



A NOTICE OF A BUSINESS MEETING OF **THE DENMAN ISLAND LOCAL TRUST COMMITTEE**
to be held at 10:30 AM on Wednesday, May 8, 2013 at the Denman Seniors Hall,
1111 Northwest Road, Denman Island, BC

AGENDA

		Page No.	*Approx. Time*
1.	CALL TO ORDER		10:30 am
2.	APPROVAL OF AGENDA		
3.	CHAIR'S REPORT		
4.	TRUSTEES' REPORT		
5.	MINUTES		10:45 am
5.1	Local Trust Committee Meeting Minutes of April 2, 2013 – <i>for adoption</i>	1-10	
5.2	Section 26 Resolutions Without Meeting Log dated April 29, 2013 – <i>attached for information</i>	11	
5.3	Denman Island Advisory Planning Commission Minutes - <i>none</i>		
5.4	Denman Island Marine Advisory Planning Commission Draft Minutes - <i>none</i>		
6.	BUSINESS ARISING FROM MINUTES		10:50 am
6.1	Follow-up Action List dated April 29, 2013 - <i>attached</i>	12-14	
6.2	Review of Table of Concordance for proposed Raven Underground Coal Project – submission by David Graham as Working Group member to the Environmental Assessment Office – <i>for discussion</i>		
7.	APPLICATIONS AND PERMITS		
8.	DELEGATIONS		11:10 am
8.1	Association of Denman Island Marine Stewards regarding Pentlatch Seafoods new Tenure in Henry Bay		
	8.1.1 Email submission dated April 29, 2013 - <i>attached</i>	15	
9.	TOWN HALL DISCUSSION		
10.	CORRESPONDENCE		
	<i>Correspondence specific to an active development application and/or project will be received by the Denman Island Local Trust Committee when that application and/or project is on the agenda for consideration.</i>		
10.1	Email dated April 3, 2013 from Keith Porteous regarding Cross Island Trail - <i>attached</i>	16-17	
10.2	Email dated April 14, 2013 from Pat McLaughlin regarding Pentlatch Seafoods new Tenure in Henry Bay - <i>attached</i>	18	

11.	REPORTS		12:00 pm
11.1	Work Program		
	11.1.1 Top Priorities Report and Projects Report dated April 29, 2013 - <i>attached</i>	19-20	
11.2	Applications Log		
	11.2.1 Report dated April 29, 2013 - <i>attached</i>	21-24	
11.3	Trustee and Local Expenses		
	11.3.1 Expenses posted to March 31, 2013 - <i>attached</i>	25	
11.4	Policies and Standing Resolutions		
	11.4.1 Report – <i>attached for information</i>	26	
12.	LOCAL TRUST COMMITTEE PROJECTS		12:15 pm
12.1	Review of Housing Policies – Project Charter Memorandum dated April 25, 2013 – <i>attached for discussion</i>	27-29	
13.	NEW BUSINESS		1:00 pm
13.1	Eelgrass Mapping - Funding Request Memorandum dated April 23, 2013 - <i>attached</i>	30-32	
13.2	Renewable Energy Technologies in the Trust Area – Ocean Based Geo-Exchange Systems Memorandum dated February 25, 2013 - <i>attached</i>	33-41	
13.3	Comox Valley Regional District Bylaw Referral Request for Response – <i>attached</i>	42-137	
13.4	2012-2013 Annual Report – Draft Wording Memorandum dated April 26, 2013 - <i>attached</i>	138	
14.	BYLAWS		
15.	CLOSED MEETING: The Denman Island Local Trust Committee closes the next part of the May 8, 2013 business meeting to discuss matters pursuant to Section 90(1)(f) (Bylaw Enforcement) of the <i>Community Charter</i> and that Staff be invited to attend this meeting		1:30 pm
16.	RECALL TO ORDER		
16.1	Rise and Report from Closed Meeting		
17.	ISLANDS TRUST WEBSITE		
17.1	Denman Page - <i>attached</i>	139	
18.	NEXT MEETING DATE		
	Wednesday, June 4, 2013 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC		
19.	TOWN HALL DISCUSSION – <i>time permitting</i>		
20.	ADJOURNMENT		2:15 pm

*Approximate time is provided for the convenience of the public only and is subject to change without notice.

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM ON TUESDAY, APRIL 2, 2013
AT THE DENMAN SENIORS HALL, 1111 NORTHWEST ROAD,
DENMAN ISLAND, BC**

MEMBERS PRESENT:

Peter Luckham	Chair
Laura Busheikin	Local Trustee
David Graham	Local Trustee

STAFF PRESENT:

Aleksandra Brzozowski	Island Planner
Vicky Bockman	Recorder

STAFF PRESENT BY TELEPHONE:

Courtney Simpson	Regional Planning Manager
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MEDIA AND OTHERS PRESENT:

Approximately 7 members of the public – am
Approximately 4 members of the public – pm

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:35 am. He welcomed the public and introduced himself, the local trustees, staff and recorder. He acknowledged that the meeting is being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 10.3: Email from Keith Porteous dated March 26, 2013 regarding Denman Local Trust Advisory Planning Commission Terms of Reference/Transportation Advisory Planning Commission for Safe Cycling Paths;
- Add item 10.4: Email Correspondence between Keith Porteous and David Marlor dated March 28, 2013 regarding Email to Executive Committee -January 29, 2013;
- Add item 13.1: Staff Report dated March 22, 2013 regarding Referral of BC Hydro request for Islands Trust Council to Enter Into Agreement to Grant Statutory Right of Way on Site of Marcus Isbister Old School Centre.

3. **CHAIR'S REPORT**

Chair Luckham reported that since the last meeting, Trust Council met on Thetis Island. He commented that this meeting included adoption of the 2013/14 budget and debate over extension of specific Trust Council powers to Salt Spring Island Local Trust Committee. In response to a concern expressed previously, he noted that there is always a need to be cognizant of ferry schedules as meetings draw to a conclusion, however, he will attempt to be mindful to not rush proceedings.

4. **TRUSTEES' REPORT**

Trustee Graham commented that the recent Trust Council was very productive and acknowledged the excellent facilities and arrangements provided by the Thetis Island community. He reported that on Denman Island he attended an Agricultural Land Reserve housing discussion group meeting, met with community members to discuss the Cross-Island Trail and an Agricultural Land Reserve application, attended an *in-camera* meeting by telephone, held Trustee Office Hours and attended an Online Meeting workshop held by Denman Works.

Trustee Graham reported that he has just received the Compliance Coal Corporation's Raven Underground Coal Mine project application and Environmental Impact Statement. He noted that the working group technical team now has 30 days to review the 12,000-plus-page document and will be focusing on portions of the application that impact Denman Island and Baynes Sound.

Trustee Busheikin offered apologies for missing her Trustee Office Hours. She advised that she is following-up on tracking down and labeling Islands Trust material in the Dora Drinkwater library and will be adding the Farm Plan to the section. She reported on a workshop that she attended presented by the Ministry of Forests, Lands and Natural Resource Operations called "Develop with Care". She noted that a focus in the presentation was climate change and sea level rise, and that information and resources were provided that might assist in addressing potential impacts to the marine environment and foreshore in land planning issues.

Trustee Busheikin summarized agenda items that are scheduled to be considered at the upcoming Ferry Advisory Committee meeting. These items include an update on the Cable Ferry, potential Denman West terminal upgrade, current and future policies for Experience cards and capacity for BC Ferries to promote Denman and Hornby events.

5. **MINUTES**

5.1 *Local Trust Committee Meeting Minutes dated February 26, 2013 – for adoption*

The minutes were adopted by consensus with the following amendments:

- Page 1, Under Media and Others Present: add Courtney Simpson, Acting Regional Planning Manager";
- Page 1, item 2, second bullet, second line: remove "#186";

- Page 2, item 4, fifth line: add “workshop” after “Commission” and change “as” to “providing”;
- Page 2, item 4, eighth line: remove the sentence beginning “In particular he observed...”;
- Page 3, item 6.1, third paragraph, fourth line: insert “Aquaculture Working Group” after “Communities”;
- Page 8, second paragraph: change “explained” to “discussed”;
- Page 10, item 13.2, fourth paragraph, first line: change “It was” to “Trustees”.

5.2 *Section 26 Resolutions Without Meeting Log – None.*

5.3 *Denman Island Advisory Planning Commission Minutes – None.*

5.4 *Denman Island Marine Advisory Planning Commission Minutes – None.*

6. BUSINESS ARISING FROM MINUTES

6.1 *Follow-up Action List dated March 21, 2013*

Planner Brzozowski reviewed the follow-up action list dated March 21, 2013, provided verbal updates and responded to questions that arose.

6.2 *Proposed Advisory Planning Commission Referral regarding Comox Valley Regional District Cross-Island Trail*

Trustee Graham summarized the Terms of Reference to consider for a possible referral to the Advisory Planning Commission (APC) regarding the Cross-Island Trail.

Trustee Busheikin indicated that her research had determined that transportation issues are generally referred to Local Trust Committee APCs rather than to Transportation Advisory Planning Commissions and she suggested exploring the option of an annual transportation assignment for the APC.

The question of referral of the issue to the APC was debated and the following key points were considered:

- Trustee Busheikin observed that there does not appear to be sufficient reason for referral to the APC at this time, given the areas for consideration for this referral and the existing, supportive references in the Official Community Plan;
- Trustee Graham noted that input from the APC might help Trustees in responding to the request from Comox Valley Regional District (CVRD) for input on the first phase of the project; and that discussion of the off-road area work with Karin Albert, Parks Planner for the CVRD, in an APC setting would be useful;
- Timing of the commencement of work was discussed and the desire to not lose an opportunity to improve a road area which is a cause for concern and safety was acknowledged.

Trustees discussed the possibility of referring the issue to the APC after Phase 1 and prior to commencement of Phase 2 of the project in order to provide a basis for input

to CVRD evaluating the work that had been completed in Phase 1 and to provide input into the Phase 2 design process.

DE-013-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee requests staff to advise the Comox Valley Regional District that the Denman Island Local Trust Committee will be referring to the Advisory Planning Commission their comments on Phase 1 for inclusion in community feedback prior to the commencement of Phase 2 of the Cross-Island Trail at the completion of Phase 1.

CARRIED

6.3 *Advisory Planning Commission and Agricultural Advisory Planning Commission Appointments/Call for Members – for discussion*

Planner Brzozowski advised that there are still appointment vacancies in Commissions and requested clarification for next steps. Discussion followed and it was determined that no further advertisements for expressions of interest will be pursued at this time. Planner Brzozowski will contact Daryl McLoughlin to discuss his Advisory Planning Commission appointment.

7. APPLICATIONS AND PERMITS

7.1 *DE-RZ-2011.1 (Denman Community Land Trust Association – 2016 Northwest Road)*

Regional Planning Manager Simpson joined the meeting by telephone at 11:35 am.

There was discussion regarding the Housing Agreement and Section 219 Covenant. Trustees requested changes to draft Bylaw No. 205 as follows:

- 1. b) R1(4) 1 – change to “Despite Tables 2 and 3 of this section, single family dwelling units and buildings and structures accessory to single family dwelling units are not permitted and instead, one affordable housing dwelling unit is permitted, and buildings and structures accessory to the affordable housing dwelling unit are permitted.”
- 1. b) R1(4) 3 – last line, remove “or units”
- 2.(a) (iii) – change standard measurement to square metres with square feet in brackets
- 2.(d) – replace “to” with “it will”
- 2.(e) – remove “that”
- 2.(f) – remove “that”
- 14. Indemnity, second line – change “form” to “from”
- 26 Enurement – remove “shall”

Trustee Busheikin expressed concern with limiting the occupancy to the tenant and spouse when a change to the ninety-nine year agreement would require an expensive bylaw amendment process. She suggested an alternative might be found that serves the community’s needs and respects the wishes of the donor. She pointed out that limiting occupancy to the spouse of a tenant and excluding children from residing in the unit is not in the best interest of affordable housing generally in the community.

Discussion followed on process and possible options and there was debate on the issue. Trustee Graham indicated that he was prepared to move forward with the Housing Agreement with no changes, acknowledging that this is a unique affordable housing project.

DE-014-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to Bylaw No. 204, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2012” as amended.

CARRIED

DE-015-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to Bylaw No. 205, cited as “Denman Island Housing Agreement Bylaw No. 205, 2012” as amended.

CARRIED

DE-016-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to Bylaw No. 206, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2013”; and refer proposed Bylaws No. 204, 205, and 206 to the following agencies and First Nations:

- Laich kwil tach Treaty Society
- We Wai Kai Nation
- We Wai Kum First Nation
- K’omoks First Nation
- Hul’qumi’num Treaty Group
- Cowichan Tribes
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Qualicum First Nation
- Penelakut Tribe
- Snaw’Naw’As Nation
- Stz’uminus First Nation
- Nanwakolis First Nations Referral Office
- Te’Mexw Treaty Association
- Xwemalhwu (Homalko) First Nation
- Agricultural Land Commission
- Ministry of Agriculture
- Vancouver Island Health Authority
- Comox Valley Regional District
- Hornby Island Local Trust Committee
- Islands Trust Bylaw Enforcement

CARRIED

Trustee Busheikin commented that she is impressed with results of this work and wanted to thank staff and the applicant for their patience and hard work on this project.

Trustee Graham remarked that he appreciates the revised affordable housing definition that may be applicable to other affordable housing projects. He indicated that he is pleased to see this project moving forward.

Regional Planning Manager Simpson left the teleconference meeting at 12:30 pm.

7.2 DE-ALR-2013.1 (Jones – 8441 McFarlane Road)

7.2.1 Staff Report dated March 18, 2013

Planner Brzozowski summarized the staff report. Chair Luckham invited the applicant to address the Committee.

Pat Jones, the applicant, commented on measures that are being taken to minimize potential impacts on the neighbourhood that might occur by holding special events.

DE-017-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward application DE-ALR-2013.1 (Robert and Patricia Jones) to the Agricultural Land Commission with the comment “that the Denman Island Local Trust Committee supports the inclusion of the owners’ property in the Agricultural Land Reserve”.

CARRIED

By consensus the meeting was recessed at 12:38 pm and reconvened at 12:52 pm.

8. **DELEGATIONS** – None.

9. **TOWN HALL DISCUSSION**

Edi Johnston – spoke on behalf of the Association for Denman Island Marine Stewards (ADIMS) and submitted a paper for the record titled “ADIMS Delegation to the April 2, 2013 LTC Meeting”. She suggested methods of regulating driving on the beach, requested Local Trust Committee support for the appointment of a Fisheries Guardian for the Baynes Sound area, and requested clarity on the jurisdiction of Baynes Sound waters and beaches.

Keith Porteous – extended his thanks to Trustee Graham for consulting with him on the terms of reference for the potential referral of the Cross-Island Trail to the Advisory Planning Commission. He expressed concern with the planned Cross- Island Trail that is to be shared by pedestrians, horses and bicycles in both directions on a single path and urged the Local Trust Committee to reconsider the plan in the interest of safety. He added that an Islands Trust - Ministry of Transportation and Infrastructure agreement provides the Local Trust Committee with authority to affect planning decisions based on safety concerns.

Harlene Holm - suggested that if the Advisory Planning Commission is going to have an annual transportation assignment to meet with Ministry of Transportation and Infrastructure as suggested, the community should be informed to allow for their input on topics that might be included for consideration at the meeting.

Margie Gang – asked when the Local Trust Committee would be considering bylaw amendments regarding guest accommodations, noting that a petition was submitted with over 250 signatures requesting this issue be addressed.

Trustees advised that the issue is currently on the Top Priority list with a target completion date of September, 2014 and explained the process for addressing project items.

David Lang – commented that his idea of priorities has changed as he has learned more about the Cross-Island Trail.

10. CORRESPONDENCE

10.1 *Email dated March 1, 2013 from John Snyder and Louise Bell regarding the proposed Raven Coal Mine*

Trustee Busheikin supported the comment made in the correspondence suggesting the creation of an Op-Ed piece to highlight actions the Islands Trust has taken regarding the proposed Raven Coal Mine. The Trustees acknowledged the limitations of staff resources and Trustee Busheikin remarked that she may move forward with this opportunity to target general public opinion by writing a piece for publication.

10.2 *Email dated March 3, 2013 from Frank Frketich regarding Comox Valley Regional District Cross Island Trail*

Received.

10.3 *Email from Keith Porteous dated March 26, 2013 regarding Denman Local Trust APC Terms of Reference/Transportation APC for Safe Cycling Paths*

Received.

10.4 *Email Correspondence between Keith Porteous and David Marlor dated March 28, 2013 regarding Email to Executive Committee -January 29, 2013*

Received.

11. REPORTS

11.1 *Work Program Reports*

11.1.1 *Top Priorities and Projects List Report dated March 21, 2013*

The Trustees discussed Top Priority No. 3 and requested that staff present a draft Project Charter for their input and suggestions. They discussed timing considerations for completion of the Project Charter.

DE-018-2013

It was **MOVED** and **SECONDED** that the topic "Review of Official Community Plan/Land Use Bylaw with regards to recommendations contained in the Farm Plan" be added to the Projects List.

CARRIED

11.2 *Applications Log*

11.2.1 *Report dated March 21, 2013*

The Applications Log dated March 21, 2013 was reviewed.

11.3 *Trustee and Local Expenses*

11.3.1 *Expenses posted to February 28, 2013*

The expenses posted to February 28, 2013 were reviewed.

11.4 *Policies and Standing Resolutions*

11.4.1 *Report dated March 21, 2013 – attached for information*

The reported dated March 21, 2013 was received for information.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 *Review of Policies and Regulations regarding Impacts of Shellfish Farming on Marine Environment – Memo and Discussion*

Planner Brzozowski reported that the State of the Baynes Sound conference has been postponed until October 2013. Trustees confirmed that they would still like to be involved in the planning of the conference.

13. NEW BUSINESS

13.1 *Staff Report dated March 22, 2013 regarding Referral of BC Hydro request for Islands Trust Council to Enter into Agreement to Grant Statutory Right of Way on Site of Marcus Isbister Old School Centre*

The BC Hydro request was discussed and there were no negative impacts or visual changes identified. Trustee Graham reported that the Old School Committee had discussed this request and had no concerns.

DE-019-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee advise the Islands Trust Council that it has no objections or concerns related to the proposal for Islands Trust Council to enter into an agreement with BC Hydro to grant a statutory right-of-way over the property located at 5901 Denman Road, Denman Island.

CARRIED

14. **BYLAWS**

- 14.1 *Draft Bylaw No. 204 cited as "Denman Island Land Use bylaw, 2008, Amendment No. 1, 2012" for consideration of first reading*

This item was discussed earlier in the agenda at item 7.1.

DE-020-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to schedule a Public Hearing regarding proposed Bylaws No. 204, 205 and 206.

CARRIED

Trustees expressed a preference to hold the related Community Information Meeting prior to the Public Hearing with an evening start time of 7:30 pm.

- 14.2 *Draft Bylaw No. 205 cited as "Denman Island Housing Agreement Bylaw No. 205, 2012" for consideration of first reading*

This item was discussed earlier in the agenda at item 7.1.

- 14.3 *Draft Bylaw No. 206 cited as "Denman Island Official Community Plan Bylaw, 2009, Amendment No. 1, 2013" for consideration of first reading*

This item was discussed earlier in the agenda at item 7.1.

15. **ISLANDS TRUST WEBSITE**

- 15.1 *Denman Page*

The following changes were requested to the Denman page of the Islands Trust:

- Add information regarding proposed Bylaws No. 204, 205, 206, Community Information Meeting and Public Hearing
- Add the Shellfish Farming Regulation Review report by Golder Associates to the Latest News

16. **NEXT BUSINESS MEETING DATE**

The next meeting of the Denman Island Local Trust Committee will take place on Wednesday, May 8, 2013 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

17. **TOWN HALL DISCUSSION** - None

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:20 pm.

Recorder

Chair



RWM From: February 26, 2013 To: April 29, 2013

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2013-01	In Favour	"That the Denman Local Trust Committee schedule a special meeting on Wednesday, March 13, 2013 at 9:00 am at the Marcus Isbister Old School, for the purpose of holding a closed meeting."	Mar 12, 2013



Islands Trust

Follow Up Action Report w/ Target Date

Denman Island Sep-12-2011

No.	Activity	Responsibility	Target Date	Status
1	Reschedule the meeting with the K'omoks First Nation. Meeting to be separate from Hornby LTC, but on same day and directly after.	Aleksandra Brzozowski	Oct-25-2011	On Going

Jun-05-2012

No.	Activity	Responsibility	Target Date	Status
1	Invite BC Shellfish Growers Association to the to-be-scheduled meeting with DFO and ILMB on aquaculture.	Aleksandra Brzozowski	Jul-17-2012	On Going

Oct 2, 2012 update: wait until staff has attended first working group meeting to provide more info to LTC.

1	Add "Discussion of Bylaw Enforcement" to the Denman Island Local Trust Committee business meeting in 18 months time (December, 2013) possibly to coincide with a discussion on affordable housing.	Aleksandra Brzozowski	Dec-01-2013	On Going
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Oct-02-2012

No.	Activity	Responsibility	Target Date	Status
1	In the definition of "dwelling unit, affordable housing" in draft bylaw 204, clarify that "purchase price" refers to a monthly financed price and is called an "installment" or "payment". Also consider adding Imperial measurements in brackets (need to check for consistency with base bylaw).	Aleksandra Brzozowski	Nov-06-2012	Done

Update April 22, 2013: note on purchase price removed from definition.

Update Jan 22, 2013: Pending DE-RZ-2011.1 Housing agreement.

