



AGENDA

SALT SPRING ISLAND HOUSING ACTION PROGRAM TASK FORCE

Date: Thursday, September 16, 2021
Time: 1:00 PM – 3:00 PM
Location: Baptist Church 520 Lower Ganges Road

- | | |
|--|---------|
| 1. Call to Order | 1:00 PM |
| 1.1 Approval of Agenda | |
| 1.2 Approval of Draft Minutes for August 19, 2021 (Attached) | Page 2 |
| 2. Bylaw Amendment (update from staff) | 1:15 PM |
| “Changes to Residential Permissions in the Agricultural Land Reserve” | |
| 3. Roundtable Discussion | 1:30 PM |
| Vision, objectives, etc | |
| Immediate Recommendations | |
| 4. Upcoming Meetings | |
| The next regular meeting of the Salt Spring Island Housing Action Program Task Force is scheduled for 10am on October 7, 2021 at the Baptist Church, 520 Lower Ganges Road | |
| 5. Adjournment | 3:00 PM |
| Attachments | |
| Attachment 1 – Memo to Task Force with Appendices | Page 7 |
| Attachment 2 – Information from Task Force Members | Page 24 |



Salt Spring Island Housing Action Program Task Force Meeting Minutes

Date: Thursday, August 19, 2021

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

Members Present: Rhonan Heitzmann, Chair
Kerrie Proulx, Vice Chair
Nejmah Guermoudi
Meror Krayenhoff
Yvonne Saunders
Stanley Shapiro
Jessica Terezakis
Daniel Wood

Regrets: Maïkan Bordeleau

Absent: James Back
Bryce Chapman

Staff Present: Louisa Garbo, Island Planner (via web conferencing)
Geordie Gordon, Planner 2
Rob Pingle, Planning Team Assistant (via web conferencing)
Sarah Shugar, Recorder

Others Present: One member of the public

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

The meeting was called to order at 1:05 p.m. Chair Heitzmann welcomed staff and Task Force members and acknowledged the meeting is being held in Coast Salish First Nations treaty and traditional territory. Chair Heitzmann proceeded with a roll call.

1. CALL TO ORDER

1.1 Approval of Agenda

By general consent, the agenda was adopted.

1.2 Approval of Draft Minutes for July 15, 2021

By general consent, the minutes of the July 15, 2021 Housing Action Programs Task Force meeting were adopted.

1.3 Approval of Draft Special Minutes for August 6, 2021

By general consent, the minutes of the August 6, 2021 Housing Action Programs Task Force meeting were adopted.

2. NEW MEETING SCHEDULE, LOCATION

Planner Garbo reported staff conducted a survey and the majority of task force members expressed support for two meetings per month. Staff and a minute taker would attend one meeting each month and a minute taker would attend a second meeting each month.

There was discussion regarding the additional time commitment to attend two meetings per month and there was general support to hold two meetings per month on an as needed basis.

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

That the Housing Action Program Task Force request staff to schedule meetings as follows: The next regular meeting will be held on September 16, 2021. The following regular meetings will be held on the first Thursday of each month at 10:00 a.m. (beginning in October 2021.) A second monthly meeting will be scheduled on the third Wednesday of each month at 5:00 p.m. (beginning October 20, 2021).

CARRIED

Chair Heitzmann reported Maxine Leichter requested to make a short presentation to the task force and welcomed Maxine Leichter to make her presentation. Maxine Leichter expressed support to consider what has worked and what has not worked concerning housing solutions prior to making recommendations including the survey. Ms. Leichter suggested inviting CRD Director Holman, Kisa Petersen (Croftonbrook) and Fernando and Tami Dos Santos (Dragonfly Commons) to meet with the task force. A task force member asked Ms. Leichter to comment on what has worked and what has not worked regarding housing solutions in the past. Ms. Leichter advised the affordable housing projects that are underway have been successful and the suites and cottages project did not result in any substantial increase to housing stock.

It was noted the Housing Action Program Task Force would like to invite affordable housing proponents, specifically the Croftonbrook project and the Dragonfly Commons project, to a future meeting.

3. STRATEGIC PRIORITY MATRIX

The draft Housing Action Program: Strategic Priorities Matrix was presented. Chair Heitzmann suggested that the matrix could be a living document and asked if two members could volunteer to update and maintain the document.

It was MOVED and SECONDED,

That the Housing Action Program Task Force accept the volunteer role of Member Guermoudi and Member Terezakis to be the keepers of the Strategic Priorities Matrix document, to integrate ideas and keep the document up to date.

CARRIED

4. ROUNDTABLE DISCUSSION

Chair Heitzmann spoke to the community need for immediate actions to help with the housing crisis.

Chair Heitzmann read the immediate actions as noted in the Strategic Priorities Matrix document.

In discussion the following comments and questions were noted:

- There are many property owners housing people on their properties and risking bylaw enforcement action.
- There was a question regarding the definition of short-term use. Planner Gordon reported the definition of short-term is less than 30-days.
- There was a question regarding why the Islands Trust cannot implement incentive programs such as an incentive for property owners to rent out a basement suite on a long-term basis. Chair Heitzmann reported it is not within the jurisdiction of the Islands Trust to provide incentives although the Islands Trust can advocate for incentive programs.
- There was a comment that advocating for Salt Spring Island to be included in the BC Speculation and Vacancy tax could provide an incentive for property owners to rent out caretaker cottages etc.
- There was a suggestion to have an article in the Driftwood to provide information to the community.
- There was a question regarding whether the Salt Spring Island Local Trust Committee could pass a standing resolution regarding bylaw enforcement of seasonal cottages being used for long-term use. Planner Gordon reported there is a standing resolution to defer enforcement on seasonal cottages being used as long-term accommodation.
- Planner Gordon presented the following standing resolution adopted at the June 29, 2021 Salt Spring Island Local Trust Committee meeting:
 - That the Salt Spring Island Local Trust Committee adopt the following enforcement policy: Enforcement activities will be deferred for all unlawful dwellings being used for residential purposes except in the following circumstances: a. there are concerns regarding health and safety; b. there are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; c. there are concerns that septic or sewage disposal systems are being used in excess of capacity or ability as a result of unlawful dwellings; d. there are concerns of possible contamination of wells or other drinking water sources; e. unlawful dwellings are in environmentally sensitive areas; f. there are non-permitted campgrounds; and that the Salt Spring Island Local Trust Committee may change this policy at any time and may give direction to resume enforcement activities at any time.
- There was discussion regarding non-permitted campgrounds and it was noted it may be useful to have more clarification regarding non-permitted campgrounds.

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommend the Salt Spring Island Local Trust Committee defer enforcement on long term use of commercial and seasonal accommodation.

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommend the Salt Spring Island Local Trust Committee update the existing standing resolution regarding unlawful dwellings to include *until sustainable housing solutions are implemented*.

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommend the Salt Spring Island Local Trust Committee update the existing standing resolution regarding unlawful dwellings (items a, b, c and d) to be more specific as follows:

- a. does not meet health and safety regulations;
- b. sewage is not being disposed of in an approved septic or sewage disposal system;
- c. septic or sewage disposals are being used in excess of capacity or ability as a result of unlawful dwellings
- d. there is contamination of wells or other drinking water sources;

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommend the Salt Spring Island Local Trust Committee to direct staff to develop procedures to expedite affordable housing, supportive housing and social housing projects in support of the Salt Spring Island Official Community Plan policy that prioritizes affordable housing rezoning applications.

