



Islands Trust

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## AGENDA

### SALT SPRING ISLAND HOUSING ACTION PROGRAM TASK FORCE

Date: Thursday, March 03, 2022

Time: 10:00 AM

Location: Salt Spring Island Baptist Church - Lower Hall, 520 Lower Ganges Road

- 1. ELECTION OF CHAIR/VICE CHAIR** **10:00 - 10:10**
- 2. AGENDA** **10:10 – 10:20**
  - 2.1. Approval of Agenda
- 3. MINUTES OF PREVIOUS MEETINGS** **10:20 – 10:30**
  - 3.1. Draft minutes of the February 16, 2022 – HAPTF Meeting – For adoption Page 2
- 4. ADMINISTRATIVE UPDATE** **10:30 – 11:30**
  - 4.1. Housing Action Program Task Force Resolutions – For Information Page 7
  - 4.2. Farmworker Housing Bylaw 526 (action item) Page 12
  - 4.3. Public Engagement Activities
    - Housing Task Force Meet and Greet (initial activity)
    - Updated webpage
    - Conversation with a Planner
    - Potential pop-ups
  - 4.4. Discuss LTC resolution:  
*That the Salt Spring Island Local Trust Committee request staff to work with the Housing Action Program Task Force and report back on options to coordinate a multi-jurisdictional meeting with representation from the Province, Capital Regional District and the Salt Spring Island Local Trust Committee, including the Housing Action Program Task Force and Trustees in order to work together and effect change in the supply of diverse housing options on Salt Spring Island.*
- 5. OTHER BUSINESS** **11:30 – 12:00**
  - 5.1. Updates to LTC through Chair’s monthly reporting Page 52
  - 5.2. Discussion on draft Bylaw 528
- 6. ADJOURNMENT**



# Salt Spring Island Housing Action Program Task Force Meeting Minutes

**Date:** Wednesday, February 16, 2022

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

**Members Present:** Rhonan Heitzmann, Chair  
Kerrie Proulx, Vice Chair  
Maïkan Bordeleau  
Bryce Chapman  
Nejmah Guermoudi  
Yvonne Saunders  
Stanley Shapiro  
Frejya Skye  
Jessica Terezakis  
Daniel Wood

**Staff Present:** Sarah Shugar, Recorder

**Others Present:** Laura Patrick, Islands Trust Salt Spring Island Trustee  
Jenny McClean, Ganges Village Planning Task Force Chair

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

The meeting was called to order at 5:00 p.m. Chair Heitzmann welcomed the task force members and acknowledged the meeting is being held in Coast Salish First Nations treaty and traditional territory.

## 1. CALL TO ORDER

### 1.1 Approval of Agenda

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

## 2. MINUTES OF PREVIOUS MEETINGS

### 2.1 Approval of Draft Minutes of the February 3, 2022 Meeting

By **general consent**, the minutes of the February 3, 2022 Housing Action Program Task Force meeting were adopted.

There was a request to only discuss task force members when the member is present at the meeting.

### **3. ADMINISTRATIVE UPDATE**

#### **3.1 Housing Action Program Task Force Resolutions**

The Housing Action Program Task Force Resolutions to December 15, 2021 document was presented.

### **4. OTHER BUSINESS**

#### **4.1 Updates to LTC through Chair's monthly reporting**

Chair Heitzmann reported he presented a Chair report to the LTC at the February 15, 2022 meeting. Chair Heitzmann reported this will be a standing item and members can forward items to be included in the next Chair report.

M. Bordeleau and N. Guer mou di arrived at the meeting at 5:13 p.m.

#### **4.2 Solutions Matrix v.2 update**

- A draft Housing Action Program: Strategic Priorities Matrix was presented. Chair Heitzmann asked members to track their comments/ideas regarding the OCP review and provide their comments to staff by the end of February 2022. Member Guer mou di, Member Terezakis and Chair Heitzmann are maintaining the matrix document and will update as needed.