1	Explore variations on the definition of dwelling unit, affordable housing as it pertains to DE-RZ-2011.1 with a view to making it more general. Update Jan 22, 2013: Pending DE-RZ-2011.1 Housing agreement.	Courtney Simpson	Nov-21-2012	Done
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1	For draft bylaw 204, clarify meaning of 'including sale of products produced on site'. And, under 1 (c), insert comma after '2.8'. And, in schedule revise boundary of new zone to match that of recent survey. Update Jan 22, 2013: Pending DE-RZ-2011.1 Housing agreement.	Aleksandra Brzozowski	Nov-21-2012	Done
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Nov-06-2012

No.	Activity	Responsibility	Target Date	Status
1	Staff to write a letter or email to agencies that deal with shellfish aquaculture requesting that when engaging with planning and consultation they invite the Association of Denman Island Marine Stewards to participate.	Aleksandra Brzozowski	Dec-11-2012	On Going

Dec-11-2012

No.	Activity	Responsibility	Target Date	Status
1	Prepare report and amended draft bylaw addressing APC comments for draft DPA 4 guidelines. Recommend to LTC that revised DPA 4 and draft DAI are referred to the APC together. Update Jan 22, 2013: Revised DPA 4 guidelines to move forward in concert with RAR mapping, to take place later in 2013.	Aleksandra Brzozowski	Jan-22-2013	On Going

Feb-26-2013

No.	Activity	Responsibility	Target Date	Status
1	Amend Farm Plan to include photo credit on page 6.	Aleksandra Brzozowski	Apr-02-2013	Done
1	Draft amendments to Land Use Bylaw that serve to restrict structures in W3 and vehicular traffic on shorelines.	Aleksandra Brzozowski	May-08-2013	On Going

1	Assist with planning the 'State of the (Baynes) Sound' conference hosted by Vancouver Island University. Update April 2, 2013: Target date extended due to rescheduling of conference to October 2013.	Aleksandra Brzozowski	Nov-01-2013	On Going
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From: Shelley McKeachie [mailto:shelleymckeachie@gmail.com]
Sent: April-29-13 11:41 AM
To: Aleksandra Brzozowski
Subject: ADIMS Questions for our delegation to the Denman Is. LTC Mtg, May 8th/13

Hi Aleks,

Good to talk to you. I forgot to ask you a critical question we need answered asap to prepare for our delegation at the next LTC mtg on May 08. We would like to know where you're at with the draft bylaws for the 3 key issues identified: driving on the beaches, beach netting and beach modifications. Will these be presented and discussed at the LTC mtg and will there be any decisions to made regarding them at this mtg? Please call me about this as I would like to have the opportunity to hear your update and ask questions that might arise for clarification.

As follow up to our phone conversation this AM we would like to know:

- 1) If the Trust Council and/or our LTC have been included in the Shellfish Aquaculture Management Advisory Committee which we understand is being formed by DFO?
- 2) What other gov't or ngo committees, advisories, panels, workshops exist for the purpose of discussing and influencing decisions re: shellfish aquaculture practices, policies, environmental and social issues and conflicts relating to shellfish aquaculture in Baynes Sound?
- 3) What committees etc. does our Trust Council, Local Trustees and Trust Staff participate in that directly influence shellfish aquaculture practices and policies and marine environment issues?
- 4) What is the LTC/Trust Council/Staff doing to fulfill their commitment to making marine issues part of their top 3 priorities? Their voice needs to be heard on the critical marine issues directly related to the shellfish industry facing us here in Baynes Sound.
- 5) Why hasn't ADIMS been invited 'to the table' as a key stakeholder and how can you facilitate this happening?

The recent Greenshores initiative is excellent but this is targeted to residents and upland owners. Where are similar vehicles for our LTC/Trust to influence industry/gov't on critical marine issues directly related to the shellfish industry practices and policies? Trust Council and the DI LTC committed to that are

We would also like an update of what the process is for follow-up on our complaint re: the Pentlatch violation of local zoning bylaws. I will contact the Bylaw Enforcement Officer, Peter Phillips, as you suggested. We would still like to know our LTC's role in the process, approximate time frames, and how we will be kept up to date on how this file develops.

As far as the Ballenas Winchelsea zoning of waters issue, we will also look forward to hearing about this at the LTC meeting.

Many thanks for your time and attention to these matters, Aleks.
 Shelley

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Shelley McKeachie

From: Keith [mailto:otterpointstudio@gmail.com]

Sent: April-03-13 4:23 PM

To: David Graham; Laura Busheikin; executiveweb

Cc: Aleksandra Brzozowski; Courtney Simpson; David Marlor; Sheila Malcolmson; bjolliffe@comoxvalleyrd.ca; kalbert@comoxvalleyrd.ca; fdfrketich@hotmail.com; rmccuaig@telus.net

Subject: Safe Denman Island Cycling and Pedestrian Paths

Dear Trustees,

Last year, Islands Trust Chair Sheila Malcolmson sent a letter (links below) to the Provincial Government in regard to the need for improved cycling infrastructure in the Islands Trust Area. Salt Spring Island has decided on paved cycling shoulders along their major through way as the best and safest way to promote cycling and tourism (link below). Gabriola Island has a cycling plan for paved shoulders from its Islands Trust sponsored committee to develop a plan for cycling routes. The CVRD plan for a ferry to ferry cross island trail on Denman Island is not only an unsafe gravel pathway shared by cyclists and pedestrians and horses in both directions, often up and down steep hills and curves, its design runs counter to all best practices for safe cycling and pedestrian facility design, and runs along the right of way of the Main Rural road on Denman Island. 30 of only 54 respondents to the CVRD Recreation survey supported this plan without seeing the plan's details. The Comox Valley Cycling Coalition and Task Force does not support this plan.

At every level of governance and jurisdiction, and indeed in the communities they serve, there is a broad consensus on the need to reduce greenhouse gas emissions. And we know the primary way we can reduce GHG is encouraging people to choose to use their bicycles by providing safe cycling paths that connect destinations over medium and longer distances. All of the best practices and design guidelines, and including the CVRD's references for safe rural cycle path design (Victoria Transportation Policy Institute) call for a paved shoulder. The Islands Trust - Ministry of Transportation Agreement also calls for paved cycling paths. It is the safest way for people and bicycles to travel along a 60 km/hr ferry connector. So far, the Denman Island LTC has not fully considered the transportation guidelines and objectives contained in our OCP or in regard to the consultative process outlined in the IT- MOT Agreement. The CVRD plan is an unsafe recreational path through the entire ferry to ferry route, some of it through scenic and heritage areas, and most of it through ALR lands, even while the OCP map (schedule G) specifically states that ALR should be avoided where possible.

The Denman LTC has asked the Advisory Planning Committee to examine the CVRD proposal, but has limited its review to only rural character, EXCLUDING SAFETY and the IT-MOT Agreement, which contains safety as its number 1 consideration. The CVRD plan calls for an excavator to remove 5 acres of vegetation along the 10 km route for a 6 ft. wide gravel multi-modal path. It bears little resemblance to the off-road narrow pathway on part of Hornby Island. Further, we do not have complete design details from the CVRD, as required by our OCP prior to commencement of any construction. The CVRD has announced that over the next year they will construct phases one and two of their project. The guidelines in our OCP regarding transportation direct the LTC to look to the IT- Ministry of Transportation Agreement in regard to safe design and rural character within the shared right of way and the process for an inclusive local Advisory Planning consultation for safe cycling paths. This Agreement supports a paved cycling path along a 60 km/hr ferry to ferry connector.

The list of LTC work priorities are clear and there is a need to not overload the agenda with additional projects, the process called for in the Islands Trust - Ministry of Transportation Agreement has been ignored for 21 years, even while the LTC, the Islands Trust, and its staff have a fiduciary responsibility to respect it. The recruitment of a group of cyclists and other stakeholders to develop a cycling route plan and design recommendation will not burden the Denman LTC. Before there can be a real assessment of the CVRD's multi-use recreation path plan, there needs to be an assessment of how it may impact the development of safer paved cycling paths, particularly on the 2 dangerous big hills and in connecting non-motorized traffic at both sides of the Island at ferry terminals. Denman West ferry terminal is to be entirely rebuilt over the next year, including pedestrian and cycling access and parking. Any plan for a non-motorized path will rely on the Ministry of Transportation to upgrade the 2 big hills.

While I recognize the value of the Denman LTC's time, Transportation is a crucial element of land use planning, and decisions regarding cycling and pathways have far reaching and long term impact to safety, rural character, the environment, and our community's sustainability and economic health. In your Islands Trust mandate to preserve and protect, I would urge the Denman LTC to reconsider the limited actions taken in regard to reviewing the CVRD proposal. Safety needs to be a primary consideration and the IT-MOTI Agreement has legitimate jurisdiction in the shared right of way. The unsafe CVRD recreation path will greatly affect the rural character of our roads, and proposes a one size fits all design for its entire length. While there seems to be a concern that delay of the CVRD plan may jeopardize the funding that the CVRD has provided (our tax dollars), the most important thing for the LTC and Denman Island residents to consider is the best and safest design for non-motorized transportation using the Trust Area's full and inclusive APC consultative process that Denman residents are entitled to. It's too late once the CVRD plan is built.

Sincerely,

Keith Porteous
Denman Island

<http://www.islandstrust.bc.ca/news/pdf/tcltrapr032012lekstrom.pdf>

<http://www.islandstrust.bc.ca/ltc/gb/pdf/gbrptcycleroutes.pdf>

<http://www.islandpathways.ca/bicycle.html>

<http://www.scribd.com/doc/93115828/Why-SSI-Requires-a-Bikeway>

<http://www.islandpathways.ca/pdf/p2-winter-2010-final.pdf>

<http://members.shaw.ca/mapats/transportPlan/Appendix%201%201992-LoA-IslandsTrust-MoT.pdf>

http://www.comoxvalleyrd.ca/uploadedFiles/Community_Services/Parks/Projects/Denman_parks_greenways_plan_public_agency_comments.pdf

<http://www.vtpi.org/>

From: Pat McLaughlin [mailto:patmclaughn@gmail.com]
Sent: April-14-13 6:56 PM
To: David Graham; Laura Busheikin; Aleksandra Brzozowski; Peter Luckham
Cc: John Andrew; Judy Taylor; Ty Runkle; Bruce jolliffe
Subject: Pentlatch tenure

Hello David and Laura;

For you information I am letting you know about the activities in connection with the shellfish tenure of the Pentlatch Native Band at the south end of Henry Bay.

Two days ago large yellow buoys appeared marking the boundaries of an offshore tenure, and I understand Pentlatch Seafoods Ltd. has not applied nor received approval of the Trust for rezoning and yet they are proceeding with establishing the tenure.

We understand from Ken Albrecht (Ministry of Forest, Lands, and Natural Resource Operations) that the original application for Henry Bay was amended to designate the new site 530 metres south of the original site. He says "it is no longer an application but is now an actual tenure in the form of a "Licence of Occupation" with a term of 20 years. He doesn't know when they intend to start operating. That will depend on the application to the Trust and its approval for rezoning." Obviously Pentlatch is going ahead without the necessary re-zoning approval by the Trust.

I urge you to give this a high priority. In my view, if anyone is allowed to proceed without following the proper procedure of applying for the necessary rezoning, it could set a precedent for future business activities. It is important the Trust take action sooner rather than later – before rafts and other structures appear on the scene, making it more difficult to disassemble the operation. We are talking about 40 rafts 18 ft x 25 ft. to cover 5.8 hectares adjacent to a residential, recreational area, and where the inter-tidal area already has a shellfish tenure, some of which is covered with netting.

I would be willing to show you the area if you have some time.

Thank you for your attention.

Pat McLaughlin (Komas Ranch resident)

If you have the time, I would be willing to show you the area of our concern. It is not a picture that matches the policies of the Islands Trust.



Islands Trust

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Review of OCP section C3 with a view to addressing the impacts of shellfish farming on the natural marine environment and residential properties, and review of associated LUB regulations.	Specifically to address: 1. Removal of predator netting from beach 2. Banning driving on the foreshore 3. Banning beach modification.	Oct-25-2011	Aleksandra Brzozowski	Oct-31-2014	On Going
2	Implementing Riparian Areas Regulation	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR.	Aug-03-2010	Courtney Simpson	Sep-01-2014	On Going
3	Review of Housing Policies E.1 with respect to secondary cottages and suites in residential designations.	Consider potential use of secondary dwelling units for affordable care giver, special needs, and elder housing and visitor accommodation.	Nov-06-2012	Courtney Simpson	Sep-01-2014	On Going



Projects

Denman Island

No.	Description	Activity	Received/Initiated	Status
1	Bylaw amendments to address food security	Consider amendments based on "Exploring Food Security in the Islands Trust Area" final report dated November 16, 2010.	Mar-15-2011	On Going
1	A Protected Area Network on Denman Island		Mar-15-2011	On Going
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	Aug-15-2011	On Going
1	Regulations governing wind towers	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Affordable Housing Strategy		Oct-25-2011	On Going
1	Regulation limiting the gross floor area of a dwelling		Oct-25-2011	On Going
1	Regulations to promote greenhouse gas emissions reduction.		Oct-25-2011	On Going
1	Review and Update of Development Procedures Bylaw No. 71		Dec-11-2012	On Going
1	Review of OCP/LUB regarding implementation of Denman Island Farm Plan.		Apr-02-2013	On Going



Applications w/ Status - Denman Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2013.2	Dean Ellis Planner: Linda Prowse	Apr-17-2013	Subdivision in ALR

Planning Status

Status Date: Apr-19-2013

Assigned to planner

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Daniel/Debra Stoneman Planner: Courtney Simpson	Aug-31-2006	The use of presently cleared areas within the Komas Bluff permit area for agricultural use.

Planning Status

Status Date: Apr-04-2011

No change: waiting for info from applicant.

Status Date: Feb-04-2010

No change

Status Date: May-01-2009

No change

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.1	Denman Community Land Trust Association (Brons)	Mar-15-2011	2016 Northwest Road, Construction of affordable housing dwelling and associated land alteration in DP 2 Steep Slopes. Joint with SUP application DE-SUP-2011.10.

Planner: Courtney Simpson

Planning Status

Status Date: May-26-2011

On hold until outcome of forthcoming rezoning application is known.

Status Date: Apr-04-2011

Planner Reviewing

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Ella Day Planner: Marnie Eggen	Mar-21-2011	For barn sited within DP #1: Komas Bluff

Planning Status

Status Date: Nov-01-2011

Awaiting info from applicant

Status Date: Jun-15-2011

On hold until DVP out come.

Status Date: May-27-2011

Barn sited over lot line into owners adjacent property. Applicant will be applying for a variance.

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Ella Day Planner: Marnie Eggen	May-13-2011	Barn on property line

Planning Status

Status Date: Nov-09-2012

BCLS survey confirms barn sited on lot line; Applicant intends to apply for lot line adjustment

Status Date: Oct-05-2012

Letter sent to applicant requesting further information otherwise issue will be transfered over to bylaw enforcement

Status Date: Jun-05-2012

Met with applicant to clarify application requirements

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2011.1	Denman Community Land Trust Association	Aug-10-2011	Density transfer from density bank or density increase for one unit of affordable housing.

Planner: Courtney Simpson

Planning Status

Status Date: Apr-24-2013

Agency / First Nation referrals sent in relation to bylaws

Status Date: Mar-12-2013

Legal review of housing agreement complete

Status Date: Nov-29-2012

Reviewing results of legal review of housing agreement

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2011.5	Steven Carballeira (Graeb/Charles King Medical Inc. (1691 Lacon Rd) Planner: Linda Prowse	Mar-28-2011	to create 2 lots

Planning Status

Status Date: Mar-21-2013

Water quality and quantity tests received as well as final subdivision plan. E-mail sent to MOTI signing off on subdivision

Status Date: Nov-24-2011

Preliminary Layout Approval received

Status Date: May-05-2011

Referral Response sent to MOTI, LTC and applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2013.1	David Critchley	Feb-19-2013	2 lot subdivision 2016 Northwest Road (I. Brons/Denman Community Land Trust)

Planner: Courtney Simpson

Planning Status

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2006.7	Daniel/Debra Stoneman	Aug-31-2006	Agricultural (including buildings consistent with ALR legislation)

Planner: Courtney Simpson

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Jean Ella Day	Nov-02-2009	2900 SWAN RD One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: Jun-30-2011

On hold until outcome of DP and DVP.

Status Date: Mar-03-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

Status Date: Jan-20-2011

Applicant submitted partial application

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2011.10	Denman Community Land Trust Association (Brons)	Mar-15-2011	2016 NORTHWEST RD one Residence, garage/workshop, wood shed, pump shed, and one wind turbine. Joint DP application DE-DP-2011.1

Planner: Courtney Simpson

Planning Status

Status Date: May-26-2011

On hold until outcome of rezoning application is known.

Status Date: Mar-21-2011

Planner Reviewing File

From: Nicole Ranger

Sent: March-26-13 11:45 AM

To: Aleksandra Brzozowski; Courtney Simpson; David Graham; Laura Busheikin; Peter Luckham; Becky McErlean

Cc: Nancy Rogers

Subject: Denman Expense Report - March 2013

<i>Islands Trust</i> LTC EXP SUMMARY REPORT F2012 Invoices posted to March 31, 2013					
615 Denman	Invoices posted to March 31, 2013	Budget	Spent	Balance	
65000 615	LTC "Trustee Expenses"	250.00	517.94	(267.94)	
65200 615	LTC Local Exp LTC Meeting Expenses	2,500.00	2,539.40	(39.40)	
65210 615	LTC Local Exp APC Meeting Expenses	500.00	231.18	268.82	
65220 615	LTC Local Exp Communications	300.00	-	300.00	
65230 615	LTC Local Exp Special Projects	300.00	72.36	227.64	
65240 615	LTC Local Exp Miscellaneous	550.00	-	550.00	
TOTAL LTC Local Expense		4,150.00	2,842.94	1,307.06	
73001 615 3001	Denman RAR	4,000.00	135.29	3,864.71	
TOTAL Project Expense		4,000.00	135.29	3,864.71	

Nicole Ranger

Finance Clerk
Islands Trust
200-1627 Fort Street
Victoria, BC V8R 1H8
Phone: (250) 405-5152
Fax: (250) 405-5155

Preserving *Island* communities, culture and environment



Please consider the environment before printing this email

Denman Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 1, 2012	DE-041-2012	Home Based Guest Accommodation	It was MOVED and SECONDED: 1. That as the Denman Island Local Trust Committee intends to review the home based guest accommodation regulations in Bylaw No. 186 bylaw enforcement activity is restricted where the guest accommodation provides the following unlawful facilities: 1. a second set of cooking facilities is provided in a lawful dwelling for the use of guests; 2. accessory buildings are used as bedrooms for guest accommodation provided that no more than three bedrooms exist in total; 2. That despite section 1 and 2 above bylaw enforcement activity will not be restricted if: 1. there are issues related to health, safety, or environmental damage; 2. there is a written complaint about bona fide serious nuisance issues such as noise or parking congestion related to the guest accommodation; 3. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Denman Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time without notice; 4. That unless the Denman Island Local Trust Committee extends the effective period on this enforcement policy it expires on December 31, 2012 or when the guest accommodation regulation review is complete, whichever is the sooner. CARRIED
2.	December 11, 2012	DE-081-2012	Home Based Guest Accommodation	It was MOVED and SECONDED that the Denman Island Local Trust Committee renew the Standing Resolution No. DE-041-2012 to be extended until December 31, 2013. CARRIED



Memorandum

12.1

700 North Road Gabriola Island BC V0R 1X3

Telephone **250. 247-2063** FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 604. 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date April 25, 2013 File Number DE 6500-20

To Denman Island Local Trust Committee

From Aleksandra Brzozowski
Island Planner
Northern Office

Re Drafting of Project Charter for Housing Policies review project

At the April 2, 2013 LTC meeting, staff was requested to prepare a Project Charter outline for Priority Project #3: Review of Housing Policies E.1 with respect to secondary cottages and suites in residential designations.

In the LTC work program, the project description tasks the LTC to consider potential use of secondary dwelling units for affordable care giver housing, special needs housing, elder housing, and visitor accommodation.

The LTC has been provided with a preliminary Project Charter outline and is asked to work collaboratively with staff to complete drafting the Project Charter, specifically to provide input on scope and milestones.

Enclosed with this memorandum is a brief and non-exhaustive summary of past work, public input, and information related to the identified housing issues.

encl. Background Materials in preparation for targeted Housing Policies review, 2013

BACKGROUND MATERIALS IN PREPARATION FOR TARGETED HOUSING POLICY REVIEW, 2013

Previous work and public input on relevant housing issues (predominantly compiled by Laura Busheikin)

Petition to Denman Local Trust Committee supporting a review of Land Use Bylaw (Bylaw 186) on sections related to visitor accommodation – submitted November 2012

Staff Memo to Local Trust Committee regarding Funding for Affordable Housing Strategy – June 5, 2012

Additions and amendments to Appendix D (Density Banking) of the Official Community Plan, regarding affordable housing – adopted August 15, 2011

Special Meeting including discussion on Density Bank, related to the Official Community Plan & Land Use Bylaw Targeted Review – October 7, 2010

Islands Trust Community Housing Tool Kit, 2010

Islands Trust Affordable Housing Bus Tour of Salt Spring Island, 2009 (includes list of Affordable Housing projects plus printed matter)

Proposal for an Islands Trust controlled and administered Test Program to achieve Affordable Rental Housing on Denman Island by way of Secondary Accommodation Units – written and presented by Henning Neilsen to LTC on May 27, 2008

Housing Needs on Hornby and Denman Island Final Report, 2008.

Denman APC Work on Affordable Housing – 2007-2008. Anne de Cosson, Brian Miles, Jenny Balke, Derek Hood, Steve Isaacs, Herb Jones. Final report, review of past work done, staff reports and other documents. The final report included 9 recommendations to the LTC. This file includes the APC Report on Rental Policy and related staff report of 1993; material from Housing Options Work Group of 1996; and the final report, a staff report, a couple of submissions from community members, and a copy of a questionnaire from the Accessory Dwelling Advisory Committee.

Housing Work in 2005 - 2008 LUB Assessment — includes comments from community and minutes of June 4, 2008, special meeting on housing. Main focus was the proposal to allow secondary units in a 1.5 radius of downtown, which did not meet with widespread support. Includes proposal from Henning Nielsen for test program to achieve affordable housing by way of secondary accommodation units.

Secondary Accommodation Units: A Housing Option for Gulf Islands and Other Small Communities, January 2008. Prepared by Tony Law for Hornby Island Economic Enhancement Corporation

Accessory Dwelling Advisory Committee -- March 2002 - Jan 2003

Committee members: Wendy Reimer, Betty-ann Grodecki, Jos Kollee, Mike Morrell, Tobey Callahan, Riane deSliva

Minutes, written submissions from community members, surveys + results, staff reports, an interim report and final report. Lots of good research and thinking reflected here, including extensive community consultation and projections of numbers of acc. dwellings allowed under various scenarios. The committee ended up split 50/50 in favour of/against allowing accessory dwellings, with the main concern the inability to put in place and enforce regulations ensuring these would be used for affordable housing.

Options for Affordable Housing: New Solutions to the Housing Crisis in the Islands Trust Area, 2003. Prepared by Normandy Daniels, Planning Technician (2 copies)

Supportive Housing for Seniors: A Policy and Bylaw Guide, July 1999

Housing Options Work Group -- Dec 1995 - 1996 -- members: Leslie Gillette, Leslie Dunsmore, Pam Willis, Robbie Newton, Mario Von Tooren, John Millen, Vern, Laura Trimble, Roxanna Mandryk, Henry Nagler. Minutes; notes from public meeting.