CARRIED

It was MOVED and SECONDED,

That the Housing Action Program Task Force recommend the Salt Spring Island Local Trust Committee update Secondary Suites Bylaw No 461 as follows:

- permit secondary suites in all zoning districts or districts chosen by the Salt Spring Island Local Trust Committee;
- allow secondary suites in accessory buildings;
- protect water for secondary suites and mandate that an alternative supply must be used where water concerns exist;
- update water requirements to align with Island Health regulations for multi family dwellings; and
- require a Housing Agreement to specify that the secondary suite is to be used for long-term use.

CARRIED

It was noted that short-term vacation rentals would be considered at a future meeting.

5. SURVEY & WEBPAGE

Planner Garbo presented a draft Housing Action Program Survey. The survey will be done in two phases. The first phase will be a postcard style that will introduce the survey with a few select questions and links to further information regarding the project. Staff will send the survey to task force members to complete.

There was a question regarding how to reach a broad section of the community and there was a suggestion to provide printed copies to Salt Spring Community Services and the Wagon Wheel Society to distribute to clients. Planner Garbo reported the survey would be available on the Housing Action Program project web page, emailed to Islands Trust newsletter subscribers and at events such as the Fall Fair and Saturday Market.

There was a suggestion to add background information to some of the survey questions to provide context.

Planner Garbo reported the project webpage has been updated.

A document entitled "Housing Action Program Public Engagement Plan" was circulated at the meeting.

6. ADJOURNMENT

The meeting was adjourned at 3:10 p.m.

Rhonan Heitzmann, Chair

CERTIFIED CORRECT:

Sarah Shugar, Recorder



MEMORANDUM

File No.: 6500-20: Housing Action Program

DATE OF MEETING: September 16, 2021
 TO: Salt Spring Island Housing Task Force
 FROM: Geordie Gordon, Planner 2, Salt Spring Island Team
 Kristine Mayes, Planner 1, Salt Spring Island Team
 SUBJECT: Changes to Residential Permissions in the Agricultural Land Reserve

PURPOSE

The Salt Spring Island Local Trust Committee (SS LTC) has referred a staff report and draft Bylaw No. 526 (cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 3, 2021") to the Housing Action Program Task Force (HAPTF).

BACKGROUND

At the SS LTC meeting of August 31, 2021, the LTC passed the following resolution:

SS-2021-172

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee direct staff to draft a bylaw to concur with the Agricultural Land Reserve (ALR) Use Regulation, which will increase options for housing flexibility within the ALR and refer the draft bylaw and the staff report dated August 31, 2021, regarding changes to residential permissions in the Agricultural Land Reserve to the Agricultural Advisory Planning Commission and the Housing Action Program Task Force.

CARRIED

NEXT STEPS

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

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

That the Housing Action Program Task Force recommend to the Salt Spring Island Local Trust Committee that draft Bylaw No. 526 proceed for the following reasons:

- *[list reasons]...*

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

That the Housing Action Program Task Force recommend to the Salt Spring Island Local Trust Committee that draft Bylaw No. 526 proceed, subject to the following recommendations:

- *[list recommendations]...*

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

That the Housing Action Program Task Force recommend to the Salt Spring Island Local Trust Committee that draft Bylaw No. 526 not proceed for the following reasons:

- *[list reasons]...*

Submitted By:	Geordie Gordon, Planner 2 & Kristine Mayes, Planner 1	September 1, 2021
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ATTACHMENTS

1. Staff Report from the August 31, 2021 Meeting Agenda Package
2. Draft Bylaw No. 526



DATE OF MEETING: August 31, 2021
 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: Changes to Residential Permissions in the Agricultural Land Reserve

RECOMMENDATION

1. That the Salt Spring Island Local Trust Committee refer the Staff Report dated August 31, 2021, regarding changes to residential permissions in the Agricultural Land Reserve to the Agricultural Advisory Planning Commission and Salt Spring Island Agricultural Alliance for consideration at the Salt Spring Island Local Trust Committee Special Business Meeting of November 18, 2021.

PURPOSE

This report provides options for the Salt Spring Island Local Trust Committee (SS LTC) to amend bylaws in advance of forthcoming Agricultural Land Commission (ALC) changes to residential permissions within the within the Agricultural Land Reserve (ALR). This report also considers ways that some goals of the Housing Action Program, such as diversity of housing types, may be partially addressed through updated ALR housing flexibility.

BACKGROUND

On July 12, 2021, the Ministry of Agriculture [announced](#) changes to the residential permissions in the *Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019 (ALR Use Regulation)*. The changes come into force and effect on December 31, 2021 and will increase options for housing flexibility within the ALR. At their special meeting of July 15 2021 to discuss agricultural priorities with the Agricultural Advisory Planning Commission (AAPC) and Salt Spring Island Agricultural Alliance (SSIAA), the Salt Spring Island Local Trust Committee (SS LTC) passed the following resolution:

SS-2021-140

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

That the Salt Spring Island Local Trust Committee directs staff to prepare a report on options to amend bylaws to accommodate the Agricultural Land Commission July 12, 2021 announcement on residential flexibility in consideration of the 2020 Salt Spring Island Area Farm Plan Renewal.

CARRIED

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The Islands Trust Policy Statement (ITPS) contains principles and policies for the SS LTC to consider when amending the LUB. The following policies have been identified as being especially pertinent:

- 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
- 4.1.8 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.

- 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.

Staff Note: Agricultural zones already permit an additional dwelling.

If the SS LTC resolves to direct staff to draft a bylaw, staff will assess compliance with the ITPS Directives Only Checklist.

Official Community Plan:

Lands within the ALR are generally designated Agriculture (A) and Watershed-Agriculture (WA) in the [Salt Spring Island Official Community Plan No. 434](#) (OCP). Objectives for this designation are “to incorporate the spirit and intent of the provincial Agricultural Land Commission Act, the Agricultural Land Reserve Use, Subdivision And Procedure Regulation, and the Farm Practices Protection (“Right to Farm”) Act into local land use policies and bylaws” and “to accommodate 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”. See Appendix No. 1 for a full review of relevant OCP policies.

