



Denman Island Local Trust Committee Regular Meeting Addendum

Date: February 6, 2018
Time: 9:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

		Pages
3.	TOWN HALL AND QUESTIONS	9:30 AM - 9:45 AM
3.1	<i>Submission regarding Bylaw 225 -shellfish workers driving on beach</i>	2 - 2
8.	DELEGATIONS	10:10 AM - 10:20 AM
8.1	<i>Denman Community Land Trust Association (DCLTA)</i>	3 - 3
14.	NEW BUSINESS	12:30 PM - 1:00 PM
14.4	<i>Farm Industry Review Board - Memorandum</i>	4 - 5

Reasons why shellfish workers have no **authorization** to drive on the foreshore in W1/W4 zones.

1) From the Guide to the Pacific Shellfish Aquaculture Application

“Is the intended use consistent with approved local government bylaws for land use planning and zoning?”

IMapBC layer (s): Administrative Boundaries / ABMS- Regional Districts, Island Trust, Municipalities

Local governments have authority to approve broad objectives, policies and guidelines respecting land use and development. Local governments exercise their authority through zoning bylaws, permits and other instruments (such as an Official Community Plan).

Applicants should contact the applicable local government to determine whether Zoning or Rural Land Use Bylaws apply to aquaculture activities on the specific parcel under application. Local governments review aquaculture applications and provide comments in relation to their Official Community Plans. If your proposal is not consistent with the current local government land use designations, zoning or bylaws, you are strongly recommended to contact the applicable local government to discuss your proposal prior to submitting an application. Your proposal may be subject to a rezoning process. If rezoning is required, provide details and copies of any relevant correspondence between the applicant and local government. A positive decision by the Province regarding Crown land tenure does not guarantee that the activity can occur. All tenure holders must abide by all applicable laws including zoning and bylaws.”

**2) From the MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS,
FISHERIES AND OCEANS CANADA & TRANSPORT CANADA
PACIFIC SHELLFISH AQUACULTURE APPLICATION**

<https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/natural-resource-use/land-water-use/crown-land/pacific-shellfish-aquaculture-application.pdf>

1. *“Intertidal Culture Operations*

c) Are you planning to access your licensed area through a marine riparian area? Yes or No

NOTE: Please note aquaculture activities may not occur in salt marsh habitat.”

3) From the Shellfish Conditions of Licence

“Licence conditions set out the specific operational and reporting requirements to which licence holders must adhere in order to operate legally and be in compliance with the Fisheries Act and regulations.”

4) From the Fisheries Protection and Pollution Prevention aka Fisheries Act

<http://laws-lois.justice.gc.ca/eng/acts/f-14/page-4.html#h-13>

“Serious harm to fish

35 (1) No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational or Aboriginal fishery, or to fish that support such a fishery.”

Both Pacific Sand Lance and Surf Smelt are part of a commercial, recreational and Aboriginal fishery.

Where is the evidence of shellfish growers being “authorized” to drive through W1 or W4 zoned areas which would make them exempt from bylaw 225?

Denman Community Land Trust Association Feb.6/18 Delegation

I will be speaking to two issues this morning: first, the Islands Trust Area Water Assessment Toolkit, which, it appears, is the DRAFT Terms of Reference for the Assessment for a Non-Domestic Groundwater Source for the Denman Local Trust Area, and second, DCLTA's lot line adjustment application.

1. We believe that the categorization of DCLTA's proposed Seniors' Affordable Housing project as "non-domestic" may be an error of interpretation.

The Water Sustainability Act defines "domestic purpose" as "the use of water for household purposes by the occupants of subject to the regulations, one or more private dwellings, other than multi-family apartment buildings, including, without limitation, hotels and strata titled or cooperative buildings, located on a single parcel..."

DCLTA's proposal has "one or more private dwellings" but no apartment buildings, no hotels or strata titled buildings [note that "hotels" and "strata titled" equally describe a type of building] and no cooperative buildings.

As a result, DCLTA is, with respect, asking that staff to review the rationale used to make this categorization and to determine whether, in fact, the project should be categorized as "domestic," rather than "non-domestic."