Special Meeting on Housing, Relating to the Third Draft of the Denman Island Official Community Plan (OCP) -- January 9, 2001. Minutes and 2 submissions. This meeting was held to assist the LTC to get a sense of the public's views of Housing Objectives and Policies in the proposed 3rd Draft of the OCP, Section E 1.

Staff Report by Tony Quin on Multi-residential Density on Parcels of Land on Denman Island -- April 12, 1995.

Summary of bylaw changes regarding permitted density of dwellings

Pre-1972	No regulation existed for the number of dwellings per lot.
1972	One dwelling per 5 acres (2 hectares) was permitted with no maximum number of dwellings per lot.
1976	The minimum area per dwelling was raised to 10 acres (4 hectares) with a maximum of 5 dwellings per lot. In addition, one guest dwelling of up to 400 square feet was permitted on lots of 2 acres (0.8 hectares) or larger.
1984	The maximum number of dwellings per parcel was removed.
1990	Additional zones were created: the Residential zone allowed only one dwelling per lot, the minimum lot area per dwelling in the Rural Residential zone remained at 10 acres (4 hectares) and the minimum lot area per dwelling in the Rural Resource zone was raised to 37 acres (15 hectares). There was still no maximum number of dwellings per lot. Guest dwellings were no longer permitted.
1992	Multiple dwellings were permitted in the Residential zone at one dwelling per hectare (2.47 acres) to a maximum of 5 dwellings per lot.
2002	The Resource Residential zone was removed and Agriculture (A), Forestry (F) and Resource (RE) zones were created. The maximum number of single family dwelling units per lot in all of these zones was set at 1 (one).
2009	Number of dwellings permitted in the Agriculture (A) zone changed from 1 per lot to 1 per 15 hectares



Memorandum

700 North Road Gabriola Island, BC V0R 1X3

Telephone 250. 247-2063 FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 604-660-2421.

Elsewhere in BC 1.800.663.7867

northinfo@islandstrust.bc.ca itfmail@islandstrust.bc.ca

www.islandstrust.bc.ca

www.islandstrustfund.bc.ca

Date: April 23, 2013

File Number:

To: Denman Island Local Trust Committee
For meeting of May 8, 2013

From: Christine Rikley, Islands Trust Fund
Aleksandra Brzozowski, Local Planning Services

Re: Denman Island Local Trust Area Eelgrass Mapping - Funding

Purpose

To request the Denman Island Local Trust Committee (LTC) commit \$1,000 from the LTC's 2013-2014 budget to eelgrass mapping in the Denman Island Local Trust Area, a collaborative initiative of the Islands Trust, Islands Trust Fund, and Seagrass Conservation Working Group.

Background

The Islands Trust Policy Statement, section 3.4.4, states:

Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.

The recently released Audit of Biodiversity in B.C. (Office of the Auditor General of B.C.) highlighted the importance of collecting sufficient and reliable information on species distribution in order to make well-informed decisions about conserving biodiversity. With sensitive ecosystem mapping completed on Denman (2008-2010), the LTC has access to ecosystem data for terrestrial species. The Denman Island OCP identifies a number of objectives and policies related to the protection of Denman's foreshore and sensitive shoreline environments. A challenge to achieving these objectives is the current gap in biodiversity data for the shoreline and foreshore environments.

Eelgrass is a critical nearshore habitat for birds, mammals, invertebrates and commercial and non commercial fish. Eelgrass beds are also an important carbon sink. Contaminates and development pressures from shoreline land use threaten eelgrass ecosystems and the species they support.

Proposed eelgrass mapping will support the LTC and Trust Fund Board in making science-based decisions about land use and conservation that preserve Denman's foreshore ecosystems. Eelgrass mapping will serve as baseline inventories from which we can monitor the effects of human impacts, such as potential increased tanker traffic in the Islands Trust Area, aquaculture operations, and foreshore use (wharves and docks).

Eelgrass mapping will also enable marine conservation groups to identify potential areas along Denman's shorelines ideal for eelgrass restoration.

In 2012, the Islands Trust Fund and Seagrass Conservation Working Group, with financial assistance from some local trust committees and outside funders, mapped eelgrass in the following areas:

- North and South Pender;
- Thetis and associated islands (except Valdes);
- Gambier;
- Lasqueti; and,
- Mayne.

In 2013, the partnership aims to map eelgrass in the following areas:

- Galiano and associated islands;
- Valdes;
- Bowen;
- Gambier associated islands;
- Gabriola and associated islands;
- Denman Island; and
- Hornby Island

Hornby and Denman Islands have been late additions to the 2013/14 eelgrass mapping project and pursuit of mapping on these islands is contingent on receiving sufficient funding.

Eelgrass Mapping in the Denman Island Local Trust Area

Data for eelgrass mapping will be collected by boat with the aid of a towed underwater camera. The mapping will be completed to a Level 1 standard as defined in "Methods for Mapping and Monitoring Eelgrass Habitat in British Columbia (Dec 2002)", available through the Community Mapping Network, and as modified through a methodology approved by a qualified registered professional biologist. The modifications to the methodology are designed to accommodate modernized mapping techniques and to reduce costs.

Trust Council approved \$22,000 in program funding for eelgrass mapping in the planned LTAs for 2013. Combined with funding from the Islands Trust Fund, and confirmed grants achieved by the Seagrass Conservation Working Group, the partnership still has a funding gap of approximately \$27,000 for this program. The following cost and funding gap analysis for Denman Island is based on an estimated mapping/project cost of \$408/km of potential eelgrass shoreline:

Denman Island Eelgrass Inventory Budget

Cost		
Denman Island (40.4km)		\$16,502
Revenue		
Islands Trust	\$5,351	
Islands Trust Fund	1,946	
Seagrass Conservation Working Group (grants confirmed)	<u>2,618</u>	
	\$9,915	
Funding gap		\$6,586

The Islands Trust Fund and Seagrass Conservation Working Group aim to close a portion of this funding gap with further grant applications.

Staff Comments:

Currently, eelgrass mapping for Denman Island is anticipated to take place during the 2014 phase of this initiative; however, mapping for the North Pender Associated Islands has been taken off the work schedule for 2013, and the Islands Trust Fund and Seagrass Conservation Working Group have identified Denman and Hornby Islands as areas that may wish to join the group of islands aiming to map eelgrass in 2013.

Eelgrass mapping is not currently on the Denman Work Program. Should the LTC wish to pursue eelgrass mapping for 2013, staff advises that Eelgrass Mapping be added to the Denman LTC's list of Projects. Please note that seeking grant funding for eelgrass mapping would not preclude the LTC from seeking grants for other projects on the Priorities and Projects lists.

The requested \$1,000 would fall under the Special Projects line item of the Denman LTC 2013-2014 budget.

Options:

- 1) That the Denman LTC commit \$1,000 from the 2013-2014 Denman LTC budget for eelgrass mapping.
- 2) That the Denman LTC not commit \$1,000 from the 2013 Denman LTC budget for eelgrass mapping. Should the LTC choose this option, Denman Island would remain on the 2014-2015 schedule for eelgrass mapping.



Memorandum

Date **February 25, 2013** **File Number** **FILE**

To **Local Trust Committees**

From **Local Planning Committee**

Re **Renewable Energy Technologies in the Trust Area – Ocean Based Geo-Exchange Systems**

At its meeting on February 7, 2012, the Local Planning Committee passed a resolution requesting that the attached report be circulated to all Local Trust Committees for information.

The report outlines the ocean loop geo-exchange technology and how it is being permitted currently within the Trust Area. It includes background information on ocean loop geo-exchange systems, the possible impacts and benefits of their use and briefly outlines what is currently being done or proposed on some of the Islands (i.e. North Pender, Saturna, Executive Islands, Galiano, Mayne, Salt Spring, South Pender and Thetis) in accommodating ocean loop geo-exchange systems.

Attachment: Renewable Energy Technologies in the Trust Area – Ocean Loop Geo-Exchange Systems Report

REQUEST FOR DECISION

To: Local Planning Committee

For the Meeting of: February 7, 2013

From: Kris Nichols, Island Planner

Date: January 31, 2013

SUBJECT: RENEWABLE ENERGY TECHNOLOGIES IN THE TRUST AREA - OCEAN LOOP GEO-EXCHANGE SYSTEMS

RECOMMENDATION:

That the Local Planning Committee circulate this report, *Renewable Energy Technologies in the Trust Area - Ocean Loop Geo-Exchange Systems*, dated January 31, 2013, to all Local Trust Committees and planning staff so that they are aware of the implementation options for ocean loop geo-exchange systems and their status in other Local Trust Areas.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: N/A

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Adoption of bylaws to accommodate the utilization of geo-exchange systems will enable owners to implement heating and cooling technology that reduces Greenhouse Gas Emissions and is therefore environmentally responsible.

FINANCIAL: Staff time would be required to develop and implement bylaws or amend existing bylaws to accommodate ocean loop geo-exchange systems.

POLICY: There are six (6) Trust Policy statements to be considered with the accommodation of ocean loop geo-exchange systems into Local Trust Area (LTA) bylaws. All LTA OCPs should contain targets, policies and actions to reduce greenhouse gas emissions (GHG) as a result of changes to the *Local Government Act* and the implementation of bylaws to permit ocean loop geo-exchange supports this.

IMPLEMENTATION/COMMUNICATIONS: The LTC and staff would work with clients to educate them on the options available to accommodate the use of geo-exchange systems within their Local Trust Area.

BACKGROUND

Description of Issue:

At the last Committee meeting a briefing report was reviewed outlining the ocean loop geo-exchange technology and how it is being permitted within the Trust Area currently. The Committee requested some further clarification on the use the ocean loop geo-exchange systems presenting a critical overview of the ocean based geo-exchange approaches being used.

This report will expand on the previous report considered at the November 7, 2012 meeting, presenting background information on ocean loop geo-exchange systems, the possible impacts

and benefits of their use and briefly outlining what is currently being done or proposed on some of the Islands (i.e. North Pender, Saturna, Executive Islands, Galiano, Mayne, Salt Spring, South Pender and Thetis) in accommodating ocean loop geo-exchange systems.

The report is not to be interpreted as an endorsement of this type of system versus the more conventional forms of heating and cooling that are being used based on climate change or any other environmental efficiency or cost saving. The fact is that these systems are becoming more frequent and will likely continue to be so in the future and Local Trust Committees will have to find a way to consider accommodating these new technologies within the current land use regulations. Many of the islands are already accommodating them as the systems are introduced or as bylaws are being updated.

REPORT:

Local Planning Committee has on its Work Program List: "1. Encouraging Green Technologies" with the intent that LPS staff will develop model policy and regulatory wording to address ocean based geo-exchange and draft an RFD for the LPC.

Changes to technology and an increasing demand for the use of this technology has resulted in an increase in proposals within the Islands Trust Area to install ocean based geo-exchange systems, typically for new construction. An ocean based geo-exchange system uses temperature gradients in the ocean to provide heating and cooling. The infrastructure typically consists of pipes containing a heat transfer fluid that are anchored to the seabed and connected to a structure (typically a house, but commercial properties may look at this as well) on the upland property.

Although geo-exchange heating, using latent heat from the ground, and heat pumps using heat from the air, is not new, these systems are typically located on the same lot as the building and thus have not been an issue with respect to zoning. These systems are infrastructure accessory to building (the principal use) and are permitted outright in all zones on the same lot as the principal use (in the same way a septic field would be accessory). Ocean-based loops, however, differ in that the foreshore is generally in a different zone and therefore, that portion of the system is not located on the same lot as the building and thus would not meet the definition of an accessory use. Being partially located on the ocean floor also requires a Crown lease as any dock would.

Technology

The terminology preferred by the industry for this type of installation is a geo-exchange system. The term 'geothermal' is now reserved for larger, higher temperature systems (e.g. neighbourhood heating). These systems are similar to air source heat pumps but geo-exchange systems extract heat from the ground or water and transfer it to the air within a building.

Types of systems include:

- Closed loop vs. open loop:
 - o Open loop uses a conventional well to extract water, which after the heat is extracted the water is then returned to a pond, stream or other well.
 - o Closed loops circulate a heat transfer fluid.
- Vertical vs. horizontal
 - o Horizontal systems typically bury pipes 1.8 to 2.4 metres either below ground or below the winter ice level in a water body or the low tide mark in the ocean
 - o Vertical systems use boreholes 45 to 60 metres. Boreholes for geothermal wells are regulated by the *BC Water Act* and must be constructed by a qualified well driller

Accreditation and Certification of the Technology

The Canadian Geo-exchange Coalition has an accreditation and certification program called the “CGC Global Quality Geo-exchange Program”. CGC ranges from training, to accreditation of an individual, company qualification, and certification of systems. To be accredited there is both the required training and have positive field experience confirmed by customers and manufacturers/distributors recommendations.

‘Certification of systems’ means the system has been designed by an accredited designer, installed by an accredited installer, and any borehole work has involved an accredited vertical loop installer. The system must also meet CSA standard C-448-02, use ISO/CSA approved equipment, and engage such best practices as providing ‘as-builts’, and proper labelling of all pipes and valves.

By meeting the standards established the installation would include meeting Department of Fisheries and Oceans (DFO) guidelines. DFO, typically, does not play a direct role in the approvals of these systems.

The Industry Training Authority (ITA) also provides a Domestic/Residential Certified Geothermal Technician program, which takes approximately 2 years to complete. The International Ground Source Heat Pump Association (IGSHPA) based in the US also provides training to be a ‘Certified Geo-exchange Designer’ (CGD). In addition to taking the required courses and passing an exam, to be eligible for certification one must be:

- An engineer or architect with 3 years of experience in commercial geothermal heat pump, or heating, ventilation and air conditioning (HVAC) experience
- Have a four year non-technical degree with 5 years of experience
- Have a two –year technical degree with 8 years of experience
- Have 10 or more years of experience

KEY ISSUES:

Potential Impacts

This technology is relatively new, but is becoming more popular as residents and businesses look for alternative heating and cooling systems that are less reliant on conventional methods with a desire to be more environmentally responsible.

There are a number of considerations in contemplating changes to regulations to permit ocean loop geo-exchange systems on the foreshore:

1. Use of geo-exchange systems results in reduced Greenhouse Gas (GHG) emissions, particularly as the ocean-based systems are often installed in conjunction with new construction of larger waterfront homes which would otherwise have significant conventional heating and/or cooling requirements. In addition, as passive systems they provide greater local resilience in the sense that owners are not dependant on off-island fuel sources (e.g. propane, oil). From the homeowners’ perspective, they can also provide cost savings over the long term, although usually require additional upfront costs.
2. Although the amount of work on the foreshore is usually minimal, disturbance of sensitive areas such as eelgrass beds or other habitat may be a concern. The Islands Trust has been improving its mapping of the foreshore areas and therefore disturbances become less likely. Guidelines established by DFO also have to be followed. Some islands have DPAs along the foreshore offering another level of protection.
3. Similarly, work required to bury lines immediately upland or in the intertidal area could also result in alteration of existing shorelines or use of materials such as concrete.

Installing systems in conjunction with existing or proposed docks would minimize these impacts.

4. On-going maintenance and concerns over leaks is an issue: the systems are complex and require regular inspection and maintenance by qualified professionals. The type of heat transfer fluid used is also sometimes raised as a concern. Some new systems use water only, as in the system recently approved on North Pender, or use an anti-freeze within the closed loop. The propylene glycol type of fluid sometimes used in these systems is the same as that used as moisturizer in medicines, cosmetics, food, toothpaste and mouthwash and has low toxicity, is highly soluble in water, and readily metabolized by microbes and marine life¹. Higher levels of toxicity have been found from propylene-based Airplane De-icing Fluids (ADF) as a result of additives used in those applications only.
5. Concerns over damage to systems by wave or tides. This is a concern. Proper instalment by a certified installer following established guidelines and procedures. There may be some areas (e.g. narrow channels) where it is impractical to lay a system on the ocean floor due to the flow and tide action.

Potential Benefits:

There is a great deal of research literature that explains the many benefits (e.g. cost, GHG reductions, flexibility, air quality, availability of grants, efficiency, environmentally responsible, etc.) of utilizing these types of systems instead of the conventional methods. If more buildings utilized this type of heating/cooling system the island's electrical system/supply could service a greater number of buildings without requiring costly upgrades. Also, there would be less propane, oil and wood deliveries required, which would reduce wear-and-tear on the road infrastructure. Fewer fuel delivery trucks also reduce transportation GHG emissions, noise and traffic. Two of the most common benefits are listed here:

1. Increased Efficiency and Cost Savings: It is stated through several sources (e.g. www.geoexchange.com , www.earthpointenergy.com , www.geo-exchange.ca) that with these systems two thirds of the energy supplied is from the solar energy stored in the earth/water and 1/3 of the energy is used for servicing the system generally the circulating pump. A large cost of energy supplied to residences is the expense of getting it there – electrical transmission lines, gas lines, oil pipelines, trucks, ferries. These have both direct and indirect costs associated with them. These costs are significantly reduced if not eliminated when using a geo-exchange system. This results in a 25%-50% lower utility bills than conventional systems.

The geo-exchange system used in the North Pender house is a type of water-source heat pump system. It was pointed out in the North Pender example by the engineer (Weir Design and Engineering) the efficiency of these systems as follows:

Heating Efficiency:

The efficiency of a heating system can be defined as the ratio of heat output to energy input. There are many types of heating systems that utilize different equipment with different energy sources. The following is a list of heating systems commonly used in residential applications and their estimated efficiency:

- Wood fireplace - 30 to 50%
- Oil furnace or boiler - 65 to 85%
- Natural gas furnace or boiler - 80 to 95%

¹ Canadian Council of Ministers of the Environment, 2007. Canadian Soil Quality Guidelines for Propylene Glycol: Environmental and Human Health. www.ccme.ca/assets/pdf/1394_pg_rationale_e.pdf
US Environmental Protection Agency Office of Pesticide Programs. Reregistration Eligibility Decision for Polypropylene Glycol. www.epa.gov/oppsrrd1/REDs/propylene_glycol_red.pdf

Propane furnace or boiler - 80 to 95%
Electric heaters or furnace - 100%
Air-source heat pump - 200 to 300%
Water-source heat pump - 300 to 400%

Cooling Efficiency:

This geo-exchange system (used in North Pender) has been designed with “free cooling” where by all cooling will be provided without the use of the heat pumps (the heat pumps only operate when heating is required). This is possible due to the temperature of the ocean during the summer, which sufficiently cools the heat transfer fluid without the use of heat pumps.

Similar to above, the efficiency of a cooling system (air conditioning system) can be defined as the ratio of cooling output to energy input. Cooling efficiency is typically not expressed as a percentage but rather in the form of an Energy Efficiency Ratio (EER). However, for the purpose of comparison within the context of this discussion, the estimated EER for some common residential cooling systems have been converted to percentage:

Air-source heat pump / air conditioner - 300 to 400%
Water-source heat pump (without free cooling) - 400 to 500%
Water-source heat pump (with free cooling) - 3000% or greater

2. Reduced CO2 Emissions: According to data supplied by the Natural resources Canada, a typical residential geo-exchange system produces an average of about one pound less CO2 per hour of use than a conventional system. To put it into perspective if just 100,000 homes converted to geo-exchange, Canada would reduce its CO2 emissions by 880,000,000 pounds.

Another example is for every 2.5 hours of use, a geo-exchange system produces one kilogram less CO2 than a conventional HVAC (heating, ventilation, and air conditioning) system.

RELEVANT POLICY:

Trust Policy Statement: Relevant Directive policies include:

- 3.1.3 - the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area
- 3.1.5 – address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species
- 3.4.4 - the protection of sensitive coastal areas
- 3.4.5 – the planning for and regulation of development in coastal regions to protect natural coastal processes
- 4.5.10 – the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
- 5.1.3 – the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of the Trust Area

OCP Policy: policies within the OCPs could be updated as part of the basis of the GHG reduction policies if not already accommodated through general wording in these sections. In addition some OCPs specifically mention using a DPA to manage energy conservation in commercial development. Designation of a DPA to regulate installation of the system could be considered both on the grounds of protection of the natural environment and energy conservation and therefore could be made applicable in a shoreline or foreshore DPA. By requiring a DP it would ensure safe and appropriate installation. As an example, the North Pender OCP contains a requirement that an environmental report be submitted to indicate that there is no impact to the foreshore.

Local Government (Green Communities) Statutes Amendment Act (Bill 27, 2008), which amended the Local Government Act, introduced changes that enable local governments to address climate action in their communities. Among the changes is a requirement for local governments to have targets, policies and actions to reduce GHG emissions. Therefore all OCPs must contain these targets and policies for GHG emission reduction. The Bill 27 also allows for development permit areas that promote energy and water conservation, and reduce greenhouse gases at the single family dwelling level.

Zoning options: amending zoning bylaws to permit ocean loop geo-exchange systems as a permitted use in one or more of the current marine zones or as some islands have permitted in all zones would be required. This would vary depending on the zoning. A recent amendment to the zoning on a site-specific basis in the North Pender LUB provided for both the use and a definition. This use and definition, with relevant modifications, would provide a good basis for a suitable amendment to a zoning bylaw. Currently, zoning is the main tool for regulating use.

Building Inspection: for those islands that have building inspection, ocean loop geo-exchange systems are not subject to building inspection. However, building inspection does currently require that an engineer certify the HVAC system where an ocean loop geo-exchange system provides heating and cooling.

Crown tenure: ocean loop geo-exchange systems are required to obtain approval from the province for tenure over the foreshore. The applications are referred to the Islands Trust for review of zoning compliance.

Climate Change Adaptation and Mitigation: use of renewable or other energy sources that are an alternative to fossil fuels is a recognized mitigation strategy. Ocean loop geo-exchange systems could, depending upon the type of conventional heating and size of the dwelling, provide significant emission reductions. See the previous discussion on potential benefits and CO2 reductions.

CURRENT LOCAL TRUST AREA IMPLEMENTATION

Island Updates

Eight of the 13 Islands Trust Islands have begun or completed implementing changes to their land use bylaws to accommodate the use of ocean loop geo-exchange systems.

Mayne Island: Supports ocean loop geo-exchange through its OCP Policy dealing with Climate Change (4.7.9) which states: *"The LTC should consider amending zoning regulations to permit or facilitate small scale renewable energy production, such as solar collectors, wind turbines and geothermal heating."* The LUB permits ocean loop geothermal in all zones except the W1 zone.