Land Use Bylaw:

This staff report primarily considers the following LUB regulations within agricultural zones:

9.1.1 Permitted Uses of Land, Buildings and Structures

	A1	A2
Principal Uses, Buildings and Structures		
Single-family dwellings	◆	◆
Accessory Uses		
One additional <i>dwelling unit</i> provided that it: <ul style="list-style-type: none"> a) is a <i>mobile home</i> for immediate family consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or b) is a <i>secondary suite</i> that is consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or c) is a <i>farmworkers’ dwelling unit</i> that has been specifically approved through a Non-Farm Use application to the Agricultural Land Commission. <i>Information Note: General Order #1622/83 of the B.C. Land Reserve Commission permits one additional dwelling unit in the form of a temporary mobile home to house family members or farm help, with specific conditions. Policy #043/98 of the B.C. Land Reserve Commission permits one secondary suite as part of the main dwelling unit provided it meets specific conditions. Where the construction of a permanent detached farm worker’s dwelling unit is proposed, this bylaw requires that an application be made to the B.C. Land Reserve Commission, through the Salt Spring Island Local Trust Committee. The need for additional farm workers to be housed on the property in a permanent detached second dwelling unit will be evaluated in the context of criteria developed by the Ministry of Agriculture and Food and the B.C. Land Reserve Commission.</i>	◆	◆
Home-based business use subject to Section 3.13	◆	◆
Commercial guest accommodation in a campground accessory to a commercial farm business, subject to Schedule “F”, provided that no more than 10 per cent of campsites are designed to accommodate self-contained recreational vehicles. <i>Information Note: In the ALR, this use must also be applied for and approved in writing by the B.C. Land Reserve Commission.</i>	◆	
Seasonal cottages subject to Section 3.14 <i>Information Note: A seasonal cottage is considered a “non-farm use” by the B.C. Land Reserve Commission. Permission to construct a seasonal cottage must also be applied for and approved in writing by the Commission.</i>	◆	

9.1.2 Size, Siting and Density of Permitted Uses, Buildings and Structures

	A1	A2
Number of Units and Site Areas		
Maximum number of campsites per ha in a campground on any lot	15	N/A
Maximum number of campsites in a campground or on any lot	50	N/A

Agricultural Land Commission:

On July 12, 2021, [Order in Council No. 438](#) amended the *ALR Use Regulation*, to allow for additional residences, with certain restrictions, to be constructed on land within the ALR. The changes are to be effective December 31, 2021. The intent behind these changes was outlined in a [policy paper](#) from the Ministry of Agriculture in January 2020. In response to previous changes to the ALR regulations, the Ministry of Agriculture heard a consistent message from the provincial farming community that greater residential flexibility within the ALR is required.

As a result, changes to the *ALR Use Regulation* include permission for pre-existing residential structures built before February 22, 2019, manufactured homes built between July 4, 2019 and December 31, 2021, with changes coming into effect on December 30, 2021 as follows:

- (a) at the time that construction begins, the parcel has located on it only one residence, whether or not a secondary suite is located in the residence as permitted under section 31
- (b) neither residence will be attached to, nor be part of, the other residence;
- (c) one of the following applies to the residences, as constructed:
 - (i) if the parcel is 40 ha or less, there will be
 - (A) one residence, the total floor area of which is 500 m² or less, and
 - (B) one residence, the total floor area of which is 90 m² or less;
 - (ii) if the parcel is more than 40 ha, there will be
 - (A) one residence, the total floor area of which is any size permitted under the Act, and
 - (B) one residence, the total floor area of which is 186 m² or less

Once these changes come into effect, the above noted additional dwellings will only require approval (via bylaw) by local governments or First Nations; approval by the ALC will not be required. Applicants will still be required to submit a notice of intent to the ALC for soil/fill use for an additional residence. Local governments may continue to be more restrictive in their permissions for additional housing than the forthcoming changes to the *ALC Use Regulation* allow.

Issues and Opportunities

Salt Spring Island Area Farm Plan Renewal (2020)

The SSIAA published the [Salt Spring Island Area Farm Plan Renewal 2020-2030](#) (SSI AFPR) in March 2020. The intent of the 2020 plan is to build on previous plans “...to further advance agricultural activities on SSI through to 2030”. The 2020 plan contains goals, strategies, recommendations, and actions to undertake to achieve this objective. A detailed implementation plan is proposed to be forthcoming.

One of the strategies contained within the SSI AFPR is to “Advocate for new and improved regulations that enable farming on SSI”. Recommendations for implementing this strategy include increasing the availability of farm worker housing. The SSI AFPR notes that there is limited data on the needs associated with farm worker housing – a recommended action is to include this as a specific subset in the Capital Regional District (CRD) Housing Needs Assessment reports (see below section). The SSI AFPR also recommends that a survey be undertaken of all farms and farmworkers to help determine this housing need.

Other actions recommended in the SSI AFPR are more restrictive than the amended residential ALR permissions. Additionally, the SSI AFPR makes recommendations for all farms, whether within the ALR or not. Staff consider residential changes for farms outside the ALR designation would require significant further analysis to determine policy impacts, given the widespread permissions for agriculture across zones. As the two issues (housing on farms in the ALR and housing on farms outside the ALR) are grouped together, the SSI AFPR recommends:

Recommended Action	Planner Comments
<ul style="list-style-type: none">• Investigate Temporary Use Permits as an avenue for farmworker housing outside the ALR.	Outside the scope of current ALC changes (see “Farms outside the Agricultural Land Reserve” below).
<ul style="list-style-type: none">• Make standard provisions for farmworker housing within the OCP/LUB regardless of zoning; encourage ALC to review SSI provisions for farmworker housing in the ALR on SSI and provide their feedback.	ALC changes address provision of farmworker housing within ALR – no application to ALC needed as of December 31, 2021. Farmworker housing outside ALR would likely require further staff analysis.

<ul style="list-style-type: none"> • Provide consistency in the OCP/LUB so that farmworker housing and farm business provisions apply to all zones where agriculture is a permitted use. 	<p>The impacts of this type of change would need to be further considered – agriculture is a permitted use in many zones across the island. The increase in density of housing could be significant.</p>
<ul style="list-style-type: none"> • Require use of an annual Statutory Declaration and/or other mechanisms (Housing Agreement, Covenant) to ensure that both year-round and seasonal farmworker housing is used only for farmworkers. 	<p>Staff have used Statutory Declarations for use of farm buildings, and note their relatively weak legal enforceability. Covenants are a more useful regulatory tool, though require legal professionals and staff time to administer and enforce. This provision is more restrictive than the ALC permissions, which do not require any demonstration that the additional dwelling is to be in support of farming.</p>
<ul style="list-style-type: none"> • Explore an ‘eco village’ designation on a “home plate” portion of a property with a farm business to enable families that co-own a farm to live and work on their property if it is outside the ALR. 	<p>The OCP contains policies that encourage affordable eco-village development, see B.2.2.2.18. Implementation of this policy may require further refining of OCP policies to achieve aims of SSI AFPR.</p>
<ul style="list-style-type: none"> • Reduce the environmental impact of farmworker housing through design by requiring rainwater catchment systems and encouraging the use of composting toilets and greywater systems 	<p>Recent requirement of potable rainwater systems for full-time rental cottages exceeding 56 square metres has been identified by some applicants as a financial barrier to construction. Other provisions such as the use of composting toilets would require approval from other agencies (e.g. CRD and VIHA).</p>

Mechanisms to Ensure Compliance

The 2020 AFPR indicates a desire to have additional dwellings permitted on agriculture land only as farmworker housing and proposes that some sort of legal mechanism be used to ensure that the dwelling unit is used in accordance with a specific set of requirements. Legal tools available to the Islands Trust, in addition to zoning restrictions, are covenants, housing agreements, and statutory declarations. If the SS LTC’s intention with proposed changes to ALC regulation is to limit additional housing to farmworkers dwellings the SS LTC could direct staff to draft a bylaw accordingly. Farmworker dwelling units are defined in the LUB as:

“**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.

The implications of such direction may set up a “chicken or the egg” scenario whereby nascent farming operations require farmworker housing to facilitate farm classification, but would be unable to obtain permission for the housing from the Islands Trust without the designation.