In discussion the following items were noted:

- It is important to identify what needs to change in the OCP and LUB to enable these ideas and whether the ideas are feasible;
- It is important to conduct a general review of the OCP including housing, climate change, and Coastal Douglas Fir ecosystem perspectives;
- There was a comment that the OCP document is supportive of housing;
- There was a comment that the OCP is supposed to inform the LUB in a positive way although is often interpreted as being restrictive of new ideas;
- There was a question regarding grey water use, grey water/black water separation and humanure composting. These items should be included in the inter-jurisdictional issues section and potentially in the OCP as a value;
- Support was expressed for staff to use simple, clear, and specific language and noted language such as "in a healthy and sustainable way" is difficult to define and measure for success.

#### **4.3 Suites Bylaw Update Staff Report to LTC**

Chair Heitzmann reported the staff report was presented at the February 15, 2022 meeting. The LTC directed staff to amend the draft bylaw and bring back to a future

meeting for consideration of first reading. The LTC directed staff to amend the bylaw to include: Remove the definition of density; add a new definition of suites in combination with accessory building; allow both kinds of suites in all zones except for islets; and explore appropriate conditions and restrictions to phase in and manage impacts. The draft bylaw will be considered by the LTC at a future meeting and the amended draft bylaw will be referred to the Housing Task Force for comment.

In discussion the following items were noted:

- Approximately 1900 units were added within the Cottages bylaw (400 units) and Secondary Suites bylaw (1500 units) although a low number of units were actually built;
- There was a comment that the units could be redistributed island wide and permits could be issued on a first come, first served basis;
- Support for a strategy to look for landlords that will provide housing and a “use a carrot, not a stick” approach;
- There was a comment that it is important to have rent control to ensure the units would be used as affordable housing and not as short-term vacation rentals;
- There was a comment that it is important to find ways to make things easier for landlords to provide long term rentals;
- There was a comment that housing agreements and covenants may impact a property owner or purchaser’s ability to access financing and could reduce property values;
- There was a comment that it is important to address the social reasons why homeowners choose short-term vacation rentals versus long term rentals;
- There was a comment to keep things simple and not complicated;
- The Housing Needs Assessment identified the need for 600 units based on 2016 data;
- Trustee Patrick spoke to 2021 real estate data;
- Support was expressed to work with existing infrastructure and to bring it up to a safe living standard;
- There was a question regarding whether there is anything within the task force mandate to liaise with Federal levels of government regarding affordable housing;
- There was a comment that the recent announcement regarding a BC Housing project on Drake Road is an example of inter-agency jurisdiction;
- There was a comment that the average cost of subdivision in BC is between \$60,000 to \$70,000 and Salt Spring Island is at the high end of this range. Application costs and delays are part of the problem;
- There was a comment that there is pressure on this region as a desirable place to live;
- Support was expressed to provide more flexibility to what is being proposed such as options to allow for strata subdivisions.
- There was a comment that home plate zoning options would restrict the footprint of total dwelling space and provide flexibility within that dwelling space. The cost of the land could be shared and impacts to the land could be reduced;
- There was a comment that a hamlet concept such as one main house with a small village of cottages surrounding the main house could be an option;

- There was a comment that the disbursement of affordable housing options island wide would create more equity;
- There was a comment that infilling can be low impact and reduce the need for new infrastructure such as adding a suite to an existing barn or garage;
- There was a comment there was a historical plan for the development of villages including Ganges, Channel Ridge and Burgoyne Bay;
- There was a comment to cluster housing where there is water;
- There was a comment that water infrastructure is difficult to install and maintain in terrain such as Salt Spring Island;
- There was a question regarding the timeline of the bylaw. Chair Heitzmann reported the draft bylaw could proceed through three readings quickly and the goal is to adopt the bylaw by October 2022. It was noted Trustee elections are in October 2022.
- Support for use of accessory dwelling unit (ADU) as it is a common used language in planning and secondary suites is dated language. The language should be updated to align with BC housing and BC building codes.
- There was a comment that the secondary suites bylaw was introduced as a pilot project using one type of accessory dwelling unit and that it could be scaled up based on the pilot project.
- There was a question regarding whether there is an accelerated process. The process could be reduced by two months if the public hearing stage was not needed.

