

# Rural Affordable Housing Project



## Final Report

submitted to the Denman Community Land Trust Association by

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## Executive Summary

The Rural Affordable Project of the Denman Community Land Trust Association, funded by the Comox Valley Housing Task Force, examined affordable housing opportunities for those wishing to live and farm in the Agricultural Land Reserve (ALR). The issue was explored through research and consultation with local community members, as well as with regional agricultural groups and initiatives, and then in discussion with Agricultural Land Commission (ALC) planners. Existing and potential farmer-housing opportunities in the ALR and their stumbling blocks were investigated using the circumstances on Denman Island as a model.

Major issues for current and prospective farmers were the high cost of purchasing land, the lack of available affordable farm-labour, the loss of agricultural knowledge and farm production due to the advancing age of the majority of current farming landowners, and the increasing ownership of land by non-farmers. In all these issues, the principle need was for affordable-housing of those who wished to farm. The major stumbling block to addressing this need was the lack of suitable regulatory provisions to accommodate affordable farmer-housing options in the ALR.

Five recommendations are proposed. 1. For respective government agencies together with the ALC and in concert with local communities to develop locally-appropriate solutions to three major ALC concerns. These solutions would include first, criteria to justify the need for additional farmer-residences; second, criteria to clearly demonstrate what is meant by minimum impact of a residence on agricultural land; and third, practical, legal methods to ensure that additional residences remain only occupied by *bone fide* farmers. 2. For secondary suites to be permitted by local governments on *bone fide* farms. 3. For moveable housing units to be allowed without the need for permanent foundations. 4. For the definition of a moveable housing units to include various types of suitable construction, not just industrial-manufactured homes. 5. For government agencies together with local organizations to enable cooperative multiple-farmer family housing within the ALR. This would mean facilitating the development of an acceptable regulatory framework, permitting trials and evaluating the resulting models. All five recommended options would enhance the housing options for future farmers, and thus would encourage future farm production in the ALR.

## Acknowledgements

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## Abbreviations

ALC	Agricultural Land Commission
ALR	Agricultural Land Reserve
DCLTA	Denman Community Land Trust Association
RAH	Rural Affordable Housing



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## 1.0 Introduction

### 1.1 The Rural Affordable Housing Project

The Denman Community Land Trust Association (DCLTA) mandate is to provide secure, affordable housing for the residents of Denman Island identified as living below the Revenue Canada Low Income Cut-Off, who are homeless or at risk of becoming homeless and in need of stable, long-term housing. On Denman and in many rural BC communities net incomes from farming, reported to Statistics Canada, are low as farmers struggle with the increasing costs of production. Those who wish to farm must purchase land at exceedingly high real estate prices. With these economic hurdles facing farmers, the DCLTA sought to examine the affordable housing needs of the farming sector within the Agricultural Land Reserve.

Currently, new opportunities are developing for BC's farmers. Many in rural communities and in the neighbouring cities are striving to eat healthy locally-grown produce and products from humanely-managed livestock whenever possible. As a result there is an increasing incentive for the development of a relatively small-scale (non-industrial) food-based agricultural sector. Yet the financial prospects of buying farm land and committing to small-scale, labour-intensive farming is economically unrealistic. Thus, getting farmers onto the land by allowing affordable, possibly equity-sharing housing opportunities is critical to sustaining local agriculture, as well as to taking advantage of developing markets.

Planning future affordable farmer-housing is a multi-faceted opportunity and a complex task. The time frame is immediate, if the agricultural knowledge is to be retained and farm land to remain productive, rather than adding to the increasing number of non-farmed, rural-estate parcels. The Agricultural Land Commission (ALC) has the mandate to preserve agricultural land and encourage farming in BC's agricultural land use zone, the Agricultural Land Reserve (ALR). Local farmers and their agricultural organizations have the hands on experience and knowledge of what's possible in their communities and on their land. Thus a collaborative partnership for problem solving is required. Together, government agencies, local farmers and farm organizations, with the support of food-consuming communities, need to involve the next generation of farmers in devising creative sustainable approaches to enhancing the productivity of agricultural land and to housing more future farmers affordably. This project is a first step in examining affordable farmer-housing opportunities and in providing recommendations for rural communities.



The DCLTA's Rural Affordable Housing (RAH) project examined possible affordable farmer-housing solutions on ALR land. The project's goal was to seek opportunities for these residences on Agricultural Land Reserve (ALR) parcels, by examining increased-residential-density options, while preserving farmland, the rural character of the community and the local environment. The project's intent was to propose affordable housing options that conformed to the mandate of the Agricultural Land Commission (ALC) and also addressed issues of concern to the ALC. The DCLTA farm plan options also include a model for affordability, whereby prospective occupants would not only be farmers but would also qualify for affordable housing<sup>1</sup>.

<sup>1</sup> For **eligibility** for affordable housing, the DCLTA uses:

**"Qualified Occupant"** = a sole person or member of a household whose Household Income is within 120% of the Low Income Cut-Off as determined from time to time by Statistics Canada or its successor agency.

**"Household Income"** = the aggregate of income from all sources of all the occupants of a Dwelling Unit, or of the sole occupant if such be the case. but in general these are people who do not have incomes with which they could afford to buy land on Denman at current land prices.

### Project's Intent to Promote

- Creation of long-term affordable farmer housing.
- Preservation of farm land.
- Revitalization of farms.
- Strengthening local food security.
- Protecting the environment and the integrity of ALR land

### Project's Intent to Avoid

- Negative impacts on agricultural production.
- Any potential future subdivision.
- Creating the possibility of objections to farming practices e.g. smells by non-agriculturally-oriented neighbours.
- Increasing land values

## 1.2 The Agricultural Land Commission and the Agricultural Land Reserve.

**ALC** = an independent Provincial agency / corporation which currently has 10 directors or commissioners, appointed from various regions of the province. The ALC is responsible for administering the Province's land use zone, the Agricultural Land Reserve, in favour of agriculture.

**ALR** = a provincial zone in which agriculture is the priority use and where farming is encouraged and non-agricultural uses are controlled. The ALR includes approximately 4.7 million hectares of private and public lands in parcels that range in size from a few hectares to thousands of hectares, which may be farmed, forested, non-farmed or vacant land. The ALR was created, due to an escalating loss of the province's prime agricultural land prior to the 1970's, to protect the remaining agricultural land and with the cooperation of regional districts and member municipalities, the reserve was established by 1976. While the ALR takes priority over other legislation and bylaws, it does not replace them. On ALR land, other government interests are required to plan within the ALC's commitment to protect agriculture and agricultural land.

**ALC Mission** = Preserve agricultural land and encourage and enable farm businesses throughout BC.

**ALC Vision** = A provincial agricultural land reserve system that fosters economic, environmental and social sustainability.

### ALC Mandate

- to preserve agricultural land;
- to encourage farming in collaboration with other communities of interest; and
- to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### ALC Governance

**ALC Act** was brought into effect on November 1, 2002 and repealed and replaced the *Agricultural Land Reserve Act*, the *Land Reserve Commission Act* and the *Soil Conservation Act*, incorporated some of the provisions from the repealed Acts, and established the Provincial Agricultural Land Commission.<sup>2</sup>

**ALC Regulations** The Agricultural Land Reserve Use, Subdivision and Procedure Regulation 2002 replaced all existing regulations under the (repealed) *Agricultural Land Reserve Act* and *Soil Conservation Act* and identified farm activities and other non-farm uses permitted in the ALR.<sup>3</sup> Since 2002, associated amendments have been brought into effect. The ALC also issues Orders to identify specific, normally non-permitted actions, that may be allowed in certain circumstances and thus a formal application to the ALC is not necessary.

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<sup>2</sup> **The ALC Act:** [http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_02036\\_01#section18](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02036_01#section18)

<sup>3</sup> **ALC Regulations:** [http://www.alc.gov.bc.ca/legislation/Reg/ALR\\_Use-Subd-Proc\\_Reg.htm#sec3](http://www.alc.gov.bc.ca/legislation/Reg/ALR_Use-Subd-Proc_Reg.htm#sec3)

**ALC Policy Interpretations** are available on a number of topics, such as housing. The policy interpretations are headed by the following advice to the reader “*This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.*”<sup>4</sup> In addition, explanatory information is available in a previous ALC Handbook, but according to the ALC planners, the Handbook information may be out of date with recent ALC regulatory amendments.

### ALC Commissioners

The current Commission Chair, Richard Bullock, a Kelowna orchard agriculturalist has extensive experience with agricultural organizations and international consulting. He was appointed by the Lt Governor. The nine other commissioners were selected by the Minister of Agriculture with the help of the Chair, to represent the regions in which they live, on the basis of their expertise and background in agriculture, land use planning and local government or First Nations’ government. The ALC is divided into 6 regions and previously, two or more commissioners were assigned to a panel for each region, but currently the panel system of representing the regions is not in use.

### ALC Staff

The ALC staff consists of a Chief Executive Officer and an operational staff of planners, as well as mapping and administrative personnel, consultants may also be hired if necessary.

### 1.3 Housing in the ALR

The ALC Act, in Section 18 (a) (ii), allows only one single family dwelling unless the additional residences are for farm use. The ALR Use, Subdivision and Procedure Regulation states in Part 2 – Permitted Uses that in addition, unless prohibited by local of First Nations’ government, for each parcel, there may be one secondary suite within a single family dwelling and one manufactured home, up to 9 m in width, for use by a member of the owner’s immediate family.

#### Housing in the ALR

*Per parcel of land:*

##### ALC Act

- One single family dwelling (unless the additional residences are necessary for farm use)

##### ALR Use, Subdivision and Procedure Regulation

- One secondary suite
- One manufactured home for the immediate family

According to the ACL Act, additional farmer residences are permitted in the ALR if the farmers can justify that these residences are required for farm use. **NOTE:** In this report, for brevity, the ALC term “*required for farm use*”, the Denman Official Community Plan term “*required for full-time farm help*”, the Land Use Bylaw term “*for full-time farm workers employed on the lot*” and other farm-purpose justifications are replaced by the term “*farm-need*”. The importance of clarifying the meaning of the various terms referring to “farm-need” is outlined in the ALC Handbook, which has the recommendation that the

“Agricultural Land Commission and Ministry of Agriculture and Food jointly undertake a review and develop policy direction to provide greater clarity for the provision of additional homes for farm help in the ALR based on the underlying principles of:

- providing for the legitimate needs of the farm community; and
- not encouraging, unnecessarily, additional dwellings in agricultural areas.”

[http://www.alc.gov.bc.ca/publications/planning/Planning\\_For\\_Agriculture/Chapter09/09021reference.htm#Additional Dwellings For Farm Help](http://www.alc.gov.bc.ca/publications/planning/Planning_For_Agriculture/Chapter09/09021reference.htm#Additional_Dwellings_For_Farm_Help).

This policy review of “farm need” is on-going and ALC materials from this review are included in Appendix 7.1.3.

<sup>4</sup> **ALC Policy Interpretation:** [http://www.alc.gov.bc.ca/legislation/policies/Pol9-03\\_add-residences.htm](http://www.alc.gov.bc.ca/legislation/policies/Pol9-03_add-residences.htm)

Various local jurisdictions, acting under agreement with the ALC, have defined farm-need in various ways, such as production commodity volume. For example, Abbotsford Zoning Bylaw defines Accessory Full-Time Employee Residential Use on the basis of a minimum established level of commodity operation *i.e.* the number of chicken broiler birds, the number of farrow to weaning sows, or the number of hectares planted to a crop such as raspberries or blueberries.

[http://www.alc.gov.bc.ca/publications/planning/Planning\\_For\\_Agriculture/Appendix/appendix\\_7.htm](http://www.alc.gov.bc.ca/publications/planning/Planning_For_Agriculture/Appendix/appendix_7.htm)

### Alternative Housing in the ALR

The ALC planners did not know of any alternative, cooperative farmer-housing in the ALR. Many cooperative farmer-housing organizations, that were contacted as part of this project, did not have the additional or alternative residences within the ALR. These included examples such as the Linnaea Farm Society on Cortes Island <http://www.linnaefarm.org/> and O.U.R. Ecovillage in Duncan <http://ourecovillage.org/>. In addition, a Galiano affordable housing group, the Galiano Land and Community Housing Trust, has a new project, Galiano Green, an affordable housing land lease project. For this project, the group obtained re-zoning of the residential portion of a parcel that has adjacent ALR land. No additional densities were sought in the ALR portion.

### 1.4 Denman Farming and the ALR.

Denman Island has 2368 hectares in the ALR, equivalent to 46% of the island. ALR provincial zoning overlaps the Denman Land Use Bylaw 186 Resource zone for Agriculture, as shown in Figure 1. The ALC's Island Panel Region, shown in Figure 2, comprises 7,786,900 ha of which 115,496 ha is in the ALR. Thus 1.5% of the land in this region is in the ALR, and Denman's ALR land makes up 2% of Island region's ALR land.