Other options that might present greater flexibility but limited enforcement ability include covenants and statutory declarations. Staff currently utilize statutory declarations for farm buildings where a property is not classified as a farm. Statutory declarations are useful in ensuring a property owner is aware of how a building is to be used, but have limited legal enforceability. If a statutory declaration is used, Bylaw Compliance and Enforcement would likely proceed as it normally does if a land use complaint is registered.

Covenants typically have a much greater legal enforceability than a statutory declaration. Covenants would require legal costs to be borne by the applicant to develop and register a covenant on title. These administrative costs may serve as a barrier to development. Additionally, ensuring compliance with the covenant would likely require an annual report and review, increasing the administrative burden on staff. Staff have not assessed whether the capacity to enforce the covenant exists – given the number of properties in the ALR to which the proposed changes may apply, the number of covenants needing to be developed would likely be significant.

Should the SS LTC wish to further explore legal mechanisms to ensure compliance, staff recommend the SS LTC seek a legal opinion on various legislative options.

Housing Needs Assessment (2020)

In November 2020, the Capital Regional District (CRD) released a [Housing Needs Assessment](#) (HNA) for Salt Spring Island. The HNA was based primarily on 2016 census data but suggested that Salt Spring Island could experience a more rapid population growth in the future, up from 10% 2006-2016, driven by growth of the senior population.

The conclusions of the HNA indicate that approximately 300 housing units are required to make up the existing housing deficit, with approximately 300 also needed 2020-2025 to address future demand.

As noted by the SSIAA, the 2020 HNA does not specifically reflect the housing situation on agricultural lands – the number of units required is a total count. The HNA report notes that housing issues create difficulties in recruiting workers across economic sectors, which would also affect agricultural production.

Should the SS LTC wish to obtain more specific data on farming and housing, the SS LTC could request that the CRD look at adding more specificity in future HNAs. Staff note that because the SSI AFPR considers agricultural land outside the ALR, that at least some of the housing need would have been captured in the 2020 HNA.

LUB Section 9.1 – Agricultural Zones

Subsection 9.1.1 sets out the permitted uses of land, buildings and structures in the Agricultural Zones. The LUB currently permits:

- a single-family dwelling;
- one additional dwelling (provided it is a mobile home for immediate family, secondary suite or farmworkers' dwelling unit (via application to the ALC));
- home-based businesses; and
- commercial guest accommodation in a campground (A1 zone only (via application to the ALC), subject to Schedule F); and/or a seasonal cottage (A1 zone only (via application to the ALC), subject to Section 3.14).

In consideration of the forthcoming changes to residential permissions in the ALR, the SSI AFPR, and discussion at July 15, 2021 Special SS LTC Meeting, staff have provided possible draft bylaw amendments to Subsection 9.1.1 (accessory uses: additional dwelling & commercial guest accommodation sections) and Subjection 9.1.2 (number of units and site areas) below:

Current LUB

Possible Draft Bylaw Amendment

		A1	A2
<p>One additional <i>dwelling unit</i> provided that it:</p> <p>a) is a <i>mobile home</i> for immediate family consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or</p> <p>b) is a <i>secondary suite</i> that is consistent with Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, or</p> <p>c) is a <i>farmworkers' dwelling unit</i> that has been specifically approved through a Non-Farm Use application to the Agricultural Land Commission.</p> <p>(See Information Note in "Land Use Bylaw" Section above)</p>	<p>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, that is:</p> <p>a) a pre-existing <i>dwelling unit</i> constructed before February 22, 2019, or</p> <p>b) a <i>mobile home</i> constructed between July 4, 2019 and December 31, 2021, or</p> <p>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 <u>Assessment Act</u>, or</p> <p>d) a <i>full-time rental cottage</i> subject to Section 3.15, or</p> <p>e) a <i>secondary suite</i> subject to Section 3.16, or</p> <p>f) on a <i>lot</i> greater than 40 hectares in area, a <i>dwelling unit</i> not exceeding 186 square metres in <i>floor area</i>.</p> <p><i>Information Note: 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.</i></p>	♦	♦
<p><i>Commercial guest accommodation</i> in a <i>campground</i> accessory to a <i>commercial farm business</i>, subject to Schedule "F", provided that no more than 10 per cent of <i>campsites</i> are designed to accommodate self-contained recreational vehicles.</p> <p>(See Information Note in "Land Use Bylaw" Section above)</p>	<p><i>Commercial guest accommodation</i> in a <i>campground</i> on agricultural land classified as a farm under the <u>Assessment Act</u>, subject to Schedule "F".</p>	♦	
<p><i>Seasonal cottages</i> subject to Section 3.14</p> <p>(See Information Note in "Land Use Bylaw" Section above)</p>	(Delete)	♦	

Current LUB / Possible Draft Bylaw Amendment:

	A1	A2
Number of Units and Site Areas		
Maximum number of <i>campsites</i> per ha in a <i>campground</i> on any lot	45 10	N/A
Maximum number of <i>campsites</i> in a <i>campground</i> or on any lot Maximum number of bedrooms used in a <i>bed and breakfast home-based business</i> and <i>campsites</i> on any lot	50 10	N/A

The possible amendments to the “additional dwelling unit section” reflect the forthcoming changes to residential uses within the *ALR Use Regulation* with an emphasis on providing farmworker housing or long-term rental housing. A draft bylaw could also provide an opportunity to amend the campground regulations under Subsection 9.1.1 and 9.1.2 as they are no longer in line with the *ALR Use Regulation*, which only permits a maximum of 10 sleeping units for agri-tourism accommodation (including campsites or areas for sleeping, e.g. cabins).

The LUB currently allows seasonal cottages in all A1 zoned properties over 1.2 hectares. The information note specifies this use requires permission from the ALC via a non-farm use application. Once the expanded residential permissions come into effect, permission from the ALC to construct a cottage will no longer be required. Therefore, absent any immediate changes to the LUB, by December 31, 2021, property owners will be able to apply to construct seasonal cottages on A1 zoned properties without ALC approval – staff note several inquiries have been received in respect to constructing seasonal cottages following changes to the *ALR Use Regulation*. Staff propose removal of “seasonal cottages” as a permitted use, in consideration of the desires of the agricultural community for dedicated long-term housing for farmworkers – which is not in line with the definition of seasonal cottage use. It should also be noted the *ALR Use Regulation* limits the use of ‘cabins’ (and other agri-tourism accommodations) to ALR properties with farm land classification. LUB Subsection 3.14.3 does not permit a seasonal cottage to “be constructed or occupied on any lot occupied by two or more other dwelling units”, and staff consider the long term use of a second dwelling to be more in line with ALC regulations and the intentions of the agricultural community.

Farms outside the Agricultural Land Reserve

At the July 15, 2021 Special SS LTC Meeting, a question was raised in respect to increasing farmworker housing on non-ALR agricultural properties (Appendix No. 1). According to Islands Trust and BC Assessment data, there are 187 lots on Salt Spring Island outside the ALR with farm land classification per the *Assessment Act* (Table No. 1), 81% of which are in the Rural (R) zone. Options for farm worker housing on non-ALR properties – if permitted on the lot – is limited to a full-time rental cottage, secondary suite, non-compliant long-term use of seasonal cottages (enforcement deferred per [SS LTC Standing Resolution](#) SS-2021-109), or additional dwellings in accordance with LUB Section 3.17. Staff note 30 non-ALR properties with farm land classification are within the R(f) zone which permits a full-time rental cottage. In land use designations where the SS LTC may issue TUPs, a TUP could be applied for to allow temporary dwelling units (not requiring a building permit, such as long-term 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.