J. McClean arrived at 6:50 p.m.

- Trustee Patrick advised this is a response to a housing emergency and that long term planning needs to consider bus routes and clustering density in villages.

**By general consent**, the task force agreed to have a motion prepared that supports Accessory Dwelling Units in all zones with a mechanism to provide a cap to provide feedback when the draft bylaw is referred to the task force for comment.

#### **4.4 Tiny Home Project Update – Member Bordeleau - No update**

Member Bordeleau will present an update at the next meeting. Please forward contacts regarding tiny homes. Member Guermoudi will forward the contact for the Wagon Wheel Housing Society to member Bordeleau.

M. Bordeleau left the meeting at 6:10 p.m.

#### **4.5 ALR Housing Bylaw – Member Skye**

Member Skye presented an update regarding draft Bylaw No. 526 – Changes to Residential Permissions in the ALR & Bylaw Amendment Options for dwellings on large farms. The LTC gave first reading to draft Bylaw No. 526 at the February 15, 2022 meeting.

In discussion the following items were noted:

- Support was expressed for more flexibility than the current draft bylaw as currently the draft bylaw is more restrictive than the Agricultural Land Commission (ALC);
- Support was expressed for more flexibility for the number of farmworker housing units and that if a farm can prove the need for farmworker housing to ALC then it should be allowed;
- There was a comment that the campsite limitations are too strict and that agritourism is a necessary source of revenue;
- Trustee Patrick advised the Agricultural Alliance would like to ensure that large farms continue to be farmed.

Member Skye will provide a summary of recommendations regarding draft Bylaw No. 526 for the next meeting. Chair Heitzmann asked everyone to review the draft bylaw for comment at the next meeting.

## 5. **ADJOURNMENT**

The next meeting will be held on March 3, 2022 at 10:00 a.m.

The meeting was adjourned at 7:13 p.m.

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Rhonan Heitzmann, Chair

### **CERTIFIED CORRECT:**

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Sarah Shugar, Recorder

# Housing Action Program Task Force Resolutions

Number	Meeting Date	Resolution	Work Flow	Date Completed
23	15-Dec-21	<b>By general consent</b> , staff are requested to provide the list of applicants who have applied to the Housing Action Planning Task Force.	For privacy reasons staff cannot provide this information.	3-Feb-22
22	2-Dec-21	<b>It was MOVED and SECONDED</b> , That the Housing Action Program Task Force appoint Member Bordeleau to research the obstacles to approving tiny homes as lawful dwellings.	Member to report as required	Ongoing
21	2-Dec-21	<b>By general consent</b> , the Draft Bylaw No. 527 – Fees Bylaw - Staff Memorandum was accepted for information and would be kept in mind when the Task Force reviews the Official Community Plan.	Members to act as necessary	Ongoing
20	17-Nov-21	<b>By general consent</b> , the Housing Action Program Task Force agreed to email feedback regarding the public engagement plan including red flags and suggestions to Planner Garbo and that the Task Force would prefer to not to take up more in person meeting time.	Members to act as necessary	Ongoing
19	17-Nov-21	<b>By general consent</b> , the Housing Action Program Task Force agreed Chair Heitzmann would talk to RPM Cermak and Planner Garbo regarding the consensus of the Task Force is that the draft public engagement plan is too complex and the Task Force would prefer to simplify the plan and encourage staff to lean on community groups for public engagement. The Task Force request staff to provide clarity on communication channels the Task Force can use.	Complete	3-Feb-22
18	17-Nov-21	<b>By general consent</b> , the Housing Action Program Task Force agreed to invite RPM Cermak to attend the next meeting to discuss implementation of accessory dwelling units and impacts to staff workload.	RPM Cermak to attend a meeting in 2022	3-Feb-22

