

ALC Staff Response:

Please note that soil or fill required to facilitate agritourism accommodation requires a Notice of Intent to the Commission.

Number of Units and Site Area

Maximum number of campsites per ha in a campground on any lot – 10

ALC Staff Response:

The maximum number of sleeping units permitted for properties in the ALR is 10 in total, not per ha.

Maximum number of bedrooms used in a bed and breakfast home-based business and campsites on any lot - 10

ALC Staff Response:

A total of 10 sleeping units is permitted for agritourism accommodation. This includes up to 4 sleeping units which are permitted in the principal residence as part of a Bed and Breakfast.

Minimum rear lot line setback (metres) for buildings, structures and uses that are not listed in Subsections 4.3.4 through 4.3.9 – 4.5 meters

ALC Staff Response:

ALC staff do not object to this.

2.3 “By replacing Section 3.17 – Dwellings on Large Farms – with the following:

3.17 Despite other provisions of this bylaw, where *agriculture* is a *permitted principal* use on a lot not in an Agricultural zone, and complies with Section 3.5 and the Subdivision and Servicing Requirements of Part 9 of this Bylaw, additional farmworkers’ dwelling units not exceeding 186 square meters corresponding to the subdivision potential of a lot may be constructed and occupied where a lot is classified as a farm under the Assessment Act if the owner grants to the Salt Spring Island Local Trust Committee a covenant under the Land Title Act restricting use of the farmworkers’ dwelling units and prohibiting further subdivision of the lot.

Information Note: Applications should be consistent with the guidelines in H.2.1.3 of the Salt Spring Island Official Community Plan.”

ALC Staff Response:

ALC staff are slightly unclear on this and request further clarification.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any decisions of the Commission.

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

If you have any questions about the above comments, please contact the undersigned at 236-468-2026 or by e-mail (shannon.lambie@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Shannon Lambie, Regional Planner

CC: Ministry of Agriculture – Attention: Reed Bailey (reed.bailey@gov.bc.ca)

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BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area

(Island)

J. Chonk

(Signature)

January 27, 2022

(Date)

526

(Bylaw Number)

Jas Chonk, Legislative Clerk

(Title)

North Pender Island Local Trust Committee

(Agency)