



Salt Spring Island Local Trust Committee

## **BYLAWS 487 AND 496 FREQUENTLY ASKED QUESTIONS (FAQs)**

### **1) What are these bylaws about?**

#### **Bylaw 487 (Land Use Bylaw amendment)**

Bylaw 487 makes changes to the Salt Spring Island Land Use Bylaw as follows:

- Prohibits “intensive agriculture” in the Rural Watershed 1 and 2 zones
- Introduces a 15 metre setback for agriculture from all water bodies in the Rural Watershed 1 and 2 zones
- Introduces a 15 metre setback from all water bodies for the keeping of livestock and poultry in the Rural Watershed 1 and 2 zones
- Introduces a 30 metre setback for the agricultural production, storage and manufacture of a range of products potentially harmful to water quality
- Makes a minor text change related to livestock mass

#### **Bylaw 496 (Official Community Plan amendment)**

Bylaw 496 introduces policy changes to the Salt Spring Island Official Community Plan to allow the regulatory changes proposed under Bylaw 487.

Specifically, Bylaw 496 will amend OCP policy B.6.2.2.5 as follows:

“B.6.2.2.5 – “Farming activities and necessary structures ~~will~~ should continue to be allowed by zoning in other Designations on all properties where they are currently allowed.”

Additionally, Bylaw 496 proposes that policy B.6.2.2.6, be amended so that reference to regulation of farms outside of the Agriculture Land Reserve is deleted as follows:

“B.6.2.2.6 - The Local Trust Committee will not make changes to local bylaws to prohibit or restrict farming in the Agricultural Land Reserve ~~or in areas where farming is now allowed,~~ or that are obstacles to the creation of local abattoirs, cold storage facilities, or other facilities that would improve local food security.”

And the following policy referencing regulation of farms outside of the Agricultural Land Reserve is added:

“The Local Trust Committee could consider changes to local bylaws to prohibit or restrict farming in areas outside of the Agricultural Land Reserve where farming is now allowed in order to protect the natural environment and/or water quality.”

Finally, Bylaw 496 will amend clause (i) of policy B.6.2.2.7 by removing the word “all” as follows:

i. supporting all efforts to ensure a viable local livestock industry.

## **2) Where are Rural Watershed Zones 1 and 2?**

If you are receiving this notice, you are in one of them. The final page of this FAQ contains a map showing the four Rural Watershed zones on Salt Spring Island. These zones comprise the lands forming the watersheds of the main lakes from which Salt Spring Island residents obtain potable water: St. Mary, Cusheon, Maxwell, Stowel and Weston.

## **3) Why is the Local Trust Committee considering these regulations?**

The Local Trust Committee is responding to community concern about the impact that agriculture could have on the water quality of local lakes that provide drinking water. The goals of these regulations are as follows:

- To protect surface water drinking resources
- To minimize agricultural impacts on water quality
- To ensure that agriculture is an ecologically responsible land use

## **4) What is “intensive agriculture”?**

Under Salt Spring Island Land Use Bylaw No. 355, intensive agriculture means “*agriculture that involves the confinement of more than 4550 kg of poultry or livestock (that’s about 1000 chickens, or 10 cows) or the operation of a fur farm or the manure-based cultivation of mushrooms.*”

## **5) What is “agriculture”?**

Under Salt Spring Island Land Use Bylaw No. 355, agriculture means “*the use of land, buildings or structures for a farm operation.*”

A “*farm operation,*” according to the Land Use Bylaw, means any of the following activities:

- a) growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;

- b) clearing, draining, irrigating or cultivating land;
- c) using farm machinery, equipment, devices, materials and structures;
- d) applying fertilizers, manure, pesticides and biological control agents, including by ground and aerial spraying;
- e) conducting any other agricultural activity on, in or over agricultural land; and includes;
- f) intensively cultivating in plantations, any
  - (i) specialty wood crops, or
  - (ii) specialty fibre crops
 prescribed by the Minister of Agriculture;
- g) conducting turf production;
  - (i) outside of an agricultural land reserve, or
  - (ii) in an agricultural land reserve with the approval under the *Agricultural Land Commission Act*;
- h) *aquaculture* as defined in the *Fisheries Act* if carried on by a person licensed, under Part 3 of that Act, to carry on the business of *aquaculture*;
- i) raising or keeping fur bearing animals or game, within the meaning of a regulation made under the *Animal Health Act*, by a person licensed or permitted to do so under that *Act*;
- j) processing or direct marketing by a farmer of one or both of
  - (i) the products of a farm owned or operated by the farmer, and
  - (ii) within limits prescribed by the Minister of Agriculture, products not of that farm, to the extent that the processing or marketing of those products is conducted on the farmer's farm;
 but does not include
- k) an activity, other than grazing or hay cutting, if the activity constitutes a forest practice as defined in the *Forest and Range Practices Act*;
- l) breeding pets or operating a *kennel*;
- m) growing, producing, raising or keeping exotic animals, except types of exotic animals prescribed by the Minister of Agriculture.