# Housing Action Program Task Force Resolutions

Number	Meeting Date	Resolution	Work Flow	Date Completed
17	17-Nov-21	<b>By general consent</b> , the Housing Action Program Task Force agreed that Member Chapman, Member Proulx and Member Terezakis will meet to draft a vision statement that focuses on permitting accessory dwelling units on all areas of Salt Spring Island, to be presented to staff and at the December LTC meeting. The statement could be communicated on various communication channels. Member Bordeleau volunteered to help with economics such as cost and benefit per square foot.	Members to report as required	Ongoing
16	4-Nov-21	That the Housing Action Program Task Force requests staff to start the Coffee with a Planner Program.	Library Meeting room reserved from 1-2:30pm on Jan 6 & 20, Feb 3 & 17, Mar 3 & 17, Apr 7 & 21. Zoom meetings to be scheduled for 2nd and last Thursdays. Meetings to be promoted to the public.	In progress
15	4-Nov-21	That the Housing Action Program Task Force recommend the Salt Spring Local Trust Committee proceed with the proposed Tiny Homes Village Pilot Project.	Staff preparing to refer to agencies and FN for comment on project criteria	In progress
14	7-Oct-21	The Housing Action Program Task Force request staff to follow up on the request to find a more neutral meeting place.	PTA reviewed possibilities and spoke with Task Force about them	20-Oct-21
13	7-Oct-21	The Housing Action Program Task Force request the Salt Spring Island Local Trust Committee to add the creation of an inter-jurisdictional Housing Authority to the scope of the Housing Action Program Project Charter as recommended by the Housing Working Group report phase two.	The LTC passed a resolution to send this to the Trust Council Financial Planning Committee.	9-Nov-21



# Housing Action Program Task Force Resolutions

Number	Meeting Date	Resolution	Work Flow	Date Completed
12	7-Oct-21	The Housing Action Program Task Force recommend the Salt Spring Island Local Trust Committee endorse Trustee Patrick's resolution regarding a business case for a SSI Housing Authority including the following recommendations: · Invite the Capital Regional District Housing Corporation to participate in the process; · Consider how other communities in BC such as Whistler as an example of a community that has been successful in providing affordable housing for workers; · Document the process and identify successes and challenges.	LTC addressed the issue at their public meeting	9-Nov-21
11	7-Oct-21	<b>By general consent</b> , the Housing Action Program Task Force request staff to look into the Norton Road property regarding affordable housing potential.	Property has Zone Variation – R6(c) (26) Despite Section 9.9.1 – Permitted Uses of Land, Buildings and Structures - of this bylaw, the only principal uses permitted within lands zoned R6(c) are: (a) not more than 26 affordable housing dwelling units which may be single or duplexes; (b) one single-family dwelling; (c) non-commercial outdoor active recreation; (d) public service uses.	25-Oct-21
10	7-Oct-21	<b>By general consent</b> , the Housing Action Program Task Force agreed to add Short-Term Vacation Rental (STVR) data to the next meeting agenda. Member Proulx will share data regarding STVR impacts in other communities.	Members to report as required/ staff recommended to pause until report from UBCM	Ongoing
9	7-Oct-21	To request staff to provide data regarding how many potential densities were provided as a result of the Secondary Suites Bylaw and the Affordable Housing - Cottages Bylaw and how many housing units have actually been permitted and added to the housing pool.	Staff provided information to members by email	25-Oct-21

# Housing Action Program Task Force Resolutions

Number	Meeting Date	Resolution	Work Flow	Date Completed
8	16-Sep-21	That the Housing Action Program Task Force recommend to the Salt Spring Island Local Trust Committee that the draft Bylaw No. 526 proceed with a recommendation that the LTC explore options to make more agricultural housing available.	Staff to take to LTC at relvant meeting for further bylaw consideration	In progress
7	19-Aug-21	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.	Staff report to LTC	9-Nov-21
6	19-Aug-21	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.	Staff report to LTC referred to RPC	9-Nov-21
5	19-Aug-21	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;	Staff report to LTC	9-Nov-21

# Housing Action Program Task Force Resolutions

Number	Meeting Date	Resolution	Work Flow	Date Completed
4	19-Aug-21	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.	Staff report to LTC	9-Nov-21
3	19-Aug-21	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.	Staff report to LTC	9-Nov-21
2	19-Aug-21	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.	Members to report as required	Ongoing
1	19-Aug-21	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).	PTA to schedule meetings	1-Oct-21



File No.: 6500-20: Housing Action Program

DATE OF MEETING: March 3, 2022

TO: Salt Spring Island Housing Action Program Task Force

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 Housing Action Program Task Force (HAPTF).