North Pender Island: Has permitted a site specific rezoning for a water based ocean loop geo-exchange.

South Pender Island: Is considering permitting ocean loop geo-exchange in all zones. They are holding a CIM to discuss this and other land use bylaw amendments in February.

Saturna Island: The LTC has given reading to a bylaw that would amend the Land Use Bylaw to include a definition of ocean loop geo-exchange systems and to add ocean loop geo-exchange systems as a permitted use in the marine zones. It is scheduled for a public hearing in February.

Galiano Island: Staff have been directed to draft an OCP amendment to alter the existing DPA (Shoreline and Marine DPA) to provide for guidelines for ocean loop geo-exchange. As a complement staff have also been requested to review the zoning bylaw to permit the ocean loop geo-exchange structures within the Marine zones and the setback to the sea for private residential use.

Thetis Island: In June 2012, the APC was directed to consider a couple of options to add to the work program a review of OCP policies and LUB regulations and in the meantime that any requests for ocean loop geo-exchange be dealt with as a rezoning. Subsequently, the Thetis LTC has dropped this issue and it appears it may have been application driven and no application has been made.

Ballenas-Winchelseas: The draft OCP contains the wording to permit the use of geo-exchange for individual dwellings. Within the proposed Shoreline Development Permit Area there are guidelines for the installation of ocean loop geo-exchange systems:

Ocean-loop geo-exchange systems will only be considered if they are closed-loop systems using only freshwater as the circulating heat transfer fluid; if they meet or exceed the Canadian CSA design standards CAN/CSA-448-02; and if they are designed and installed by a Registered System Designer.

The draft LUB permits an ocean loop geo-exchange within the Residential zone and the Marine General zones and contains the definition:

"Ocean-loop geo-exchange" means a renewable geothermal heat exchange system that utilizes the naturally occurring temperature of the ocean for heating and cooling that:

- a. is a closed-loop system using only freshwater as the circulating heat transfer fluid,*
- b. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and*
- c. is designed and installed by a Registered System Designer accredited by the Canadian Geo-exchange Coalition, or the International Ground Source Heat Pump Association.*

Salt Spring Island: In the LUB's Shoreline Zones geothermal heating equipment is permitted in tidal water only.

SUMMARY

Currently, eight (8) of the 13 Local Trust Committees either have regulations and policies or have them proposed to permit ocean loop geo-exchange systems. The proposals by the LTCs to accommodate geo-exchange loops are considered for the main islands and not for their associated islands currently. The approach enacted or proposed is varied and tailored to meet the needs for the Island or as a result of a specific application or the desire of the LTC to be proactive in anticipating the need. Most contain policies that permit the geo-exchange systems either in general in the OCP (GHG policies) or through specific DPA guidelines. Complementary to that would be changes to the LUB to permit the use within specific zones and to define the use.

In addressing their implementation, the two primary concerns are to ensure that the systems are installed professionally by a certified installer and that any impacts on sensitive shoreline or foreshore ecosystems are addressed.

Building Inspection has the authority to establish standards for installation of the systems and to carry out inspections or obtain certifications, but most have not included these systems in the scope of their building bylaws. This could change, as some jurisdictions are becoming involved in permitting and inspecting land based systems. Conventionally, Fisheries and Oceans Canada has reviewed all foreshore applications for impacts on habitat however, changes to staffing and to the legislation seem to be reducing that agency's role and ability to respond to referrals. They have established guidelines which all installers are to follow.

The use of a clear and specific definition for the use can address some of the concerns that the systems meet specified standards for example using fresh water within the closed loop system as is stated in the North Pender bylaw. Impacts on habitat could be addressed through the designation of a DPA; however, it would have to be general in many areas as there is not

currently mapping available that identifies sensitive shoreline and foreshore features such as eelgrass beds, although such mapping should be available in the future.

There are three basic ways for a Local Trust Committee to address the ability of residents to utilize this new technology:

1. Site specific rezoning (e.g. North Pender)
2. Permit their use but regulate (e.g. OCP through DPs)
3. Permit their use outright (e.g. Saturna, Salt Spring Island, Mayne)

DESIRED OUTCOME:

It is recommended that an Islands Trust model bylaw or policy not be established. Eight of the 13 Local Trust Committees already have amended bylaws or are contemplating regulations or policies related to ocean loop geo-exchange systems. Each LTC has a unique set of bylaws to which model provisions may or may not be applicable. For instance, some may not have DPAs currently and may want to address this issue through other forms regulation. Some may want to deal with amendments on a site specific basis thereby not contemplate any new regulations or policies. The current approach by LTCs appears to be working well based on demand and the desire of LTCs to add it to their work programs as a proactive measure. There are a range of options already developed at the LTC level and which are summarized in this report. It is recommended that this report be circulated to ensure that all LTCs and planners are aware of the issues and the options that are being used to address the potential use of these systems by a number of LTCs.

RESPONSE OPTIONS

Recommended:

That the Local Planning Committee circulate this report, *Renewable Energy Technologies in the Trust Area - Ocean Loop Geo-Exchange Systems*, dated January 31, 2013, to all Local Trust Committees and planning staff so that they are aware of the implementation options for ocean loop geo-exchange systems and their status in other Local Trust Areas

Alternative:

That the Local Planning Committee receive the report as information and take no further action.

Prepared By: Kris Nichols, Island Planner

Reviewed By/Date: David Marlor, Director of Local Planning Services
February 1, 2013

Linda Adams, Chief Administrative Officer

600 Comox Road, Courtenay, BC V9N 3P6
 Tel: 250-334-6000 Fax: 250-334-4358
 Toll free: 1-800-331-6007
 www.comoxvalleyrd.ca



BYLAW REFERRAL FORM

Files: 3360-20/CP 1CV 13

Electoral area official community plan amendment: agriculture and aquaculture policies

Date Sent: April 9, 2013

Respond by: May 10, 2013

Please comment on the attached application regarding potential effects on your interests. Section 879 of the *Local Government Act* (LGA) outlines that a local government must provide one or more opportunities for consultation with persons, organizations and authorities affected by the development of an official community plan (OCP), or the repeal or amendment of an OCP. In keeping with Section 879, the Comox Valley Regional District (CVRD) wishes to ensure that all future consultations with applicable adjacent regional districts and municipalities, First Nations, school and improvement district boards, and provincial and federal government agencies are considered early and ongoing as required by the LGA. You will note on the response form a number of choices that describe your interests. All details that support your position are appreciated including official legislative, governance and policy considerations that may affect the CVRD's consideration of these bylaws.

We would appreciate your response within thirty (30) days of April 9, 2013. If no response is received by May 10, 2013, it will be assumed that your agency's interests are unaffected. If required, please contact the CVRD to assist you in determining the type of information that would be helpful or to better understand how the proposed bylaws may impact land use and development. Should you have any specific questions regarding the proposed bylaw amendments, please contact Michael Zbarsky, manager of transit and sustainability at 250.334.6037 or email mzbarsky@comoxvalleyrd.ca

Applicant's Name:	CVRD
Purpose of Bylaws:	To amend the OCP with revised objectives and policies for the agriculture and aquaculture sectors and to ensure that the proposed new objectives and policies are consistent with those in the Comox Valley regional growth strategy.
OCP Bylaw:	Bylaw No. 2042, being the "Rural Comox Valley Official Community Plan, 1998"
OCP amendment:	Bylaw No. 216, being the "Rural Comox Valley Official Community Plan, 1998", Amendment No. 46

For your convenience, the following documents are attached:

- The staff report dated March 6, 2013 with appendix 'A' (the OCP amendment bylaw) and appendix 'B' (the list of First Nations, agencies and local governments that the bylaw amendment will be referred to).

- An abstract of the OCP, indicating text and map amendments, with a rationale for the proposed amendments.

In accordance with the RGS implementation policy, the electoral areas OCP must be updated following the adoption of the RGS. Following board direction, the agriculture and aquaculture policy review project is the first phase in the overall OCP review.

The proposed OCP amendment bylaw includes new sections, including objectives for the agriculture and aquaculture industries, revised policies for land designated agriculture land reserve (ALR) and aquaculture and fisheries policies and revised associated advocacy policies. Advocacy policies reflect community interests and are provided to influence other jurisdictions. The bylaw expands the existing rural area policies, by following RGS direction and includes guidelines for the subdivision of 2 to 4 ha lots, and the development of agriculture and aquaculture industries in the rural areas. For 2 to 4 ha subdivisions, the applicant must demonstrate how these lots will be used for small scale, land intensive and entry-level agriculture. The policy and information requirements to permit the creation of these small lots are in keeping with the growth management policies of the RGS (MG Policy 2A-1, to 2A-4). The proposed policies are designed to ensure that the lots are used for agriculture and not residential and in doing so, will support the protection of the rural character and function of these areas. The last addition of the bylaw amendment includes the introduction of a new development permit area to protect lands designated ALR from neighbouring developments.

In summary, the bylaw amendment reflects the policies of the RGS, the principles of the CVSS, the requests of the primary industries and the direction of the policy review committee. The proposed policies will preserve farm land and support and strengthen the food producing sectors of the Comox Valley.

Should you have any comments or questions regarding the proposed amendments, please contact Michael Zbarsky, manager of transit and sustainability at 250.334.6037 or by email at mzbarsky@comoxvalleyrd.ca

Thank you.

R. Leroux

Ralda Leroux
Policy Analyst

Attachments: - Staff report dated March 6, 2013, including as appendix 'A', the OCP Amendment Bylaw and as appendix 'B', the agency referral list
- Abstract of the OCP, indicating text and map amendments, with a rationale for the proposed amendments

cc: Debra Oakman, chief administrative officer
Michael Zbarsky, manager of transit and sustainability
Alana Mullally, manager of planning

At its regularly scheduled board meeting on March 26, 2013, the regional district board endorsed forwarding the proposed OCP amendment bylaw to the following agencies listed below.

FIRST NATIONS AND AGENCY REFERRAL LIST

Should the regional board approve first and reading of the amending Bylaw No. 216 that the proposed referrals to be sent to the following government levels, ministries, agencies and departments as highlighted with a ☒.

First Nations

☒	K'ómoks First Nation	☒	Homalco Indian Band (covers mostly Electoral Area 'C')
☒	Laich-Kwil-Tach Treaty Society (Consists of We Wai Kum, We Wai Kai and Kwiakah First Nations)		

Federal Departments and Agencies

	Canadian Coast Guard		Public Works and Government Services Canada
	Department of National Defence (CFB Comox)		RCMP
☒	Fisheries and Oceans Canada		Transport Canada Navigable Waters
	Indian and Northern Affairs Canada		

Provincial Ministries and Agencies

☒	Agricultural Land Commission	☒	Ministry of Community, Sport and Cultural Development
	BC Assessment Authority	☒	Ministry of Forests, Lands and Natural Resource Operations
	BC Parks		Ministry of Energy and Mines
	BC Ferry Services Inc.	☒	Ministry of Environment
	BC Transit	☒	Ministry of Tourism, Trade and Investment
	Ministry of Aboriginal Relations and Reconciliation	☒	Ministry of Transportation and Infrastructure
☒	Ministry of Agriculture		

Local Government

☒	Comox (Town of)	☒	Alberni-Clayoquot Regional District
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☒	Courtenay (City of)	☒	Strathcona Regional District
☒	Cumberland (Village of)		Regional District of Mount Waddington
☒	Islands Trust (Denman Local Trust Committee)	☒	Regional District of Nanaimo

CVRD Branches

☒	Corporate Financial Officer (required for OCP amendments due to S882 of LGA; impact on financial plan or capital expenditure program)	☒	General Manager of Community Services Branch (required for OCP amendments due to S882 of LGA; impact on waste management plan)
☒	Manager of Planning Services	☒	Manager of Parks

Other

☒	Agricultural Community Advisory Panel	☒	Comox Valley Economic Development Society
☒	Vancouver Island Health Authority (Environmental Health)	☒	Advisory Planning Commissions for electoral areas 'A', 'B' and 'C'.

BYLAW REFERRAL FORM RESPONSE SUMMARY**DEVELOPMENT PROPOSAL REFERRAL FORM****FILE: 3360-20/CP 1CV 13**

Electoral area official community plan amendment: agriculture and aquaculture policies

☐ Approval recommended for reasons outlined below

☐ Interests unaffected or general comments related to this development proposal outlined below

☐ Approval recommended subject to conditions outlined below

☐ Approval NOT recommended due to reasons outlined below

Signed by: _____

Title: _____

Agency: _____

Date: _____

Please return your response by **May 10, 2013** by fax to 250-334-8156,
or by email to rleroux@comoxvalleyrd.ca

DATE: March 6, 2013

FILE: 3100-01

TO: Chair and Directors
Electoral Area Service Committee

FROM: Debra Oakman, CMA
Chief Administrative Officer

RE: OCP amendment bylaw – revising agriculture and aquaculture objectives and policies

Purpose

The purpose of this report is to introduce the OCP amendment bylaw to add revised agriculture and aquaculture policies to “Rural Comox Valley Official Community Plan Bylaw, 1998”.

Policy analysis

Section 865, part 25 of the *Local Government Act* (LGA) requires that all electoral area OCP policies be consistent with Comox Valley Regional District (CVRD) Regional Growth Strategy (RGS) bylaw 120, 2010.

In the managing growth section of the RGS the following growth management principle is captured and sets MG Policy 2.1 accordingly:

“Protect the character of ‘Rural Areas’ as primarily working landscapes, including agricultural and aquaculture areas, so that such functions can remain economically viable and grow.”

“The Rural Comox Valley OCP will provide a policy framework for managing and allocating rural growth geographically throughout the Rural Areas and to maintain the other goals of the RGS such as protection of rural character, protection of environmentally sensitive features, and focusing intense urban development in urban areas.”

Section 876 of the LGA authorizes a local government to adopt one or more official community plans (OCPs). Division 2 of Part 26 of the LGA outlines the purposes, authority, required content, policy statements and adoption procedures of OCPs. Section 890 states that a local government must hold a public hearing before adopting an OCP.

Section 879 of the LGA states that during the amendments to enactment, a local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.

In the CVRD board 2012-2014 strategic plan, the review of the agriculture aquaculture policy is a corporate priority.

Executive summary

In accordance with the RGS implementation policy, the electoral areas OCP must be updated following the adoption of the RGS. Following board direction, the agriculture and aquaculture policy review project is the first phase in the overall OCP review.

This review followed the board approved work plan, which included a close working relationship with the agriculture and aquaculture stakeholders, other community groups and the public. This

cross section of the community provided substantial input regarding their collective values and vision for the future of the rural areas of the Comox Valley. At the end of 2011, leading into 2012, the process started with four open house consultation meetings with primary stakeholders and other community groups. In April 2012, a status update report to the CVRD board introduced the representatives from the agriculture and aquaculture sectors that volunteered to serve on the policy review committee and captured the essence of the information collected from these meetings. This process highlighted the fact that the agricultural and aquaculture industries play a very important role in the economy of the Comox Valley. Farmland protection and the promotion of these industries as viable economic sectors emerged as significant issues during the dialogue with stakeholders.

Staff heard directly from the stakeholders what needs to be considered in the review process and used this information and policy direction from the RGS and the Comox Valley sustainability strategy (CVSS) and in the second quarter of 2012 drafted the revised agriculture and aquaculture policies. When the policy review committee reviewed the drafts, they advised not to move forward with public review during the busy summer months, since the primary stakeholder would not have time to review the proposals. In November 2012, the board considered the draft policies and directed that the primary stakeholders and the public be given an opportunity to review the drafts. In January 2013, during three open houses and informal circulation of the drafts to key agencies and other local governments, critique on the draft proposals was received. At the end of January 2013, the policy review committee considered the improvements made to the draft policies based on input received, before the OCP amendment bylaw was created.

This report provides an overview of the agriculture and aquaculture policies that will be included in the official community plan. The proposed bylaw includes new sections, including objectives for the agriculture and aquaculture industries, revised policies for land designated agriculture land reserve (ALR) and aquaculture and fisheries policies and revised associated advocacy policies. Advocacy policies reflect community interests and are provided to influence other jurisdictions. The bylaw expands the existing rural area policies, by following RGS direction and includes guidelines for the subdivision of 2 to 4 ha lots, and the development of agriculture and aquaculture industries in the rural areas. For 2 to 4 ha subdivisions, the applicant must demonstrate how these lots will be used for small scale, land intensive and entry-level agriculture. The policy and information requirements to permit the creation of these small lots are in keeping with the growth management policies of the RGS (MG Policy 2A-1, to 2A-4). The proposed policies are designed to ensure that the lots are used for agriculture and not residential and in doing so, will support the protection of the rural character and function of these areas. The last addition of the bylaw amendment includes the introduction of a new development permit area to protect lands designated ALR from neighbouring developments.

In summary, the bylaw amendment reflects the policies of the RGS, the principles of the CVSS, the requests of the primary industries and the direction of the policy review committee. The proposed policies will preserve farm land and support and strengthen the food producing sectors of the Comox Valley.

In keeping with the section 879 of the LGA consultation process, the report presents a list of governments, ministries and government agencies that will be included in the referral process, which will follow after first reading of the amendment bylaw.

Recommendations from the chief administrative officer:

THAT the board consider first and second reading of Bylaw No. 216, being the “Comox Valley Official Community Plan Bylaw, 1998”, Amendment No. 46, which proposes to amend Bylaw No.

2042, being the “Rural Comox Valley Official Community Plan Bylaw, 1998”, in order to accommodate revised agriculture and aquaculture objectives and policies.

AND FINALLY THAT the board approve the proposed agency referral list as outlined in appendix B of staff report dated March 6, 2013.

Respectfully:

D. Oakman

Debra Oakman, CMA
Chief Administrative Officer

History/background factors

OCP review process

With the adoption of the Comox Valley RGS bylaw, the CVRD board recognized the role of the agriculture and aquaculture industries and their importance in our local economy. The board directed staff to review the existing OCP objectives and policies to reflect the principles and policies of the RGS that would sustain and benefit the industries. In August 2011, the board approved a consultation and work plan that ensured industry and public engagement during the policy review process. The process started at the end of 2011, leading into 2012, with four initial meetings where staff learned first-hand about the issues, strengths and opportunities for the industries.

In April 2012 a summary of the results of the four stakeholder meetings was presented to the CVRD board that had to be taken into consideration during the drafting process. These areas and the direction provided by the principles of the CVSS and the policies of the RGS formed the basis for the revision of the existing electoral areas OCP agriculture and aquaculture objectives and policies. Also on April 23, 2012 the stakeholder review committee was introduced to the board. Staff drafted the objectives and policies in the first quarter of 2012 and provided the policy review committee with an opportunity to review the drafts and to provide input. As the local farming community would not have time to review any drafts during the busy summer months, the review committee members suggested that the project be put on hold until autumn.

In November 2012 the draft policies were presented to the CVRD board. Following board direction, during January 2013, in a series of three open houses the draft policies were presented to the primary stakeholders and public for review and input. In addition to the open houses, informal referrals were sent out to K’ómoks First Nation, key ministries, government agencies and all neighbouring local governments. The input received was considered and improvements were made to the draft policies. The review committee reviewed the proposed changes and the policies were finalized for inclusion in the OCP bylaw amendment. After the proposed first and second reading of the bylaw amendment, a second formal referral process will commence and referrals will be sent out to all the entities listed in appendix ‘B’ attached.

The proposed OCP amendment

The proposed bylaw includes new objective sections, expands existing policy and advocacy policy sections introduces a new development permit area to protect lands designated ALR from neighbouring developments. Highlights of the bylaw are summarized below.

The proposed new objectives:

- provide support for economic growth of the agriculture and aquaculture sectors;
- promote best management practices to protect natural systems and Baynes Sound;
- promote management of rainwater to address drainage issues and protect ground water;
- promote and enhance transportation routes; and to
- minimize the residential impact of dwellings and the siting of dwellings.

The existing agricultural area policies are expanded to include:

- expressions of support for economic growth;
- considerations for the location of processing plants;
- rainwater management and other items for consideration during the subdivision review process;
- water use and protection of water sources; and
- optimizing the use of arable land through the siting of the residential footprint, especially when it pertains to second dwellings required for farm help.

The existing agricultural area policies are expanded to include:

- expressions of support for economic growth;
- considerations for the location of processing plants;
- guidelines for upland development of aquaculture facilities; and
- best practices for development in proximity to the shoreline to ensure that the water quality of Baynes Sound is not negatively impacted.

The existing rural area policies are expanded to include:

- guidelines for the subdivision of non-ALR land;
- the RGS growth management policies (MG Policy 2A-1, to 2A-4) to ensure that 2 to 4 ha lots created through subdivision are used for agriculture and not residential; and
- guidelines for the development of agriculture and aquaculture industries.

The advocacy policies were expanded to reflect the requests of the primary stakeholders and what needs to be discussed with other jurisdictions, including:

- improving public awareness and the importance of the agriculture and aquaculture industries;
- to work with senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources; and,
- to address infrastructure and services that the industries require.

Much of the farming activity in the rural areas of the Comox Valley takes place in close proximity to residential development. Planning for agriculture and aquaculture is becoming increasingly important to ensure a sustainable future for the food producing sectors and to reduce, or avoid, land use conflict. Part of this challenge is ensuring residential and agricultural land uses can successfully co-exist. In order to achieve high levels of compatibility, the proposed bylaw amendment recognizes the residential-agricultural interface as a distinct ‘edge planning area’ where specific policies and management techniques should be applied. The bylaw introduces an ALR buffer development permit, which provides the CVRD and the food producing sectors with tools that can be applied to manage and land use conflicts in the residential-agricultural interface zone, where:

- a 30 metre development permit area will apply to all properties within 30 metres of and adjacent to land designated ALR;

- the total minimum separation distance of 30 metres (15 metres of which is a vegetated buffer) between a residential dwelling unit and adjacent land designated ALR is required to mitigate the impacts of residential and farming activities;
- the incorporation of a 30 metre wide buffer between non-agriculture lands and the lands used for food production, will protect the food production value of these lands.

In addition to the proposed new ALR buffer development permit area map, an updated appendix 'C', land status map and an improved and updated Schedule 'B', land use designation map is included.

The proposed policies of the OCP amendment bylaw will assist with preserving agricultural land and activities in the Comox Valley and securing agriculture and aquaculture as important economic drivers in the electoral areas.

