

July 28, 2011

**File No.:** SS 38 LUB Review  
Bylaw No. 448

**To:** Salt Spring Island Local Trust Committee  
For August 4, 2011 LTC meeting

**From:** Leah Hartley, Regional Planning Manager

**Re:** Land Use Bylaw Update – Industrial and Home-Based Business  
Amendments Second and Third Readings

**PURPOSE:**

The Salt Spring Island Local Trust Committee (LTC) gave First Reading to Draft Land Use Bylaw Amendment No. 448 on March 3, 2011 as amended and directed staff to schedule a Public Hearing for April 6, 2011. The Public Hearing Notice has since been re-advertised to clarify the intent of the proposed bylaw amendment and a new Public Hearing date has been set for August 3, 2011. The purpose of this report is to recommend that LTC give Second and Third Readings to Proposed Land Use Bylaw Amendment No. 448 (Appendix 1) and subject to the Public Hearing submissions.

**BACKGROUND:**

The proposed bylaw will implement various Official Community Plan policies and recommendations contained in the Industrial Task Force Report (2009) as presented to the LTC at its meeting of March 3, 2011. In particular, the bylaw addresses the recommendations to include food processing as a use in light industrial zones and to address the needs of home-based businesses to have additional non-resident employees and to increase the floor area permitted for business use.

**RESULTS OF CIRCULATION AND REFERRAL:**

The Advisory Planning Commission (APC) and the Agricultural Advisory Committee (AAC) met on January 27, 2011 to review the staff report and correspondence which was from the Agricultural Alliance. A second meeting was held on February 17, 2011 with members of the APC which passed the following motions:

It was **MOVED** and **SECONDED** that the Advisory Planning Commission recommends to the Salt Spring Island Local Trust Committee that the definition of farm-related industry provided in the Staff Report be taken forward and included in the draft Bylaw. **CARRIED**

It was **MOVED** and **SECONDED** that the Advisory Planning Commission recommends to the Salt Spring Island Local Trust Committee that they consider first reading of the draft Land Use Bylaw which puts forward a two-tiered approach to home based businesses based on parcel size. **CARRIED**

Proposed regulations to address potential off-site impacts of home-based businesses had not been drafted at the time the APC and AAC made their motions.

Agencies:

Proposed Bylaw No. 448 was referred to relevant agencies. At the time of writing the staff report, responses have been received from three referral agencies, two agencies are not affected by the proposed bylaw amendment. The Ministry of Forests, Lands and Natural Resource Operations provided comments. No action is required. All responses received are contained in the Public Hearing material.

Public:

Four letters from the public have been received in response to the initial Public Hearing Notice and are contained in the public hearing material.

#### **PUBLIC COMMENTS:**

The staff report received by the LTC at its meeting of March 3, 2011 summarized public input received as a result of a community open house held November 30, 2010. Input was received from a limited number of community members (6 comment sheets and 1 piece of correspondence), allowing the following observations to be made:

- Modest increases in the number of non-resident employees and the amount of floor space the home-based business may occupy appear to be generally supported.
- Concern regarding the potential impact on neighbours of increased home-based business use was also expressed.
- Support for potential changes to the provisions for light industrial uses is less clear considering the potential impact on residential properties including noise, vibrations, and the processing of live animals.

#### **STAFF COMMENTS:**

The proposed bylaw is comprised of two parts.

#### **Farm-Related Light Industrial Uses**

The first addresses the need to allow for food processing within industrial zones. It sets out a new use as follows:

**“industry, farm-related light”** means an industry that takes place *indoors*, and comprises the manufacture of *farm products*, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such

products, provided live animals are not involved in any aspect of the operation and the rendering of raw animal products and processing of *agricultural waste* does not occur.

The definition refers to farm products rather than food products in order to be consistent with existing definitions within LUB 355 and in order to allow for the processing of other types of farm products on light industrial lands. The definition for *farm products* is:

“means raw or processed commodities or goods derived from the cultivation and husbandry of land, plants, animals (except pets and exotic animals) and any other similar activity including *aquaculture* that are grown, reared, raised or produced on a farm; and for this purpose does not include raw or processed timber.”

Farm-related light industrial uses would be allowed in all industrial zones where light industrial uses are permitted – that is all industrial zones except for the In2 zone.