### 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 HAPTF has deliberated on the proposed 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 proposed 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 proposed 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 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 m<sup>2</sup> 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 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.		

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 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.		

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
<b>Total:</b>	<b>56</b>	<b>325</b>	<b>16</b>	<b>397</b>

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

500m<sup>2</sup> 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.

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

<sup>+</sup> 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
<b>Principal Uses, Buildings and Structures</b>		
<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>	◆	◆
<b>Accessory Uses</b>		
<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
<b>Lot Coverage</b>		
Maximum combined <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> , <b>excluding greenhouses</b> (per cent)	35	35
Maximum combined <i>lot coverage</i> of all <i>buildings</i> and <i>structures</i> , <b>including greenhouses</b> (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
<b>Number of Units and Site Areas</b>		
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
<b>Setbacks</b>		
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 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
	<b>3.1</b>	<b>Ecosystems</b>
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.
	<b>3.2</b>	<b>Forest Ecosystems</b>
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.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
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.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
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
	<b>4.1</b>	<b>Agricultural Land</b>
✓	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.
	<b>4.2</b>	<b>Forests</b>
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.
	<b>4.3</b>	<b>Wildlife and Vegetation</b>

	<b>4.4</b>	<b>Freshwater Resources</b>
TBD	<b>4.4.2</b>	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	<b>4.4.3</b>	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
	<b>4.5</b>	<b>Coastal Areas and Marine Shorelands</b>
N/A	<b>4.5.8</b>	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	<b>4.5.9</b>	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	<b>4.5.10</b>	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	<b>4.5.11</b>	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.
	<b>4.6</b>	<b>Soils and Other Resources</b>
✓	<b>4.6.3</b>	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
	<b>5.1</b>	<b>Aesthetic Qualities</b>
N/A	<b>5.1.3</b>	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.
	<b>5.2</b>	<b>Growth and Development</b>
✓	<b>5.2.3</b>	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.
✓	<b>5.2.4</b>	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.
✓	<b>5.2.5</b>	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	<b>5.2.6</b>	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.
	<b>5.3</b>	<b>Transportation and Utilities</b>
N/A	<b>5.3.4</b>	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	<b>5.3.5</b>	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	<b>5.3.6</b>	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.
✓	<b>5.3.7</b>	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.
	<b>5.4</b>	<b>Disposal of Waste</b>
N/A	<b>5.4.4</b>	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
	<b>5.5</b>	<b>Recreation</b>



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.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
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.
	<b>5.7</b>	<b>Economic Opportunities</b>
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.
	<b>5.8</b>	<b>Health and Well-being</b>
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.

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

## ATTACHMENT 3 – POLICIES

## OFFICIAL COMMUNITY PLAN NO. 434

OCP Objective/Policy	Complies	Planner Comments
<b>Policy A.5.1.8</b> 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.
<b>Objective B.2.1.1.1</b> 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.
<b>Objective B.2.1.1.2</b> To develop zoning that allows many different types of housing and accommodates a diverse population.	yes	The draft bylaw proposes offers greater residential flexibility.
<b>Objective B.2.1.1.3</b> 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.
<b>Policy B.2.1.2.1</b> 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.
<b>Policy B.2.2.2.16</b> 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 <sup>2</sup> 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><b>Policy B.3.1.2.5</b> 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"> <li>Rural Neighbourhoods</li> <li>Agriculture (subject to approval of the Agricultural Land Commission)</li> <li>Forestry</li> <li>Uplands</li> </ul> <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><b>Objective B.6.1.1</b> 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><b>Objective B.6.2.1.1</b> 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><b>Objective B.6.2.1.2</b> 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><b>Objective B.6.2.1.3</b> 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><b>Objective B.6.2.1.4</b> 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><b>Objective B.6.2.1.5</b> 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><b>Objective B.6.2.1.6</b> 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><b>Objective B.6.2.1.7</b> 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><b>Objective B.6.2.1.8</b> 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><b>Objective B.6.2.1.9</b> 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><b>Policy B.6.2.2.1</b> The Local Trust Committee should maintain an Agricultural Advisory Committee to:</p> <ol style="list-style-type: none"> <li>a. provide community advice about bylaw changes, applications for rezoning or subdivision, and applications to the Agricultural Land Commission.</li> <li>b. help in developing and interpreting local policies about farming.</li> <li>c. identify other ways that the Local Trust Committee can encourage and support farming in the community.</li> </ol>	<p>yes</p>	<p>The draft bylaw will be referred to the AAPC.</p>