#### Denman Island Agriculture

Feeding ourselves

Sustainable

Organic / Non-herbicide/pesticide

Small-scale

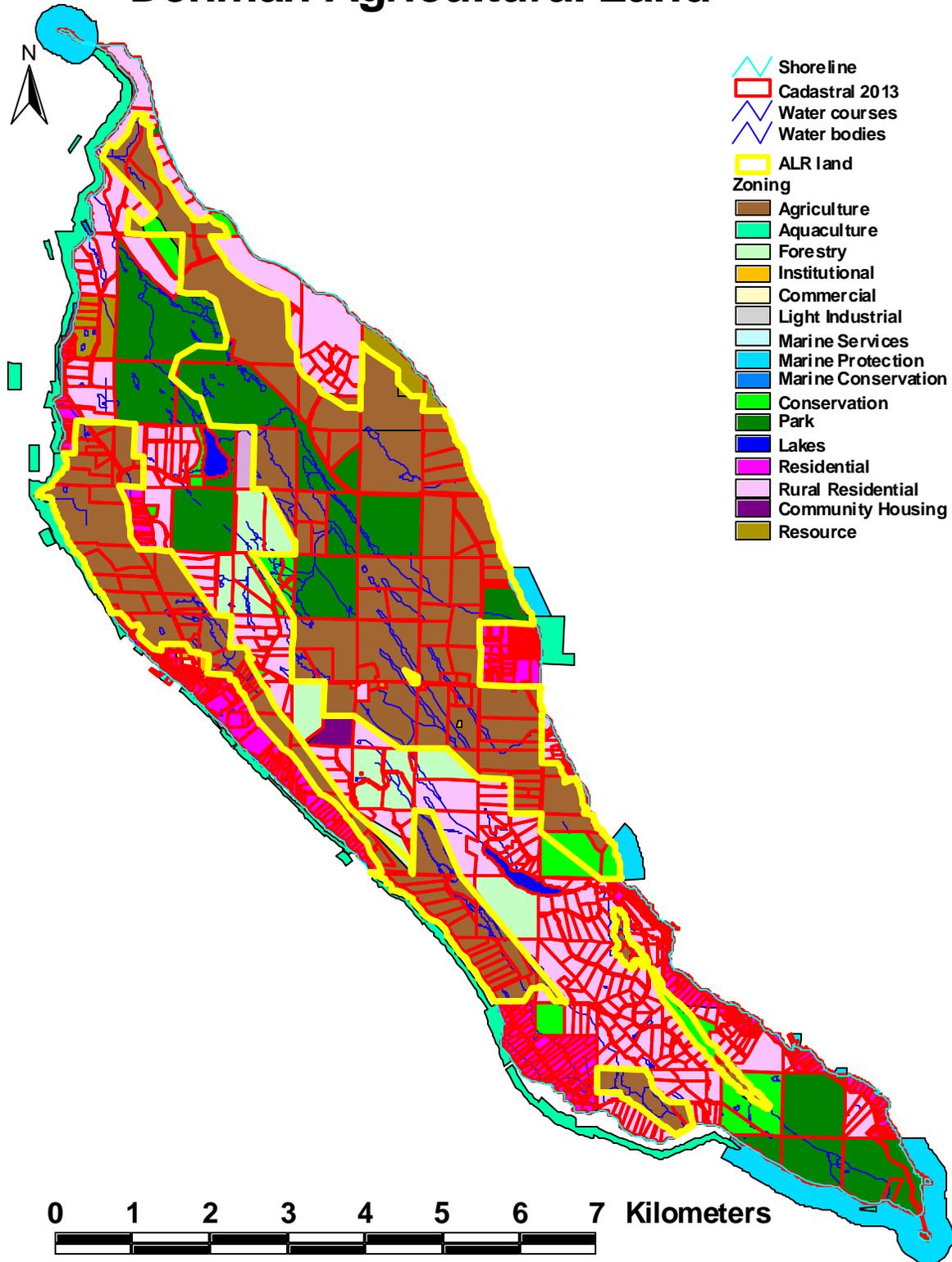
Labour-intensive



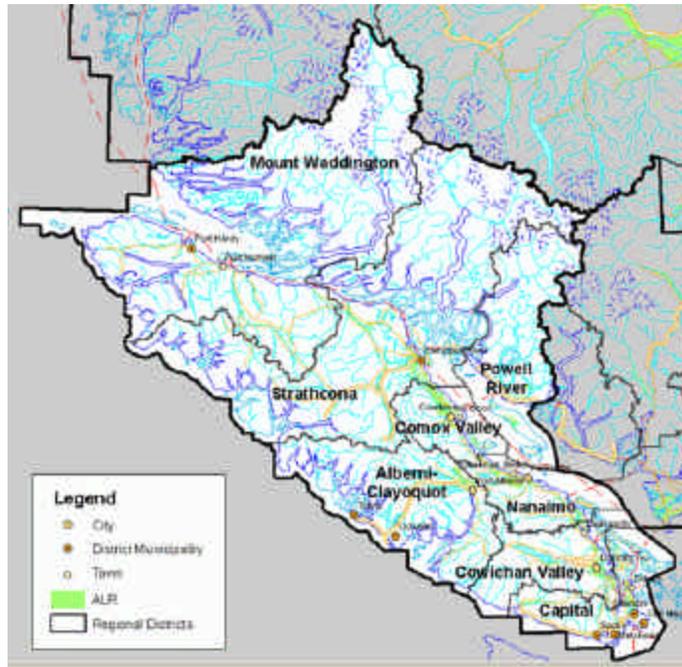
Denman has a history of agriculture. Prior to the 1880's, Denman was a site for the gathering and cultivating of native plants and animals by First Nations. Then when the first Europeans and Asians arrived, the forests were logged and cleared, opening up the land for farming. These early settlers were concerned with feeding themselves, as well as marketing to the Union Bay coal mines and the Comox Valley community. In the last 50 years, farmers have primarily marketed locally, and sought some specialty markets. Many Denman producers see agriculture on the island as primarily "feeding ourselves" and doing so with a relatively small scale, labour-intensive, sustainable approach, using organic, or if not certified organic then non-herbicide, non-pesticide methods.

The number of agricultural producers and products on Denman varies depending on the assay method. Twenty-eight Denman farms reported their statistics in the 2006 Statistics Canada survey. These farms were on land parcels from <10 ac to 179 ac. The total acreage reported as being farmed on Denman was 1057 ac or approximately the equivalent of 20% of the ALR land; however, farms on Denman are not necessarily located in the ALR. Overall, Denman agriculture is extremely diverse, with 21 types of crops and 24 livestock types, according to the North American Industry Classification, reported in Taina Uitto's survey 2011 Food & Farming on Denman Island: Consumer & Producer Perspectives. <http://www.islandstrust.bc.ca/lrc/de/pdf/destrptproducerandconsumersurveyresults.pdf>. The local Renewal Energy Denman Island 2010 Local Foods Directory recorded a total of 54 producers supplying food or nursery plants of some kind and the Growers and Producers 2012 Local Food Directory listed 42 producers.

# Denman Agricultural Land



**Figure 1.** An outline of the ALR and an illustration of the basic land use zones of Denman Island.



**Figure 2.** ALC Island Panel Region Area of Panel Region: 7,786,900 hectares Area in ALR: 115,496 hectares [http://www.alc.gov.bc.ca/publications/Annual\\_Report\\_2009/2.2.html](http://www.alc.gov.bc.ca/publications/Annual_Report_2009/2.2.html).

### Denman Farming Reality Check

- **Size** - market, production volumes, reliability.
- **Transportation** - ferry = costs, time factors.
- **Land** - high prices & purchased by non-farmers & alternative land use choices.
- **Suitability for agriculture** – limiting factors include marginal soils, too much water in winter, drought in summer, limited heat and sun in summer.
- **Environmental values** – Many federal and provincial rare species.

Unfortunately, farming on Denman has not been economically profitable. The average gross farm receipts reported in the 2006 Statistics Canada survey were \$7350 and with costs, the margin of profit was a negative 62%, meaning that the average farm was not economically self-sustaining. In fact, no Denman farm has supported itself on its farm income alone. The farms, that have survived, have had at least one family member with an off-farm source of income. This is similar to the general situation for farms throughout Vancouver Island (Harasymchuk and Rolston 2012).

### Denman's Farming Future?

- **Land costs**
- **Farmer age**
- **Labour Issues**

Three of the major impediments to Denman's agricultural future are the cost of land, the age of the current farmers and labour issues. In the 2006 Statistics Canada survey, the average cost of a farm was \$485,168. Today one can safely assume the costs are well over half a million dollars, thus buying land is out of the reach of many

prospective new farmers. At the same time, the current farmers are ageing. In the 2006 statistics, all of the farmers reporting were over 35 years and 62% were over 55.

The labour-intensive nature of Denman farms is not unlike other small farming areas, especially those growing diverse vegetable crops. A resource, indicated by other small farmers, was the University of Wisconsin's John Hendrickson. His publications demonstrate many aspects of today's small-scale labour intensive-farms <http://douglas.uwex.edu/files/2013/01/Farming-for-Profit-Session-2013-Handout-Version-1.pdf> and his studies indicated the labour requirements of relatively small, but actively productive farms. These labour-intensive farms create a demand for farm workers. Also, as farmers age and wish to remain on their farms, they need to hire help. Furthermore, resident non-farmers also need to find the labour to

farm their ALR land. But meeting the costs of labour is a challenge for many small-scale farmers and also the available labour pool is very small. A solution in rural communities is to house the necessary labour as new farmers on the land.

The widening knowledge gap and the need for mentoring are other significant issues. As the experienced farmers age, they gradually cut back production and remain on their farms. They have limited opportunities to pass on their knowledge to future farmers. Thus it is becoming critical to promote agricultural education and preferably, apprenticeship opportunities for potential new farmers. But that raises the housing question: while spending the years working on farms learning farming practices, where will these future farmers live?

### 1.5 Denman Bylaws - Housing Regulations.

#### Housing Permitted in Denman's Ag Zone

##### Islands Trust (IT)

##### Denman Official Community Plan (OCP) & Bylaws (LUB)

**Number of dwellings** on lot restricted by existing density & zoning provisions.

**Additional residence** for "full time farm workers employed on the lot" ? proof required, but could be permitted regardless of lot size in the Agriculture zone.

**Manufactured home**, in addition to owner's home & not required for farm use, would require lot size of at least 30ha to allow for an additional density.

No **secondary suites** permitted.



Denman's land use is governed by the Islands Trust, which is a federation of local island governments with a mandate (from the Islands Trust Act) to make land use decisions that will "preserve and protect" the islands. The basic regulatory framework consists of two major bylaws: the Denman Official Community Plan which sets the policy tone and outlines the administrative permitting aspects for the island, and the Denman land use Bylaw, that establishes the regulations and requirements for land use.

<http://www.islandstrust.bc.ca/islands/local-trust-areas/denman.aspx>

Housing is covered in a number of bylaw sections but Policy 14 of the Denman Official Community Plan Bylaw 185, states that

"In the Sustainable Resource designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve:

- one dwelling could be permitted per the minimum lot area permitted by Subdivision; and
- additional dwellings could be permitted if they are required for full-time farm help."

<http://www.islandstrust.bc.ca/lrc/de/pdf/debylbaseocp00185.pdf>

The Land Use Bylaw Agriculture Resource zone defines the minimum lot area per principal single family dwelling unit as 15 ha. The ALC, however, restricts the number of dwellings to one per land parcel and is generally opposed to subdivision of in the ALR. In addition, the Land Use Bylaw under 3.4 Resource Zoning Tables, Table 2 Permitted Buildings and Structures, in No. 7, indicates permission for "Dwelling units for full-time farm workers employed on the lot". This adds to the Denman definition of farm-need.

The addition of a manufactured home, to any parcel in the ALR with an existing principle residence, is permitted under the ALR regulations, if the manufactured home is for a family member. Denman regulations address the addition of a manufactured home as equivalent to travel trailers, which are allowed as residences. Also a travel trailer is allowed as an additional residence in the Denman agricultural zone, if it is for a family member. But, in the Land Use Bylaw 186, under the General Regulations for 2.1 Uses, Buildings and Structures – a travel trailer is considered a dwelling for the purposes of residential density calculations and also is restricted to a permanent foundation approved by a siting and use permit. One of the Islands Trust planners, C. Simpson, *ne* Campbell, wrote in a memorandum in 2011, that in the

Agriculture zone on Denman, a manufactured home must be for a member of the owner's immediate family and the perspective lot must be of sufficient size for a second density, or be at least 30 ha. In this case, the local bylaw puts additional restrictions on manufactured homes. Only large lots on Denman could add a manufactured home for a family member; however, this restriction would not apply if the manufactured home was justified by farm-need, for a farm worker.

Also, although the ALR Regulations permit secondary suites on farms, secondary suites are not permitted under Denman bylaws, except that Denman's Official Community Plan, Bylaw 185, Part E.1, Policy 16 states under the sub-heading Special Needs and Affordable Housing:

“The Local Trust Committee should consider zoning amendment applications for site-specific zoning to allow small secondary dwelling units or secondary suites on lots of two hectare or more that are in the Rural or Sustainable Resource designation provided proof of adequate water is provided.” <http://www.islandstrust.bc.ca/ltc/de/pdf/debylbaseocp00185.pdf>

Thus, for affordable housing, a secondary suite could be possible in the ALR on parcels of land of at least two hectares, but a site-specific re-zoning of the land parcel would be necessary.

Lastly, zoning tables for liveable zones, under Permitted Buildings and Structures, indicate permission for “single family dwelling units”. Although this phrase is not defined, it suggests that further permission would have to be sought for a multiple family dwelling unit, thus restricting the shared housing in collective farmer-housing options.

The overall path for pursuing additional housing options through both the Denman and ALC regulatory framework is outlined in Appendix 7.1.5.

## 2.0 Project Methods

September 17, 2012, the contractor met with the board of the DCLTA to review and discuss the goal, scope and possible actions of the proposed project. Researching, making connections and assembling background materials began. A contact list is included in Appendix 7.2.1. The project methods included researching and contacting sources of information concerning affordable farmer-housing issues and options in the ALR, as well as exploring Denman issues in greater detail to use as a potential model for other small rural communities in BC.

On December 5<sup>th</sup>, 2012, the contractor attended the Trust Council meeting on Salt Spring Island at which the Agricultural Land Commission commissioners and planners made a presentation to explain to Trustees and staff of the Islands Trust the background, regulations and land use decisions of the ALC. The ALC members were contacted and the RAH project was discussed. Subsequently a Trustee from Hornby Island asked the Trust Council Executive to examine the issue of housing in the ALR within the Trust Area. The initiative of this Trustee was supported by the RAH project by a submission indicating support to Trust Council. This submission is included in Appendix 7.2.2.

The project sought input from landowners regarding their interest in affordable housing in Denman's Ag zone/ ALR, as well how to justify farm-need on Denman and how to address some of the concerns of the ALC about protecting agricultural land. To generate community input, an article about the project was submitted to the monthly local magazine, the *Flagstone*, and a community workshop was planned. A brief overview of the project, together with four questions about the stumbling blocks to affordable farmer-housing on ALR land were included in a workshop handout. The *Flagstone* article, a flyer for the workshop that was mailed with the weekly *Grapevine* newspaper, and the workshop handout are included in Appendices 7.2.3 and 7.2.4.

At the community workshop, March 7, 2013, the contractor presented background information about the ALR, ALC and housing regulations, options and questions. The participants then broke into small working groups to find solutions to each of the proposed “stumbling blocks” to affordable farmer-housing in the ALR. DCLTA board members facilitated the groups, rotated the questions around to each group and gathered the input. In addition, handouts were passed out and used to collect additional input. The responses were compiled into a list of solutions or ideas for each stumbling block. These lists were posted on the DCLTA website, ([denmanaffordablehousing.org](http://denmanaffordablehousing.org)). Website viewers were encouraged to go through the lists and mark which ideas they agreed with.

To add to the input from the workshop, the contractor contacted community members who were active in agriculture and made home visits to present the RAH project information and collect ideas. Thirteen home visits were conducted with one to four persons participating at each visit. These participants added new ideas and reinforced other possible solutions that they agreed with.

The ideas for two of the stumbling blocks were transformed into weighted criteria formulas for successfully addressing two of the major concerns of the ALC: those of building additional homes with minimum impact on agricultural land, and of justifying farm need. These weighted criteria lists are included and discussed in section 4.2.