Options

1. To give first and second reading to the proposed electoral areas OCP amendment bylaw (included as appendix A) and allow the referral period of the proposed bylaw to commence (in accordance with the referral list included as appendix B);
2. Not to give first and second reading to the proposed electoral areas OCP amendment bylaw and direct staff how to proceed.

During the drafting of the policies the direction of the CVRD board was followed, to ensure that the revised policies would strengthen the food producing sectors of the Comox Valley. The draft policies were presented to the CVRD board (November 2012) before opening it for public review (January 2013).

The contents of the proposed OCP amendment bylaw is based on extensive consultation with primary stakeholders, their representatives who served on the policy review committee, other community stakeholders, and informal reviews from ministries and senior government agencies (including staff from the Agricultural Land Commission, Ministry of Agriculture, DFO), the Comox Valley Economic Development Society, and staff from the neighbouring regional districts.

Staff is recommending option 1, to give first and second readings to the proposed OCP amendment bylaw and support that formal referrals be sent to those listed in appendix B.

Financial factors

Budget for the completion of the policy review project and OCP amendment bylaw was carried forward into the 2013 financial plan for function 503 strategic and long range planning.

Legal factors

The proposed objectives and policies adhere to the requirements of *Agricultural Land Commission Act* and *Farm Practices Protection (Right to Farm) Act*.

The creation of the agriculture and aquaculture objectives and policies followed the requirements of LGA, part 25 – to bring the OCP into conformance with the RGS. Part 26 of the LGA will be followed to adopt the objectives and policies to form part of the electoral area OCP. Adherence to the requirements of the LGA will mitigate any risks to the future adoption of the proposed OCP amending bylaw.

Sustainability implications

The proposed objectives and policies for the local agriculture and aquaculture sectors are based on the best practices of industry and the following objectives and associated policies of the CVSS:

- Objective 1.1.2: Preserve and enhance the agricultural and resource use, function, and character of rural areas and to maintain and restore their overall ecological health.
- Objective 1.5.1: Preserve rural function and use, such as working farms and woodlots, and emphasize sustainability efforts at the building and site scale in rural areas, by protecting and enhancing the role of rural areas in agriculture, resource industries and environmental protection.
- Objective 6.1.1: Increase the personal and commercial production of local food for local consumption.
- Objective 6.1.2: Bolster the local farm and food economy.
- Objective 7.1.5: All residents have access to sufficient food to meet the basic requirements of a healthy diet.
- Objective 8.3.1: Increase the proportion of locally produced goods in locally owned businesses that are sold in the Valley's economy.

Enhancing the local food production sectors can contribute to reducing greenhouse gas emissions which result from transporting produce from distant locations.

Intergovernmental factors

Various levels of government and provincial ministries and agencies were engaged in the process to draft the OCP amendments.

Section 879 of the LGA states that during the amendment to an enactment, a local government must provide one or more opportunities it considers appropriate for consultation with persons, organizations, and authorities it considers will be affected. Board members must consider whether the consultation should be early and ongoing and specifically who is to be consulted.

To facilitate the review and consultation process for the proposed bylaw a list was prepared of external organizations and authorities to which these proposed amendments shall be forwarded. The K'ómoks First Nations, ministries and agencies that are suggested for inclusion in the referral process are listed in appendix B attached.

Interdepartmental involvement

The development of the draft objectives and policies is led by the strategic and long range planning department as an RGS implementation item. The drafts have implications for both the property services and community services branches of the CVRD. During the drafting of the policies, managers in the parks and solid waste departments of community services and the manager of planning services were consulted. During the creation of the proposed OCP amendment bylaw the legislative services department was consulted.

Citizen/public relations

In accordance with the board approved consultation and work plan, a policy review committee was formed from stakeholders of the agriculture, the aquaculture and community groups to represent the views of the primary stakeholders and the community groups. The review committee completed their final review of the proposed objectives and policies before the amendment bylaw was created.

It is suggested that the determination of a public hearing date be deferred until the board has an opportunity to consider the recommendations received after the formal referral process ends.

Through website updates the stakeholders and public have been and will be kept informed with the progress made on the project. The amendment bylaw will be posted to the website, with the proposed public meeting information. A special email address has been created that the public can use to interact with planning staff on items pertaining to the project.

Prepared by:

R. Leroux

Ralda Leroux, MCIP, RPP
Policy Analyst

Concurrence:

G. Garbutt

Geoff Garbutt, MCIP, RPP
Executive Manager of Strategic &
Long Range Planning

Attachments: Appendix A – “Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 46.”

Appendix B - governments, ministries and agency referral list

APPENDIX A

BYLAW NO.216 COMOX VALLEY REGIONAL DISTRICT

STATUS

TITLE: Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 46

APPLICANT: Comox Valley Regional District

ELECTORAL AREA: Baynes Sound (excluding Denman/Hornby Islands), (Area 'A'); Lazo North, (Area 'B'); and Puntledge – Black Creek (Area 'C').

FILE NO.: 3350-20/CP 1CV 13

PURPOSE: To amend schedule 'A' and 'B' of Bylaw No. 2042, being the "Rural Comox Valley Official Community Plan Bylaw, 1998," in order to accommodate revised agriculture and aquaculture objectives and policies; to add a new development permit (ALR buffer); and to amend the appendix 'C' map of schedule 'A' and provide a replacement map for schedule 'B'.

PARTICIPANTS: All electoral areas



APPLICATION RECEIVED:

Date:

June 28, 2011

THAT the Mt. Washington integrated resort community plan be reviewed and a community driven review of agriculture issues and policy be conducted prior to the electoral area official community plan review.

August 30, 2011

THAT the board approve the work plan attached as appendix A to the staff report dated August 9, 2011, to create agricultural land use policies to be included in the electoral area OCP

**ELECTORAL AREAS
SERVICES COMMITTEE:**

Date:

Recommendation:

REGIONAL BOARD:

Date:

Resolution:

**ELECTORAL AREAS
SERVICES COMMITTEE:**

Date:

Recommendation:

REGIONAL BOARD:

Date:

Resolution:

PUBLIC HEARING:

Date:

MINISTRY OF COMMUNITY
AND RURAL DEVELOPMENT

Date sent:

Date approved:

REGIONAL BOARD:

Date:

Resolution:

COMOX VALLEY REGIONAL DISTRICT

BYLAW NO.216

A bylaw to amend the "Rural Comox Valley Official Community Plan Bylaw, 1998" being Bylaw No. 2042

The board of the Comox Valley Regional District in open meeting assembled enacts the following amendments to the "Rural Comox Valley Official Community Plan Bylaw, 1998" being Bylaw No. 2042:

Text and map amendments

- 1) Bylaw No. 2042 being the "Rural Comox Valley Official Community Plan, 1998" is hereby amended as set out in schedule "A" attached to and forming part of this bylaw.

Title

- 2) This Bylaw No. 216 may be cited as the "Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 46."

Read a first and second time this	day of	2013.
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Read a second time as amended this	day of	2013.
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Public hearing held this	day of	2013.
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Read a third time this	day of	2013.
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I hereby certify the foregoing to be a true and correct copy of Bylaw No. 216, being the "Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 46," as read a third time by the board of the Comox Valley Regional District on the day of 2013.

**Approved by the Ministry of Community,
Sport and Cultural Development this**

Corporate Legislative Officer

day of	2013.
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Adopted this

day of	2013.
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Chair

Corporate Legislative Officer

I hereby certify the foregoing to be a true and correct copy of Bylaw No. 216, being the "Rural Comox Valley Official Community Plan Bylaw, 1998, Amendment No. 46," as adopted by the board of the Comox Valley Regional District on the day of 2013.

Corporate Legislative Officer

SCHEDULE “A”

Text amendments

1. Schedule ‘A’ of Bylaw No. 2042 being “Rural Comox Valley Official Community Plan, 1998, Bylaw 2042” is hereby amended as follows:
 - a. Adding to Part Two, Community Goals, Objectives and Policies, B. Land Use and Economy: Objectives and Policies the following sentence directly below the subheading “B. Land Use and Economy: Objectives and Policies”:

“Notwithstanding the policies contained in any of the schedules of Bylaw No. 2042 being the “Rural Comox Valley Official Community Plan Bylaw, 1998”, the following objectives and policies shall apply to the *aquaculture industry* and the *agriculture industry*.”
 - b. Adding to Part Two, Community Goals, Objectives and Policies, B. Land Use and Economy: Objectives and Policies, after B.12 Forestry Policies, the following subheading and objectives:

“B.13 Agriculture and Aquaculture Industries Objectives

Regional district support for economic growth

B.13(a) Increase communication with stakeholders from *agriculture and aquaculture industries*.

B.13(b) Promote and strengthen the long-term viability of renewable resource-based uses in the Comox Valley, including *agriculture and aquaculture industries*.

B.13(c) In accordance with the Comox Valley Regional District regional growth strategy (RGS), support local *agriculture* and protect lands designated *Agricultural Land Reserve* (ALR) and identified suitable non-ALR lands for the purpose of food production.

B.13(d) In accordance with the Comox Valley Regional District regional growth strategy (RGS), support improved water quality of Baynes Sound for the production of shellfish and other aquaculture products.

B.13(e) Strengthen the retention and expansion of *agriculture and aquaculture industries*.

B.13(f) Encourage the establishment of value-added processing plants for *agriculture and aquaculture industries* in locations where potential land use conflicts can be mitigated.

B.13(g) For small-scale, land intensive and entry-level *agriculture and aquaculture industries*, consider support for the following initiatives that meet legislative requirements and where potential negative effects on adjacent land uses can be mitigated:

 - .1 innovative farming and local marketing techniques that would improve the economic viability of these operations;
 - .2 farm-gate sales;
 - .3 the exploration of alternative models of agricultural land ownership that support these operations, such as:
 - a) mentorship programs between new farmers and experienced farmers;
 - b) cooperative and traditional leasing of agricultural land; and
 - c) farm trusts/cooperatives where food producers share barns, other farm buildings, equipment and expenses.

Natural systems and environmental best practices

B.13(h) Promote best management practices that protect natural systems and land forms, streams, lakes, wetlands, fish and wildlife habitats, shores and the water quality of Baynes Sound and other marine areas with aquaculture potential.

Rainwater management

B.13(i) Promote the sound management of rainwater to benefit *agriculture and aquaculture industries*.

B.13(j) Support watershed-based rainwater management planning.

B.13(k) Investigate the development of rainwater storage and use for *agriculture and aquaculture industries*.

B.13(l) Support the improvement of drainage infrastructure for lands suitable for *agriculture and aquaculture industries*.

Water use and protection of water sources

B.13(m) Support increased water availability for *agriculture and aquaculture industries* by striving to keep natural systems healthy and functioning.

B.13(n) Recognize ground water as an important resource to support *agriculture and aquaculture industries*.

B.13(o) Encourage *agriculture and aquaculture industries* to adhere to agricultural and environmental best practices when using water.

Access and transportation routes

B.13(p) Protect and enhance transportation routes to meet the needs of *agriculture and aquaculture industries*.

B.13(q) Work with the Ministry of Transportation and Infrastructure and the provincial approving officer to address the provision of access and transportation routes (air, land, rail and sea) that would meet the needs of *agriculture and aquaculture industries*, to reduce existing and potential constraints to the economic development of these industries.

B.13(r) Minimize and mitigate recreational/agricultural conflicts where there are trails and parks adjacent to land designated agricultural areas.”

- c. Adding to Part Two, Community Goals, Objectives and Policies, B. Land Use and Economy: Objectives and Policies the following subheading and objectives directly after the aforementioned subheading (B.13 Agriculture and Aquaculture Industries Objectives):

“B.14 Agricultural Area Objectives**Land uses**

B.14(a) Support and encourage lands designated *agricultural area* to be used for a range of uses, including the production and processing of agricultural and aquaculture products by *agriculture and aquaculture industries*, in accordance with the range of land uses permitted by the *Agricultural Land Commission Act*.

B.14(b) Protect the farming integrity and agricultural function of lands designated *agricultural area*.

Second dwelling and siting of dwelling

B.14(c) Consider the construction of a second dwelling where the applicant can demonstrate how it would support *agriculture and aquaculture industries* established on the subject land.

B.14(d) Minimize the residential impact on arable farm land by dwelling units and related residential infrastructure such as driveways.

Subdivision and services

- B.14(e) Preserve lands designated *agricultural area* by supporting the subdivision of these lands, when:
1. the applicant demonstrates, how the proposal will generate a net benefit to *agriculture* or *aquaculture*;
 - .2 the subdivision is supported by Agricultural Land Commission; and
 - .3 is in accordance with the minimum permitted parcel size in the Comox Valley zoning bylaw.
- B.14(f) The development and subdivision of lands designated *agricultural area* is supported by sustainable on-site infrastructure services.

Buffers

- B.14(g) In order to protect land designated *agricultural area* and minimize land use conflicts, buffers adjacent to mutual property lines with *agricultural area* will be required.”

- d. Replacing Part Two, Community Goals, Objectives and Policies, B. Land Use and Economy: Objectives and Policies, B.13 Agriculture Policies (the subheading and policies), which reads:

“B.13 Agriculture Policies

- B.13(a) The economic importance of a sustainable agriculture industry to the Comox Valley shall be recognized and supported.
- B.13(b) Lands designated for agricultural use are shown on Schedule B as Agricultural Area.
- B.13(c) Uses permitted on lands designated Agriculture Area are shown on Table 1. Uses on lands in the ALR are as permitted by the *Agricultural Land Commission Act* and Agricultural Land Commission.
- B.13(d) The retention, protection and enhancement of lands with agricultural capability shall be supported.
- B.13(e) Consolidation of smaller parcels of agricultural land into larger, more viable agricultural units is encouraged and any reduction in land area of a viable farm operation shall be discouraged.
- B.13(f) The Regional District shall explore methods of water collection, storage, distribution and re-use to meet the irrigation needs of the agricultural industry.
- B.13(g) Non-agricultural uses, including transportation and utilities rights-of-way, which would be in conflict with farming operations and ALR lands, shall be strongly encouraged to locate on other lands.
- B.13(h) The Regional District shall take an active role in the administration of the *Soil Conservation Act*.
- B.13(i) New development on non-agricultural lands adjacent to ALR lands shall be required to provide natural vegetated or landscaped buffer areas and/or fencing along property lines, in accordance with ALC Landscape Buffer Specifications, to reduce the potential for land use conflicts.
- B.13(j) The Regional District shall consider:
- .1 establishing a development permit area for the protection of farming on non-farm lands located in the Plan area to protect farm lands located adjacent to Rural Settlement Areas; and

- .2 reviewing its regulations with respect to ALR lands to ensure compatibility with the *Agricultural Land Commission Act* and Regulations.”

with the following subheading and policies:

“B.15 Agricultural Area Policies

Regional district support for economic growth

- B.15(a) Promote “buy local” campaigns.
- B.15(b) Foster communication with the Comox Valley Regional District Agricultural Advisory Committee and stakeholders from *agriculture and aquaculture industries*.
- B.15(c) Support the establishment of farmer’s markets.
- B.15(d) Support the establishment of farm gate sales and limited on-site sales in accordance with the *Agricultural Land Commission Act* and the Comox Valley zoning bylaw, to:
 - .1 decrease transportation costs for producers;
 - .2 provide consumers with direct access to local food; and
 - .3 allow consumers to connect with the farmers who produced their food.

Natural systems and environmental best practices

- B.15(e) Use best practices guidelines and standards of senior government agencies to promote adequate flood control, bank stabilization, and stream protection.

Rain water management

- B.15(f) Where the regional district is considering new development or subdivision adjacent to or upstream from lands designated *agricultural area*, the following will be incorporated into the review and approval process:
 - .1 best management practices designed to mitigate impacts on *agricultural areas* that will ensure that post-development flows do not exceed pre-development flows and to promote aquifer recharge; and
 - .2 for the benefit of ground water, fish bearing waters, and/or the water of Baynes Sound, that run-off be dealt with in accordance with a rainwater management plan designed by a professional engineer, which also addresses the quality of run-off.

Water use and protection of water sources

- B.15(g) In order to support local food production, the Comox Valley Regional District will support the provision of potable water to *agriculture and aquaculture industries* to supplement ground and surface water.
- B.15(h) Through partnerships, the regional district will support initiatives for water collection, storage, distribution and re-use to meet:
 - .1 the domestic needs for potable water; as well as
 - .2 the irrigation and livestock watering needs of *agricultural industry*; and
 - .3 the product rinsing, preparing and processing needs of *agriculture and aquaculture industries*.
- B.15(i) Through partnerships, the regional district will work with the stakeholders of *agriculture and aquaculture industries* to:
 - .1 increase non-potable irrigation water to lands designated *agricultural areas*; and
 - .2 measures to support water flow into the Tsolum River.
- B.15(j) When considering development applications and subdivision referrals, the regional district will require, where possible, that ground and

surface water protection is considered in the development application review process.

- B.15(k) When the total impervious area of proposed farm buildings and structures exceeds 3,700 square metres or covers more than 10 percent of a lot or contiguous lots, the regional district will consider requesting the landowner to prepare rain water and *agricultural liquid waste* management plans. The rain water management plan will need to retain post development flows on the subject land without placing a burden to adjacent landowners to deal with additional run-off created through the construction of the aforementioned buildings and structures.

Land uses and protection of agriculture

- B.15(l) Lands located within the provincial *Agricultural Land Reserve* (ALR) are designated *agricultural area*.

- B.15(m) Uses permitted on lands designated *agricultural area* are shown on table 1 (part 3, section 2).

- B.15(o) In accordance with the *Local Government Act*, intensive agriculture is protected and is a permitted use on land located in the *Agricultural Land Reserve* (ALR), and is therefore allowed to establish on land designated *agricultural area* despite any other provisions made in the Comox Valley zoning bylaw.

- B.15(p) The conversion of land with an *Agricultural Land Reserve* (ALR) designation to a non-agricultural designation is not supported.

- B.15(q) Applications to include land in *Agricultural Land Reserve* (ALR) are forwarded to the Agriculture Land Commission for consideration. The Comox Valley Regional District will support applications for inclusion in the ALR that:

- .1 show a benefit to *agriculture and aquaculture industries* and enhances the overall land base;
- .2 with the provision that the zoning of the land be amended if the existing zoning of the land (before inclusion into the *Agricultural Land Reserve* (ALR)) permits subdivision of lots less than 8 ha.

- B.15(r) General conditions for the development of land designated *agricultural area*:

- .1 All new development must support the primary agricultural function of lands designated *agricultural area*.
- .2 If unable to connect to a community water service provider and an existing sewer treatment facility, the service provisions must meet the health regulations and the approvals of the Vancouver Island Health Authority (VIHA).
- .3 To limit the negative impact of residential use on land designated *agricultural areas* the size of dwellings on these lands should be limited.
- .4 The area of construction and landscaping for a dwelling involving the placement of fill or removal of soil should not exceed 0.2 ha in accordance with Agriculture Land Commission policy.
- .5 Where it is not possible to accommodate a residential driveway within the 0.2 ha building area, the amount of fill or soil removed for the construction of the driveway should not exceed 320m³/16.0 ha in accordance with Agriculture Land Commission policy.

B.15(s) The establishment of non-agricultural uses, including transportation and utilities rights-of-way, and areas for alternative energy production (unless directly linked to farming operations), which would be in conflict with farming operations and lands designated *agricultural area*:

- .1 shall be strongly encouraged to locate on other lands; and
- .2 if relocation is not possible, the *agricultural area* land owner should be consulted to mitigate the impacts of these uses on agricultural operations.

Subdivision and services

B.15(t) The existence of multiple dwellings on a property shall not be a factor in determining subdivision potential.

B.15(u) Where subdivision occurs, sustainable on-site services must be provided in accordance with agricultural, environmental and industry best practices including potable water, onsite septic disposal, drainage and potential irrigation water.

B.15(v) Consolidation of smaller parcels of agricultural land into larger, more viable agricultural parcels is encouraged and reduction in land area of a viable farm operation is discouraged.

B.15(w) Severance of *agricultural areas* by new transportation or utility corridors, or new recreational trails should be avoided and encouraged to be re-routed away from *agricultural areas*.

B.15(x) Subdivision of land in *agricultural areas* is generally discouraged and where possible, contiguous areas of agricultural land should be preserved.

B.15(y) Where subdivision of land in the *agricultural area* is proposed in accordance with *Agricultural Land Commission Act* and with the minimum lot area requirements of the Comox Valley zoning bylaw, the applicant, where requested by the Comox Valley regional district, is required to provide the following:

- .1 An agriculture and/or aquaculture proposal, that demonstrates how the proposed subdivision would benefit *agriculture and aquaculture industries*.
- .2 A site plan showing how the use of arable farm land on the subject lot will be optimized through the siting and the location of the following proposed future improvements (as applicable):
 - a) the proposed farm buildings and structures, the proposed residential use and related structures, and other potential future non-farm buildings as the case may be;
 - b) related infrastructure, such as the driveway and potential surface water collection; and
 - c) on-site services that may include well(s), a septic field/tank or sewage disposal system.
- .3 If no building or structures are contemplated for the proposed subdivided land, identify the location on the proposed new parcel, of a potential building site envelope and related on-site servicing infrastructure that would minimize the impact of development on available arable land and on-site environmental features, such as wetlands and streams.
- .4 A drainage and irrigation plan indicating how rainwater will be managed to ensure that:

- a) adjacent lands will not be negatively affected by the proposed development of the subject land through post-development flows that would not exceed pre development flows; and
 - b) how ground water would be re-charged.
- .5 Upon request from the regional district, proof that the proposed well(s) on the subject land would not negatively impact adjacent wells in the area. For aquifer protection proof will consist of a report from a qualified professional, capturing ground water quantification, vulnerability and protection measures that need to be applied as conditions of subdivision.

Buffers

B.15(z) Through “edge planning” the relationship and impact of different adjacent land uses on each other are taken into consideration, making provision for the protection of *agriculture and aquaculture industries*. New development on non-agricultural lands adjacent to lands designated *agricultural areas* or *Agricultural Land Reserve* (ALR) in neighbouring jurisdictions shall be required to buffer areas and/or fencing along common property lines, to reduce the potential for land use conflicts, in accordance with Development Permit Area (DPA) No. 19, ALR Buffer.

B.15(z.1) In accordance with Development Permit Area (DPA) No. 19 principal structures and wells are to locate a minimum of 30 metres from the common boundary of the land designated *agricultural area* or *Agricultural Land Reserve* (ALR) in neighbouring jurisdictions. If the size of the property cannot accommodate this distance the owner of the proposed development is responsible to demonstrate to the satisfaction of the Comox Valley Regional District how drinking water source protection will be addressed.