<b>Policy B.6.2.2.2</b> 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.
<b>Policy B.6.2.2.4</b> 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.
<b>Policy B.6.2.2.5</b> 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.
<b>Policy B.6.2.2.8</b> 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"> <li>a. addressing the need for additional housing on agricultural land.</li> <li>b. permitting appropriate farm uses as defined by the Agricultural Land Reserve Act and Regulations.</li> <li>c. recognizing the traditional uses of the property owned by the Salt Spring Island Farmer's Institute on Rainbow Road.</li> <li>d. allowing for the processing and warehousing of island farm products on the Institute's property.</li> <li>e. supporting zoning that would allow various forms of community farming activities.</li> <li>f. supporting the development of farmers' markets.</li> <li>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.</li> <li>h. considering changes to the Land Use Bylaw to further support agri-tourism.</li> <li>i. supporting efforts to ensure a viable local livestock industry.</li> <li>j. updating agricultural information, monitoring changes in the agricultural sector and helping to identify unused or available farmland.</li> </ul>	yes	<ul style="list-style-type: none"> <li>a. The draft bylaw proposes amendments incorporating ALC changes to residential permissions.</li> <li>b. N/A</li> <li>c. N/A</li> <li>d. N/A</li> <li>e. Additional housing options may increase community farming activities.</li> <li>f. N/A</li> <li>g. The draft bylaw proposes amendments incorporating the intent of provincial legislation.</li> <li>h. The draft bylaw proposes amendments incorporating the intent of provincial legislation in respect to agri-tourism.</li> <li>i. N/A</li> <li>j. N/A</li> </ul>
<b>Policy B.6.2.2.22</b> 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>B.6.2.2.23</b> The farming community of Salt Spring Island is recognized and encouraged in its ongoing efforts in support of local agriculture.	yes	
<b>B.6.2.2.25</b> 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>B.6.2.2.32</b> The Local Trust Committee will encourage and support efforts by others to promote and sustain local food security.	yes	
<b>B.6.2.2.32</b> 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.
<b>Objective C.3.2.1.5</b> 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.
<b>Objective C.3.2.2.11</b> 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
<b>Agricultural Advisory Planning Commission - Salt Spring</b> 1-500 Lower Ganges Road:	01-Dec-2021	
<b>Agricultural Land Commission</b> 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
<b>BC Assessment Authority</b> <i>Policy, Audit and Legal Services:</i> Cathie McIntyre	01-Dec-2021	
<b>Bylaw Enforcement</b> <i>Islands Trust:</i> Warren Dingman	01-Dec-2021	
<b>Capital Regional District - All Referrals Christine Condron</b> 625 Fisgard Street:	01-Dec-2021	
<b>Capital Regional District - SSI Senior Manager</b> 145 Vesuvius Bay Road: . . <i>Comment:</i> Interest Unaffected.	01-Dec-2021	17-Jan-2022
<b>Cowichan Valley Regional District</b> 175 Ingram Street: Mike Tippet <i>Comment:</i> Interests Unaffected.	01-Dec-2021	17-Jan-2022
<b>Front Counter BC</b> <i>FrontCounterBC@gov.bc.ca:</i>	01-Dec-2021	
<b>Galiano Island Local Trust Committee</b> 200 - 1627 Fort Street: . .	01-Dec-2021	
<b>Mayne Island Local Trust Committee</b> <i>Islands Trust:</i> . .	01-Dec-2021	
<b>Ministry of Agriculture</b> PO Box 9099, Stn. Prov. Govt.: <i>Comment:</i> Several comments provided. Please see substantive response.	01-Dec-2021	14-Jan-2022
<b>North Pender Island Local Trust Committee</b> <i>Islands Trust:</i> . .	01-Dec-2021	27-Jan-2022