A presentation summarizing the RAH project was made to the DCLTA Annual General Meeting May 28<sup>th</sup>, 2013. A second presentation was made to the ALC planners in their Vancouver office on May 30, 2013. The second presentation described the need for action on housing in the ALR, presented ideas generated by the project for solving some of the concerns of the ALC, and lastly, solicited feedback on the project.

This report brings together all the activities of the project, presents the ideas generated from the research and the community contacts, includes an analysis of potential affordable farmer-housing options in the ALR, using Denman as a model, and presents recommendations for the next steps to take. The two major presentations, noted in Appendix 7.3, are included with the report. Slides from these two presentations have been used periodically within the report to summarize and clarify the text.

### **3.0 Presentations & their Results**

The ALC presentation by the Chair, Commissioners and planners to the Trust Council, on Salt Spring Island in December 2012, guided the development of this project. At that meeting, the ALC Chair, Richard Bullock, and Roger Cheetham, Regional planner for the Island, Kootenay and North, made it clear that while the ALC is interested in improving the agricultural potential of the ALR and that they wish to hear constructive suggestions for policy reform, nevertheless, additional housing in the ALR is considered an alienation of farm land and is a contentious topic. Trustees from various islands spoke in support of additional housing opportunities in the ALR on their islands. The ALC’s principle concern was that it was a “slippery slope” towards the alienation of farmland for more and more housing and, instead, they wanted ideas that did not involve additional building units in the ALR. Jennifer Dyson, Vice Chair, noted that the ALC was looking for creative ideas that did not limit farming and considered the future of the land. In general, they wanted to find ways to engage young farmers and methods “to get the people onto the land, farming”.

Following the ALC presentation, it was apparent that plans for any housing changes needed both to address the ALC’s concerns and to support the ALC’s mandate of enhancing agriculture. The ALC representatives had discouraged any thoughts of significant changes or adjustments to the supporting regulations. In fact, there was talk of needing to “tighten” up the regulations where alienation of land was a concern. The DCLTA was committed to working within the mandate of the ALC and in accordance with the local land

use bylaws. Thus, as the ALC Act provides for additional residences for farm-need, the RAH project's initial focus was to research what and how affordable housing options could be accommodated by justifying farm-need.

As a first step, the housing needs of the agricultural communities, using Denman as a model, were investigated. Four questions were posed at the Denman community workshop and in subsequent home-visit discussions that explored important aspects of the housing issue.

1. How to add living spaces & not damage farmable land?
2. a. What criteria to use to justify "farm-use" need?  
b. How to establish "farm use" in perpetuity?
3. How to establish "affordable housing" occupancy in perpetuity?
4. a. What would help landowners create additional affordable residences on ALR land?  
b. If you had ALR land & wanted to do this, what would be stumbling blocks for you?

The transcribed input from the community workshop is included in Appendix 7.2.5.

The community input for questions 1 and 2a, from the workshop and later visits, was developed into the weighted criteria lists in section 4.2. Clearly stating criteria for what characterizes a minimum-impact second residence in the ALR and what level and/or style of farm production you have to achieve to justify a second residence will not only make the process equitable but will streamline the process for the regulators.

Ideas for enforcing and monitoring the concept "for farm-use only" were generated by question 2b. These ideas addressed the ALC's concern for "the provision of certainty" or ensuring that additional residences in the ALR will remain in farm-based use. Participants indicated a general acceptance of the enforcement mechanisms, such as restrictive covenants and agreements on title, used in other land protection processes such as conservation covenants. Monitoring was more of a problem for farmers, who did not wish to add increased paperwork to their tasks. A festival or celebration for farms to demonstrate their produce was suggested as an alternative to filling in more forms.

For question 3, because the DCLTA has developed strategies for ensuring occupancy by criteria-referenced affordable residents and has a template for a stringent housing agreement, the enforcement of affordability was not pursued in this report. But, the DCLTA work, in this area, could be a model for other organizations.

Question 4 generated the idea of creating significant incentives. A repeated suggestion during the home visits was, that removing of the ALR land tax break on land parcels that were not being farmed, would interest non-farming landowners in creating additional farmer-residences on their land. Other landowners felt the process for adding additional residences would have to be very clear, with templates for the various requirements. Many felt that farm owners needed partnership support and also guidance with respect to acquiring farm status. A network for linking available land to prospective farmers was suggested. The major stumbling blocks to creating affordable farmer-housing were the regulations, the costs and the need for long term security.

The contractor's presentation to the May 28<sup>th</sup> 2013 DCLTA AGM provided an opportunity to inform members of the society about the project, the issues, the input and the plans. The subsequent May 30<sup>th</sup> 2013 presentation to the ALC planners, Roger Cheetham and Liz Sutton was a chance to explore the likelihood of acceptance of some of the community-generated ideas.

The presentation to the ALC planners included a request for the planners to endorse four concepts for improving the farmer-housing situation in Denman Island, as a model for other areas. This request for the

ALC to contact the appropriate local government, in this case, the Islands Trust, both the Denman Local Trust Committee and the Islands Trust Council, and to endorse the following concepts.

- Clear criteria for what *low impact* on farm-land means and for the justification of *farm-need* to be developed for additional residences.
- Secondary suites that meet siting and use provisions, should be permitted in the ALR and in Denman Island’s Agriculture Zone.
- Various mobile housing units, as opposed to only manufactured homes, should be permitted for family members as additional farmer-housing on farms of any size if they meet siting and use provisions,.
- The ALC and Islands Trust need to be actively involved in the consideration of alternative models of farmer-housing, including multi-family farmer units.

The ALC planners’ response to the presentation was mixed. There remains considerable resistance to re-opening the discussion about additional housing. The planners stated that if they reviewed what was currently allowed, they would wish to decrease rather than increase housing opportunities. They noted that secondary suites might not be supported in future if the regulations were reviewed. They agreed that clear criteria for low impact housing and farm-need would be a good idea, were interested in what the project proposed and felt that this was definitely an area that needed more attention but the ALC had limited resources. They favoured the potential use of movable housing units as additional dwellings where farm-need was justified and they were apprehensive about considering cooperative farmer-housing in the ALR.

## 4.0 ALR Housing Options

(Farm Plan Template Ideas for Rural BC)

### 4.1 Farm Operations & Housing Needs

#### **Six Farming Opportunities:**

1. Existing Farms.
2. ALR Land Vacant, Currently not Farmed.
3. Subsistence Agriculture.
4. Community-supported Agriculture.
5. Cooperative Farming Models.
6. New Additional Farms.

Farm operations today face a variety of issues, but the current regulatory framework is the main limiting factor to satisfactorily addressing farmer-housing needs. Six current and potential farming opportunities, derived from examples on Denman, are discussed in terms of their stumbling blocks. They reveal the necessity for additional residences to house farmers needed on the land. If agriculture is to have a future, then action is required to address various forms of housing.

#### **1. Existing farms continue**



Farms supported by retirement pensions or other income/support.

**Issue** – Ageing farmers.

**Stumbling Block** – How to transition to younger farmers while existing landowners live on the land – limited housing options?

The predominant housing-model is the existing farms that are maintained by at least one off-farm income. No Denman farm has been self-supporting in the past. Many of these existing farms have been owned and built up over several decades and the original farmers are ageing. This is supported by the fact that 62% of Denman farmers responding to Statistics Canada in 2006 were over 55 years of age. The major issue for many of these farms is the need for housing additional/younger farm help, while the existing farmer-owners reside and continue to do what they can on the farm. Housing additional farm help is currently limited by the requirement to justify “farm-need” which lacks clear criteria to define in locally appropriate terms

exactly what would satisfactorily meet the farm-need requirement. The ALC policy discussion on farm-

**Solutions:**

1. Develop clear locally-appropriate, yet rigorous criteria for both:
  - farm-need in terms of the need for housing labour,
  - limited impact on agricultural land.
2. Allow secondary suites as a farmer-housing option

need does not appear to reflect the labour needs of small-scale, labour-intensive community agriculture. Thus, clear locally-appropriate, yet rigorous criteria for both farm-need, as well as to

define the meaning of limited impact of residences on agricultural land are required. These sets of clear criteria could guide both applicants and regulating-authorities and would facilitate the creation of additional appropriate farmer-housing. In addition to separate houses, secondary suites may be applicable and sufficient for some situations, thus another solution is to allow secondary suites, which are permitted in the ALR, but not in Denman's ALR/Agriculture zone.

**2. Farming ALR land owned by off-island or part-time residents.**



Currently ALR land not farmed

**Issue** – Lack of interest, knowledge or incentive to farm the land.

**Stumbling Blocks** –

- Receive **ALR land tax break** even if land not farmed.
- Who would do the farming?
- Where would these farmers live?

Second are the ALR land parcels, currently not being farmed, that are owned by off-island, part-time residents or simply by non-farmers. Denman already has many such properties that were all or partially cleared, previously farmed and are now vacant fields. As noted the average price for land on Denman is extremely high, with farms averaging nearly half a million dollars in 2006. The relatively wealthy purchasers of these properties may have no interest, incentive or ability to farm the land. As current farmers age and leave their farms more ALR land will be in this category. Both incentives for farming activities as well as additional housing solutions will be necessary to return these lands to agricultural production.

**Solutions:**

1. Create an incentive to farm the land – remove the ALR-tax break if land not farmed.
2. Allow secondary suites, as long as either, the landowner-resident or the occupant of the suite, is farming the land.

At present, the non-farming landowners have the opposite of a farming incentive, in that these properties qualify for the ALR property tax break whether or not the land is farmed. Removing the basic ALR land tax break for land that is not farmed could provide an incentive to farm the land.

Also, in order to take advantage of the second and substantial incentive, the farm-status tax break, the non-farming landowner would need to house a farmer to keep the land in production. In order to justify an additional residence for the potential farmer to farm the land, the non-farming landowner has to already be farming. A major stumbling block for these owners is likely to be their complete lack of knowledge of agricultural endeavours.

The other two possible remedies for these non-farming landowners are first, to house a farmer in a secondary suite, and second to lease their un-farmed land to other local farmer-landowners. In the first case, to prevent secondary suites on farmland being abused, a contractual arrangement of some kind needs to require at least one of, either the landowner or the occupant of the secondary suite to be actively farming the land. Also, for the non-farming landowner the suite would have to be allowed on the basis of an intended farm plan, but should be backed up by a housing agreement or restrictive covenant to ensure that if the secondary suite is occupied farming is occurring. With regard to land leasing, unfortunately, farmers are in short supply and the leasing of relatively small parcels of land, as on Denman, are not likely to be agriculturally profitable or practical.

### 3. Subsistence agriculture continued

Family gardens - supporting families & neighbours.



#### Issues

- Not in agricultural production record, thus "farming value" under-rated.
- New landowners could benefit from farming education.

A third category of Denman farming opportunities includes those properties where growers carry on subsistence agriculture, feeding themselves and also often feeding many neighbours for at least part of the year. These farms may not have farm status or sell produce so their overall agricultural significance is not appreciated. The reason for including them in this discussion is that if the ALR tax break was rescinded for non-farm status properties, a method would be needed to qualify or register these subsistence operations as farms for an allowable ALR tax break.

#### Solution:

1. If considering ALR-tax break removal for non-farmed land, allow the registration of subsistence, non-farm status farms.

### 4. Community shared agriculture

Farm produce marketed under various contractual arrangements with community members.

#### Issues –

- Labour (esp. part-time / seasonal)
- Marketing

#### Stumbling Blocks –

- Labour costs / housing
- Fees to put land in ALR



Fourth are community-shared or community-supported agricultural initiatives, which include investment arrangements for sharing various aspects from produce to land. One method is for customers to pay up front (buying a share) for weekly produce delivery throughout the growing season. Other methods include investing a pre-determined sum and sharing in the farm's profits for the year, or actually buying a portion of the land for a share in the produce or profits. These arrangements help farmers pay for planting, tending and selling produce. As these labour intensive community operations become successful and expand, housing and labour costs become major issues. Once again, clear locally-appropriate criteria for farm-need housing and limited impact on agricultural land are required to

#### Solutions:

1. Develop clear locally-appropriate, yet rigorous criteria for both:
  - farm-need in terms of the need for housing labour,
  - limited impact on agricultural land.
2. Allow secondary suites as a farmer-housing option.

facilitate justifying additional houses and allowing secondary suites may suit some operations.

### 5. Co-operative farming models

Farms with multiple families farming together, feeding themselves and producing agricultural products.

**Issue** – Multiple families require housing.

**Stumbling Block** – Limit of housing options except as vague "farm need" requirement. Need guidelines for various models of housing multiple families.

Fifth are the co-operative farm models. These are farms that house multiple families either in large co-operative living homes with both shared and private spaces, or in various models of individual dwellings either connected or separate. While various co-operative farm models exist, the ALC planners recognize none on ALR land in BC. Such models are restricted by regulatory housing-limitations. Yet guidelines could be developed for regulating various cooperative-housing models that would limit their impact on agricultural land and promote agricultural production while retaining large intact land parcels. The opportunity for co-operative farmer-housing and collective farming could promote and enhance agriculture in small rural communities by housing and training many future farmers. This

#### Solution:

1. Develop guidelines and a model template for a cooperative farming model that would meet the ALC and local government requirements.

option needs further consideration, development and application on a trial basis to test its effectiveness.

## 6. Additional production agriculture

New farms with resident farmers & primary incomes from farming.

**Issues** – Financial viability, labour force, market.

**Stumbling Blocks** –

- Cost of land.
- Cost & availability of regular/seasonal labour.
- Cost & transportation of inputs/product.
- Scale & timing of production & markets.

The last farm opportunity is for new single-family farms and even primary incomes from farming within the local vision such as small-scale, labour-intensive sustainable agriculture. As in all farming operations, in communities similar to Denman, substantial financial inputs would be required, especially to purchase the land. In addition very solid business and marketing plans would be necessary. But labour, either seasonal or regular would still present a major housing problem. Housing could be accomplished in some cases using secondary suites or if applying for an additional

residence, this would be facilitated by having clear farm-need and limited impact criteria.

### Solutions:

1. Develop clear locally-appropriate, yet rigorous criteria for both:
  - farm-need in terms of the need for housing labour,
  - limited impact on agricultural land.
2. Allow secondary suites as a farmer-housing option.

## 4.2 Addressing ALC Concerns about Additional Housing

### 3 ALC Concerns about Additional Housing:

1. **Impact on agricultural land and its productivity.**
2. **Demonstration of farm-need required.**
3. **Provision of certainty that additional residences will be used to house agricultural workers.**

Three primary issues need to be addressed in order to attempt to allay the ALC's concerns regarding the negative aspects of additional housing on ALR land parcels.