Zone	No. of Lots
Agriculture (Not in ALR)	2
Comprehensive Development	2
Forestry	1
General Employment/Rural	1
Residential	3
Rural	152
Rural Uplands	11
Rural Watershed	15
	187

Table 1: Farm Status on Non-ALR Properties

Zone	Lots >20-ha
Agriculture (Not in ALR)	
Comprehensive Development	
Forestry	1
General Employment/Rural	
Residential	
Rural	18
Rural Uplands	3
Rural Watershed	2
	24

Table 2: Farm Status Properties Exceeding 20-ha

Zone	P.SUB/POT
Agriculture (Not in ALR)	
Comprehensive Development	1
Forestry	1
General Employment/Rural	
Residential	2
Rural	47
Rural Uplands	1
Rural Watershed	3
	55

Table 3: Possible Subdivision Potential Farm Status Properties (based on min. average area of lots only)

LUB Section 3.17 – Dwellings on Large Farms:

Staff note increased density in non-ALR lands may be addressed through the [Housing Action Program](#). Notwithstanding, in consideration of the comments made members of the AAPC and SSIAA during the July 15, 2021 Special SS LTC Meeting (Appendix No. 2), the SS LTC could consider amending LUB Section 3.17 to – in part – to increase density without subdividing on large farms.

Section 3.17 presently states “despite other provisions of this bylaw, where a lot is 20 ha or more in area and is classified as a farm under the Assessment Act, a total of three dwelling units are permitted provided that two of the dwelling units are to accommodate people deriving their livelihood from the farm business on that lot”. Of the 187 properties outside the ALR that have farm status, 24 exceed 20 hectares (Table No. 2). Staff have provided a possible amendment to this regulation, which could permit the construction and occupancy of dwellings of a specific floor area corresponding to subdivision potential of a lot (which could benefit approximately 55 of the 187 above properties with farm classification (Table No. 3) subject to a review of relevant regulations):

3.17 DWELLINGS ON LARGE LOTS

- 3.17.1 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, additional *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 prohibiting further *subdivision* of the *lot*.

Should the SS LTC wish to consider amending LUB Section 3.17, an alternate resolution has been provided to direct staff to prepare a report to explore issues and opportunities in respect to such a proposed change separately from changes to residential permissions in the ALR.

OPTIONS

Staff have provided the SS LTC with the following options on how to proceed with this report: simply receive for information, direct staff to draft bylaw amendments, direct staff to report back on amendments to LUB Section 3.17, or request more information.

The SS LTC should note that projects list is presently fully allocated thus the bylaw options presented here are intended to be succinct and serve the specific purpose of increasing potential farm worker housing and hence partially address a select group of housing needs as per the principles and purpose of the Housing Action Program. Staff also note that there is some urgency in updating the LUB as once the ALC changes come into effect, there may be unanticipated consequences of expanded permissions that the current version of the bylaw does not address, such as seasonal cottages.

1. Receive for information

The SS LTC may receive this memorandum for information. Staff advise that the implication of this option is that the current “additional dwelling” 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.

2. Direct staff to draft a bylaw to concur with the ALR Use Regulation, which will increase options for housing flexibility within the ALR

The SS LTC may direct staff to draft a bylaw to amend LUB Section 9.1 (permitted uses in Agriculture zones). Staff advise that the implication of this option is increased ability for agricultural zoned lands to utilize the additional dwellings in accordance with changes to residential permissions to the ALR Use Regulation as well as the opportunity to consider recommendations of the SSI AFPR. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee direct staff to draft amendments to Section 9.1 of the Salt Spring Island Land Use Bylaw No. 355 to concur with Agricultural Land Reserve Use Regulation, B.C. Reg. 30/2019 which will increase options for housing flexibility within the ALR and to limit the maximum number of sleeping units for agri-tourism accommodation to 10.

3. Direct staff to report back on amendments to LUB Section 3.17 (Dwellings on Large Farms)

The SS LTC may also, or separately, direct staff to prepare a report to explore amendments to LUB Section 3.17. Staff advise that the implication of this option is exploring a potential bylaw amendment to increase the ability for non-agricultural zoned lands with farm classification to utilize subdivision potential for farmworker or long-term housing in consideration of recommendations of the SSI AFPR. Recommended wording for resolution:

That the Salt Spring Island Local Trust Committee direct staff to prepare a report on options to amend Section 3.17 of Salt Spring Island Land Use Bylaw No. 355 to utilize subdivision potential for farmworker or long-term housing.

4. 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. Recommended wording for resolution:

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

NEXT STEPS

The SS LTC may receive this memorandum or direct staff to draft a bylaw, prepare additional reports or request further information.

Submitted By:	Geordie Gordon, Planner 2 & Kristine Mayes, Planner 1	August 12, 2021
Concurrence:	Stefan Cermak, Regional Planning Manager	August 18, 2021

APPENDICES

1. OCP Policies
2. Extract of Minutes from the July 15, 2021 SS LTC Special Meeting

ATTACHMENT 1 – 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	A draft bylaw could propose 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	A draft bylaw could propose 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	A draft bylaw could offer 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.	maybe	One additional dwelling is already permitted in Agricultural zones – a draft bylaw could propose amendments to subsection 9.1.1 of the LUB. Analysis has not been done to determine the impact these changes might have on the island population.
<p>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 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.</p> <p>Any amendment to zoning to allow cottages to be used as full time residences should address the following criteria:</p> <ol style="list-style-type: none"> Full time residence of cottages should only be allowed in areas with an adequate supply of potable water. Full time residence of cottages should not be allowed in areas that are community water system supply watersheds or in community well capture zones. New construction of cottages for full time residence should be not allowed in areas containing sensitive ecosystems or areas that are hazardous for development. The use of cottages will not be for short-term rental in accordance with the Land Use Bylaw. <i>Building safety</i> and waste disposal issues are addressed through compliance with the B.C. Building Code and applicable health standards. The Local Trust Committee will consider the use of housing agreements and other measures to ensure that cottages are affordable and to address occupancy. The Local Trust Committee will work with the Capital Regional Housing Corporation on the administration of housing agreements in order to implement this policy. The Local Trust Committee should coordinate implementation of zoning changes with Capital Regional District Building Inspection and the Vancouver Island Health Authority. The Local Trust Committee may also consider limits on the location of cottages to minimize dependency on private automobiles. 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. The Local Trust Committee will consider an annual registration system in order to remain informed about the number and location of occupied cottages. 	yes	<p>A draft bylaw could propose to permit a ‘full-time rental cottage’ as one of the possible additional dwelling units on an agricultural zoned property.</p> <ol style="list-style-type: none"> As a requirement of Building Permit, the CRD would require proof of water. Agricultural zoned properties may be located within community water system supply watersheds / community well capture zones. LUB regulations and Development Permits areas may address siting in respect to sensitive ecosystems/hazards. The definition of full-time rental cottages specifies use is pursuant to a residential tenancy agreement. The construction of full-time rental cottages is subject to a building permit. No housing agreements/measures proposed. No housing agreements proposed. A draft bylaw could be referred to the CRD & VIHA (Island Health). The draft bylaw proposes the amendment for Agricultural zoned properties, which may increase dependency on private vehicles. One additional dwelling is already permitted in Agricultural zones 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 – a draft bylaw could propose 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>A draft bylaw could propose 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>A draft bylaw could propose 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>A draft bylaw could propose 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>A draft bylaw could propose 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>A draft bylaw could propose dwellings 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>A draft bylaw could propose 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>A draft bylaw could propose 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 options to farmers to house workers 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>A draft bylaw could 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	A draft bylaw could propose 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	A draft bylaw could propose 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. A draft bylaw could propose 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. A draft bylaw could propose amendments incorporating the intent of provincial legislation. h. A draft bylaw could propose 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	A draft bylaw could propose 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.