Dwellings – second dwellings and siting of dwellings

B.15(z.2) The owners of land designated *agricultural area* are encouraged to locate and group buildings, structures, dwellings and related infrastructure, including driveways, to preserve and not fragment contiguous tracks of land and/or the most productive land on the property. For the benefit of *agriculture and aquaculture industries* examples of best management practices for siting requirements that can be considered, include the following:

- .1 siting of all buildings and structures in a way that would not negatively affect the long term agricultural potential of the subject property or the adjacent properties;
- .2 avoiding fragmenting and alienating productive and or arable land;
- .3 avoiding placing buildings on the best soils on a property or where such buildings could negatively impact sensitive environmental features on the subject land, such as wetlands or streams;
- .4 minimizing nuisance factors such as noise or lights by filtering and screening these factors to be less noticeable;
- .5 grouping all development together, so that the remaining open land can easily be accessed by large farming equipment;
- .6 avoiding long driveways and the siting of buildings deep into the property;
- .7 improving compatibility between dwelling units and farming operations, where possible, place residential uses adjacent to roads;

- .8 limiting the size of development by keeping the footprint of dwelling units small so that greater separation between dwelling units can be achieved; and
 - .9 orienting dwelling units and other structures to optimize solar heating and light.
- B.15(z.3) The *Agriculture Land Commission Act* determines that lands designated *agricultural areas* may not be permitted to be used, or a building erected, for any purpose other than farming except for dwellings necessary to support the farm use or as permitted by regulation. Because the provision of housing is considered a necessary accessory use to the agricultural use of the property, the construction of one single family dwelling on each registered parcel of land is permitted on land designated *agricultural area*.
- B.15(z.4) The *Agriculture Land Commission Act* allows for a lot that had more than one dwelling prior to December 1972 to continue indefinitely, despite that fact that the additional dwelling may not be associated with a farm operation. Where the additional dwelling(s) is not necessary for farm use, it is treated as a non-conforming use and replacement, in the case of fire (for example), would require the approval of the Agricultural Land Commission.
- B.15(z.5) Additional dwellings on land designated *Agricultural Land Reserve* (ALR) is regulated by the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. The *Agriculture Land Commission Act* does not set a limit on the number of additional dwellings for farm help per legal lot; however, all such homes must be necessary for farm use.
- B.15(z.6) In considering an application for a second farm dwelling, the Comox Valley Regional District requires the applicant to provide:
- .1 proof of how the proposal meets the provisions of the Comox Valley zoning bylaw;
 - .2 information on the farm operation to justify a second dwelling, where there should be enough farming activity taking place to fully employ one full-time person before a second dwelling unit for a farm help should be considered;
 - .3 the geographic location, availability and proximity of alternative accommodation off the subject land, in the immediate area;
 - .4 the nature and the size of the dwelling and if the proposed dwelling is going to be temporary (and if so, for what period of time) or if it is going to be a permanent dwelling or a mobile home;
 - .5 the identification of how the additional dwelling will be provided with on-site services that would meet provincial regulations;
 - .6 a site plan, showing how best practices for the siting of the second dwelling took the following into account:
 - a) all the other existing developments on the subject land;
 - b) related infrastructure, such as the driveway and potential surface water collection;
 - c) on-site services that includes well(s) and the septic field/tank or sewage disposal system and how the proposed second dwelling will be serviced.
 - .7 drainage and irrigation considerations, indicating how rainwater will be managed to ensure that:

- a) the post-development flows would not exceed pre development flows;
 - b) adjacent lands will not be negatively affected by the proposed development of the subject land; and
 - c) how ground water would be re-charged.
- .8 potential buffering and the use of landscaping to shield the proposed residential use from agriculture and or aquaculture activities.
- B.15(z.7) To further limit the negative impacts of residential use on land designated *agricultural area*, the size of second dwelling(s) should be limited.
- B.15(z.8) When an owner wishes to construct an additional dwelling on a parcel that already has the maximum permitted number of dwellings, the owner may make application to the Comox Valley Regional District (CVRD) to temporarily occupy an existing dwelling while constructing the new dwelling. The owner must enter into an agreement with the CVRD and provide a performance bond. The owner must agree to have a building permit in place to demolish, remove, or where permitted, convert the existing dwelling to an accessory building prior to occupancy of the new dwelling and agree that the existing dwelling shall be vacated and no longer occupied within 7 days of being granted occupancy approval for the new dwelling, or earlier if requested by the CVRD.

Processing plants and related infrastructure

- B.15(z.9) The regional district supports the principle of establishing value added processing uses and related structures on the land where the primary products are produced, but recognize that:
- .1 the applicant must meet all other legislative requirements before such a proposed processing use or structure can be established; and
 - .2 that the proposal should include suggestions of how potential negative effects resulting from the value added process can be minimized.
- B.15(z.10) Food processing uses and structures supporting *agriculture and aquaculture industries* shall be permitted on lands designated *agricultural area*, subject to Agricultural Land Commission(ALC) approval.
- B.15(z.11) The siting and site design of *value-added* processing plants shall follow best practices and shall mitigate any potential off-site impacts.
- B.15(z.12) The location of processing plants shall take into consideration:
- .1 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide potential buffering and screening if required;
 - .2 public access to the coastal waterfront, where applicable;
 - .3 provision of adequate water supply and liquid waste management systems;
 - .4 traffic generation and air pollution through existing developed areas;
 - .5 provision of adequate transportation links, access and parking; and
 - .6 surrounding neighbourhood and user needs in regard to noise, lighting, air pollution, screening, idling of trucks, etc.

Access and transportation routes

- B.15(z.13) Provide sufficient and diversified transportation options to bring required products to the Comox Valley and to export produce grown here.
- B.15(z.14) Encourage public education regarding the understanding that public roads need to be shared with large farming equipment.

- B.15(z.15) With regard to new trails, the regional district will:
- .1 attempt to re-route new trails away from active livestock operations and if relocation is not possible or practical to secure the continuity of trails, the landowner impacted by the development proposal shall be consulted to determine how the impacts of the proposed new trail on the livestock operations can be mitigated; and
 - .2 mitigating measures and agricultural best practices will be included in the planning and developing of trails and parks in designated *agricultural areas* that take into account:
 - a) the ALC’s landscape buffer specifications; and
 - b) the [Ministry of Agriculture and Lands – a Guide to Using and Developing Trails in Farm and Ranch Areas](#) (2002).
- B.15(z.16) The provision of buffers along trails may include a combination of fencing, physical separation, water features, vegetation and elevation differences.
- B.15(z.17) During the planning and design of trails in an *agricultural area*, the regional district will consult with the Comox Valley Regional District Agricultural Advisory Committee.
- B.15(z.18) Transportation and utility right-of-ways, and areas for alternative energy production (unless directly linked to farming operations), which may be in conflict with farming operations and lands designated *agricultural area*:
- .1 shall be strongly encouraged to locate on other lands; and
 - .2 if relocation is not possible or practical, the *agricultural area* land owner should be consulted to determine how the impacts of the proposal on the agricultural operations can be mitigated.
- B.15(z.19) Support the revitalization of the E&N railway line as an important transportation corridor for *agriculture and aquaculture industries*.

Zoning bylaw amendments

- B.15(z.20) The regional district will review Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005” to determine impediments to *agriculture and aquaculture industries* and to consider required amendments.
- e. Replacing Part Two, Community Goals, Objectives and Policies, B. Land Use and Economy: Objectives and Policies, B.14 Aquaculture and Fisheries Policies, which reads:
- “B.14 Aquaculture and Fisheries Policies**
- B.14(a) The economic importance of sustainable aquaculture and fisheries industries to the Comox Valley shall be recognized and supported.
- B.14(b) The Denman Island Local Trust area includes the area up to the eastern coast of Vancouver Island from Mud Bay to Comox Point (not including municipal boundaries). The Denman Island OCP and zoning bylaw only extend 1 000 metres seaward from the coastline of Denman Island; the coastal area is outside of this area.
- If the Coastal designation remains for this area, the Islands Trust requires that it be consistent with the Islands Trust Policy Statement and the “Object of the Trust.”
- This will require new policies for this area.
- B.14(c) The Regional District shall work cooperatively with the Islands Trust, local government and senior government agencies to develop policy for the area extending 300 metres seaward from the high water mark of the eastern

coastal boundary of the planning area that falls within the jurisdiction of the Islands Trust.

B.14(d) Uses permitted in the area designated as Coastal Area are as shown on Table 1.

B.14(e) Fisheries and aquaculture related habitats and resources shall be protected, and where feasible enhanced, through the designation of these lands as Environmentally Sensitive Areas Development Permit Areas, and through the application of appropriate development criteria and regulations.

B.14(f) The Courtenay River Estuary Management Plan shall be considered for inclusion in the OCP during the annual review of the OCP following its completion.

B.14(g) The Regional District shall work with senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources.

B.14(h) The protection of streams for fish access and the retention of natural open channels for small streams shall be required as surrounding areas are developed.

B.14(i) The riparian area as an important component of a healthy aquatic zone shall be protected.”

with the following re-numbered subheading and policies:

“B.16 Aquaculture and Fisheries Policies

Jurisdiction

B.16(a) The 300 metre coastal area (excluding municipal boundaries) as shown on schedule B (land use designation map) is partially located within the Denman Island Local Trust area of jurisdiction. However, the zoning designation for water (shown on schedule ‘C’ of the Denman official community plan) only includes the marine areas within the Denman Island Trust Committee, as far west as the 30 metre bathymetric contour of the shore of Vancouver Island and therefore, in the applicable Baynes Sound – Denman/Hornby Islands (Electoral Area ‘A’), does not extend all the way to the eastern coast of Vancouver Island.

Because the Denman Island Local Trust area of jurisdiction includes the ocean area up to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point, development within the 300 metre coastal area therefore needs to be consistent with:

.1 the Islands Trust [Policy Statement](#); and the following

.2 *Island Trust Act* section 3, “Object of the Trust”:

“to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

B.16(b) Above the high-water mark of the eastern coastline of Vancouver Island, any upland or backshore development within the Comox Valley Regional District boundary (as shown on schedule B, land use designation map), falls within the jurisdiction of bylaw no. 2042, being the “Rural Comox Valley Official Community Plan, 1998” (OCP).

Regional district support for economic growth

B.16(c) Promote “buy local” campaigns.

- B.16(d) Support the establishment of farm gate and “dock-side” sales and limited on-site sales (that meet all legislative requirements), to:
- .1 decrease transportation cost for producers;
 - .2 provide consumers with direct access to healthy fresh and local food;
 - .3 allow them to connect directly with primary food producers; and
 - .4 allow for community building between aquaculture producers and the local community.

Natural systems and environmental best practices

- B.16(e) Recognize aquatic habitats and resources as environmentally sensitive areas that need to be protected and enhanced.
- B.16(f) Protect *riparian areas* as an important component of an aquatic ecosystem, amongst other through provincial riparian areas regulation (RAR), development permit regulations and sound rain water management policies and practices where applicable.

Land uses

- B.16(g) Uses permitted in the area designated as “coastal area” are shown on table 1 (part 3, section 2).
- B.16(h) The development of *agriculture and aquaculture industries* in proximity to the shoreline must follow best environmental and industry practices:
- [Caring for Our Shores: A Handbook for Coastal Landowners in the Strait of Georgia](#) (1998)
 - [Coastal Shore Stewardship: A Guide for Planners, Builders and Developers](#) (2003)
 - [Green Shores Coastal Development Rating System](#) (March 2010)
 - Green Shores, [Sustainable Approaches to Coastal Design](#) (August 16, 2008); and
 - [A Guide for Structures along Estuaries and Large Rivers](#) (2003)
- B.16(i) The regional district recognizes the need of the *aquaculture industry* to effectively grow seed that can replenish existing oyster beds and therefore supports in principle the use of power supplies from Deep Bay and Fanny Bay wharfs for the growing of seed for the *aquaculture industry*.
- B.16(j) Food processing uses and structures supporting *agriculture and aquaculture industries* shall be encouraged to establish on appropriate lands designated *agricultural area*, subject to Agricultural Lands Commission(ALC) approval.
- B.16(k) When reviewing development applications for upland aquaculture facilities, processing uses and structures the Comox Valley Regional District shall consider the following:
- .1 a location, ideally within a five minute drive from existing wharfs, marinas and boat ramps;
 - .2 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide potential buffering and screening if required;
 - .3 public access to the coastal waterfront, where applicable;
 - .4 provision of adequate water supply and liquid waste management systems;
 - .5 traffic and air pollution related to the proposed aquaculture facilities and processing uses on existing developments;

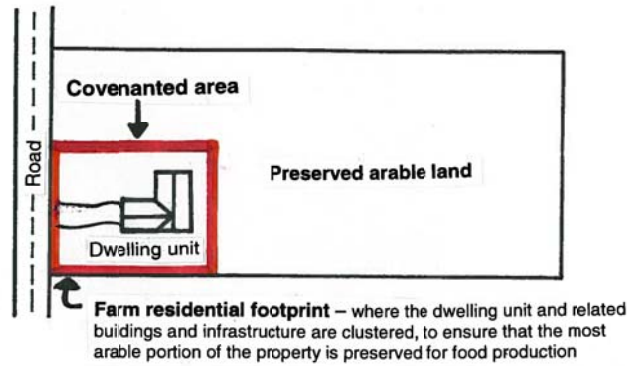
- .6 the provision of adequate transportation links, site access and on-site parking;
 - .7 the surrounding neighbourhood and community needs and sensitivities in regard to excessive noise, light and air pollution, odours, effluents, etc. of the operation;
 - .8 rain, stormwater and site retention of runoff, so that adjacent properties are not negatively impacted; and
 - .9 landscaping requirements, screening and buffering to mitigate potential traffic noise, diesel truck idling, and local cooling mechanisms.
- B.16(l) Implement best practices in creating trails adjacent to Baynes Sound, riparian, wetland, and other aquatic areas that also includes [The Stewardship Series - Access Near Aquatic Areas: A Guide to Sensitive Planning Design and Management](#) (1996/1997).

Zoning bylaw amendments

- B.16(m) The regional district will review Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005” to determine impediments to the *agriculture and aquaculture industries* and to consider required amendments.”
- and renumbering subsequent sections accordingly.
- f. Adding to Part Two, Community Goals, Objectives and Policies, C. Land Use and Settlement: Objectives and Policies, C.1 Rural Area Objectives, at the end of this section, the following objective:
- C.1(e) To ensure that all rural development supports the agriculture objectives and policies contained in this bylaw, aiming to support the rural character and function of the *rural area*, including the working agricultural land base and aquaculture areas.
- g. Adding to Part Two, Community Goals, Objectives and Policies, C. Land Use and Settlement: Objectives and Policies, C.2 Rural Area Policies, at the end of this section, the following two sub-headings and related policies:
- Subdivision of non – ALR land:**
- C.2(i) Lot sizes less than 4 hectares, but no smaller than 2 hectares shall be considered, providing that the proponent can demonstrate how the proposed lot(s) will create opportunities for small-scale, land intensive and entry-level agriculture.
- C.2(j) For larger tracts of land that include the development proposals for more than two lots to be created, the regional district shall consider proposals for small-scale, land intensive and entry level *agriculture and aquaculture industries* that are completed through a phased development agreement. The intention of this policy is that subject to approvals, the land would be developed through phases, where the completion of the first phase reflects OCP policies and other bylaws, before a second phase can be contemplated.
- C.2(k) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land users. Public road ending or road frontages adjacent to land designated *agricultural area*, or *Agricultural Land Reserve* (ALR) in neighbouring jurisdictions should be avoided, except as may be necessary for access by farm vehicles.
- C.2(l) Through the siting of the *farm residential footprint*, attempt to preserve and not to fragment the arable portion of the subject land. Establish the farm residential footprint close to a public road, either at the front lot line or the

side lot line if it is a corner lot, providing that this is not proven to be the best arable land on the property.

- C.2(m) The residential use (farm house) shall only be located within the *farm residential footprint*. The regional district shall require covenants to ensure that the proposed *farm residential footprint* is established only in the area indicated with a subdivision proposal.



- C.2(n) Where rezoning is required to create lots less than 4 ha, agriculture and aquaculture uses must be established prior to permanent residential uses.
- C.2(o) The permanent residential use on a lot shall be limited to one (1) dwelling unit limited in size to a maximum area of 300.0 metres², with the understanding that before the permanent residential use is established, the land owner will be allowed temporary accommodation on the subject land. Such temporary accommodation can consist of recreational vehicle or mobile home.
- C.2(p) Where small-scale, land intensive and entry-level *agriculture and aquaculture industries* are located adjacent to existing rural residential neighbourhoods and other existing uses, buffers will be provided to reduce potential land uses conflicting including noise, dust, odours and undesirable airborne particulate matter.
- C.2(q) Buffers may include a combination of fencing, physical separation, water features, vegetation and elevation differences.
- C.2(r) When considering an application for rezoning for the purpose of subdivision to create a 2 ha to 4 ha lot(s), an applicant will provide the following:
- .1 an agriculture and aquaculture farm plan/detailed proposal for the subject lot(s) and how it will contribute to the *agriculture and aquaculture* production in the Comox Valley;
 - .2 a site analysis and a plan prepared by a BC land surveyor, documenting the opportunities and constraints of the subject lot(s) in terms of topography, agricultural capacity, surrounding land uses and an explanation of how the subdivision proposal responds to the site analysis. A site analysis shall include where relevant:
 - a) topography of the land (including ridgelines, slope gradients and erosion areas);
 - b) a rainwater management plan;
 - c) soil classification and capacity;
 - d) on-site sewer service/liquid waste management plan;
 - e) proof of potable water;
 - f) a description of irrigation capabilities;

- g) suitability for non-soil based *agriculture and aquaculture industries*;
 - h) environmental sensitive features including: habitat corridors, wetlands, watercourses and habitat trees;
 - i) potential natural features that can be enhanced for capturing rainwater to use for irrigation purposes;
 - j) land liable to inundation by floodwaters;
 - k) prevailing wind patterns to assess odour and dust impacts;
 - l) any existing and proposed buildings and works, including outdoor storage areas and shelter for livestock;
 - m) adjoining land uses and neighbouring buildings; and
 - n) any other matters relevant to the subject lot(s) and its environment that will influence using it for food production.
- .3 the location and extent of a *buffer* (where applicable) that is required to shield proposed development from adjacent (potential or existing) *agriculture and aquaculture industries*, where the proposal may include individual buffers for each proposed lot, or one contiguous buffer surrounding the collective outside boundary of the collection of small lots;
 - .4 the location of infrastructure including power, water, sewer and road access; and
 - .5 a site plan prepared by a surveyor, outlining the location of the proposed farm residential footprint, as illustrated on figure one.

Agriculture and aquaculture industry development in rural area

C.2(t) Support the establishment of *agriculture and aquaculture industries* and related uses, such as farm gate sales, food processing establishments, distribution centres, farmers markets and agricultural research facilities.

C.2(u) In considering an application to establish *agriculture and aquaculture industries* or related uses in *rural area*, the applicant, where requested by the Comox Valley regional district, is required to provide the following information to the satisfaction of the regional district:

- .1 how the proposal meets the provisions of the Comox Valley zoning bylaw, or how it could be met through successful rezoning of the subject land;
- .2 how the proposal will maintain the rural character of its surroundings and support the function of a working rural landscape;
- .3 compatibility of intended use with adjacent land and water uses, natural resource areas and the ability to provide potential landscaping, buffering and screening.
- .4 the identification and protection measures of environmental sensitive features on the land;
- .5 a rainwater management and drainage plan designed by a professional engineer, to ensure:
 - a) best management practices to mitigate impacts on adjacent land that will ensure that post-development flows do not exceed pre-development flows and to promote aquifer recharge; and
 - b) for the benefit of ground water, fish bearing waters, and/or the water of Baynes Sound, that run-off be dealt with in accordance with the rainwater management plan, which also addresses the quality of run-off.

- .6 a site analysis and a plan prepared by a BC land surveyor, documenting the opportunities and constraints of the subject lot(s) in terms of topography, agricultural capacity, surrounding land uses and an explanation of how the subdivision proposal responds to the site analysis. A site analysis shall include where relevant:
- a) topography of the land (including ridgelines, slope gradients and erosion areas);
 - b) a rainwater management plan;
 - c) on-site sewer service/liquid waste management plan;
 - d) proof of potable water;
 - e) a description of irrigation capabilities (where applicable);
 - f) environmental sensitive features including: habitat corridors, wetlands, watercourses and habitat trees;
 - g) prevailing wind patterns to assess odour and dust impacts;
 - h) any existing and proposed buildings and works, including outdoor storage areas and where applicable, a shelter for livestock;
 - i) adjoining land uses and neighbouring buildings;
 - j) how screening and buffering from adjacent land uses will be done;
 - k) site access and on-site parking; and
 - l) any other matters relevant to the subject lot(s) and its environment that will influence using it for food production.
- C.2(v) Landowners who want to receive the same protection for their industries as those located in *agricultural area*, are encouraged to apply to have their land included in the *Agricultural Land Reserve* (ALR), with the provision that the zoning of the land be amended if the existing zoning of the land (before inclusion into the *Agricultural Land Reserve*) permits subdivision of lots less than 8 ha.
- h. Replacing Part Two, Community Goals, Objectives and Policies, D. Advocacy Policies, D.6 Agriculture Advocacy Policies, which reads:
- “D.6 Agriculture Advocacy Policies**
- D.6(a) Members of the local farm community shall be encouraged to meet senior government agency environmental guidelines and observe the requirements of the Code of Agricultural Practice for Agricultural Waste Management and the standards drawn up in accordance with the Farm Practices Protection Act, in order that the area’s watercourses remain free of agricultural-generated pollution.
- D.6(b) Local government and senior government agencies shall be encouraged to develop a regional plan for agriculture in consultation with the farming community and the Regional District.
- D.6(c) Local government and senior government agencies shall be encouraged to continue working with the local farming community to maintain or re-establish natural watercourse patterns and to provide facilities for fish (e.g. spawning channels, fish hatcheries).
- D.6(d) The Provincial Agricultural Land Commission shall be encouraged to retain, protect and support the enhancement of lands, for agricultural uses, within the ALR.

D.6(e) The City of Courtenay, Town of Comox, and Village of Cumberland, and senior government agencies shall be encouraged to coordinate with the Regional District with respect to the planning and development of water sources to meet the irrigation needs of the agricultural community.