### ALC Concern with Additional Housing:

#### 1. Impact on agricultural land

in the ALR and any housing should be situated to minimize its impact on agricultural capability. In order to minimize residential impact a variety of land and housing features need to be considered.

Problematically, land parcels differ in aspects of their topography, hydrology, lot size and shape, agricultural land and soil potential, and also the farm operations and plans of different landowners vary. Thus, the issues to be considered in order to “minimize” the impact of a house on a parcel's agricultural production, will also vary in appropriateness and significance. Nevertheless, an overall list of potential impacts and ways to avoid them could be created.

The ALC recognizes that buildings for human housing alienate land that could be used for agricultural production. Thus, unnecessary housing is to be avoided

All items in this list of ways to avoid potential impacts could be rated in terms of their overall significance, using a points system. From this, a required points total on the criteria chart could be used to determine if a proposed house would satisfy the intention of “minimizing negative impacts on agricultural production”. An example of such a chart was created for Denman farmer-house proposals and it is included in Table 1.

**Table 1. Housing Impact Criteria Draft Example.**

<b>Criteria checklist to Minimize the Impact on Farm land when adding a living space for farmers. DRAFT EXAMPLE</b>		<b>Points*</b>
<b>Siting</b>		
Site additional farmer residence on least arable land e.g. based on agrologist report (examine what land could produce / lowest landscape capability).		25
Site new farmer residence near other residence & farm buildings (cluster buildings).		5
Build additional farmer residence on edge of property.		5
Site additional farmer residence with consideration of minimizing negative impact on hydrology & water flow & catchments.		5
For additional farmer residence, demonstrate specific requirements of the farm & its operation.		5
Provide additional farmer accommodation in secondary suites within existing home.		80
Use currently existing farm building as an additional farmer residence, thus combining additional farmer residence with other current farm-use space e.g. barn, farm-storage, farm-product processing area.		25
Combine additional farmer residence with another necessary planned-new building for farm-enhancement, thus sharing farm-use space e.g. green house, windbreak, farm-storage, farm-product processing area.		25
Use movable building for additional farmer residence e.g. that remains movable.		50
<b>Size of total residential impact</b>		
Restrict total size of "footprint" of all residential space to <2000 (or 3000) sq ft.		15
All residences share existing driveway/ use existing access routes		5
All residences share existing car-parking area		5
<b>Other features of additional farmer residence</b>		
Incorporate environmental septic features such as grey water system, composting toilets, to use minimal arable land area for septic.		10
Incorporate other ecological design features to reduce energy, water demands on land, e.g. solar, passive heat, windmill, water catchments & storage.		5
Reduce or eliminate outdoor pavement areas + new construction not to add any		5
New farmer residence to have no permanent foundation.		5
Have green-roof /roof top garden on additional residence		5
All residences share communal-use spaces e.g. laundry area, pantry, cold storage, etc.		5
Additional farmer residence built into landscape, e.g. underground		5
Demonstrate minimum property value increase with additional farmer residence.		5
<b>* 100 points required.</b>		

This criteria chart would assist landowners in deciding the best site for their house in order to minimize impact. A landowner could address the specific criteria that would apply to their land parcel and their operation. Planners and other regulatory authorities would be able to decide if and on what basis the proposed house-design and location addressed this requirements. Such a chart would clarify any vagueness or subjectivity in satisfying the need to avoid negative impacts. While the ALC or any local authorities approving land use on their behalf would reserve the right to refuse any proposed house, providing a criteria chart for minimizing negative impacts would make the outcome of an impact-based decision much less difficult and uncertain for all parties.

**ALC Concern with Additional Housing:  
2. Determination of necessity  
(farm-need)**

In a similar manner as in the above impact discussion, the requirement to justify farm need can be described in terms of qualifying criteria. The ALC has stressed that any additional housing in the ALR must be linked to

agricultural production. Thus, criteria could be rated in terms of satisfying various ALC proposed farm need policies and conditions. For example, farm status is a requirement, and thus, all qualifying points totals would have to include this criteria. Other issues might be local concerns and might apply to different farm operations. For example, the need for year round farm labour or labour intensive low-impact agricultural labour will vary with farm or local area. Qualifying points totals could be achieved with various different selections of required and local criteria. A Denman example of proposed criteria for farm-need is included in Table 2. Again, the educational assistance, enabling landowner to plan for housing farm-labour, and the transparent basis for decision-making would help both landowners and regulators responsible for decision-making.

**Table 2. Farm-Need Criteria Draft Example.**

<b>Checklist to justify local FARM NEED for additional farmer residence on Denman Agriculture Zone land / ALR. DRAFT EXAMPLE</b>		<b>Points*</b>
<b>General Farm operation</b>		
Certification of farm operation as bone fide by professional agrologist.		20
Process for certifying farm operations as bone fide developed by local farmer-organization (credit only one farm operation certification).		15
Farm operation has farm tax-assessment status with BC Assessment Authority.		40
Farm income exceeds 1.5 x average for Denman Island farm at last Stats Canada census; or farm labour meets or exceeds 60 hours paid work/week.		30
<b>Specific Farm Needs</b>		<b>(Total for this section - up to max 25 points)</b>
Farmer with active farm business intends to remain on land & requires assistance due to medically-declared age or ill-health issues.		20
Livestock production requires daily handling for production e.g. dairy animals, farrowing pigs laying chickens.		15
Farm labour requirements are year round (not applicable if also using daily livestock need, above)		10
Farm offers an apprenticeship program for a new farmer, as potential succession planning.		10
<b>Specific Farm Characteristic</b>		<b>(Total for this section - up to max 40 points)</b>
Labour intensive operations - non-industrial, low-impact agriculture (minimum external fuel input & use of machinery).		25
Certified organic.		15
Signed declaration of non-herbicides/pesticide applications, intending to become organic.		5
Farm production incorporates a diverse variety of agricultural products.		5
Farm uses permaculture principles.		5
Farm labour operates on a "team-approach" to farming methods, with multiple families sharing work.		10
Farm operation does secondary processing of produce from farm.		10
<b>* 100 points required.</b>		

## ALC Concern about Additional Housing

### 3. Provision of certainty

#### OPTIONS –

- **Restrictive covenants**/± "rent charge" for violation.
- **Housing agreements.**
- **Monitoring** – Islands Trust - method similar to covenant monitoring. *Also - Each island LTC contribute to organizing annual farm celebration in early spring – as requirement for monitoring farm use in ALR. Produce annual report on ALR use for each island for ALC.*
- **Penalties** – mobile unit & other housing removal, loss of ALR tax break, additional fines.

Given that any house built in the ALR for a farmer could potentially become the home of a non-farming resident, the ALC is concerned that some method is used to ensure that any additional house in the ALR continues to house a farm-worker. Legal and practical methods that have been considered to provide this certainty include:

- Restrictive covenants
- Housing agreements
- Monitoring
- Imposition of penalties.

Restrictive covenants, such as conservation covenants on environmentally sensitive land, are legal agreements on the land title that can clearly state the covenant requirements. These covenants can include a registered 'rent charge' that is assessed for a documented violation, as outlined in the BC Land Title Act Chapter 250, Part 14 197. Conservation covenants are now widely used and managed by conservation organizations in BC, including the DCLTA.

Housing agreements are also legal agreements, on the land title, that are between the local government and the property owner.

*"Section 905 of the Local Government Act enables local government to enter into agreement with property owners. These agreements can include conditions relating to the form of tenure and the availability of housing units to classes of person identified in the agreement or bylaw. This section of the Act also allows conditions relating to the administration and management of the housing units and rents that may be charged."*

British Columbia "gov" 2005 Secondary Suites: A guide for local governments. Victoria, B.C. p. 50.

Local non-profit agricultural societies could participate in developing appropriate housing agreements and assist in monitoring them, while government agencies such as the Islands Trust, could be operate as a housing authority and hold the agreements. Such agreements are currently being developed and used for affordability criteria by affordable housing organizations in BC.

Both restrictive covenants and housing agreements can be monitored by a relatively inexpensive system such as that used to ensure the integrity of conservation covenants. Conservation covenants are inspected, usually yearly, by either volunteers or contractors, managed by the organization named in the covenant or agreement. This system could provide important feedback data to the ALC, as well as ensuring that the covenant or agreement conditions are being met without violations. Local land use authorities could be responsible for the monitoring system and for gathering together the data in a format suitable for the ALC.

In addition, a popular idea on Denman, was that the local land use authority, the Islands Trusts' Local Trust Committee and/or the Ministry of Agriculture or BC Assessment could also be responsible for ensuring that an annual farm celebration/review was held, preferably in a slow farm-need period, such as early spring. Any farms, but particularly farms, with tax status and additional residences, could be invited to attend and advertise their produce. This could be a way for the farms with tax status or additional residence to provide an assessment of their years' performance, commodities and overall operation, as opposed to having the necessity for individual monitoring. Monitoring would then only be necessary for farms that did not participate.

Violations of the covenants or agreements could also be tied to legal penalties. If moveable farmer-dwellings, such as those suggested in 4.3, were approved, a decisive and enforceable penalty could be the removal of the dwelling if the farm-need and farmer housing conditions were not being met. Other penalties could include fines for violations or with appropriate legal adjustments, the loss of the ALR tax break or loss of farm status.

### 4.3 Affordable Farmer-housing Options

#### **Four Options for Future Affordable Farmer-housing:**

- 1. Additional farmer-residences if linked to clear criteria for Minimum Impact & Farm-need, as well as to Provision of Certainty procedures.**
- 2. Secondary Suites.**
- 3. Moveable Housing Units.**
- 4. Cooperative Multiple Farm-Family Housing.**

With minor regulatory adjustments, three increased density farmer-housing options would assist in establishing affordable farmer-housing options in the ALR on Denman. The fourth would require additional development but is included as

an important agricultural option for serious consideration and application on a trial basis. Participating community members promoted these options.

#### **Affordable Farmer-housing Options:**

- 1. Additional residences if linked to:**
  - Clear criteria for Minimum Impact**
  - Clear criteria for Farm-need**
  - Provision of Certainty provisions.**

An additional residence means a second single family dwelling on any parcel of land in the ALR, in addition to an existing residence. The additional residence would have to meet clear locally-appropriate criteria both for minimum impact on farm-land (having a minimal “footprint”) and for

farm-need based on farm production requirements.

#### ***Why is permitting an additional residence on farms in the ALR using clear criteria and provision of certainty procedures a good idea?***

As discussed in the description of Denman farms, which resemble many farms in the Vancouver Island region ( Harasymchuk and Rolston 2012) and likely throughout BC, housing farm labour, legally and affordably, is a major issue. Additional residences are currently allowed in the ALR and in the Denman Ag zone, but the criteria of “farm-need” is vague, thus difficult to apply uniformly. In addition, with the lack of constraints or monitoring, previously allowed additional residences to result in alienation of farm land, and thus there is a reluctance by regulators to grant further residences.

Additional residences on farms with clear criteria and provision of certainty procedures can:

- Provide needed accommodation for farm help to keep ALR land productive.
- Be linked to farm apprenticeship programs or other forms of transferring farming knowledge.
- Provide the equivalent of “room and board” equity for labour to assist farm operation finances.
- Provide the ALC and local governments with the assurance that additional residences continue to be used for farmers, as well as providing significant agricultural data collected from monitoring.
- Assist both farm landowners and local governments with the process of having desired proposals and a streamlined approval process for additional residences.

#### ***What regulatory framework changes are needed to make this a reality?***

No initial regulatory changes are required to facilitate allowing additional farmer residences. As noted in Part 1, Chapters 2 and 3, additional farmer residences are permitted on farms in the ALR and in the

Ag Zone of the Denman Land Use Bylaw, if they can be justified by “farm-need”. But, as previously explained, the justification of “farm-need” is vague and even the ALC has made the recommendation to develop clear criteria to define and justify this need. Also as noted, the ALC and local governments, tasked with protecting their agricultural zones, will be reluctant to grant additional residences unless the homes have minimum impact and their use for housing farm-workers is assured.

Thus, what is needed is for local governments to work in cooperation with local agricultural societies, groups and advisory commissions, under the direction of the ALC commissioners and their planners. Initially, local groups could take on developing the necessary agricultural-housing requirements: first, farm-need and minimum impact criteria” and second, provision of certainty procedures for their local area. They could then share their proposals through communication with the ALC. Where the broad applicability of the local material is evident, the criteria and methods could be applied throughout the region or province.

The Denman Local Trust Committee or the overall Islands Trust Council together with local agricultural groups could prepare material for these agricultural-housing requirements in their area. With respect to the criteria, similar types of criteria lists are presented in Policies 27 and 28 of the Denman Official Community Plan Bylaw 185, for the acceptable characteristics of seniors housing and affordable housing projects. To these criteria, as a second step, points could be added to give weight to the criteria and to help streamline both the preparation of submissions and the approval process. As noted, potential examples of both such criteria are included in Tables 1 and 2. The Denman LTC or Trust Council in cooperation with local groups could also develop templates and procedures for restrictive covenants, housing agreements and monitoring processes. The monitoring system could be designed and set up in a similar to that used for conservation covenants by the Islands Trust Fund, the conservation land trust of the Islands Trust.

**Affordable Farmer-housing Options:**  
**2. Secondary Suites.**

Secondary suites are a separate accommodation for an individual or family, within the footprint of an existing house. As in the ALC regulations, secondary suites could be for any

resident(s) and not just family members. The maximum size of secondary suites in the BC Building Code is 90m<sup>2</sup>.

Secondary suites could be occupied by any of the following:

1. Farming family where main house resident is off-island or non-farming.
2. Farm workers.
3. Non-farming long term individual/family included in the residence of an active farming-family.

A secondary suite could be permitted on any Denman ALR property or, as a trial, initially could apply to ALR land with farms having farm status or a farm plan for acquiring farm status. The size of secondary suites could be restricted to the BC Building Code’s 90m<sup>2</sup>. In addition, a set of impact criteria specific to secondary suites could be developed to address any concern for minimizing the impact of these additions on farm productivity.

***Why is creating secondary suites on farms in the ALR a good idea?***

- Secondary suites in the ALR are currently allowed under the Agricultural Land Commission Act and regulations.
- Adding on to an existing house for additional housing could minimize the impact on ALR land and on the farming operation, e.g. using the same access, service line corridors etc.
- Secondary suites could create opportunities for

- additional affordable housing, as they could be built in a relatively economic format,
  - housing farm workers legally and affordably,
  - supplying needed farm income, through rental income,
- thus assisting farms with both operational support and labour housing needs.
- This “shared-living space” concept begins to build the basic concept of living and working cooperatively, instead of repeating the pressure for independent single family homes in an ever more crowded, unaffordable or economically limited rural environment.