### **Home-Based Businesses**

The basic premise of home-based businesses is that they are accessory to the principal residential use and the conduct of the business indoors should not be any more intrusive than activities of the primary residence. The proposed regulations concerning vibration, smoke, dust, audible noise off site, or soil contamination represent “common sense” operational measures that the local community generally adheres to.

In recognition of the varying character of island neighbourhoods – village and rural - proposed new rules for home-based businesses are based on a two-tiered approach based on parcel size. Current rules allow for one non-resident employee and a maximum floor area of 70 m<sup>2</sup> may be used for home-based business purposes.

At its meeting of March 3, 2011, the LTC amended Draft Land Use Bylaw No. 448 to increase the number of business employees as follows:

It was **MOVED** and **SECONDED** that the Salt Spring Island Local Trust Committee amends draft bylaw No. 448 section 1.3 to read, “not more than *two* additional persons (or full-time equivalency) not residing in the dwelling unit may be employed in home-based business uses on any lots that are 1.2 ha or less in area and not more than *three* additional persons (or full-time equivalency) for lots that are greater than 1.2 ha in area.”

### **CONCLUSIONS:**

As established in the staff report received at the March 3, 2011 LTC meeting, Proposed Bylaw 448 is consistent with the provisions of the Trust Policy Statement and the policies and objectives of the OCP. It will implement recommendations of the Industrial Task Force Report

with respect to food processing on industrial lands and home-based businesses. Proposed changes will also address some of the issues identified by the agricultural community. Concerns regarding the potential impact of processing of farm products on industrial lands will be addressed as follows:

- All activity must take place indoors
- Live animals may not be involved in any aspect of the operation. The rendering of raw animal products and processing of agricultural waste are also prohibited.

Based on input received before and at the Public Hearing, the Local Trust Committee has several options at time of considering the bylaw for Second and Third Reading. The LTC may:

- Advance the bylaw as presented;
- Amend the bylaw in a manner that is less permissive concerning new proposed uses, or amend the bylaw in a manner that retains existing regulations rather than the new proposed regulations.

The following staff recommendations may change subject to the Public Hearing submissions, therefore, the following staff recommendations are provided as options for the LTC consideration.

### **RECOMMENDATIONS:**

It is recommended:

- 1) **THAT** the Salt Spring Island LTC **GIVE** Second Reading to Proposed Bylaw No. 448, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2011".
- 2) **THAT** the Salt Spring Island LTC **GIVE** Third Reading to Proposed Bylaw No. 448, cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2011".
- 3) **THAT** the Salt Spring Island LTC **DIRECT** staff to forward Proposed Bylaw 448 to the Executive Committee for approval.

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Respectfully submitted by:

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Concurred by

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Regional Planning Manager

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Date

Appendix 1: Proposed Bylaw 448

# PROPOSED

## SALT SPRING ISLAND LOCAL TRUST COMMITTEE

### BYLAW NO. 448

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#### A BYLAW TO AMEND “SALT SPRING ISLAND LAND USE BYLAW, 1999”, BEING BYLAW NO. 355

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

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

1. By adding the following definition in Section 1.1:

“**industry, farm-related light**” means an industry that takes place *indoors*, and comprises the manufacture of *farm products*, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, provided live animals are not involved in any aspect of the operation and the rendering of raw animal products and processing of *agricultural waste* does not occur.”

2. By amending Subsection 3.13.2 from Section 3.13 – Home-Based Businesses – by adding the following wording after “up to a maximum of 70 square metres”:

“for *lots* that are 1.2 ha or less in area and 150 square metres for *lots* that are greater than 1.2 ha in area.”

3. By amending Subsection 3.13.3 from Section 3.13 - Home-Based Businesses – by deleting the wording “Not more than one additional person (or full-time equivalency) not residing in the *dwelling unit* may be employed in *home-based business uses* on any *lot*.” and replacing it with the following wording:

“Not more than two additional persons (or full-time equivalency) not residing in the *dwelling unit* may be employed in *home-based business uses* on any *lots* that are 1.2 ha or less in area and not more than three additional persons (or full-time equivalency) for *lots* that are greater than 1.2 ha in area.”

4. By deleting the wording in Subsection 3.13.5 from Section 3.13 – Home-Based Businesses – and replacing it with the following wording:

“(a) No home occupations may produce vibration, smoke, dust, odour, litter, electrical interference, fire hazard, effluent or glare detectable outside the boundaries of the lot.