D.6(f) Farm operators shall be encouraged to protect the natural environment by using appropriate conservation techniques.”

with the following subheading and policies:

“D.6 Agriculture Advocacy Policies

Support and economic growth

D.6(a) Through partnership improve the public awareness of the importance of *agriculture and aquaculture industries*, particularly among people living in close proximity to, or within areas designated *agricultural area* and *rural area* and the foreshore of Baynes Sound; by supporting policies that protect land designated *agricultural area* and the water quality of Baynes Sound for current and future food production.

D.6(b) Local government and senior government agencies shall be encouraged to develop a regional plan for *agriculture and aquaculture* in consultation with the stakeholders from *agriculture and aquaculture industries* and the regional district.

D.6(c) The regional district shall work cooperatively with the Islands Trust, local government and senior government agencies to develop policy for the area extending 300 metre seaward from the high-water mark of the eastern coastal boundary of the planning area that falls within the jurisdiction of the Islands Trust.

D.6(d) The regional district shall work with senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources.

D.6(e) The Comox Valley Economic Development Society shall be encouraged to attract businesses which complement and strengthen *agriculture and aquaculture industries*.

D.6(f) The regional district will liaise with improvement districts, agencies and ministries to effectively address the provision of infrastructure and services that *agriculture and aquaculture industries* require.

D.6(g) The regional district shall consult with BC Assessment to determine what can be done with regards to property taxes that will encourage and not deter land owners and active farmers from adding value to the primary products grown on their land.

D.6(h) The regional district will communicate with the real estate board to request realtors who sell properties in *agricultural and rural areas* of the Comox Valley regional district, to include a notice to the prospective land purchasers that the property they are interested in is located in an area where active farming operations are supported and may therefore be subject to noise, odour, dust and other activities associated with active farming operations.

Water use

D.6(i) Through partnerships, the regional district will, over the long term consider tools to improve access to potable water at a reasonable price available to *agriculture and aquaculture industries*.

Access and transportation routes

D.6(j) The regional district will, in consultation with *agriculture and aquaculture industries*, work with Ministry of Transportation and Infrastructure to develop sufficient access points and suitable road infrastructure (location and standard) that would meet the needs of the *agriculture and aquaculture industries* and *forestry* sector.

D.6(k) Work cooperatively with provincial agencies, *agriculture and aquaculture industries* to create a transportation network (land, rail, sea and air) that is compatible with and supportive of food production in the Comox Valley.

D.6(l) The Ministry of Transportation and Infrastructure shall be encouraged to:

- .1 give consideration to the policies of the OCP and the protection of the *rural character* of the plan area when planning for any new road alignment;
- .2 consult with the regional district with respect the siting of public accesses which provide access to water bodies and the foreshore for *aquaculture industry*; and
- .3 take it into consideration when, during April to October, applications for road running and cycling races, or similar non-vehicle road uses are received, that roads located in designated *agricultural areas* are frequently used by *agriculture and aquaculture industries*. Holding these races during the busy food production months have a negative impact on the operations of *agriculture and aquaculture industries* and results in dangerous situations where heavy farming equipment mixes with runners and cyclists.

D.6(m) Senior government agencies and local governments shall be encouraged to continue to work cooperatively to develop commercial airport operations and related commercial aviation ventures for the economic benefit of the Comox Valley.

- i. Replacing Part Two, Community Goals, Objectives and Policies, D. Advocacy Policies, D.7 Aquaculture and Fisheries Advocacy Policies, which reads:

“D.7 Aquaculture and Fisheries Advocacy Policies

D.7(a) The Baynes Sound Round Table shall be encouraged to continue to bring together various interests to resolve issues associated with Baynes Sound.

D.7(b) Senior government agencies shall be encouraged to require applicants to provide for the maintenance of appropriate public access to the foreshore when considering aquaculture leases.

D.7(c) When watershed management plans are being developed, participants shall be encouraged to include policies to enhance the health of the local shellfish industry and emphasize the need to protect this unique marine habitat for shellfish.

with the following subheading and policies:

“D.7 Aquaculture and Fisheries Advocacy Policies**Support and economic growth**

D.7(a) Through partnership, build strong alliances by fostering communication with the Comox Valley Regional District Agricultural Advisory Committee and stakeholders from *agriculture and aquaculture industries*.

- D.7(b) The regional district will work with stakeholders from *agriculture and aquaculture industries*, senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources.
- D.7(c) Through partnership improve the public awareness of the importance of *agriculture and aquaculture industries*, particularly among people living in close proximity to or within areas designated *agricultural area* and *rural area* and the foreshore of Baynes Sound; by supporting policies that protect land designated *agricultural area* and the water quality of Baynes Sound for current and future food production.
- D.7(d) The regional district shall work cooperatively with the Islands Trust, local governments and senior government agencies to develop policy for the area extending 300 metres seaward from the high water mark of the eastern coastal boundary of the planning area that falls within the jurisdiction of the Islands Trust. The 300 metres coastal area is shown on schedule B, land use designation map.
- D.7(e) Senior government agencies shall be encouraged to require applicants to provide for the maintenance of public access to the *foreshore* when considering *aquaculture* leases.
- D.7(f) When watershed management plans are being developed, participants shall be encouraged to include policies to enhance the health of the local shellfish industry and emphasize the need to protect this unique marine habitat for shellfish.

Subdivision and services

- D.7(g) The agency responsible for wastewater disposal shall be encouraged to:
- .1 consider the cumulative effects of ineffective individual septic systems;
 - .2 evaluate areas with suspected problems;
 - .3 consult with affected landowners with respect to corrective measures;
 - .4 enforce legislative requirements, where necessary;
 - .5 permit the installation of approved innovative technologies; and
 - .6 encourage the safe reuse of effluent and biosolids in conjunction with *agriculture and aquaculture industries*.
- j. Replacing Part Three, Plan Map, section 1 (schedule B – land use designation map which reads:
- “The Land Use Designation Map, Schedule B, identifies the location of the seven land use designations:
- Rural Settlement Area;
 - Rural Area;
 - Industrial Area;
 - Marine Industrial Area;
 - Agricultural Area;
 - Upland Resource Area; and
 - Coastal Area.
- The Rural Service Centre symbol indicates the approximate location of existing *rural service centres*.
- The boundaries indicated on the Land Use Designation Map are to be considered approximations. The exact extent of boundaries shall be determined through *Electoral Area Plans*, *Local Area Plans* or other planning studies.
- Permitted land uses are indicated on Table 1 and outlined in the associated text.”

with the following section 1 (schedule B – land use designation map):

“Schedule B, Land Use Designation Map, identifies the location of the following nine land use designations:

- Agricultural Area;
- ALR designated land in neighbouring jurisdictions;
- Rural Area;
- Industrial Area;
- Marine Industrial Area;
- Settlement Expansion Area;
- Upland Resource Area;
- 300m Coastal Area; and
- Rural Settlement Area.

The rural service centre, wharf, marina and boat ramp symbols indicate the approximate location of existing *rural service centres*, wharves, marinas and boat ramps.

The boundaries indicated on the land use designation map are to be considered approximations. The exact extent of boundaries shall be determined through *Electoral Area Plans*, *Local Area Plans* or other planning studies.

Permitted land uses are indicated on table 1 (part 3, section 2) and outlined in the associated text.”

- k. Adding a number to Part Three, Plan Map, subheading Table 1, which reads:
“Table 1”

To be numbered and read:

“Part 3, section 2, table 1”

- l. Replacing the list of land uses in Part Three, Plan Map, 3. Land Use Designations – Permitted Uses, under the heading Agricultural Area, which reads:

- “.1 *agriculture*;
- .2 farm experience tourism;
- .3 *home occupations*;
- .4 residential associated with farm activity;
- .5 parks, recreation and open space;
- .6 fish hatcheries and enhancement;
- .7 *temporary commercial use*;
- .8 *forestry*, including woodlots and portable sawmills; and
- .9 public and private utilities.”

with the following list of land uses:

- “.1 *agriculture industry*;
- .2 *aquaculture industry*;
- .3 farm experience tourism;
- .4 farm retail sales;
- .5 *home occupations*;
- .6 residential associated with farm activity;
- .7 parks, recreation and open space;
- .8 fish hatcheries and enhancement;
- .9 *temporary commercial use*;
- .10 *forestry*, including woodlots and portable sawmills; and
- .11 public and private utilities.”

- m. Replacing a list of land uses in Part Three, Plan Map, 3. Land Use Designations – Permitted Uses, under the heading Rural Area, which reads:
- “.1 single family residential, secondary suites and mobile homes;
 - .2 agriculture;
 - .3 forestry, including wood lot operations and portable sawmills;
 - .4 manufacturing and processing;
 - .5 warehousing and transportation services;
 - .6 parks, recreation and open space;
 - .7 fish hatcheries and enhancement;
 - .8 tourist accommodation limited to bed and breakfast operations and tourist resorts;
 - .9 rural service centres;
 - .10 temporary commercial use;
 - .11 cottage industry and home occupations; and
 - .12 public and private utilities.
- with the following list of land uses:
- “.1 single family residential, secondary suites and mobile homes;
 - .2 *agriculture*;
 - .3 aquaculture industry;
 - .4 forestry, including wood lot operations and portable sawmills;
 - .5 manufacturing and processing;
 - .6 warehousing and transportation services;
 - .7 parks, recreation and open space;
 - .8 fish hatcheries and enhancement;
 - .9 small scale tourist accommodation limited to bed and breakfast operations and tourist resorts;
 - .10 rural service centres;
 - .11 temporary commercial use;
 - .12 cottage industry and home occupations; and
 - .13 public and private utilities.”
- n. Inserting a new Development Permit Area No. 19 for Agricultural Land Reserve (ALR) buffer to Part Four, Development Permit Areas, Development Permit Area Designations as follows:
- “**D. ALR Buffer**
 - D. ALR Buffer**
 - D.1 Purpose**
- To protect farm land designated *agricultural area* or *Agricultural Land Reserve* (ALR) located in neighbouring jurisdictions by mitigating conflict between *agriculture and aquaculture industries* and adjacent land uses.
- D.2 Designated Areas**
 - D.2(a) Development Permit Area No. 19: ALR Buffer
 - D.2(b) The requirement for a development permit will apply to the following areas of lands indicated on the associated Development Permit Area No. 19: ALR Buffer map:
 - .1 A 30 metre wide strip adjacent to a shared boundary located on land with the following designations - *rural area, settlement expansion areas, rural settlement area* – where the land shares a common boundary with land designated *agricultural area* or *Agricultural Land Reserve* in neighbouring jurisdictions;

- .2 The development permit applies to land within the 30 metre development permit area described above in D.2(b)(1), subject to:
- a) new lots created through subdivision; or
 - b) development of the subject lots.

D.3 Justification

Land use conflicts may develop between lands designated *agricultural area* or an *Agricultural Land Reserve* (ALR) and adjacent land uses. These conflicts may compromise the use of the land for *agriculture and aquaculture industries*. The incorporation of a 30 metre wide buffer between non-agricultural lands and lands used for food production will protect the food production value of the latter.

The *Local Government Act* (LGA) sections 919.1(1)(c) and 920(10) authorizes the regional district to include in the official community plan, a development permit area for the protection of farming. Section 920(1)(10) gives authorization for a development permit to include requirements for screening, landscaping, fencing and siting of buildings or other structures, in order to provide for the buffering or separation of development from farming on adjoining or reasonably adjacent land.

Wells being located within a 30 metre distance from land designated *agricultural area* or *Agricultural Land Reserve*, may result in the mentioned designated areas not being able to utilize the full extent of their lands. Without the buffer, the owners of the above-mentioned designated lands could be limited in certain agricultural and aquaculture operations if the effect of these operations, such as the spraying of crops, may result in a potential pollution of the neighbouring wells.

Research undertaken by the BC Ministry of Agriculture and Lands indicates that the most effective buffer combines separation, vegetation and fencing. This combination is the best way to mitigate the impacts from farming activities (noise, dust/spray drift, light) and urban activities (trespass, litter, crop damage, livestock harassment from dogs).

D.4 Application

Prior to subdividing or developing on lands that are adjacent to designated *agricultural area* or *Agricultural Land Reserve* (ALR) in neighbouring jurisdictions, the non-agricultural land owner must:

- D.4(a) Obtain a development permit in accordance with Development Permit Area No. 19: ALR Buffer Guidelines.
- D.4(b) Include an assessment of the site to substantiate the need for a buffer and provide design measures that are most appropriate for the site – consider the type and intensity of the proposed adjacent land use and its relationship to *agriculture and aquaculture industries*.

D.4 Exemptions

D.4(a) General exemptions

When the following general conditions apply within the 30 metre wide development permit area, landowners will not need a development permit:

- .1 Alteration of land that would protect existing *agriculture* or *aquaculture industries*;
- .2 Construction of farm buildings;
- .3 Construction involving a building floor area of 10m² or less;
- .4 Internal alterations and renovations to a building or structure that do not encroach further into the development permit area, closer to the *Agricultural Land Reserve* (ALR);
- .5 Erection of fences;
- .6 Growing, rearing, producing and harvesting of agricultural or aquaculture products in accordance with recognized standards of the *Farm Practices Protection (Right to Farm) Act*, and codes of agricultural practice;
- .7 Stream habitat enhancement work, riparian planting, and environmental compensation work directed by senior government agencies, registered landscape architect or a professional biologist;
- .8 In-stream work as defined by section 9 of the *Water Act*;
- .9 Removal of invasive species and planting of native vegetation;
- .10 The removal of hazardous trees as authorized by a professional arborist or senior level of government;
- .11 Emergency works to prevent flood erosion damage to structures;
- .12 Emergency works to repair or replace public utilities or infrastructure; and
- .13 Limited trail construction or maintenance where trail construction and area of intrusion does not exceed 1.5 metres in width and where there is no excavation or removal of native soil.

D.4(b) Subdivision exemptions

In the case of a proposed subdivision, the exemption applies to the following situations within the 30 metre wide development permit area:

- .1 Lot line adjustments or where subdivision does not result in the ability to construct a new dwelling unit.
- .2 Where the land subject to a subdivision proposal is not forming a common boundary with designated *agricultural area* or an *Agricultural Land Reserve*, but is separated with a dedicated road right of way of at least 20 metre wide.

D.5 Guidelines for Development Permit Area

Development permits shall be issued in accordance with the following guidelines.

Buffer

D.5(a) The vegetated buffer shall be delineated prior to commencing construction or land alteration.

D.5(b) A buffer must be maintained and/or established on land within the development permit area parallel to and/or along the common boundary of the adjacent land designated *agricultural area* or *Agricultural Land Reserve* (ALR).

D.5(c) Subject to the exemption clause, a total minimum separation distance of 30 metre (15 metre of which is a vegetative buffer) between a residential dwelling unit and adjacent land designated *agricultural area*, or *Agricultural Land Reserve* (ALR) is required to mitigate the impacts of

residential on farming activities. The 30 metre separation distance may include a road or railway line right of way.

- D.5(d) Locate principal structures, accessory buildings and wells a minimum of 30 metre from the common boundary of the land designated *agricultural area* or *Agricultural Land Reserve* (ALR). If the size of the property cannot accommodate this distance, principal structures and wells shall be a minimum of 50 percent of the property depth back from the common boundary with land designated *agricultural area* or *Agricultural Land Reserve* (ALR).
 - D.5(e) Notwithstanding the guidelines D.5(a) to D.5(d) above, when a buffer is required in this development permit area, the applicant must provide and maintain a continuous minimum 15 metre wide vegetated buffer between any development and the land designated *agricultural area* or *Agricultural Land Reserve* (ALR). No buildings, structures or wells shall be allowed within this 15 metre buffer area.
 - D.5(f) If paths and/or passive recreational uses are part of the landscaped buffer, the recreational features will not take up more than 5 metres of the buffer and they will be located away from the common boundary with land designated *agricultural area* or *Agricultural Land Reserve* (ALR).
 - D.6(g) For the purpose of providing additional separation from the land designated *agricultural area* or *Agricultural Land Reserve* (ALR) and reducing potential conflicts, consider locating an open space next to the edge of the landscape buffer. The open space can be designed with water retention capacity and adequate rain water drainage features.
 - D.5(h) All buffer areas shall be generally designed and sized in accordance with section 10 - Urban side Buffer Design Criteria of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges](#) (June 2009).
 - D.5(i) Plant layout, spacing, and support shall be generally in accordance with the B.C. Agricultural Land Commission's B.C. Agricultural Land Commission's report [Landscaped Buffer Specifications](#) (1993) and the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges](#) (June 2009).
 - D.5(j) To create a filtered view of *agriculture* and *aquaculture* practices on the land designated *agricultural area* and/or *Agricultural Land Reserve* (ALR) from the development permit area, preserve existing and supplement vegetation that meets the British Columbia Landscape Standard published by the BC Landscape Architects Society/BC Landscape and Nursery Association as amended from time to time. All new landscaping in the development permit area shall require the following vegetation standards:
 - .1 shrubs – 45 cm;
 - .2 groundcover and grass – 30 cm; and,
 - .3 trees – 30 cm around and below the root ball.
- Buffer maintenance
- D.5(k) A buffer maintenance plan shall be developed and will include the following: maintenance procedures for all buffer plantings on a regular basis during the first two growing years including a weed management schedule or plan.

Fencing

D.5(l) Barrier fencing, designed to limit encroachment into *Agricultural Land Reserve* (ALR) lands by materials and pets, must be constructed in accordance with appendix C of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges](#) (June 2009).

Subdivision layout

D.5(m) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land uses. Avoid road endings or road frontage next to land designated *agricultural area* or *Agricultural Land Reserve* (ALR) except as may be necessary for access by farm vehicles. Subdivision design and construction will minimize erosion through consideration of topography that will not result in neighbouring properties becoming the catchment area for additional runoff from roads and driveways.

- o. Relettering Part Four, Development Permit Areas, section D (application requirements) to section E (application requirements);
- p. Inserting a new Application requirements for areas within Development Permit Area No. 19, ALR buffer to Part Four, Development Permit Areas, Development Permit Area Designations at Section E.6 as follows:

E.6 Application requirements for areas within Development Permit Area No. 19, ALR Buffer

In accordance with sections D.1, to D.5, the applicant will need to provide the following to the satisfaction of the Comox Valley Regional District:

- .1 A site plan(s) or subdivision layout with a north arrow and scale, indicating the following:
 - a) The civic address and road names of where in the regional district the site is located;
 - b) The location, width and description of the buffer:
 - (i) a sketch showing the location of the common boundary between subject lands, the location and width of the buffer and how the buffer is or will be constructed to protect the adjacent *agricultural area* or *Agricultural Land Reserve*; and
 - (ii) when applicable, an accompanying buffer maintenance plan signed off by a registered landscape architect or professional biologist.
 - c) The location, siting and description of infrastructure and buildings, with a description indicating the following:
 - (i) location and lot line setbacks of all existing and proposed buildings;
 - (ii) the footprint, dimensions and floor areas of all existing and proposed buildings, with the identification of the uses of the existing and proposed buildings;
 - (iii) location of existing and proposed septic field/tank or sewage disposal systems, noting lot line setbacks and the distance to the buffer;

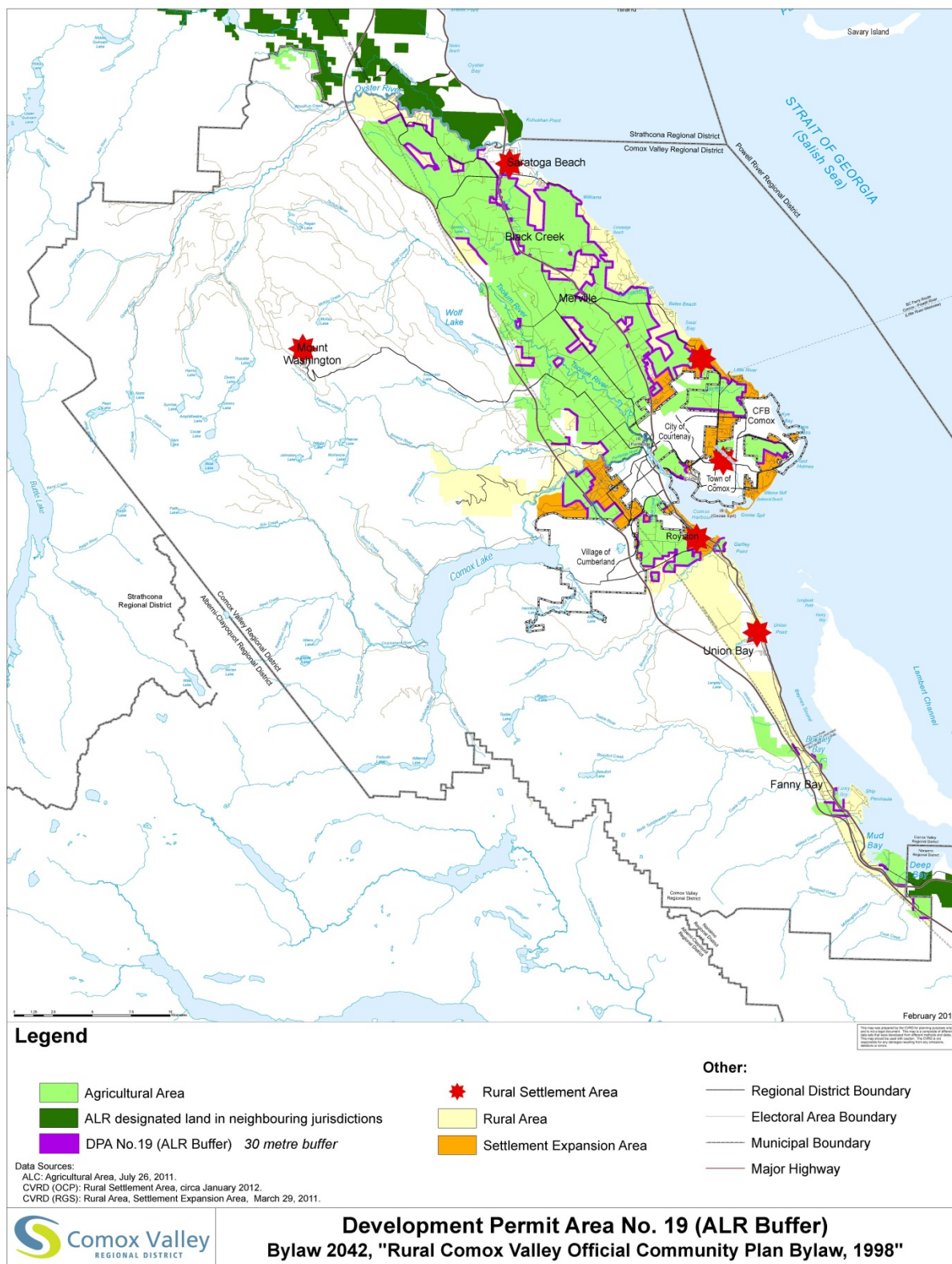
- (iv) location and setbacks of any natural features, such as water courses (including ditches), steep banks and steep slopes;
 - (v) rights-of-way and easements; and
 - (vi) the location of existing and proposed drive way(s), fire hydrants, fire department connections, gas lines, hydro, telecommunication poles and other geographic features.
 - .2 A rain water management plan, prepared by a professional engineer, indicating:
 - a) that the proposed development will not have a detrimental drainage impact on the adjacent farm land; and
 - b) how predevelopment peak flows will not exceed post development peak flows.
 - .3 Where subdivision is proposed, a hydrogeological analysis from a professional engineer, indicating that the proposed development and any wells, will not have a detrimental impact on the existing wells of the adjacent farm land(s).
- q. Renumbering Part Four, Development Permit Areas, section E.6 (All applications) to section E.7 (All applications);
- r. Deleting the definitions for ‘agriculture’ and ‘aquaculture’ in Appendix A, Glossary of Terms, and replacing those terms with the following definitions:
- Agriculture industry: includes all of the farming operations as defined in the *Farm Practices Protection (Right to Farm) Act*, where agriculture species (animals and plants) are grown, reared, produced, harvested, processed, graded, stored, marketed and sold through farm gate or limited on-site sales.
- The above-mentioned processing of these products can be conducted (on ALR designated land), providing that at least 50 percent of the agriculture products that is included in the afore-mentioned processing actions is produced on the subject land, or is feed required for farm production purposes on the subject land.
- If the above-mentioned circumstances apply, then the agriculture products (grown or processed on the subject land) can be marketed and sold through farm gate or limited on-site sales.
- In the text of the OCP, when reference is often made to ‘agriculture and aquaculture industries’, the meaning of the terms is inclusive of each of the singular industries as defined in the glossary of terms.
- Aquaculture industry: means a land or water based industry that includes facilities, natural or human made containers, where freshwater and saltwater organisms and aquatic plants are grown or cultivated.
- The processing of aquaculture products can include the storage, packing, product preparation or processing of these products (on ALR designated land), providing that at least 50 percent of the aquaculture products included in the afore-mentioned processing actions is produced on the subject land, or is feed required for farm production purposes on the subject land.
- The above-mentioned circumstances apply, then the aquaculture products (grown or processed on the subject land) can be marketed and sold through farm gate or limited on-site sales.
- In the text of the OCP, when reference is often made to ‘agriculture and

- aquaculture industries’, the meaning of the terms is inclusive of each of the singular industries as defined in the glossary of terms.
- s. Adding to Appendix A, Glossary of Terms, the following definitions in alphabetical order:
- Agricultural liquid waste: means a by-product of agriculture that contains less than 20 percent solids and includes agricultural waste water and silage juices.
- Buffer: refers to a vegetated area within a lot, generally adjacent to and parallel with a property line, arranged and maintained to screen or separate adjoining land uses or properties, and may include one or a combination of the following: existing or introduced vegetation, ditches, roads, berming and fencing.
- Intensive agriculture: as defined under the *Local Government Act*, means the use of land, buildings and other structures by a commercial enterprise or an institution for
- .1 the confinement of poultry, livestock or fur bearing animals, or
 - .2 the growing of mushrooms.