DCLTA is urging a careful review because of the prohibitively high cost of meeting "non-domestic" licensing requirements as well as the license fee combined with annual rental fees. In addition, the licensing backlog will delay a much needed project from 3-5 years. An example of the backlog can be found in the January 2018 agricultural newspaper Country Life in BC which reports that "1,614 groundwater license applications were received through December 10, and 98 licenses issued. This is up from 1,524 a month earlier and 97 issued licenses."

2. As to DCLTA's lot line adjustment application (DE-SUB-2017.4), DCLTA has investigated options to avoid the cost and intrusiveness of fulfilling the subdivision requirements for proof of water and wastewater capabilities on both lots (particularly when the requirements of DE-RZ-2017.1 will necessitate a second proof of adequate potable water to meet the increase in residential users). Instead, today we are submitting a Development Variance Permit Application along with the fee of \$715.00.

Given that the LTC will not be meeting in April, we ask that the LTC consider passing a motion to ask staff to process the Development Variance Permit Application in time for the March LTC meeting's consideration.

Harlene Holm



MEMORANDUM

File No.: 3445-40

(File: Farm Industry Review Board - Aquaculture)

DATE OF MEETING: February 6, 2018
 TO: Denman Island Local Trust Committee
 FROM: David Marlor, Director of Local Planning Services
 Local Planning Services
 COPY:
 SUBJECT: Farm Industry Review Board and Aquaculture

PURPOSE

At its business meeting on January 17, 2018, the Executive Committee passed the following resolution:

that the Islands Trust Executive Committee requests that the information about the BC Farm Industry Review Board be distributed to the Local Trust Committees and enquiries are to be directed to the Regional Planning Manager.

The attached news release advises under the *Fish and Seafood Act* that came into force on January 1, 2017 that the BC Farm Industry Review Board had jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the Farm Practices Protection (Right to Farm) Act.

NEXT STEPS

None

Submitted By:	David Marlor, Director of Local Planning Services	February 2, 2018
---------------	---	------------------

ATTACHMENTS

1. Attachment 1 – March 2017 News Release – Aquaculture and the Farm Practices Protection (Right to Farm) Act.



AQUACULTURE AND THE *FARM PRACTICES PROTECTION (RIGHT TO FARM) ACT*

As of January 1, 2017 the BC Farm Industry Review Board (BCFIRB) has jurisdiction to hear fin, shellfish and aquatic plants aquaculture-related nuisance complaints under the *Farm Practices Protection (Right to Farm) Act (FPPA)*

Agriculture and aquaculture are important BC industries. Under the *Farm Practices Protection (Right to Farm) Act (FPPA)*, farmers using “normal farm practices” are protected from certain bylaw enforcement, court injunctions and lawsuits related to nuisance complaints. The *FPPA* balances community interests by both protecting farmers from disturbance complaints, and by giving neighbours of a specific farm the right to formal conflict resolution through BCFIRB. Both non-farming and farming neighbours have the right to file a complaint.

While normal farm practices are protected under legislation, BCFIRB encourages farmers and their neighbours to work together to resolve disputes in the first instance.

Although there are many options for resolving disputes between farmers and neighbours, in some situations, enforcement regarding use of a farm practice which is causing a disturbance may be called for.

Expanded Jurisdiction

The *Fish and Seafood Act* came into force by regulation on January 1, 2017. Concurrently consequential amendments to the *FPPA* came into force. These amendments bring fin and shellfish aquaculture back into the scope of nuisance complaints heard by BCFIRB under the *FPPA*. The types of aquaculture covered by the amendments are broad and include marine finfish, shellfish and freshwater (or land-based) operations as well as aquatic plants.

For more information contact

Case Manager
250-356-8945

British Columbia
Farm Industry Review Board

Mailing Address:
PO Box 9129 Stn Prov Govt
Victoria BC V8W 9B5
Telephone: 250 356-8945
Facsimile: 250 356-5131

Location:
1st Floor, 780 Blanshard Street
Victoria BC V8W 2H1
Email: firb@gov.bc.ca
Website: www.gov.bc.ca/BCFarmIndustryReviewBoard