Referrals: Bylaw SS-526

Agency	Sent	Received
<i>Comment:</i> Interests Unaffected		
<b>North Salt Spring Waterworks District</b> 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
<b>SSI Agricultural Alliance</b> 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
<b>Thetis Island Local Trust Committee</b> Northern Office: . .	01-Dec-2021	
<b>Vancouver Island Health Authority</b> 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](mailto: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

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

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**From:** Collins, Martin J ALC:EX  
**Sent:** December 2, 2021 11:50 AM  
**To:** 'ssinfor@islandtrust.bc.ca' <[ssinfor@islandtrust.bc.ca](mailto:ssinfor@islandtrust.bc.ca)>  
**Cc:** Bailey, Reed AFF:EX <[Reed.Bailey@gov.bc.ca](mailto: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](http://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](mailto: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](mailto:Martin.Collins@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in cursive script that reads "Martin Collins".

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*

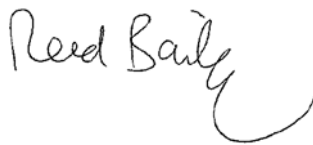
**Ministry Comment:** Similar to the Ministry’s aforementioned comment associated with commercial guest accommodation, campsites/campgrounds are only permitted as agri-tourism accommodation and as such, Ministry staff suggest requiring that campsites only be permitted on properties in the ALR/the A1 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](mailto:Reed.Bailey@gov.bc.ca)



Doug Pepper, P.Ag.  
Regional Agrologist  
250-737-2417  
[Doug.Pepper@gov.bc.ca](mailto:Doug.Pepper@gov.bc.ca)

cc: Shannon Lambie, Regional Planner – Agricultural Land Commission

**From:** Shayla Burnham <[sburnham@crd.bc.ca](mailto:sburnham@crd.bc.ca)>

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

**To:** SSIInfo <[ssiinfo@islandstrust.bc.ca](mailto: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](mailto: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)

\_\_\_\_\_  
*Emily Dixon*  
(Signature)

\_\_\_\_\_  
January 17, 2022

(Date)

\_\_\_\_\_  
526

(Bylaw Number)

\_\_\_\_\_  
Planner II (Community Planning)

(Title)

\_\_\_\_\_  
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](mailto:shannon.lambie@gov.bc.ca) | [www.alc.gov.bc.ca](http://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](mailto: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 m<sup>2</sup>; (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](mailto:shannon.lambie@gov.bc.ca)).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink that reads "S. Lambie". The signature is written in a cursive, flowing style.

Shannon Lambie, Regional Planner

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

46802m1

# 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)

HAPTF Chair report to LTC Feb. 15, 2022 - by Rhonan Heitzmann

Re: Communications

We would like the LTC to remind the community that we are taking environmental concerns very seriously and considering the islands carrying capacity as well as balancing the need to provide planning for a healthy and diverse demographic that preserves the rural island character of our community.

These issues have been studied for decades and there are at least a dozen Islands Trust reports that go back at least as far as 2003, when author Normandy Daniels addressed Solutions to the already identified housing crisis. Secondary infill such as suites and cottages, now broadly recognized as Accessory Dwelling Units, was identified then as a way of creating smaller, affordable housing for working class families in a way that has minimal impact on the environment by virtue of inserting some small dwellings into already disturbed areas of settlement, using existing or already permitted buildings and infrastructure. This has been corroborated by at least a dozen IT reports since, as well as regional reports and studies, including an excellent report recently published by BC Housing.

