



DATE OF MEETING: November 15, 2016

TO: Denman Island Local Trust Committee

FROM: Ann Kjerulf, Regional Planning Manager
Northern Team

SUBJECT: Denman Farm Plan Implementation

RECOMMENDATION

1. **THAT the Denman Island Local Trust Committee endorse the revised Denman Island Farm Plan Implementation Project Charter v3 dated November 4, 2016 [as amended].**
2. **THAT the Denman Island Local Trust Committee refer the list of proposed Official Community Plan and Land Use Bylaw amendments to the Advisory Planning Commission for comment.**

REPORT SUMMARY

The purpose of this report is to provide the Local Trust Committee (LTC) with potential Official Community Plan (OCP) and Land Use Bylaw (LUB) amendments to implement the Denman Island Farm Plan, including recommendations 11, 13 and 14, and align with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*. A revised project charter is presented for LTC consideration and endorsement with amendments as required.

BACKGROUND

The following is a chronology of recent LTC resolutions pertaining to Denman Farm Plan implementation:

Meeting Date	Resolution
January 12, 2016	DE-2016-004 that the Denman Island Local Trust Committee move from the Projects List the item regarding the Farm Plan Implementation to the Top Priorities List and add to it as an activity "Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods" and remove from the Top Priorities List Item 5 regarding Medical Marihuana.
March 15, 2016	DE-2016-018 that the Denman Island Local Trust Committee direct staff to prepare a Project Charter for consideration of the Local Trust Committee which prioritizes implementation of Recommendations 13 and 14 and those sections of Recommendation 11 that pertain to the Official Community Plan and Land Use Bylaw of the Denman Island Farm Plan and outlines a corresponding public consultation process.
May 21, 2016	DE-2016-035 that the Denman Island Local Trust Committee request staff to advertise for expressions of interest in a Steering Committee for Farm Plan Implementation.
September 20, 2016	DE-2016-061 that the Denman Island Local Trust Committee request staff to prepare a staff report on Farm Plan Implementation presenting options for process given that we do not have a steering committee, and providing comments on which items in Farm Plan sections 11, 13 and 14 could be prioritized. <i>(Discussion following the resolution indicated a preference to address items that are "feasible, legal or technical in nature".)</i>

The most recent resolution represents an alternative to the course of action originally recommended by staff, that implementation of the Farm Plan be guided by an advisory steering committee comprised of community stakeholders, due to an insufficient number of responses to the call for volunteers to sit on this committee.

Relevant report references include the following:

- [Denman Island Farm Plan](#)
- [Denman Island Official Community Plan](#)
- [Denman Island Land Use Bylaw](#)
- [Agricultural Land Commission Act](#)
- [Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)
- [Farm Practices Protection \(Right to Farm\) Act](#)
- [Ministry of Agriculture Guide to Edge Planning](#)
- [ALC Guide to Bylaw Development in Farming Areas](#)
- [Ministry of Agriculture Discussion Paper - Regulating Temporary Farm Worker Housing in the ALR](#)
- [Ministry of Agriculture Discussion Paper – Regulating the Siting and Size of Residential Uses in the ALR](#)
- [Index of ALC Policies](#) (e.g. Agritourism Accommodation, Farm Product Processing, Farm Retail Sales, Additional Residences for Farm Help Accommodation, Lease of a portion of ALR for farm use)

ANALYSIS

Policy/Regulatory:

The LTC may exercise its authority as granted through the *Local Government Act* to adopt Official Community Plans and land use bylaws to plan for and regulate farm and non-farm activities within the local trust area, which encompasses lands within the Agricultural Land Reserve (ALR). The Denman Island Farm Plan represents the culmination of community input to help inform the OCP and LUB.

As requested by the LTC, staff have reviewed the Denman Farm Plan to identify potential OCP and LUB amendments to address recommended action items that are “*feasible, legal or technical in nature*”. In addition to recommendation sets 11, 13, and 14, staff have also highlighted recommendation 5 as it relates to the LTC’s land use authority. Staff have summarized potential OCP and LUB amendments and associated considerations in the table attached to this report (Attachment 1).

Issues and Opportunities:

Farm vs. Non-farm Uses

Local governments have the ability to regulate but not prohibit farm uses identified in Part 2, s. 2 of the ALR Use, Subdivision and Procedure Regulation. Part 2, s.3(1) non-farm uses are permitted unless prohibited by local government. Part 2, s.3(4) uses are non-farm uses which are permitted and must not be prohibited by local government and now includes gathering for events.

Farm Accommodation

Notably, in addition to a secondary suite permitted under s. 3(1), residential accommodation may be provided either in (a) on manufactured home, up to 9 m in width, for use by a member of the owner’s immediate family, OR (b) accommodation that is constructed above an existing building on the farm and that has only a single level. Provision (b) is new and staff recommend that the LTC consider amending the Denman Island LUB to allow accommodation above an existing (detached) building on the farm as either an alternative to OR in addition to a permitted secondary suite in the ALR. Gabriola Island LTC is currently considering a similar LUB amendment.