(b) No home occupation may create or permit noise that disturbs persons, or is clearly audible, off the lot on which the home occupation is conducted.

- (c) No home occupation may result in contamination of any soil or surface water by solvents, glues, chemicals or other substances deleterious to human and environmental health and safety.”

5. By deleting Subsection 9.7.1 and inserting in its place Subsection 9.7.1 as follows:

**9.7.1 Permitted Uses of Land, Buildings and Structures**

*Information Note:* Where land is in the Provincial Agricultural Land Reserve, the following uses are permitted only if they are also permitted by the Agricultural Land Commission. Land uses permitted by the Agricultural Land Commission are only permitted if they are also consistent with this Bylaw. Section 3.3 of this Bylaw permits farming use to occur in any zone, if it is in the Agricultural Land Reserve.

*Information Note:* Section 3.4 of this Bylaw outlines the requirements for vegetation screens on lots occupied by outdoor industrial uses.

- (1) In addition to the uses permitted in Subsection 3.1.1 of this Bylaw, the following uses, buildings and structures and no others are permitted in the Industrial zones indicated:

|  | In1 | In2 | In3 | In4 |
|--|-----|-----|-----|-----|
| <b>Principal Uses, Buildings and Structures</b>  |     |     |     |     |
| <i>Light industry</i>  | ◆   |     | ◆   | ◆   |
| <i>Farm-related light industry</i>   | ◆   |     | ◆   | ◆   |
| <i>Indoor commercial, art and vocational schools</i>   | ◆   |     | ◆   | ◆   |
| <i>Funeral homes</i>   | ◆   |     | ◆   | ◆   |
| <i>Indoor sales of building supplies, appliances and furniture, with accessory outdoor sales and storage</i>   | ◆   |     | ◆   | ◆   |
| <i>Storage, with the exception of outdoor storage of derelict vehicles and equipment, commercially licensed trucks, bulk fuel products, or waste materials</i> | ◆   | ◆   | ◆   | ◆   |
| <i>Indoor service and repairs to vehicles, equipment, machinery and boats</i>  | ◆   | ◆   | ◆   | ◆   |
| <i>Sales and rentals of vehicles, equipment, machinery and boats</i>   |     |     |     | ◆   |
| <i>Boat building</i>   |     |     | ◆   | ◆   |
| <i>Indoor wholesale sales</i>  | ◆   |     | ◆   | ◆   |
| <i>Processing of wood products produced or to be used on Salt Spring Island, including saw mills and planing mills</i>   |     |     | ◆   | ◆   |
| <i>Processing and sorting of construction aggregates for use on Salt Spring Island, excluding asphalt</i>  |     |     |     | ◆   |
| <i>Storage of fuel products for use on Salt Spring Island</i>  |     |     |     | ◆   |
| <i>Processing, sorting and storage of timber produced on Salt Spring Island or to be used on Salt Spring Island</i>  |     |     |     | ◆   |
| <i>Veterinarian clinics and animal hospitals</i>   | ◆   |     | ◆   | ◆   |
| <i>Collection of recyclable materials, excluding outdoor sorting and storage</i>   | ◆   | ◆   | ◆   | ◆   |
| <i>Collection of recyclable materials, including outdoor sorting and storage</i>   |     |     |     | ◆   |
| <i>Public service uses</i>   | ◆   | ◆   | ◆   | ◆   |
| <i>Automobile and equipment parking</i>  |     | ◆   | ◆   | ◆   |

| <b>Accessory Uses</b>                                      |   |   |   |   |
|--|---|---|---|---|
| <i>Retail sales accessory to a permitted principal use</i> | ◆ | ◆ | ◆ | ◆ |
| <i>One dwelling unit accessory to industrial use</i>       | ◆ | ◆ | ◆ | ◆ |

2. This Bylaw may be cited as "Salt Spring Island Land Use Bylaw, 1999, Amendment No.1, 2011".

READ A FIRST TIME THIS                      3rd              DAY OF              March              ,2011  
 PUBLIC HEARING HELD THIS    DAY OF    ,20\_\_  
 READ A SECOND TIME 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\_\_

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**SECRETARY**

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**CHAIRPERSON**