**6) What if I am already carrying out intensive agriculture on my land, or farming or keeping livestock or poultry within the setback areas established by this bylaw?**

Division 14 of the *Local Government Act* lays out protections for property owners when new bylaws are introduced that cause existing uses or structures to become non-compliant. Basically, under the *Local Government Act*, existing farm uses could continue at their present intensity within their present footprint provided they are not discontinued for more than six months. If the farm use is discontinued for more than six months, then resumption of the use would be subject to the new setbacks.

Notwithstanding the six month window above, the *Local Government Act* makes allowances for certain types of farm-related discontinuation exceeding six months. These are:

- seasonal, market or production cycles;

- the control of disease of pests; or
- the repair, replacement or installation of equipment to meet standards for the health or safety of people or animals.

If the farm use is discontinued for more than six months for one of the above reasons, then the farm use can likely be resumed within the proposed setback area.

**7) What if I want to start a new intensive agriculture operation in the Rural Watershed zones after Bylaw 487 is adopted?**

Rezoning of the subject property would be required.

**8) What if I want to start a new farm operation or keep livestock or poultry in the setback area proposed bylaw Bylaw 487?**

This would require application for, and receipt of, a development variance permit (DVP) from the Local Trust Committee. The application fee for a DVP is \$715.

**9) Will Bylaw 487 apply to land in the Agricultural Land Reserve?**

No. The vast majority of land that is within the Agricultural Land Reserve on Salt Spring Island is in the Agriculture 1 or Agriculture 2 zones and not impacted by the bylaw. In the extremely rare cases where land is in both a Rural Watershed zone and the Agricultural Land Reserve, local government regulations cannot be more stringent than those permitted by the provincial Ministry of Agriculture. The Ministry of Agriculture has explicitly told the LTC that any proposed regulations should not apply in the ALR.

**10) How does Bylaw 487 relate to the *Riparian Areas Regulation (RAR)*?**

When the *Riparian Areas Regulation* was introduced by the province it did not include agriculture in the list of uses that would trigger the requirement for a permit. On Salt Spring Island, Development Permit Area 7 (DPA 7) implements the *Riparian Areas Regulation*. However, Development Permit Area 7 applies only to residential, commercial and industrial uses, not to agriculture. Proposed Bylaw 487 is viewed as filling a gap left by implementation of the *Riparian Areas Regulation*.

**11) Has the community been consulted in development of these bylaws?**

The Local Trust Committee took this project on following repeated calls from some community members to address the possible impacts that farming can have on drinking water quality. A 10-member working group comprised of Rural Watershed zone residents and agriculture and water quality advocates met three times in the Spring of 2017 to discuss relevant issues and review draft bylaws. A final report on the working group's deliberations was presented to the Local Trust Committee at its June 1, 2017 meeting and is available online. Bylaws 487 and 496 have been reviewed by the Salt Spring Island Advisory Planning Commission and Agricultural Advisory Planning Commission. Local community

organizations and other public agencies also received copies of the bylaws for review and comment. See staff report of August 10, 2017 for their responses to bylaws 487 and 496.

**12) How can I learn more about proposed bylaws 487 and 496 or tell the Local Trust Committee my opinion?**

A Community Information Meeting about the proposed bylaws is scheduled for Thursday, February 8 at Meaden Hall (downstairs at the Salt Spring Legion, 120 Blain Road) at 4 p.m. This will be an opportunity for residents to ask questions of staff and local trustees about the proposed bylaws.

A public hearing on the proposed bylaws is scheduled for Thursday, February 8 immediately following the Community Information Meeting. The public hearing is your chance to give your opinion on the proposed bylaws before the LTC makes its final deliberations.

Comments can also be made to the Salt Spring Island Local Trust Committee by sending them to [ssiinfo@islandstrust.bc.ca](mailto:ssiinfo@islandstrust.bc.ca) or by mail to:

Salt Spring Island Local Trust Committee  
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Salt Spring Island, BC  
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# Rural Watershed Zones on Salt Spring



0 1.5 3 6 Kilometers

## Legend

-  Water Courses
-  Water Bodies
-  Rural Watershed Zoning