3.4 ALC Information Update, dated July 12, 2021

The ALC Information Update was received.

In discussion the following comments were noted:

- Concern was expressed about the relationship between the Islands Trust and the ALC with these new rules in place and RPM Cermak discussed the implications.
- A concern was addressed about the increased ability for farm worker housing to limit the amount of farm land available.
- The Area Farm Plan was discussed as a document that will help provide local guidance to the implementation of these new rules.
- A question was raised about increasing farmworker housing on non-Agricultural Land Reserve (ALR) land.
- A question was raised if a framework was possible for Islands Trust to limit expansion of housing on Agricultural Land Reserve (ALR) land unless farming was present.
- A question was raised about filing a notice of intent about soil movement in development of a residential property. Ministry staff noted that this was to ensure agricultural land was kept as undisturbed as possible; Salt Spring Island Local Trust Area Soil Removal and Deposit Regulation Bylaw No. 418 was noted as a similar local regulation.

SS-2021-140

It was MOVED and SECONDED,

That the Salt Spring Island Local Trust Committee direct staff to prepare a report on options to amend bylaws to accommodate the Agricultural Land Commission July 12, 2021 announcement on residential flexibility in consideration of the 2020 Salt Spring Island Area Farm Plan Renewal.

CARRIED

DRAFT

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 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, sale of farm products produced on the same lot, or on another lot that is part of the same farm business.</i>	◆	◆
<i>Single-family dwellings</i>	◆	◆
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> 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 <u>Assessment Act</u> , 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> . <i>Information Note: 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.</i>	◆	◆

Processing of the <i>farm products</i> of another farm located within the Salt Spring Island Local Trust Area. <i>Information Note: This use requires the written permission of the Agricultural Land 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 <i>lot</i> that is occupied by <i>farm product</i> storage and display.	◆	◆
<i>Home-based business use</i> subject to Section 3.13	◆	◆
<i>Commercial guest accommodation</i> in a <i>campground</i> on agricultural land classified as a farm under the <u>Assessment Act</u> , subject to Schedule "F".	◆	

2.2 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 number of <i>campsites</i> per ha in a <i>campground</i> on any <i>lot</i>	10	N/A
Maximum number of bedrooms used in a <i>bed and breakfast home-based business</i> and <i>campsites</i> on any <i>lot</i>	10	N/A
Setbacks		
Despite Article 4.3.1(2), the following <i>lot line</i> setbacks apply in the zone 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	4.5m	4.5m

And by making consequential numbering alterations to effect this change.

READ A FIRST TIME THIS 29TH DAY OF JUNE 2021

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

From: James Back <chivalrousj@live.com>
Sent: Saturday, August 14, 2021 8:46 AM
To: Louisa Garbo
Subject: A First Nations Solution

Subject: A First Nations Solution

Good morning Louisa!

It was my privilege to meet with Adam Olsen past Friday in the United Church meadow on Salt Spring to discuss a variety of issues including the urgent need for building affordable housing for our essential workers and indeed for our very self-reliance during this worrisome time over Climate changes.

With current and past strategies proving unsuccessful, might I 'float a trial balloon' 🎈 for your musing and feedback. Thanks!

Can we build an Eco-Village model on our very cherished Salt Spring Island that will;

- 1) offer a congregate housing design with proven rammed earth technology that will utilize available and suitable local soil;
- 2) that will incorporate the latest technology for rain-water usage so necessary and yet so under-utilized; water and sewage oversight can not be deemed accountable or even on private land owners properties
- 3) that will be designed for optimum heating and cooling needs in light of climate change;
- 4) that will be in walking proximity to the core of Ganges Village and our essential services;
- 5) that will offer a percentage of units at 'shelter rates' for our most vulnerable that might include those with Special Needs;
- 6) that will offer affordable rent-to-own housing units for essential employees who work in our grocery stores and restaurants, our schools and hospital, and finally;

Be built in partnership with a First Nations authority on First Nations property that will promote nation-building between our peoples, provide rental revenue for them and address our need for more government leadership and funding.

Building self-reliant communities with affordable, environmental housing needs a new model right now and I invite you into the discussion! 🙌

With my acknowledgments for your loyal commitment, I close with best regards.

James Back, Panel member,
The Housing Action Program Task Force

Sent from my iPhone

From: James Back <chivalrousj@live.com>
Sent: Saturday, August 14, 2021 9:15 AM
To: Louisa Garbo
Subject: A Footnote

As a footnote to my suggestion that we build a viable housing model on a parcel of land in the core of Ganges (this will not detract from the rural beauty we all enjoy) that will not necessitate more vehicle emissions (that page must turn now), it is apparent to many that First Nations look backwards more (with their gaze and pain still being felt over stolen land and the genocide that occurred) than ahead. I am not sure they see a path forward.

Only 3 categories cannot own land; namely children, the mentally-ill and First Nations.
Herein lies the solution to true reconciliation.

Can we not allow First Nations to own land for use in building affordable housing that is long-overdue in Canada? They will be able to get back some pride, receive much-needed revenue from property rents for collective use in addressing housing needs on their reserves (water issues, mildew in unhealthy buildings etc.) and take a big step towards co-existing with the rest of Canada in a meaningful way whilst still retaining their identity.

I think the Federal Government will be on board with this novel approach and we can foster a better union with our First Nations as recognized as an integral part of the tapestry and history of our Country.

Can Islands Trust be a partner and indeed an advocate in this to advocate for the land rights of First Nations in a purposeful way that will provide spaces for affordable housing spaces on those parcels of land we might be able to identify.

We can all work apart as in the past and accomplish nothing but statistics and failure or we can work together in what I see as a win-win for everyone.

I would like to have this put on the agenda for our next meeting and welcome your participation and indeed your contribution.

Sincerely,
Jim

Sent from my iPhone

From: Louisa Garbo
Sent: Friday, August 27, 2021 10:25 AM
To: Rob Pingle
Subject: For Housing Action Program
Attachments: Fujian Roundhouses 002.jpg; Affordable RE tulou housing.docx; Screenshot (89).png; Screenshot (88).png; Screenshot (90).png

From: Meror Krayenhoff <meror@sirewall.com>
Sent: Thursday, August 26, 2021 3:00 PM
To: Louisa Garbo <lgarbo@islandstrust.bc.ca>
Subject: consulting gig

Hi Louisa,

In a few hours I'm off to Paraguay on a consulting gig for 3 weeks. The project is the largest intentional community in S. America. My clients bought a piece of land 1/3 the size of SSI and are developing it. The first phase is 1,200 homes and they want it to be as green as possible, which is why they have hired me. There will be a University as well, and they have asked me to teach.....not a decision I need to make soon.