***What regulatory framework changes are needed to make this a reality?***

- Local Land Use Bylaw change

Secondary suites are allowed under the ALC Act, and they may be allowed in certain local government jurisdictions, but on Denman and in other communities, secondary suites are not currently permitted under their local land use bylaws. Of note, however, Denman’s Official Community Plan, Bylaw 185, Part E.1, Policy 16 states under the sub-heading Special Needs and Affordable Housing:

“The Local Trust Committee should consider zoning amendment applications for site-specific zoning to allow small secondary dwelling units or secondary suites on lots of two hectare or more that are in the Rural or Sustainable Resource designation provided proof of adequate water is provided.” <http://www.islandstrust.bc.ca/lrc/de/pdf/debylbaseocp00185.pdf>

Thus, in order to avoid the cost and procedure of a re-zoning application for each farm-based secondary-suite, the Denman community would need to propose to the Local Trust Committee a change to the Land Use Bylaw, in favour of secondary suites in the ALR. Any suitable restrictions could be developed through the necessary community process.

***What additional challenges would exist?***

Landowners would

- need to prepare and pay for appropriate siting and use permits, in Denman’s case, from the Islands Trust, as with any major construction.
- face initial construction costs and the need for sufficient services, including water and septic.
- need to develop suitable legal tenancy contracts or other residence agreements, as well as consider compatible behaviours and personalities. Suitable shared performance standards, such as noise, types of activities etc would need to be established for each situation. General templates for various agreements could be developed.

**Affordable Farmer-housing Options:**

**3. Moveable Housing Units.**

Movable housing units, that meet health and safety standards for accommodation, could be permitted on any ALR lot. Proof of adequate water, screening from adjacent

properties if on lots smaller than 1ha. if locally required, an appropriate siting and use permit and connection to an approved septic system would be required. There are many examples of structures that could meet these provisions and that may or may not conform to the ALC definition of a “manufactured home”, which stated that the home would normally meet the CSA Z240 series standards of the Canadian Standards Association, as described in the ALC Act Policy #8 March 2003, included in Appendix 7.1.1.

Some commercial examples of movable homes include:

Hornby Island Caravans <http://www.hornbyislandcaravans.com/>

Tumbleweed Houses <http://www.tumbleweedhouses.com/pages/houses>

Nelson Tiny Houses <http://www.nelsontinyhouses.com/>

Rich’s Portable Cabins <http://www.richsportablecabins.com/> .

These movable housing units could be permitted for any farm workers, not just family members and they could be accepted as “additional residences allowed with justification of farm-need”. Size restrictions for these homes could be applied, such as the maximum 9’ wide restriction for mobile homes in the ALR. To address the concern for minimizing negative impact on agricultural land and production, no permanent foundation would be necessary for these movable homes. Provision of certainty mechanisms could apply with the penalty for non-compliance being removal..

***Why is permitting movable housing units on farms in the ALR a good idea?***

Movable housing units would provide:

- Economic housing for farm labour.
- An asset that the farming family could retain and move elsewhere if desired.
- A housing format that minimizes negative impact on agricultural land.
- A housing format that could be removed if it was no longer in use for farm-need purposes.

Manufactured homes are currently permitted in the ALR for family members, thus the movable housing concept is acceptable in the ALR, and as noted, General Order 1622/83 formerly included the use of temporary mobile homes as accommodation for farm workers.

***What regulatory framework changes are needed to make this a reality?***

- ALC policy definition of “manufactured home” broadened to include various liveable moveable units.
- Local Land Use Bylaw changes.

The only mention of a “manufactured home” is as an additional residence for a family member. It is uncertain if the need for a manufactured home would apply to any movable housing unit approved as a farm-need additional residence. Nevertheless, for clarity, in order to accommodate a range of affordable movable housing units, the definition of manufactured home in the ALR policy interpretation Policy #8, 2003 would have to be acknowledged, by the ALC, to include those movable homes that are not ‘manufactured’ on an industrial large scale and that may not conform to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes. Currently this definition now reads “normally conforms to the CSA Z240...”, and the term, manufactured, is not strictly defined.

In terms of Denman Islands Trust Bylaws, the Land Use Bylaw 186 2.6 would have to be amended. This regulation now requires that if a “travel trailer, bus or similar vehicle” is used as a dwelling then it must be on a permanent foundation and the intent of the movable home is not to create significant negative impact with a permanent foundation. Also, on Denman, a farm requesting a manufactured home for a family member is currently required to be of sufficient size to have 2 residential densities, each 15 ha, therefore to be 30 ha. If a moveable housing unit was permitted for farm-need, this requirement of 30 ha would not apply, as additional residences are permitted for farm-need on any size parcel providing proof of water and siting and use restrictions are met.

**Affordable Farmer-housing Options:**

**4. Cooperative Multiple Farm-family Housing**

Multiple family dwellings on farms or a small cluster of small individual dwellings for co-operative farming-families is a viable model

that could be permitted. That for many decades, various religious groups have used cooperative style farming very successfully, demonstrates the profitability of developing this model for future farming opportunities. This model is particularly suited to small rural communities that are accustomed to collaborative work.

Necessary components for the success of cooperative farm operations in the ALR could be compiled from working examples elsewhere and suitable practical and legal guidelines and templates developed. Various cooperative formats including, equity cooperatives, societies, corporations and limited liability partnerships are being used successfully by organizations involved in cooperative housing and farming. Legal arrangements control the shares and equity. Housing agreements have been developed to control housing aspects. These techniques are also available to be used in the ALR. Criteria for farming cooperatives could be developed that would address the association of farm-need and agricultural production, the need to minimize the negative impact of housing and the necessary provision of certainty of agricultural use of housing.

***Why is creating cooperative farmer-housing on farms in the ALR a good idea?***

- Cooperative farming could house the necessary farm labour force in an economical format.
- Multiple farming families could keep larger tracts of land agriculturally productive with small scale, labour-intensive farming methods and thus help to preserve large intact tracts of ALR land.
- Cooperative farming increases the agricultural educational potential to pass on farming knowledge over time to different ages and to support an agricultural apprenticeship program.
- Having multiple owners increases the purchasing power for both land and farm inputs or improvements, increasing the potential for enhancing the land's agricultural production.
- As with secondary suites, the "shared-living space" concept begins to build the basic concept of living and working cooperatively, instead of repeating the pressure for independent single family homes in an ever more crowded, unaffordable or economically limited rural environment.

***What regulatory framework changes are needed to make this a reality?***

- ALC Act Housing change
- Local Land Use Bylaw change

The ALC Act Section 2. (1) (c) permits only a "single family dwelling unit" and this would have to be changed to permit multiple family dwellings. A definition of multiple family dwellings would be necessary and restrictions with regard to various land use aspects, such as the size and siting of these dwellings would be recommended.

The Denman Land Use Bylaw 186, likely similar to many local government land use bylaws, permits only "single family dwellings" as noted in 3.4 Resource Zoning Tables. This would also have to be changed to allow multiple family dwellings. In addition, a definition would have to be added that would restrict the multiple family dwelling to certain provisions acceptable to the Denman community. These could include restrictions such as total residential coverage or a single kitchen in a cooperative-family home.

## **5.0 Summary**

### **5.1 Conclusions**

The affordable housing options for farmers described for Denman, are also applicable to other communities with ALR land. In communities with a large suburban potential-labour force nearby, it may be possible to obtain farm labour that doesn't have to live on the farm. But if there is to be a future generation of farmers, then undertaking the steps to achieve rural affordable housing options, similar to those suggested, are required in order to enable more families to live on farms and to engage in farming operations to feed their local communities. The fact that most farms in the Vancouver Island region are small and generate a very modest income is a not reason to try to change these farms to high production operations, as has been implied by Harasymchuk and Rolston (2012). An adaptive approach is to listen to these farmers, who make

up the majority, to support their agricultural vision and endeavours, to help them stay on the land and market their products and to engage more ALR landowners in a variety of affordable locally-appropriate farming opportunities.

Necessary regulatory and procedural changes are likely only to occur if the respective agencies, both local (local governments) and provincial (Ministry of Agriculture, ALC) are encouraged by informed communities and agricultural groups creating substantial pressure. But any changes will only be meaningful if the needs of local communities, such as food sovereignty, suitable scale of operations, and actually feeding the local area, are considered and incorporated into the required regulations. Thus the process must involve determining local needs and applying the options regionally or provincially where the needs overlap.

The time is now for additional positive farmer-housing options. With a growing population, an ageing farmer sector, and high land prices, agriculture and food issues will become increasingly important. The urban interest in consuming healthy local agricultural products from their surrounding rural areas is growing. BC has vast agricultural capability, therefore the ALC's has a exceptional opportunity to facilitate a variety of locally-suited approaches to farmer-housing in order to ensure that future farming in BC is diverse and productive. Thus, it behoves the Ministry of Agriculture to empower the ALC or an association of local governments, with sufficient research and development capability and direction, to take on the necessary province-wide coordination of local communities to develop a range of housing options for future farmers. The present increase in community land trusts, particularly those working for affordable housing, can also play an important role in helping to direct regulatory change for housing future farmers.

The ALC has stated that they require clear criteria for farm-need, thus pressure from local governments could assist in stimulating action on this issue. To help initiate this process local communities could put pressure on their local regulatory agencies, such as in Denman's case, the Local Trust Committee and the Trust Council, to work with the ALC to develop the appropriate locally-adapted criteria for farm-need and minimum-impact, as well as methods for the provision of certainty for agricultural housing. The creation of clear locally-appropriate criteria for additional farmer-residences is critical to facilitating the housing of farmer workers for the small scale, healthy, labour-intensive agricultural operations that are Denman's agricultural vision for feeding the local community. This local criteria-development process would necessarily involve developing an appreciation of many community issues and this will result in discussions of appropriate forms of farmer-housing options for each area. Ensuring necessary, low impact options for farmer-housing clearly addresses current ALC concerns, and would benefit the future of ALR land and farming in BC.

In terms of specific actions by small volunteer groups, such as the DCLTA, while the cooperative multiple farm-family housing approach may offer the best option for the future of affordable small-scale organic farming in small communities, the regulatory changes are the most significant. As noted above, regulatory change involves extensive government participation. The ALC Chair, at the December 2012 meeting, mentioned that the ALC had received a number of approaches regarding cooperative farming and he stated that the ALC wished to proceed with caution. Their primary concern is to ensure that the land's principle use is for farming and not for housing. Thus, this ties into the process described above for developing appropriate farm-need and impact criteria and methods for provision of certainty for cooperative farming situations.

If the ALC or another government-directed agency or group does not move forward on regulatory change for farmer-housing, including cooperative options, then an organization interested in engaging in multi-

family farming would be best suited to assume the role of driving change to achieve the necessary cooperative farmer-housing regulatory changes. Adequate research, legal and lobbying resources would be needed to develop and propose possible regulations, policy guidelines and templates to permit and control cooperative farmer-housing to the satisfaction of these regulating authorities. This process would be a major undertaking for any group and would require significant partnering with government, legal assistance and support from the community.

For a local community group, the affordable farmer-housing option with the best likelihood for rapid success is the allowance of secondary suites in the ALR through amending any necessary local government bylaw. The process for the DCLTA could be to acquire a home in the ALR with the possibility of creating a secondary suite and then to apply for the “affordable housing special zoning for the secondary suite”, allowed under the local OCP Bylaw 185. This could be accompanied by an application to the local government for funding assistance for the re-zoning. This course of action could take place simultaneously with disseminating community-wide information and encouraging an appeal to local government for a change in the bylaw to allow secondary suites for farmers, without costly and time-consuming re-zoning.

A second option for local group action would be to seek permission for movable housing units. Movable homes, especially if used as additional farmer-housing, where farm-need is justified, are most likely to receive the necessary ALC support. As movable homes would have the least impact on agricultural land and can be removed, they are an ideal model for developing housing agreements or restrictive covenants for the provision of certainty. The ALC policy describing “manufactured homes” seems relatively easily adapted as the definition is not in the Act or Regulations and only the word “manufactured” appears limiting to non-industrial movable homes.

The major issues, for moveable homes on Denman, are the local government’s requirements for an additional residential density and for a permanent foundation for a manufactured home. The former would not apply if the moveable unit was a “residence required for full time farm workers employed on the lot”, but the latter would require a bylaw amendment and to achieve this amendment would need the support of the local community. The success of moveable homes as a valuable option for an additional farmer-residence would still depend on having appropriate farm-need criteria and acceptable mechanisms for provision of certainty.

## 5.2 Recommendations

### **5 Recommendations:**

- 1. Clear Criteria for Impact, Farm-need & Mechanisms for Provision of Certainty.**
- 2. Permitting Secondary Suites for Farmer-housing.**
- 3. Moveable Homes No Permanent Foundations.**
- 4. Moveable Homes Not Necessarily ‘Manufactured’.**
- 5. Cooperative Farmer-family Housing.**

#### **1. Ask for clear criteria for impact and farm-need and provision of certainty mechanisms.**

The provincial Ministry of Agriculture, the ALC, and local governments, all need to receive pressure to develop clear locally-appropriate criteria for farm-need and minimum-impact, as well as suitable provision of certainty mechanisms. The DCLTA and other local groups can individually and collectively create pressure for this response from government. Uniting with other groups in the region, such as other islands, in the Comox Valley or even throughout the Vancouver Island region would

create a more powerful voice. Local community education and representation to local government, such as the Local Trust Committee and to Trust Council are first steps in this process for Denman.

2. **Pursue secondary suites for farms in the ALR.** If not already permitted, secondary suites could be permitted in the ALR through a local government bylaw amendment process, with whatever restrictions are supported by the local community. In Denman’s case, this could be through raising awareness in the community and an appeal to the Local Trust Committee. A second Denman approach could be for the DCLTA to obtain access to a parcel of land in the ALR with the goal of creating a secondary suite for affordable housing. Then the DCLTA could apply to the Local Trust Committee for special zoning for affordable housing under Bylaw 185 Part E.1, Policy 16. Funding support for this rezoning could also be requested, accompanied by a simultaneous appeal to the Local Trust Committee to allow secondary suites in the agriculture zone.
3. **Pursue permission for movable homes with no permanent foundations.** As in 2 above, if necessary, local groups, such as the DCLTA could seek community support for amending local government bylaws to permit movable homes without permanent foundations as additional residences in the ALR, especially if justified by farm-need.
4. **Clarify the movable homes definition to include small-scale, as well as industrial manufactured homes.** An appeal to the ALC for changes in the policy interpretation definition is best received from local governments. But, a first step could be for local community groups, uniting regionally or even with other organizations, such as movable home fabricators, to develop a common request for this action by the ALC and then to put pressure on their local governments to engage with the ALC.
5. **Support a cooperative farmer-housing initiative in the ALR, or join with other organizations to request government facilitation of trial cooperative farm family housing operations, together with the development of appropriate justification and restrictions.** If a cooperative farm-family project was seeking to establish in the ALR, then interested local or regional groups could provide supportive pressure on government and/or be involved in helping to develop a model of the necessary regulatory controls to propose to the ALC. This process would have to be developed and driven by the cooperative project and the scope would depend on that project’s openness and ability to work with other groups. Alternatively, a local affordable housing group, alone or in collaboration with other interested groups, could take this process on, or could take on lobbying the government to direct or undertake the necessary regulatory changes. On Denman, in 2013, the Local Trust Committee will be examining affordable housing in their scheduled tasks, thus examining the requirement for dwellings to be only “single family” is a possible first step to discussing cooperative farmer-family projects.