Temporary Farm Worker Housing

Temporary Farm Worker Housing (TFWH) is deemed a Farm Use and is a permitted in the ALC. LTC does, however, have the ability to regulate and the Ministry of Agriculture Discussion Paper on TFWH provides examples of how this use has been regulated by other local governments.

Agritourism Accommodation

The ALR Use, Subdivision and Procedure Regulation makes provision for seasonal agritourism accommodation on a parcel classified as a farm under the Assessment Act. This is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or bed and breakfast bedrooms, and the total developed area for buildings, landscaping and access for the accommodation is limited to 5% of the parcel. Staff recommend that greater flexibility be provided in the zoning to accommodate seasonal campsites or RV pads in lieu of bed and breakfast rooms inside the principal dwelling. It is suggested that the number be limited to four, which is fairly conservative but provides an opportunity to “test the waters” without having to go through a cumbersome TUP process or rezoning.

Limiting Agriculture on Small Lots outside the ALR

When Farm Plan Implementation was added to the Top Priorities List, LTC added “*Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods*” to this priority. Staff advise against consideration of LUB amendments at this stage as this would involve removing a permitted use from one or more zones as opposed to adding to the range of permissible uses.

Feasible, Legal or Technical Bylaw Amendments:

Staff have reviewed the list of potential amendments and believe that all are feasible. However, certain amendments require more in-depth review and consultation due to their complexity. At this stage, staff advise against LTC considering an increase to minimum lot sizes as this involves a discussion of density, which is generally challenging. Staff also advise against creating an Agricultural Enterprise Zone as considerable stakeholder consultation is needed to confirm the feasibility of such a zone, where such a zone would be located, and who would be involved in operationalizing the zone. Staff further advise against reviewing existing Development Permit Areas (DPAs) because the Farm Plan was not specific about the challenges of DPAs with respect to farming. Staff also advise against consideration of designating new development permit areas and guidelines until such time as a focused consultation take place on both the benefits and challenges of DPAs.

Staff recommend that the LTC proceed with the following amendments:

OCP Amendments

- Add an OCP policy concerning farm help accommodation on land in the ALR;
- Add an OCP policy to support agritourism accommodation on land in the ALR;
- Designate TUP areas for agritourism accommodation on land in the ALR;
- Designate TUP areas for processing uses and facilities on non ALR land;
- Add an OCP policy regarding LTC consideration of subdivision proposals within the ALR;
- Add an OCP policy to support “occasional markets, fairs and festivals” in the W2 zone;
- Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands;
- Add an OCP policy to discourage panhandle lots;
- Add an OCP policy to support subdivision to consolidate farm parcels in the ALR;
- Add an OCP policy to support a requirement for landscape screening/buffering of trails;
- Add an OCP policy regarding “no net loss” of ALR land;
- Add an OCP policy to support ALC applications to benefit farming or the greater community;
- Amend the OCP to include a policy to support alternative land tenure agreements;

LUB Amendments

- Add farm processing and storage as principal uses in the Light Industrial (L) zone (subject to conditions);
- Add farm help accommodation accessory to a principal farm use in the ALR (subject to conditions);
- Add a height exemption for silos and grain bins;
- Add farm home plate provisions (to cluster residential uses and avoid sterilization of farm land);
- Add “Occasional markets, fairs and festivals” as a permitted use in the LUB W2 zone;
- Amend the LUB definition of agriculture to include “farm operation”;
- Amend the LUB in permit road side farm stands in setback areas (subject to conditions);
- Amend the LUB to include subdivision regulation to prohibit creation of panhandle lots;
- Amend the LUB to include landscape screening/buffering requirements for trails adjacent to ALR land;

DAI Amendments

- Amend the Development Approval Information bylaw to include criteria for new TUPs

Consultation:

The LTC was previously unable to establish a steering committee to lead Denman Island Farm Plan implementation due to an insufficient number of responses to the call for volunteers. Alternative recourse was to defer to staff to undertake this process. Staff recommend proceeding with the OCP and LUB amendments deemed to be “feasible, legal or technical in nature” as noted above.

At this early stage, staff recommend conducting a community survey to solicit input on proposed amendments and referring proposed amendments to the Advisory Planning Commission (APC). The survey may be delivered online and in a paper-based format (either through Canada Post bulk mail or through the Grapevine). Subsequent to an analysis of survey and APC input, staff would endeavour to prepare draft bylaws for LTC consideration of first reading and referral to agencies and First Nations. A community information meeting is also contemplated prior to further readings or a public hearing on proposed bylaw amendments. A draft Project Charter is attached to guide consultation.

Rationale for Recommendations:

Recommendations are noted on page 1 of the report and are geared toward the development of OCP and LUB amendments. These are substantiated both by the multi-year Denman Island Farm Plan process and resulting Plan recommendations, and also by recent legislative changes to support the viability of farming in the ALR.

Alternatives:

1. Request further information

The LTC may request additional information rather than proceeding with the staff recommendations. If selecting this alternative, the LTC should describe the rationale for this request. A resolution to this effect may be worded, *“That the Denman Island Local Trust Committee request that supplemental information be provided by staff with respect to [insert topics].”*

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager, Northern Team	November 4, 2016
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ATTACHMENTS

1. Table of Potential OCP and LUB Amendments
2. Draft Project Charter v 3