Before leaving, I am sending you some images from work I'm involved in with an LA architect. It is fashioned after the Chinese tulou (google it), which I think is the most perfect architectural expression of community. I'm also sending you some thoughts that I penned a year or so ago, about affordable housing on SSI.

I'll be in contact upon my return.

Best, ~meror

PS. That's me in the white pants

Meror Krayenhoff
Legendary Dirt Jedi

"Your future this is"

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SIREWALL - **Structural Insulated Rammed Earth** - the art and science of rammed earth

How about healthy, sustainable, green, affordable rammed earth housing that costs \$150k for a 2 BR suite with payments of under \$1,000/month?

The context of how we live and what we believe to be true is in large part responsible for our limitations. As a small example, we confuse wants with needs. There is a broad belief that we “need” smooth asphalt roads, a fire department, chlorinated piped water, smart phones, cars, and fashionable clothing. I would assert those are all “wants”. In the developing world, they recognize those as wants and here we say they are needs. First world problems disguised as “needs”.

We also say that affordable housing is a need, whereas in truth it is a want that is broadly endorsed.

When we arrange our wants into a hierarchy, where does affordable housing fit? Is it more important than smooth asphalt roads? Is it more important than smart phones? Is it more important than fashionable clothing? As a community, we need to begin the conversation about how important affordable housing actually is, which will inform how much we are actually willing to do to make it happen. This is vital because what I am about to propose won't be easy.

Suppose it is more important than many of the above “wants”. How do we create it? Herein I offer the beginning of a roadmap as to how to actually create healthy, sustainable, affordable, rammed earth housing.

1. What is affordable? No more than 30% of a family's gross income can go to housing. With two adults working for the minimum wage of \$11.35/hr, or one working for \$22.70, the amount available for housing is \$1,135/month, all in. That's the max.
2. What kinds of construction make housing affordable? Housing that has repetitive elements, several storeys, and modest finishes.
3. How modest can the finishes be? The temporary occupancy can be achieved by building to where there is warmth, dryness, a toilet, a sink with a tiny counter. The CRD defines it in more detail.
4. How about tiny homes? Attached housing units make way more economic and environmental sense than detached units, regardless of size. The cost to build and heat tiny homes is exorbitant. Compare a 20'x20' tiny home with a 200'x20' building with 10 attached side by side units. For the sake of math ease, let's say that all exterior walls are 10' tall:
 - a) Area of exterior walls to build per square foot of floor space – tiny houses are almost double
 - b) Area of heat loss through the exterior walls – the tiny houses are almost double
 - c) Tiny homes can't afford the weight or footprint of thick walls (eg. Strawbale, rammed earth, cob, hemp) so are almost always built from toxic and disposable wood frame assemblies.
5. How about the sound and heat issues of side by side living? That is a stick frame issue, not a massive wall issue. Massive walls attenuate sound incredibly well, and act to moderate temperature swings on both sides of the wall.
6. How is the land paid for? In municipalities, the city will usually put up the land.
7. How much does that occupant pay to buy their place? The 2 BR, 1 Bath suite is bought for only \$100,000. and there is creative bank financing in place. There is also a non-refundable \$50,000. earnest money requirement amount to be held by the community. This amount is not funded by the bank, but by friends, relatives, employers, or what have you. The monthly payments on \$150,000. would be around \$750/month, plus there is a \$200/month upkeep/maintenance fee. This \$950/month is still well within the affordable definition.

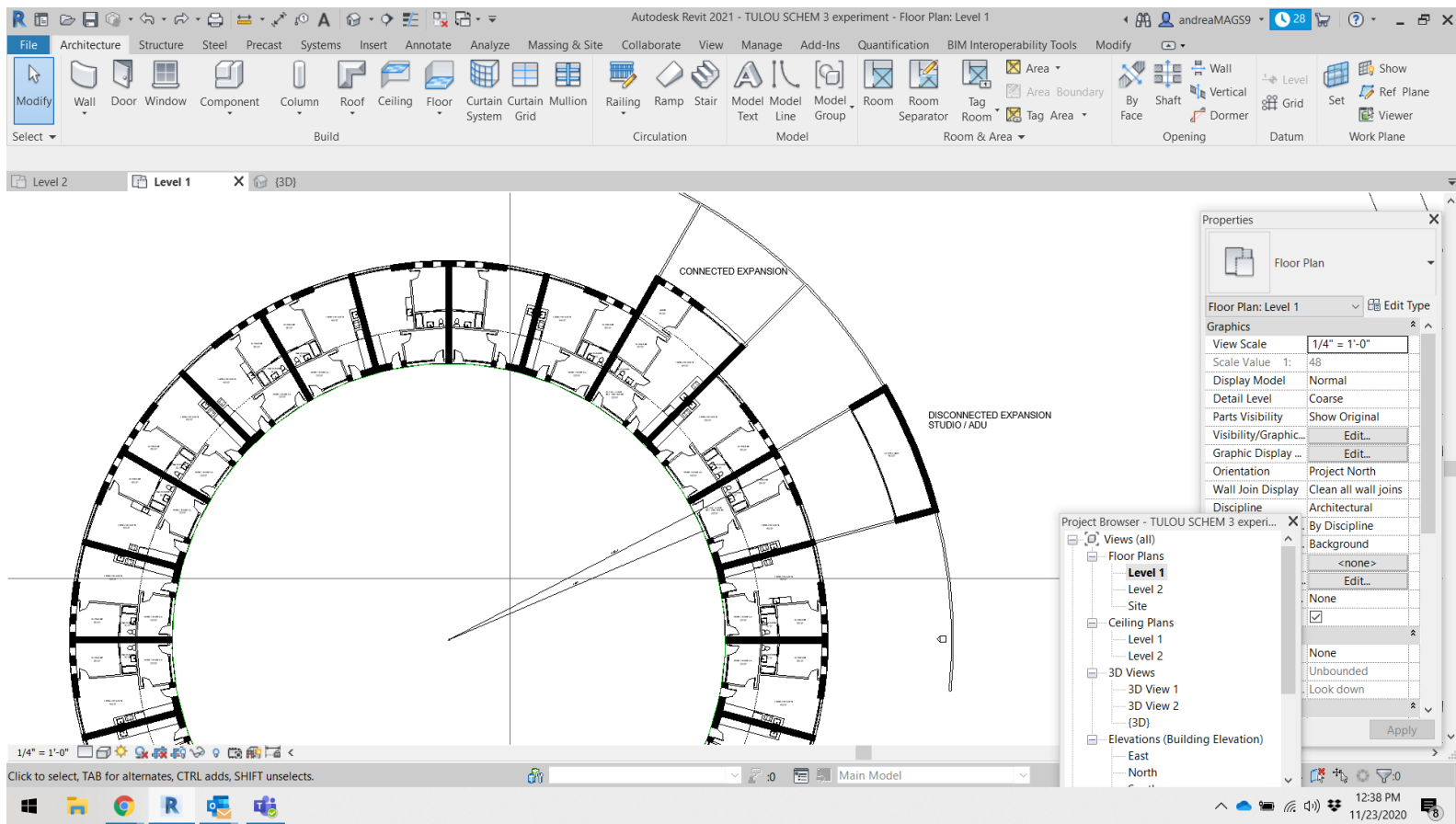
8. Does the occupant own and have title to the suite? Yes, with conditions. If the occupant is not living there for 9 months in a year, the title reverts to the community and will be resold. The suite can never be rented. If the exterior walls, windows, floor or door is damaged, that will be covered by the \$50,000. earnest money, and defaults to the bank will also be covered by those funds.
9. How does the bank ensure payments? The bank can foreclose as with any other real estate transaction, but instead of reselling the real estate, the bank is paid any losses out of the community pool.
10. How is the building construction paid for? Ideally the local gov't pays for the construction, and makes back the money each time a unit is sold at \$150,000 per sale. After all units are sold for the first time, the local gov't is still out of pocket, but as time goes by this becomes a big money maker for the community. After the second sale, it's almost all profit.
11. This sounds a lot like renting.....but with the burden of buying. How is this a good deal for the buyer? Well if you stay for only a couple of years and move on, you will lose your deposit and what money you've paid on the mortgage. This is not affordable real estate investing, but affordable housing. When you've paid off the mortgage, your monthly payments will be very low eg. \$200/month.
12. How is this good for the community? The community gets a stable and secure work force with a commitment to place. From time to time, the units will be vacated and resold. If the suites are built to last hundreds of years, then the development will turn into a significant ongoing financial stream of income to the community.
13. What would the development look like? From an economic, social, and environmental pov, the donut shaped tulou is a good starting place. In China, the tulou accommodates up to 200 families but the area per family is very small by N. American standards. Perhaps a 4 storey building of 40 units that are ~800 sq ft each built to last for hundreds of years with very little expense to heat or cool and using only materials that are Red List ready (not using any of the 351 common toxins found in current building practices).
14. What about water? The building would have extensive cisterns in the foundation to capture the harvested rainwater. The goal would be net zero for water.
15. How about sewage? Each unit would use foam flush toilets (3 oz of water per flush) and share Clivus Multrum composting. The goal would be net zero for human waste.
16. How much is the initial and ongoing outlay for the community? Using rough figures based on a development of 40 units, the community would have to borrow/fund something like \$10M. Upon completion of the first sale, the community would get back \$6M. Resale costs would be altered as the minimum wage changes over time. If the average occupancy is for 20 years, at that time another ~\$5M would go into community coffers (after expenses). And every 20 years thereafter the community would benefit to the tune of ~\$5M.....or a return of \$1/4M per year (in today's dollars).
17. Why four storeys, 40 units, rammed earth, foam flush toilets, composting, and rainwater harvesting? Won't that make it difficult to get approvals? It may be difficult but there is economy in stacking units with regard to services. When building something that will last hundreds of years it is vital to consider the weather it will need to endure, and the probable disruption of services such as heating, waste, and water. And its about time we stop thinking of