In addition to these housing recommendations, local communities may wish to apply pressure to the BC government to create an additional incentive to farm ALR parcels by removing the basic ALR land tax-break unless the land was agriculturally productive. This is a much broader regulatory issue, would require wide support throughout BC. Overall, permitting the various additional-housing options are likely to be a greater incentive to housing than this tax issue, in terms of enabling future farmers and creating support for the future of ALR land.

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## 7.0 Appendices

### Appendix 7.1 Housing in the ALR

**Notes:** The policy material found on the internet under “Housing in the ALR -The ALR Basics” from Chapter 9 of the ALC Handbook is annotated as an “informal” summary:

[http://www.alc.gov.bc.ca/publications/planning/Planning\\_For\\_Agriculture/Chapter09/09021reference.htm](http://www.alc.gov.bc.ca/publications/planning/Planning_For_Agriculture/Chapter09/09021reference.htm) and is a portion of the general reference:

[http://www.alc.gov.bc.ca/publications/planning/Planning\\_for\\_Agriculture/Chapter09/0901content.htm](http://www.alc.gov.bc.ca/publications/planning/Planning_for_Agriculture/Chapter09/0901content.htm)

Other than references to the ALC Act or Regulations, the policy guidelines in this material are useful, but the ALC planner noted that they require revision to bring them up to date with current changes. The caveat on the material itself, notes the priority of the actual Act and Regulations..

#### 7.1.1 ALC Regulatory Housing Provisions

**ALC Act allows only one single family dwelling.**

[http://www.bclaws.ca/EPLibraries/bclaws\\_new/document/ID/freeside/00\\_02036\\_01#section18](http://www.bclaws.ca/EPLibraries/bclaws_new/document/ID/freeside/00_02036_01#section18)

### **ALC ACT Housing**

#### **ALC ACT Section 18 Rules for use and subdivision of agricultural land reserve**

18 Unless permitted under this Act,

(a) a local government, a first nation government or an authority, or a board or other agency established by a local government, a first nation government or an authority, or a person or agency that enters into an agreement under the *Local Services Act* may not

(i) permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or

(ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use, and

(b) an approving officer under the *Land Title Act*, the *Local Government Act* or the *Strata Property Act* or a person who exercises the powers of an approving officer under any other Act may not approve a subdivision of agricultural land.

**ALC Use, Subdivision and Procedure Regulation, Part 2 - Permitted Uses**

[http://www.alc.gov.bc.ca/legislation/Reg/ALR\\_Use-Subd-Proc\\_Reg.htm](http://www.alc.gov.bc.ca/legislation/Reg/ALR_Use-Subd-Proc_Reg.htm)

### **ALR Regulations Housing**

#### **AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION Revised 2004.**

##### **PART 2 — PERMITTED USES**

##### **Permitted uses for land in an agricultural land reserve Section 3 (1) (b)**

3 (1) The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable first nation government;

(b) for each parcel,

(i) one secondary suite within a single family dwelling, and

(ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;

## Definitions

**Immediate family** is defined in the Regulations Part 1 – Interpretation 1 (1) "immediate family" means, with respect to an owner, the owner's

- a) parents, grandparents and great grandparents,
- b) spouse, parents of spouse and stepparents of spouse,
- c) brothers and sisters, and
- d) children or stepchildren, grandchildren and great grandchildren

Secondary suite and manufactured home are defined in the policy interpretation Policy #8, 2003

[http://www.alc.gov.bc.ca/legislation/policies/Pol8-03\\_residential.htm](http://www.alc.gov.bc.ca/legislation/policies/Pol8-03_residential.htm)

**Secondary suite** — means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

**Manufactured home** — means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes.

### 7.1.2 Housing in the ALR – ALC Interpretation

#### From the ALC Policy # 8, 2003 Interpretation:

[http://www.alc.gov.bc.ca/legislation/policies/Pol8-03\\_residential.htm](http://www.alc.gov.bc.ca/legislation/policies/Pol8-03_residential.htm)

The Regulation permits a secondary suite for residential purposes, wholly contained within a single family dwelling, on a parcel in the ALR. The secondary suite use is not limited as to who occupies the suite. The Regulation also provides for one manufactured home, in addition to a dwelling, on a parcel in the ALR, but only for use by the property owner's immediate family. The maximum width of manufactured or mobile home allowed is 9 metres, which provides for what is commonly known as a 'double-wide'. The Commission may make an exception to the width requirement in the Peace and Northern Rockies Regional Districts to provide for a 'double wide' up to the industry standard width (10 metres).

The Regulation defines "immediate family" as noted above. If the manufactured home is no longer occupied by immediate family of the property owner, it is no longer a permitted use in the ALR and must be removed from the parcel or, if it remains, not used for residential purposes.

Related uses that are not permitted in the Act or Regulation for residential use require application to and approval from the Commission.

Where a zoning bylaw is in place, this use must be specifically permitted by the bylaw.

#### From the ALC Handbook:

[http://www.alc.gov.bc.ca/publications/planning/Planning\\_for\\_Agriculture/Chapter09/0901content.htm](http://www.alc.gov.bc.ca/publications/planning/Planning_for_Agriculture/Chapter09/0901content.htm)

Within the ALR, the provision of housing is considered a necessary accessory use to the agricultural use of the property. The following provides a summary of key provisions concerning housing associated with the Reserve.

- One home per legal parcel--outright use in the ALR
- Additional home(s) for farm help--possible
- Temporary placement of a mobile home for a relative--possible
- Must observe other local and provincial regulations associated with housing--yes

#### Opportunities& Suggestions:

1. To the greatest extent possible, local government policy and regulations concerning the provision of housing in the ALR should be consistent with the ALC Act , regulations and policies.
2. Ensure local government policies and regulations limits the number of permanent dwellings per land registry parcel to one unless additional permanent dwellings are necessary for farm help.

### 7.1.3 Additional Dwellings for Farm Help – ALC Interpretation

#### From the ALC Policy # 9, 2003 Interpretation:

The Act and [Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#) do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see [Section 3 \(1\) \(b\) of the Regulation](#) which permits a ‘manufactured home’ for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy "[Permitted Uses in the ALR: Residential Uses](#)".

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have ‘farm’ classification under the [Assessment Act](#). In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of: a the Ministry of Agriculture, Food and Fisheries, b the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.

If there is any doubt with respect to need, an application under [Section 20 \(3\) of the Act](#) for permission for a non-farm use is required.

#### From the ALC Handbook:

[http://www.alc.gov.bc.ca/publications/planning/Planning\\_For\\_Agriculture/Chapter09/09021reference.htm#Additional Dwellings For Farm Help](http://www.alc.gov.bc.ca/publications/planning/Planning_For_Agriculture/Chapter09/09021reference.htm#Additional_Dwellings_For_Farm_Help)

This section of the ALC Handbook discusses the topic of additional dwellings for farm help. The portion referring to necessity is reproduced below, the colour emphasis has been added.

#### “Determining Necessity

The difficulty for approving authorities, often with limited agricultural experience, is coming to grips with the rather subjective phrase in the Act of "**necessary to farm use**". This situation is further compounded by B.C.'s tremendous **agricultural diversity**. Until policy direction is further refined, the following suggestions should assist local government officers in determining the necessity of additional dwellings for farm help.

- Ask the proponent to provide detailed information concerning the **farm / ranch operation** to justify a second home.
- Determine the appropriateness of the proposal with respect to **local bylaw provisions**. (For example, a bylaw may not provide for more than one dwelling per parcel or, as with the ALC Act, the bylaw may only allow additional dwellings if needed for farm help or a bylaw may "**predetermine**" **levels of farm use** before a second dwelling is permitted (See: City of Abbotsford excerpt -Appendix 7).
- Determine if there are any potential problems with the **siting** of an additional dwelling with respect to **Provincial regulations such as those associated with health** (e.g. on-site sewage disposal) or development in a floodplain.
- **Farm assessment for tax purposes** has been used as a bottom line criteria for determining the necessity of an additional dwelling for farm help. However, it should not be used as the sole criteria. Many operations achieve farm assessment that do not require additional farm help (let alone an additional dwelling for farm help,) due to the operation being either part time or a hobby farm.
- Where a farm operator is working off the farm, there should be a least enough farming activity taking place to **fully employ more than one full-time person** before a second residence for farm help is considered.
- If there is any difficulty in determining the justification of a second dwelling for farm help, **consultation** with the local district agriculturalist or other Ministry of Agriculture, Fisheries and Food personnel is suggested. In addition, advice may be sought from an agricultural advisory committee, local farmers' institute or other farm group.

- Despite the fact that a local bylaw may permit two or more dwellings as an outright use in a zoning designation applied to the ALR, this should not be used to justify the issuance of a building permit. The ALC Act and regulations override these bylaw provisions. The requirement of determining necessity under the Act cannot be ignored despite local bylaw language permitting more than one dwelling per legal parcel.
- If there is a need for clarification or interpretation of the ALC Act or regulations, consult with Agricultural Land Commission staff.
- In situations where a farm operation does not justify an additional dwelling for farm help, a building permit should not be issued.
- If there is any degree of doubt with respect to necessity, and the proposal would otherwise qualify with respect to local regulations, the proponent should submit an application for the additional dwelling to the Commission under Section 22(1) of the Act. “

The Handbook also notes the need for policy development on this issue and gives some suggestions reproduced below.

“A key concern in clarifying the policy for additional dwellings for farm help is the determination of necessity and provision of certainty. However, given BC’s agricultural diversity, there will be a need to ensure that any modified policy is sufficiently flexible to be regional as well as commodity sensitive. Currently, both regulatory and approval authority overlap local and Provincial jurisdictions depending on circumstance. This situation too should be clarified as far as possible. Along with these larger overriding issues, policy development will have to come to grips with several important questions, some of which are outlined below.

**Additional Dwellings for Farm Help:  
Principles & Points For Consideration in Policy Development**

- "One Lot — One Home" - this should be maintained as a basic principle.
- The unnecessary provision of housing in the ALR can have a negative affect on agricultural land and the agricultural use of land.
- There is a justifiable need to provide housing for on-farm help in certain circumstances.
- There is a need to establish clear criteria to guide the provision of additional homes for farm help.
- Operational criteria should:
  - be commodity sensitive
  - require a full-time employment level of at least 1.5 persons.
- Consideration should be given to the appropriateness of a minimum lot size being defined, below which second dwellings for farm help would not be permitted.
- Where established provisions do not allow for a second home for farm help, an application to the ALC would be possible if forwarded by the local government.
- That the residual zoning powers of local governments not be usurped if Provincial standards or criteria area adopted (e.g., the approval of additional housing for farm help would have to meet local regulation even if these regulations were more restictive than Provincial standards).

**Opportunities & Recommendations:**

1. That the Agricultural Land Commission and Ministry of Agriculture and Food jointly undertake a review and develop policy direction to provide greater clarity for the provision of additional homes for farm help in the ALR based on the underlying principles of:
  - o providing for the legitimate needs of the farm community; and
  - o not encouraging, unnecessarily, additional dwellings in agricultural areas.

These two principles speak to the difficulties of achieving a fair and balanced policy. An informal agreement has been reached between the ALC and MAF to undertake such a review to develop standards to guide local governments. For example, a number of municipalities have gone the route of establishing criteria based upon the size of an operation as a cut-off point, below which an operation would not qualify for an additional home for farm help. This method has merit for wider application, but it does have some problems. When comparing current standards between municipalities, there are considerable similarities but also noticeable inconsistencies. (For example: - "Swine, finishing operation" - size of operation to qualify for an additional home for farm help = 2,200 swine at one time in one municipality vs. 5,000 in an adjoining jurisdiction.) Also, standards for many commodities or sectors of the industry have not been developed.

Another concern is the possible need for flexibility in the case of new farms and ranches that, at current levels of operation, technically do not require additional farm help on site unless expansion plans are realized. Essentially then, the policy should attempt to address the transition period during expansion. There are also basic concerns related to the special needs of certain types of operations - e.g. livestock handling. There is also a school of thought that no additional dwellings are needed for farm help when a farm is located in close proximity to an urban centre. An operator may also have physical handicaps that require on farm assistance. It is important that criteria for additional dwellings for farm help be designed with sufficient flexibility to account for this type of situation. Finally, is there simply a parcel size below which a second home for any purpose should be considered inappropriate?

2. That the Province develop more detailed policies for additional dwellings for farm help, either through:
  - o the Agricultural Land Commission Act regulations or Commission general order provisions; or
  - o Bylaw Standards developed under Section 916 of the Municipal Act for adoption within local government zoning or rural land use bylaws.

In the first approach, once the policy has been developed with MAF and following consultation (see point 3 below), the ALC will establish, by regulation or order, the criteria for additional farm dwellings in the ALR. There should be a provision to modify the Provincial standards upon agreement between the Commission and local governments. This same principle is now established in the Commission's Home Occupation Policy. This proposal would apply Provincially the approach used by some local governments that have already established criteria to help judge the appropriateness of additional dwellings for farm help.

The second approach would also see standards developed at a Provincial level (under Section 916 of the *Municipal Act*) with the potential for regional flexibility. The standards would be available for use by local governments as a guide in the updating of zoning and rural land use bylaws as outlined in Division 8 of the *Municipal Act*. This process would also provide the opportunity for further flexibility on a bylaw-by-bylaw basis as appropriate and approved by the Minister of Agriculture and Food.

3. That the agricultural industry and local governments be fully consulted during policy development and the consideration of administrative techniques.

In developing policy and criteria to judge the appropriateness of housing farm help on a farm, the central approach should be based on that adopted by a number of local governments. These municipalities have taken a leadership role by providing policy direction that warrants careful examination for Province-wide application. As a point of reference, an excerpt from the proposed Abbotsford Zoning Bylaw is attached as [Appendix 7](#). This excerpt reflects the approach of establishing 'minimum levels of farm operation' to qualify for an additional dwelling for farm help, as well as several other regulatory techniques associated with this use.