Our recommendations to allow suites in accessory buildings and increase the area permitted in order to capture all those property owners who wish to participate, is just part of a broader package of ideas that also includes other ways to reduce impacts of our settlement patterns on our environment, such as an effective Density Transfer System, Homeplate zoning model that allows for flexible density in exchange for large areas of conservation among other ideas.

We believe we can house the people needed to sustain our island community in a way that has a minimal impact on the environment and improves the sustainable health, diversity and functioning of our rural community. The onus of protecting our environment can not solely be placed on limiting small, affordable dwellings at the expense of working class families and our communities, while the true environmental destruction is wrought by the virtually unfettered development of large single family estates that is enshrined in our development model.

Failing to house the people needed to serve our community locally results in the negative environmental and social impact of commuting workers already overloading our ferry system.

Re: Feb. 15<sup>th</sup> Staff Report on The Suites bylaw update.

We are encouraged by the Staff report presented today and recognize the diligent and considerate efforts of staff to balance our requests with the constraints of the OCP.

It is great to see a summary of the OCP sections that limit broader adoption of secondary dwellings. I would like to point out that the OCP also contains many passages that support increase of affordable housing, flexible density, small clustered dwellings, a healthy and diverse community that is resilient and less dependent on commuters from off island to serve our needs. The OCP needs to be considered as a whole and not just its isolated parts.

The OCP sections cited in this report describe the ways that the OCP limits the number of secondary units that might be permitted, to incremental increases only, affecting overall numbers. But there is nothing that expressly prohibits the redefinition of where a suite might be located or to more broadly define all secondary dwellings as Accessory Dwelling Units, which are all accessory to the principle residence. The environmental impact of a suite or dwelling unit is the same whether it is contained

within the footprint of a main house, or above a garage or shop or within the walls of a “seasonal” cottage or studio. To claim otherwise is a logical fallacy that serves only to limit uptake of the intended use of this bylaw amendment effort.

The many nuances of the OCP in the end require interpretation. That is your role as trustees to take into account the OCP as a whole, the reality of circumstance affecting our community today as compared to 2008. This is a time of crisis that requires bold and decisive decisions.

Please seize the opportunity today to maximize the intended impact of this effort. See through the haze of bureaucratic legalese and end the logical fallacy limiting the type and placement of accessory dwellings, and theoretical densities that take up space in tallies on a map but do not represent actually built and used homes.

Please consider addressing the limitations in numbers of secondary dwellings described in the OCP by also following direction of the OCP (section B2.2.2.13.n and section B2.2.2.14.k) and establish a registry of secondary dwellings (ADUs) with a defined quota available to property owners island wide, who can prove adequate water and waste management, on a first come first serve basis. The LTC should request the resources necessary to accomplish this without further burdening existing staff resources

This can be done in respect to the OCP, without adding any new theoretical dwellings beyond than those already permitted by the existing suites and cottages bylaws, by re-distributing the current numbers permitted island wide, to those who will actually rent out a unit full time, now or in the near future.

This will maximize the effort of this bylaw update to actually translate into built and lived in small, affordable homes, nestled within existing settlement areas. This will give an essential tool to our planning department to know how many secondary units are actually built and used as long term rentals. We will be able to compare this over time with the regular provincially mandated Housing Needs Assessments, and future LTCs may decide to increase the quota as need be. This will control the uptake and use of secondary dwellings in an incremental way that will hopefully assuage the concerns of those worried about population growth.

The above is essentially what I reported in person live at the meeting.

These are a few additional notes about the potential impact on the environment of ADUs in Uplands and Watersheds.

- The Most sensitive areas are already protected by DPAs and Riparian area regulations. Further high sensitivity areas could be identified.

- The potential negative impact of increased vehicle traffic is offset by the reduction in commuter traffic which creates longer commutes, fractured community and overloaded ferries.

- The potential impact on septic should be considered in light of the permission and potential use of a single family dwelling, which could have 4 -6+ bedrooms multiple bathrooms. Perhaps a way of quantifying potential impact is to limit the overall number of bedrooms and bathrooms including principle residence and accessory dwelling.

- In this way the potential impact of ADUs could be minimal and benefit the community as a whole.