affordable housing as needing to use the cheapest and most toxic building materials to create offensive architecture. It's about time we respected our work force.

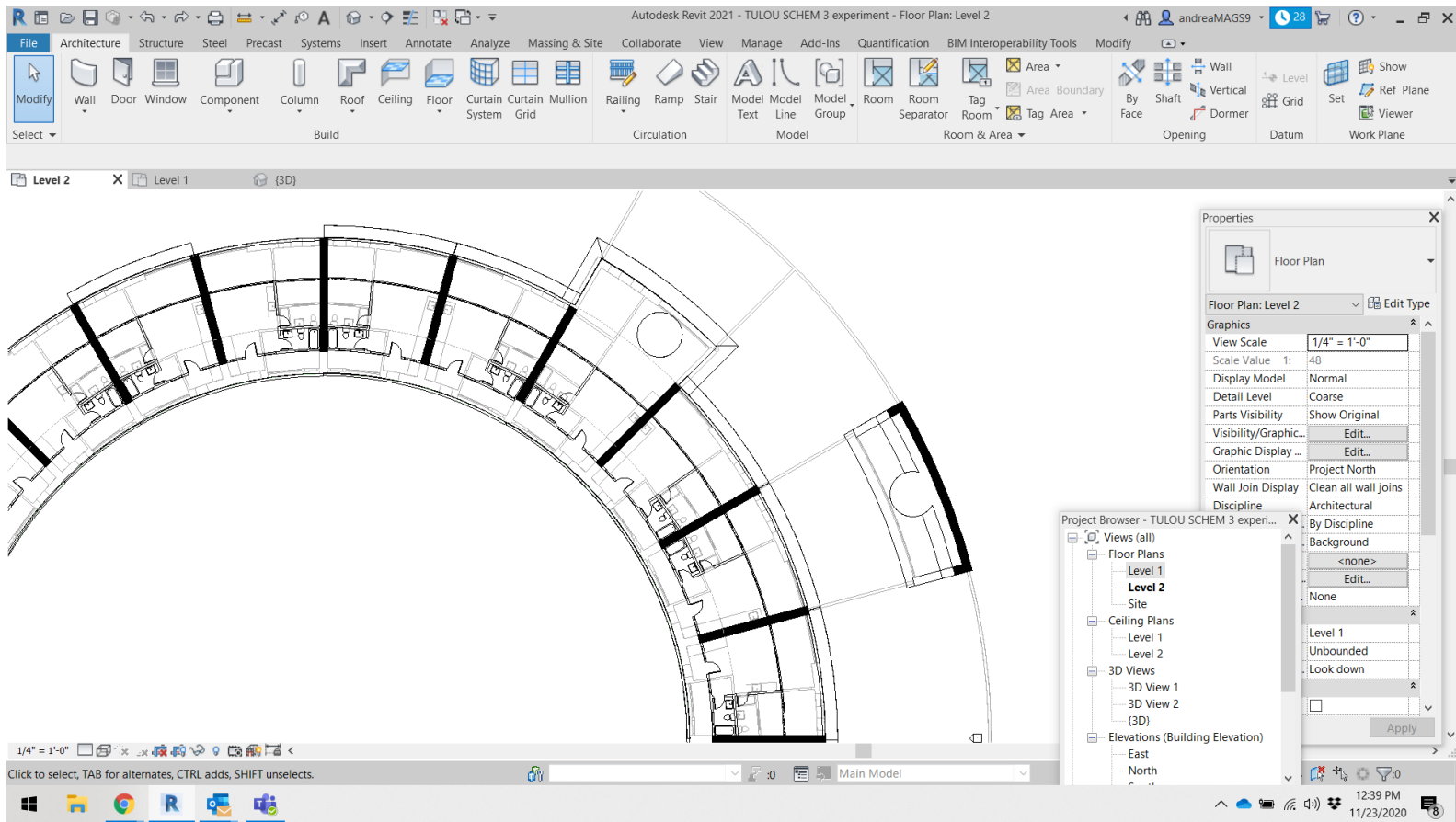
Going back to the beginning, it is possible to create healthy, sustainable, green, affordable, rammed earth housing but it will need to be of sufficient priority that funds are allocated and regulations are changed to accommodate what needs to happen.



Screenshot (88).png



Screenshot (89).png



Screenshot (90).png