### Further Questions for Consideration at Time of Policy Development

- Should persons working off the farm be afforded the opportunity to house permanent farm help in an additional dwelling unit?
- How should policy be developed to provide for additional dwellings for farm help on the basis of a farm operation or unit rather than by legal parcel?
- What criteria should be used to determine the need for additional dwellings for farm help?
  - o land base of operation
  - o annual gross farm receipts or capital value of operation
  - o operations involving the care of livestock
  - o size, type, complexity and technological sophistication of the operation
  - o farm assessment
- Is there a need to provide for on-farm help during the development of a farm?
- Are there farms such as those in close proximity to urban areas or agricultural areas of predominantly small parcels, for which additional dwellings, even for farm help, are difficult to justify or unwarranted?
- What negative impacts can result from providing additional dwellings?
  - o promotion of future subdivision;
  - o increased land values that in turn may increase the difficulties for future farmers to purchase the property; and
  - o if, in the future, the additional dwelling is the home of a family not associated with the farm operation, will the potential for farm complaints be increased?
- Is there a need for bonding or annual inspection to ensure that a permanent additional dwelling is used for permanent farm help?

Previously there existed a General Order for Conditional use, which is still listed on the net.

Order # 1622/83 - Temporary Mobile Homes

One mobile home (no wider than 4.27m) as a second dwelling may be placed on a parcel of land where there already is no more than one single family dwelling provided:

- a. that the mobile home is inhabited by:
  - o a relative (as defined in the Order) of the parcel's principal dwelling;
  - or
  - o is for a person paid to work on the farm;
- b. the mobile home is not on a permanent foundation (as defined in the order) with a basement;
- c. the mobile home is removed within 90 days following the use by an approved user and the land is rehabilitated for agriculture;
- d. maximum additions to the mobile home = 24 sq. m.

#### **7.1.4 Denman Island – Land Use Bylaw 186 Housing Aspects**

##### **Definitions**

*dwelling unit* means one or more rooms in a building, containing a single set of cooking facilities, and used or intended to be used, as a residence by an individual or a group of individuals living together in common occupancy;

*mobile* means, in relation to a building, not permanently affixed to the land with the ability to be moved to another location by towing or similar means;

*Occasional* in relation to the use of an accessory building, a travel trailer or a vessel for non-commercial accommodation means a total length of stay by an individual of not more than 45 days per calendar year, of which no more than 30 may be consecutive;

*residence means:*

- the occupancy or use of a dwelling unit for the permanent domicile or home life of a person or persons; or
  - the occasional or seasonal occupancy of a dwelling unit as a dwelling by an owner who has a permanent domicile elsewhere or by non-paying guests of such an owner, and for these purposes, owner includes a tenant under a residential tenancy agreement;
- and residence does not include guest accommodation use, commercial vacation rental or any occupancy of a dwelling unit by persons entitled to such occupancy under a time share plan as defined in the Real Estate Act or successor legislation;

*Secondary dwelling unit* means an accessory dwelling unit or secondary suite that is limited in floor area;

*Secondary suite* means an accessory dwelling unit that is located in the same building as the principal dwelling unit;

#### **Land Use Bylaw 186 Section 2 General Regulations 2.1 Uses, Buildings and Structures**

##### *Travel Trailers*

- 6** A travel trailer, bus or similar vehicle may be used as a principal dwelling unit on any lot where a single family dwelling is a permitted building provided that it:
- is on a lot larger than 1.0 ha or is screened from adjacent properties subject to Section 2.7;
  - is connected to an approved sewage disposal system;
  - is on a permanent foundation for which a siting and use permit has been issued; and
  - is considered a dwelling unit for the purpose of residential density calculations.

### 7.1.5 Denman Island – Regulatory path for additional residence in ALR.

#### What's Allowed (ALC – IT) ↓

#### Jurisdiction - Requirements for Second-dwelling for Farm Help in Agricultural Land Reserve on Denman

#### Agricultural Land Commission (ALC) Act

One dwelling on a parcel of land regardless of size, in Agricultural Land Reserve (ALR).

1. Additional residences if “necessary for farm use (no limit to number) – proof required.
2. One manufactured home up to 9m wide for the member of owner’s immediate family.
3. One secondary suite completely contained within the single family dwelling unit – no occupancy type restrictions.
4. Other residences require application for a residence for non-farm use of ALR land.

#### Islands Trust (IT)

#### Denman Official Community Plan (OCP) & Bylaws (LUB)

Number of dwellings on lot restricted by existing density & zoning provisions.

1. Additional residence for “full time farm workers employed on the lot” – proof required, but could be permitted regardless of lot size in the Agriculture zone.
2. Manufactured home, in addition to owner’s home & not required for farm use, would require lot size of at least 30ha to allow for an additional density.
3. No secondary suites permitted.

#### Current Process for Owner on Denman (ALC & IT land use requirements)

1. Additional residence (farm use) *Note:* difference between IT & ALC definitions of farm help, *see above* ‘Jurisdiction - Requirements’.

#### Checks:

- Denman Zoning = Agriculture, additional residence for farm workers.
- ALR land parcel = only 1 residence unless necessary for farm use.

**Actions:** → Submit siting and use permit application to Northern Trust Office for an additional residence containing a description of how the additional residence is necessary for farm use. (The siting and use (S&U) permit process ensures that the proposed construction conforms to Denman’s LUB regulations.)

**Outcomes:** LTC approve & staff issue S&U permit.  
LTC not approve - owner can apply to ALR for non-farm use.

#### Legitimate Need for additional residence for farm help

#### Denman Local Trust Committee evaluates:

- **Requirement:** Farm classification under the Assessment Act.
- Size and type of farm operations and other relevant factors.
- **Requirement:** additional worker necessary, full-time for the farm.

May seek advice and direction of Ministry of Agriculture and/or ALC if appropriate.

#### 2. Manufactured home

#### Checks:

- Must not be more than 9m wide.
- Must be for a member of the owner’s immediate family, if not – must apply as in 1 above, if for farm use, or as in 4 below, if for non-farm use.

- Lot must have an additional density available under LUB zoning, for another dwelling, if not – must apply to IT for density increase through re-zoning application.

**Actions:** → Submit siting & use permit application to Northern Trust Office.

**Outcomes:** Staff issue S&U permit.

Staff refuse permit - owner address can accept problems with siting & use application or address problems & resubmit.

### 3. Secondary Suite

**Checks:** *Note:* Denman's Land use bylaw (LUB) does not permit secondary suites therefore no zone exists.

**Actions:** → Submit re-zoning application for parcel to Northern Trust Office.

→ LTC review rezoning application through rezoning process.

**Outcomes:** LTC approve re-zoning - owner submit siting & use application to Northern Trust Office (see #2 Outcomes).

LTC not approve rezoning.

### 4. Non-farm Use Residence

**Checks:**

- Use of ALR land for non-farm use has various restrictions & must be approved by ALC.
- Even if approved by ALC, a lot must have an additional density available under the LUB zoning, for another dwelling, if not – must apply for density increase through re-zoning application (see #3 Actions).

**Actions:** → Apply to ALC for a residence for non-farm use.

**Outcomes:** ALC approve non-farm use application - owner submit siting & use application to Northern Trust Office (see #2 Outcomes).

#### 7.1.6 Additional Background Material

**Size limits on secondary suites from the BC Building Code.**

[http://www.housing.gov.bc.ca/pub/secondary\\_suites.pdf](http://www.housing.gov.bc.ca/pub/secondary_suites.pdf) &

<http://coldstreamocp.files.wordpress.com/2013/04/secondary-suites.pdf>

Zoning by local governments usually use the definition of Secondary suites applied by the BC Building Code, which restricts the size of the dwelling unit suite to a floor area maximum of 90 m<sup>2</sup> and also restricts the suite to occupying a maximum of 40% of the habitable floor space of the building.

## Appendix 7.2 Project Materials

### 7.2.1 Contact List

*Note:* Local community information and input was obtained, as noted in the 2.0 Project Methods, through a community workshop, home visits and a presentation at the DCLTA AGM.

#### Agricultural Land Commission

Trust Council ALC Presentation - met Richard Bullock, Chair; Jennifer Dyson, Vice Chair and ALC planners. Further conversations and then presentation to ALC Planners Roger Cheetham and Liz Sutton.

#### Islands Trust

Through emails and conversations with Trustees and staff of the Islands Trust, much useful information was obtained.

Brownrigg, C. Planner Islands Trust, Salt Spring Island.

Busheikin, L. Trustee, Local Trust Committee Denman Island, Islands Trust

Dashwood, B. GIS Technician Islands Trust, Victoria

Graham, D. Trustee, Local Trust Committee Denman Island, Islands Trust.  
Law, T. Trustee, Local Trust Committee Hornby Island, Islands Trust  
Luckam, P. Trustee, Local Trust Committee Denman Island, Islands Trust  
Malcolmson, S. Chair, Islands Trust Council Gabriola Island Local Trustee  
Simpson, C. Planner, Islands Trust Northern Office  
van Bakel, M. GIS Coordinator, Islands Trust, Victoria.

### Others Contacted for Information

Information and advice was obtained through emails, phone conversations and in some cases visits.

Allaert, B. Parks, Comox Valley Regional District

Gallagher, B. Sustainable Community Solutions Consulting Exec. Director - O.U.R. Community Association O.U.R. ECOVILLAGE

Gauthier, J. Salt Spring Agricultural Alliance

McClintock, G. Farmers' Institute, Comox Valley

McPhail, T. Linnaea Farm Society, Cortez Island

Mullaly, A. Manager of Planning Services Comox Valley Regional District

Mullinix, K. Special Advisor on Agriculture/ Director, Sustainable Agriculture and Food Security, Institute for Sustainable Horticulture, Kwantlen Polytechnic University.

Page, D. Comox Valley Agricultural Advisory Panel

Schlieman, J. Appraiser BC Assessment, Central Vancouver Island Region, Nanaimo,

Steinman, J. EcoReality, Salt Spring Island.

### 7.2.2 Submission to Trust Council March 3 2013

**in support of Trustee Law's proposal to Trust Council to add housing in the ALR to the local government's strategic plan for 2011-14..**

**From:** [Sheila Malcolmson](#) **To:** [Jenny Balke](#) **Cc:** [Peter Luckham](#) ; [Laura Busheikin](#) ; [David Graham](#) ; [Courtney Simpson](#) ; [Aleksandra Brzozowski](#) ; [Marie Smith](#) **Sent:** Friday, March 08, 2013 11:38 AM

**Subject:** RE: Submission to Islands Trust Council meeting

hi Jenny - many thanks for being involved. Council did agree yesterday to the proposition that we dedicate some staff time to finding out whether there is an ALC review, and developing advice on how choosing to advocate in this area would affect Council's other work priorities, and we'll make that decision at the June Council meeting.

Thanks again for the encouragement,

Sheila Malcolmson Chair, Islands Trust Council Gabriola Island Local Trustee 250-247-8078

[www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

**From:** [Jenny Balke](#) **To:** [smalcolmson@islandstrust.bc.ca](mailto:smalcolmson@islandstrust.bc.ca) **Cc:** [H3](#) ; [Peter Luckham](#) ; [Laura Busheikin](#) ; [David Graham](#) ; [Courtney Simpson](#) ; [Aleksandra Brzozowski](#) **Sent:** Sunday, March 03, 2013 6:58 PM

**Subject:** Submission to Islands Trust Council meeting

Dear Sheila Malcolmson,

Attached is a submission supporting the recommendation that the Trust Council add "housing in the Agricultural Land Reserve" to its 2011-14 Strategic plans. This submission describes the importance of addressing the opportunity to work with the Agricultural Land Commission on this issue, which may not need to involve adjusting provincial regulations. Please consider adding this submission to the late correspondence for the upcoming Trust Council (TC) meeting on Thetis Island. As noted in this submission the ALC has invited the Islands Trust to offer solutions to "getting folks back farming the land." For the Trust area, housing farmers is a complex issue and, as noted in this submission, our success in generating solutions to this issue will shape the future of our rural islands.

Thank you for your consideration of this request. Cheers Jenny  
Contractor for the Denman Community Land Trust Association's Rural Affordable Housing Project.  
Jennifer Balke DVM MS MEd RPBio Ecofocus Environmental Consultants 6080 Lacon Road, Denman Island,  
BC, Canada V0R 1T0 Phone & Fax 250-335-2151  
cc: Denman Trust Council members: David Graham, Laura Busheikin and Peter Luckham  
Planners: David Marlor, Courtney Simpson and Aleksandra Brzozowski  
DCLTA: H. Holm

**SUBMISSION: Rural Affordable Housing and Agricultural Reserve Land on Islands Trust Islands**  
At the December 2012 Islands Trust Council meeting, the Agricultural Land Commission (ALC) representatives encouraged those in attendance to actively and creatively work out ways for “getting people back farming the land”. Housing islanders, committed to an agricultural life style on the islands, is an important and complex issue. Pursuing this unique opportunity to work within the ALC legislation to enhance local agriculture will be critical to shaping the future of the rural lifestyle in the Trust area.

The Denman Community Land Trust Association, supported by funding from the Comox Valley Housing Task Force, is actively examining the housing situation for local farmers. The goal of this project is to find solutions to allowing greater “farm-use” density on Agricultural Land Reserve (ALR) acreages, while preserving the intent of the ALR and the rural character and environment of Denman Island. Housing both current and future farmers is critical to the sustainability of agriculture on the Trust islands.

### **Background**

#### **Importance of small-scale agriculture on the Trust islands:**

- Farming supports a rural lifestyle, which is the objective of most islands’ Official Community Plans and farming is maintained by rural-inhabitants living on the land.
- Farming feeds the islands, as a step towards food sustainability. Currently, high land prices and high land taxes are converting the islands to a part-time recreational playground for non-residents with large resort-houses and non-productive agricultural land.
- The farmable land contribution of the islands is significant. Large areas of ALR land on some of the islands, add to the total ALR of the Vancouver Island region, which has only 2% overall.
- Small-scale healthy agricultural activities by resident islanders meshes well with the Trust’s mandate to protect the unique natural environment for all.

#### **What to do?**

**Housing:** Be creative and inventive, work within the ALC legislation, to develop and test agricultural farmer-housing models.

**Education:** Develop an Islands Trust centre of excellence for environmental protection in combination with local agricultural product cultivation and market development on the islands.

#### **How to proceed for Housing?**

Enter into a new local government-ALC agreement, as with the previous Islands Trust “Protocol Agreement” (original 1996, re-adopted 2004), that would address specific farm-use planning goals. This agreement, together with necessary Islands Trust actions, could both allow and control initiatives for necessary farmer-housing, distinctive to the islands. For example, a facilitated and affordable planning process is necessary to approve additional farmer-residences and to establish the necessary assurance that the occupants would farm the land, and that the residences would have minimal impact and enhance the farm-productivity.

**Factors making the Trust islands distinctive within BC** and therefore in need of locally-adapted planning:

- Substantial cleared areas of reasonably arable land and good climate in the ALR.

- A high percentage of people living and seeking to live, in these communities, desiring a rural agricultural lifestyle.
- The Islands Trust's mandate dictates the need for environmental protection, the importance of which is underscored by the presence of numerous federally-listed species at risk, including at least one Canadian endemic species, as well as other provincially rare plants and animals.
- Resort, retirement and recreational pressure on land in the Trust islands, has resulted in:
  - High land purchase prices,
  - High land taxation rates, creating high land maintenance rates,
  - Limited rental accommodation.
- High costs and inconvenient transportation and travel to external suppliers, markets and education.
- 'Captive' local markets presenting both subsistence needs and affluent market possibilities.

This distinctiveness presents excellent opportunities for small scale specialized innovative agriculture, while protecting the natural environment.

**Working with the ALC the Islands Trust can:**

- Develop ways for housing more farming families by addressing the need to support housing opportunities for full-time low/moderate-income residents who wish to farm.
- Support opportunities, both to blend natural ecosystems and agricultural practice, and to study nature's benefits to agriculture, while protecting native species.
- Encourage and support adaptive local agricultural knowledge and small-scale entrepreneurial agricultural initiatives that supply necessary, as well as specialized products for local or nearby market opportunities.
- Retain the social diversity and range of ages in the community working in agriculture and other small businesses, as well as recreational pursuits and retirement.

**Conclusion**

Please, take this opportunity to develop a farmer-housing planning agreement with the ALC, as well as the necessary supportive Islands Trust policies. This will ensure that future generations have the opportunity to fulfill the goal of sustainable communities within the precious natural ecosystems of the Trust islands.

Communities, as well as IT staff, can contribute to this process. By the end of May 2013, the final report of DCLTA's Rural Affordable Housing project will provide an initial review of community and research input, covering the many potential options to achieve the goal of affordable rural farmer-housing. This report will have Trust-wide implications.

The time for acting on bone fide farmer-housing issues in the ALR on the Trust islands is now!

### 7.2.3 Article in Community Newspaper – The Flagstone



## **Feeding ourselves! Getting more folks farming!**

### **Rural Affordable Housing Project of the Denman Community Land Trust Association (DCLTA)**

**Overall Intent:** Support sustainable agriculture and feeding ourselves on Denman Island by assisting future farmers who may not have the capital to afford current land prices.

**Project Goal:** To allow more options than only one farmer residence on ALR land, to accommodate affordable housing candidates who would be committed to farming the land, while protecting the integrity of the ALR and the rural environment.

**Project objective:** To develop a farm plan proposal process that would be acceptable to the ALC, allowing additional farmer residences for affordable housing candidates on ALR land parcels on Denman.

#### **Motivating Issues:**

There are farms, with a single residence, where the current landowner(s) is unable, for various reasons (age, illness, concurrent job, non-fulltime-resident, lack of farming knowledge, skills, equipment, funding) to take full advantage of the farming potential of their land parcel.

There are people, who are interested in farming for a living, but lack the capital to purchase land parcels at the current high market values.

#### **Stumbling Blocks & Discussion:**

##### **1. The number of permanent residences is limited to one residence per parcel of ALR land.**

The intent is to discourage possible subdivision and reduction in farming use.

On the other hand, the Agricultural Land Commission (ALC) is mandated to preserve agricultural land, encourage farming on agricultural land and to encourage local governments to enable and accommodate farm use of agricultural land. While the ALC Act, 2002 Section 18, limits residences on ALR land to one per land parcel, it also states “unless additional residences are necessary for farm use”. In addition, the ALC can enter into memorandums of understanding and agreements with local governments (e.g. Islands Trust) to facilitate interdependent programs. Such programs could facilitate farm plans that support the goal of this project.

#### **Questions:**

How can additional farmer residences be added to ALR land without diminishing the land’s agricultural potential?

To satisfy the ALC’s requirement that additional residences be necessary for farm use, how can the farming commitment of these additional residents be assured in perpetuity?

**2. The overall number of residences on Denman is limited by the Official Community Plan (OCP), which sets the maximum residential density in the island zoning.** The density cap reduces residential sprawl, manages the demand for public services and limits the impacts on the natural environment. The housing policies in our OCP, however, support a 5% density increase for special needs and affordable housing, above the permitted buildout of all possible lots. In addition, there is a growing density bank available for affordable housing residences.

**Question:**

How can additional farmer residences on ALR land intended for affordable housing candidates, be committed to them in perpetuity?

**3. Landowners in the ALR may be interested in having their land farmed but lack the knowledge, finances or legal support to take further steps.**

**Question:**

If you had ALR land and were interested in having the land farmed, what would your concerns be about having an additional farmer residence for an affordable housing candidate and what would be other stumbling blocks for you?

Successful examples of rural affordable housing on ALR farmland parcels are needed, do you know of any good examples?

**What comes next:**

All ideas, as well as the level of interest in the project will be recorded and reported.

A proposal will be prepared to present to the ALC that outlines a variety of solutions addressing the stumbling blocks.

**Getting involved, sharing ideas:**

The Rural Affordable Housing Workshop at the Denman Community School, 7:30pm, Thursday March 7<sup>th</sup> is an initial opportunity to gather information and discuss this project. Another option is to contact the project contractor, Jenny at 250-335-2151 or email to [lontracan@gmail.com](mailto:lontracan@gmail.com).

This project has been funded by the Comox Valley Housing Task Force.

## 7.2.4 Denman Rural Affordable Housing Workshop Materials

Workshop Flyer Notice in Weekly Newspaper



# Feeding ourselves!

## Getting more folks farming!

### How could this be done on Denman?

One solution to the need for food security, the high cost of land, an ageing population and Denman's density cap (housing limit) is to allow more than one farmer residence on ALR land to accommodate **affordable housing candidates** who would be committed to **farming** the land.

The **Rural Affordable Housing Project** of the Denman Community Land Trust Association (DCLTA) is seeking input on this idea. This project recognizes the need to preserve land in the Agricultural Land Reserve (ALR) for farming and to protect the needs of the rural environment.

So what are the opportunities,  
stumbling blocks,  
necessary steps?

Interested? Have ideas?

Have agricultural land that might support an additional family?

**Please come & share ideas at the  
Rural Affordable Housing Workshop**

**Denman Community School  
7:30pm Thursday March 7th**

Other ways to give your input/get information - contact the  
project contractor, Jenny

250-335-2151 [lontracan@gmail.com](mailto:lontracan@gmail.com)

## ***Project funding thanks to Comox Valley Housing Task Force.***

### **Workshop Handout**

## **Rural Affordable Housing Project Input Request**

The Denman Community Land Trust Association (DCLTA)'s **Rural Affordable Housing Project** is developing a farm plan template for affordable farmer housing solutions in the Agricultural Land Reserve (ALR).

**Project Goal:** to seek additional affordable farmer housing residences on ALR parcels, while preserving farmland and the rural character and environment of Denman Island.

A farm plan would have to incorporate a commitment that the occupants would both qualify for affordable housing\* and farm the land.

This project will be a model for affordable housing on ALR land in other locations.

\* For affordable housing **eligibility**, the DCLTA uses:

**"Qualified Occupant"** = a sole person or member of a household whose Household Income is within 120% of the Low Income Cut-Off as determined from time to time by Statistics Canada or its successor agency.

**"Household Income"** = the aggregate of income from all sources of all the occupants of a Dwelling Unit, or of the sole occupant if such be the case, but in general these are people who do not have incomes with which they could afford to buy land on Denman at current land prices.

**Do you have ALR land?**      Yes       No

**Do you support additional residences on ALR land for affordable housing?** Yes  No

**Why?** \_\_\_\_\_

**Do you have ideas that could address any of these "stumbling block questions" or other ideas?**

1. How to add living spaces & not damage farmable land?
2. **a.** What criteria to use to justify "farm-use" need?  
**b.** How to establish "farm use" in perpetuity?
3. How to establish "affordable housing" occupancy in perpetuity?
4. **a.** What would help landowners create additional affordable residences on ALR land?  
**b.** If you had ALR land & wanted to do this, what would be stumbling blocks for you?

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Please continue over if you need more room. Thank you for your input!

## 7.2.5 Transcribed Input from Rural Affordable Housing Workshop

### 1. How to add living spaces & not damage farmable land? (have minimum negative impact)

#### HOUSING APECTS to reduce impact on farmland

##### SIZE:

- Small dwellings Establish maximum sq ft for a Farm residence. Ask ALC if any # of residences allowable as long as the total area not to exceed a maximum i.e. 4,000 sq ft.
- Minimize size allowance, include it in buildings already in existence
- Restrict size of principal dwelling
- Combination with farm use space e.g. barn below loft
- Share driveway space and utilities (e.g. electric & septic)
- Use existing access routes
- Build into edges / Reduce set-backs
- Amend LUB reduce amount of land that can be legally covered by buildings e.g. currently 25% How about reduce to 10% I think the No 1 stumbling block is ALC's narrow view of how to protect ALR land. Currently Denman LUB allows up to 25% of ALR land to be covered by buildings. Why not offer to reduce this allowable lot coverage % in exchange for a more "Liberal" application of how the reduced % is made up from more residences etc.
- Secondary suites

##### TYPE:

- Combination with farm use space e.g. barn below loft house /Use existing buildings
- Structural design to enhance or create micro-climates (*e.g create greenhouse, shelter, wind break etc*)
- Roof top gardens, green roofs
- Housing built into landscapes, underground
- Secondary suites
- Stilts / tree-houses
- Moveable homes
- Different styles of housing e.g. yurts
- No permanent foundations
- Farm worker home "kits" i.e IKEA home = collapsible = modular

##### OTHER FEATURES:

- Composting toilets
- Grey water systems
- Build in areas of lowest fertility / dwelling on worst soil or rock /establish criteria for location for housing that does not include arable land.
- Communal/shared spaces/labour intensive, low impact farming methods
- No pavement
- No permanent foundations
- I think the No 1 stumbling block is ALC's narrow view of how to protect ALR land. Currently Denman LUB allows up to 25% of ALR land to be covered by buildings. Why not offer to reduce this allowable lot coverage % in exchange for a more "Liberal" application of how the reduced % is made up from more residences etc.

## 2. a. What criteria to use to justify “farm-use” need?

- Create a points system to establish need
- Certification by a professional agrologist
- Certification by other farmers
- Consider age of farmer-owner (& health) / Age & health of farmer, occupation & knowledge of owner
- Consider the needs of daily attendance even if not full time
- Where animals are present there needs to be someone present every day
  - the opportunity to observe the land on a daily basis is important in understanding the land and its ecosystem
  - people farming land should be connected with it by living on it
  - observation creates understanding

### DEFINE “FARMING” ON DENMAN

- Allow for recognize farming methods that are more labour intensive
- **Devise standards of normal ‘DENMAN’ farm labour requirements for**
  - parcels of certain size
  - producing certain products
  - by certain methods e.g. organic or industrial
- What constitutes a “farm” on Denman Island / Scale small island “commodity sensitive” e.g. Abbotsford = # pigs, # acres raspberries.

## 2. b. How to establish “farm use” in perpetuity?

### HOW

- Restrictive covenant on title
  - with rent charge penalty
  - with house removal penalty
- require posting a bond or letter of credit
- restrict 2<sup>nd</sup> house to something removable
- have written agreement of steps to be taken by certain time to complete the plan.

### WHEN MONITOR

- require an annual report of hours farming by occupant put into a statutory declaration
- have written agreement of steps to be taken by certain time to complete the plan.

## 3. How to establish “affordable housing” occupancy in perpetuity?

### HOW to ESTABLISH

- Housing agreement = ALC/LTC yearly inspection (criteria)
- Legal examples / strong contracts for all parties – landowner, periodic review (relationship review) – one year initial with 3-5 yr after
- Restrictive covenant *Example*

### MONITORING

### CRITERIA

- Look at standard rental \$ → % or Look at % of income
- Farming agri-land use criteria must be clear and specific not to be fiddled with

### HOW to MANAGE

- Articulate the relationship of “affordable” with tenancy / shared equity models

- DCLTA partnership
- Shared equity (soil equity / \$)
- Security / stability
- Look for examples of Farm criteria in 3<sup>rd</sup> world, not just in N. America.

#### **4 a. What would help landowners create additional affordable residences on ALR land?**

##### **PROCESS**

- Needs to be dynamic, able to change, able to take small steps
- Encourage first steps for a graduated system
- Relationship check-in Up front written agreements
- Every situation would be different
- Change the rules with Islands Trust
- How to deal with affordable housing “in perpetuity” visa-vis building equity – farming coun??/ commitment?
- Agreement around the building
- What aff. houses would look like basic criteria of safety & comfort: not an eyesore, not a shack
- A template / or kit = manufac farm res. = quickest, cheaper, modular → would/could become acceptable extra farm dwelling → a standard

##### **INCENTIVES**

- Farmers need partnership help, Islands Trust asks for year round residency / change
- For incentives, build equity in secondary dwelling
- What constitutes a “farm” on Denman Island / Scale small island “commodity sensitive” e.g. Abbotsford = # pigs, # acres raspberries.
- Facilitation of owners of ALR land gaining farm status – “aspiring farmers”
- Allow secondary suites – farm farming – needs to be stipulated + stove in spite?? change Islands Trust regulation
- Linking land and future farmers

#### **4. b. If you had ALR land & wanted to do this, what would be stumbling blocks for you?**

- Costs could be split with potential renter
- Regulations
- Desire to stay small, “islandish”
- Long term security for tenants and owner
- “Affordability definition” vs long term stability
- Marginal land
- “Minimum” lot size too large for small farms on islands
- Scale to islands

### **Appendix 7.3 RAH Presentations.**

**7.3.1. RAH Presentation to the DCLTA Annual General Meeting, May 28, 2013.**

**7.3.2. RAH Presentation to the ALC planners, Vancouver, May 30 2013.**

See attached disc or separate files.

Either affordable farmer-housing-needs and regulatory mechanisms can continue to butt heads and perhaps relegate agriculture to a declining future,



## The **FUTURE** of Agriculture



**OR**

**Groups can look at new approaches and identify desirable and productive agricultural opportunities for the future!**