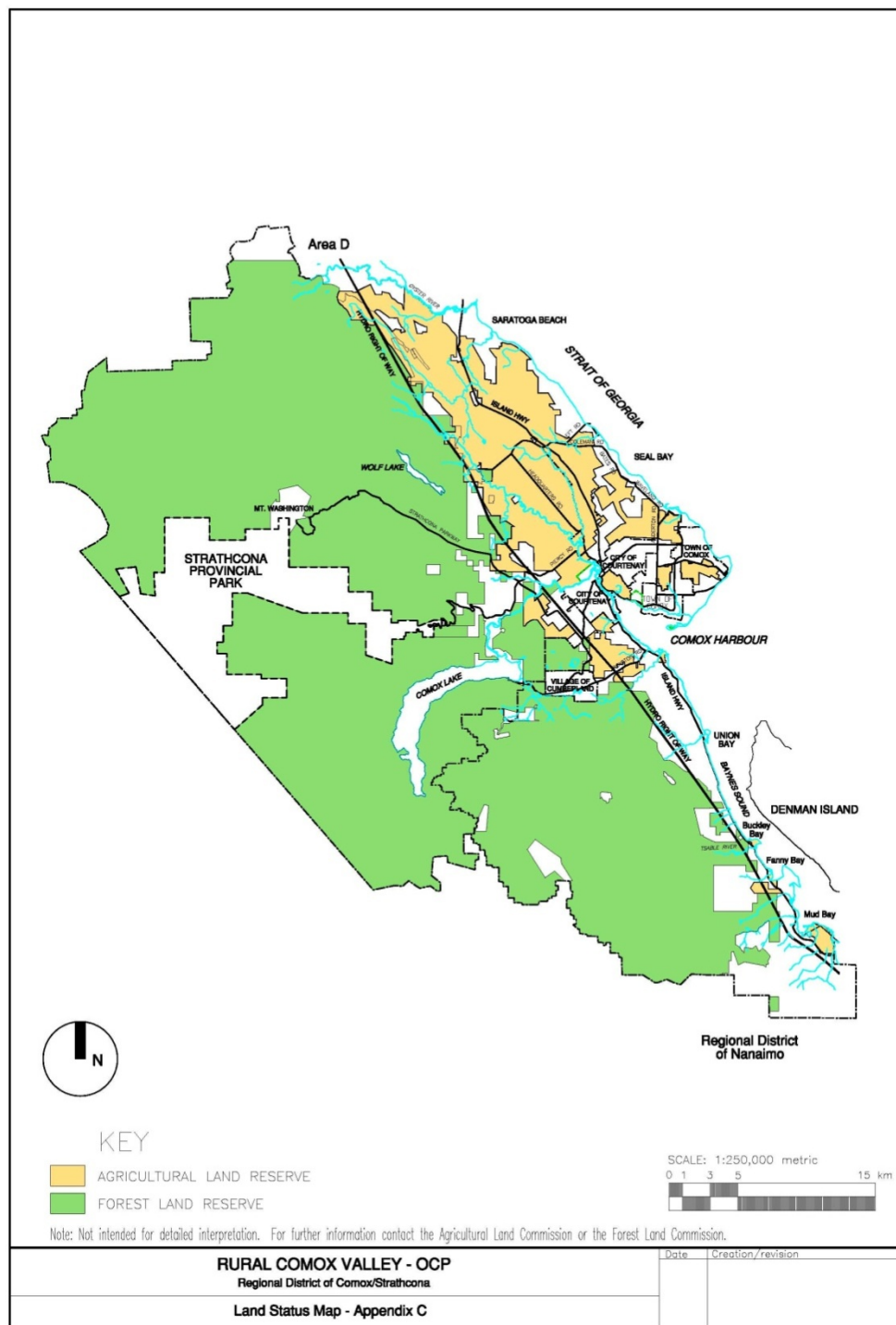
Map amendments

2. Mapping in Bylaw No. 2042 being “Rural Comox Valley Official Community Plan, 1998, Bylaw 2042” is amended by:
- a. adding a new map, attached to this bylaw as appendix ‘1’ – “Development Permit Area No. 19 (ALR Buffer)” immediately before part 5 (plan implementation) in schedule ‘A’;
 - b. Replacing the “Land Status Map - Appendix ‘C’” in schedule ‘A’ with the “Land Status Map – Appendix ‘C’” attached to this bylaw as appendix ‘2’;
 - c. Replacing schedule ‘B’ (land use designation map) with the “Schedule B – Land Use Designation Map” attached to this bylaw as appendix ‘3’.

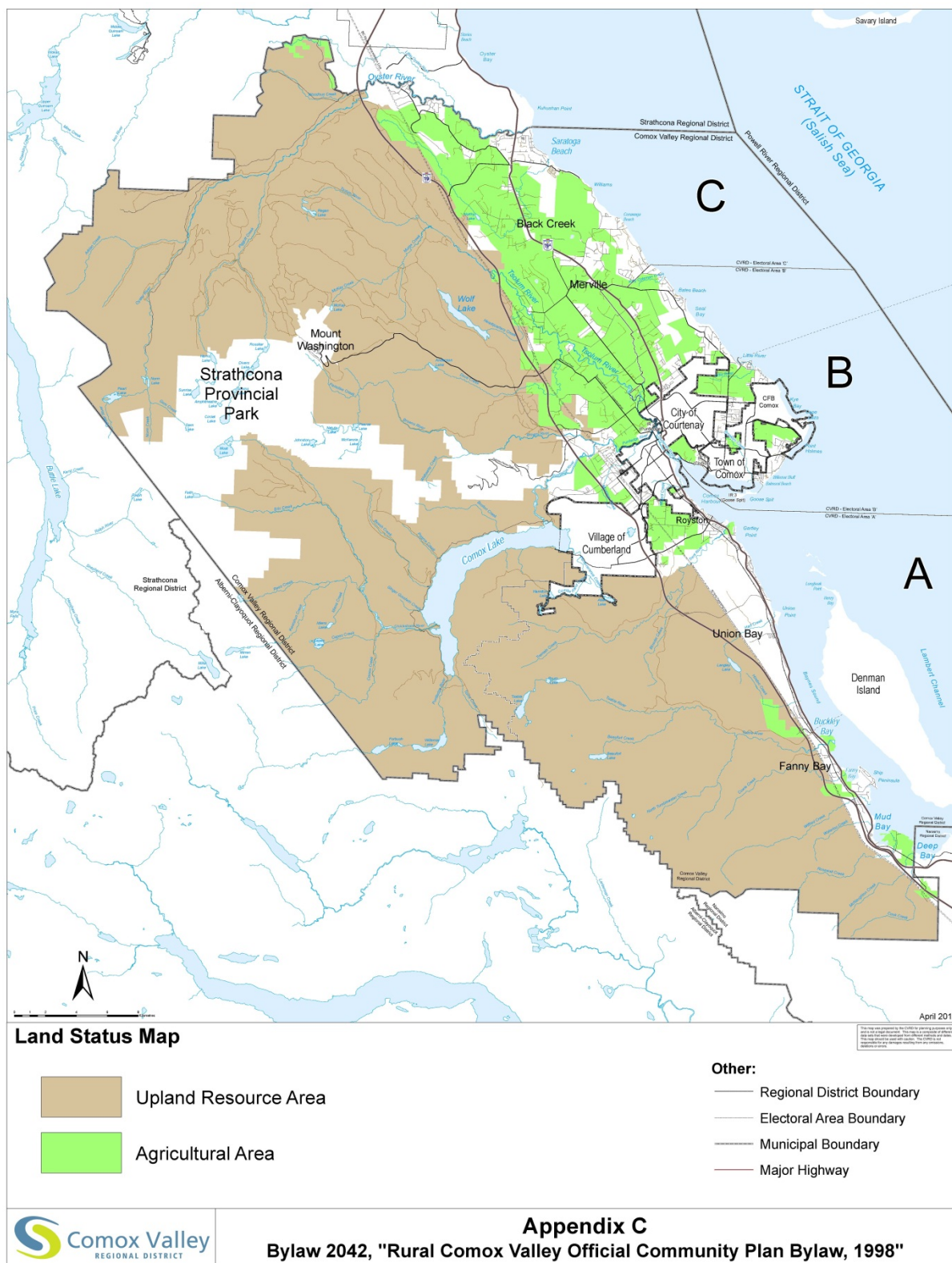
Appendix '1'



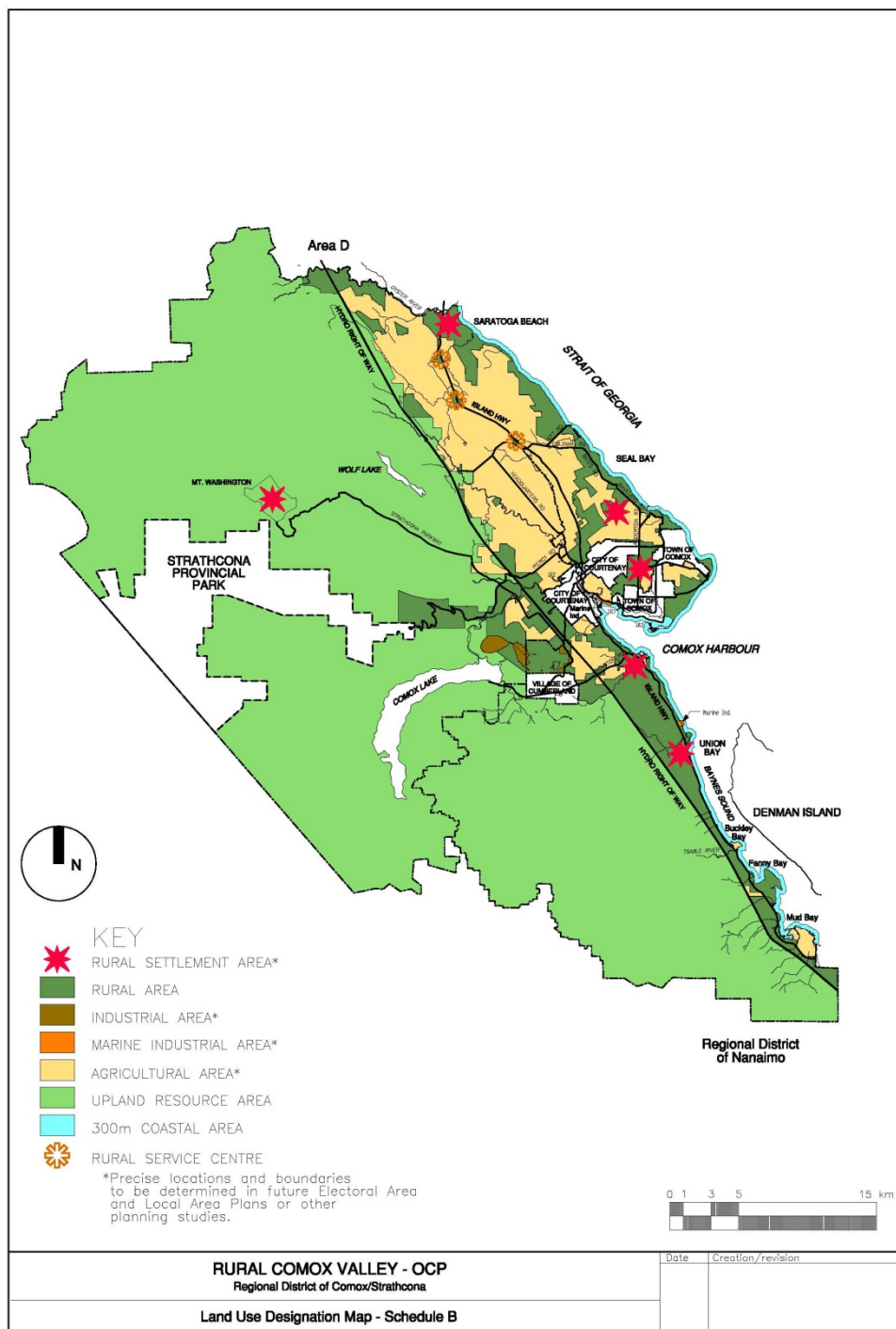
Existing Appendix 'C' of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042"



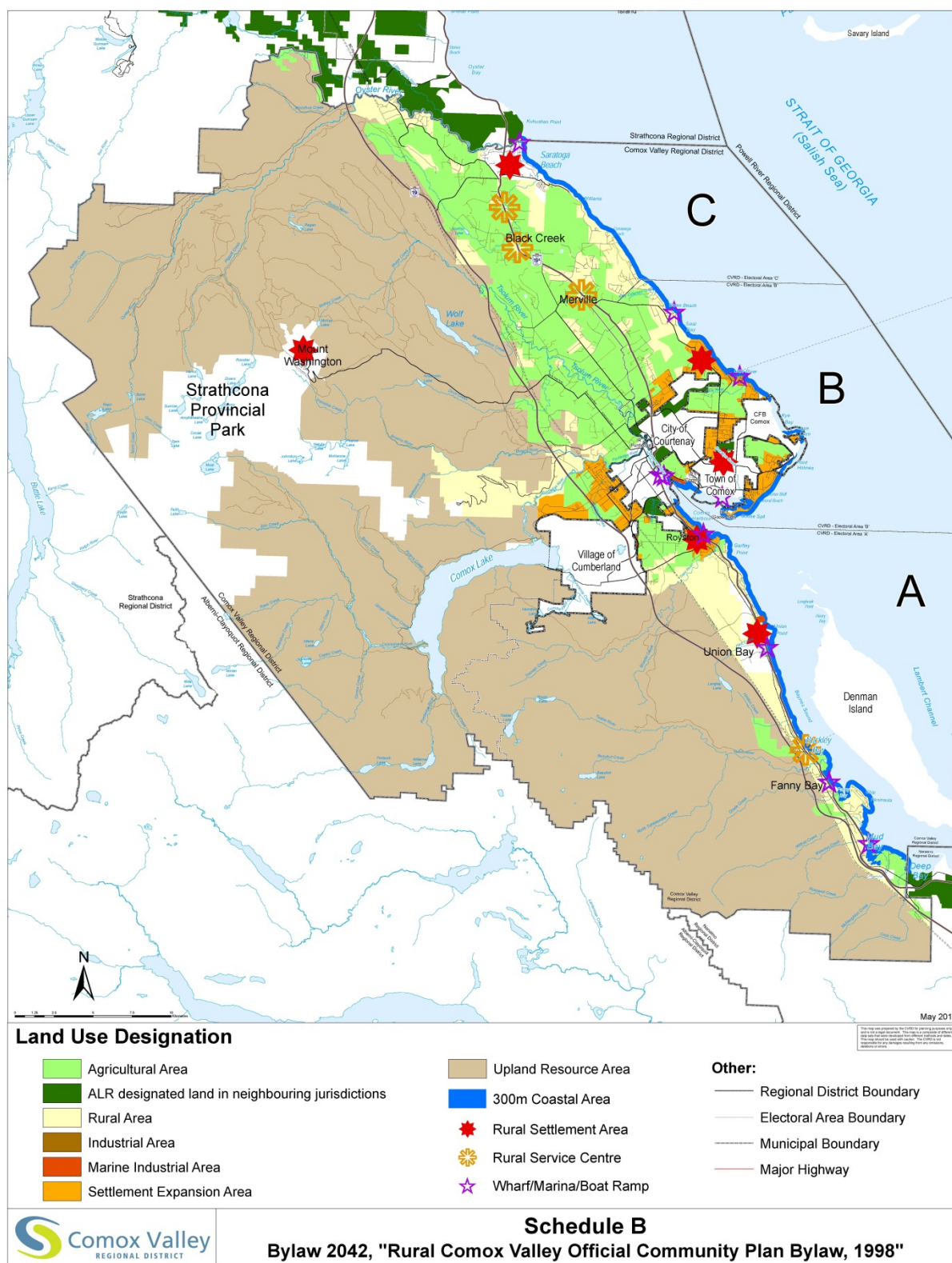
Appendix '2'



Existing Schedule 'B' of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042"



Appendix '3'



Appendix B

FIRST NATIONS AND AGENCY REFERRAL LIST

Should the regional board approve first and reading of the amending Bylaw No. 216 that the proposed referrals to be sent to the following government levels, ministries, agencies and departments as highlighted with a ☒.

First Nations

☒	K'ómoks First Nation	☒	Homalco Indian Band (covers mostly Electoral Area 'C')
☒	Laich-Kwil-Tach Treaty Society (Consists of We Wai Kum, We Wai Kai and Kwiakah First Nations)		

Federal Departments and Agencies

	Canadian Coast Guard		Public Works and Government Services Canada
	Department of National Defence (CFB Comox)		RCMP
☒	Fisheries and Oceans Canada		Transport Canada Navigable Waters
	Indian and Northern Affairs Canada		

Provincial Ministries and Agencies

☒	Agricultural Land Commission	☒	Ministry of Community, Sport and Cultural Development
	BC Assessment Authority	☒	Ministry of Forests, Lands and Natural Resource Operations
	BC Parks		Ministry of Energy and Mines
	BC Ferry Services Inc.	☒	Ministry of Environment
	BC Transit	☒	Ministry of Tourism, Trade and Investment
	Ministry of Aboriginal Relations and Reconciliation	☒	Ministry of Transportation and Infrastructure
☒	Ministry of Agriculture		

Local Government

☒	Comox (Town of)	☒	Alberni-Clayoquot Regional District
☒	Courtenay (City of)	☒	Strathcona Regional District
☒	Cumberland (Village of)		Regional District of Mount Waddington
☒	Islands Trust (Denman Local Trust Committee)	☒	Regional District of Nanaimo

CVRD Branches

☒	Corporate Financial Officer (required for OCP amendments due to S882 of LGA; impact on financial plan or capital expenditure program)	☒	General Manager of Community Services Branch (required for OCP amendments due to S882 of LGA; impact on waste management plan)
☒	Manager of Planning Services	☒	Manager of Parks

Other

☒	Agricultural Community Advisory Panel	☒	Comox Valley Economic Development Society
☒	Vancouver Island Health Authority (Environmental Health)	☒	Advisory Planning Commissions for electoral areas 'A', 'B' and 'C'.

OCP amendment bylaw 216 with clarification and rationale for amendments

The revised text is grounded in best management practices, provincial policies and guidelines, the direction provided in the Comox Valley Regional Growth Strategy (RGS) and the input received from the agriculture and aquaculture industries, and applies only to the sections where *agriculture* and *aquaculture* is addressed.

SCHEDULE 'A'

RURAL COMOX VALLEY OFFICIAL COMMUNITY PLAN

There are no changes to Part One and therefore Part One has not been included in this abstract

Part Two

Community Goals, Objectives and Policies

1.0 Land Use and Environment Goals

- 1.1 To identify the unique natural characteristics of the Comox Valley and protect environmentally sensitive areas.
- 1.2 To protect the quality and quantity of ground water and surface water.

2.0 Land Use and Economy Goals

- 2.1 To encourage economic activities that utilize the resources of the area and which complement the environmental characteristics and natural qualities, culture, and geographic setting of the Comox Valley.
- 2.2 To encourage the stewardship of the land, forest, agriculture, fisheries, mineral, and aquatic resource bases.

3.0 Land Use and Settlement Goals

- 3.1 To promote land use patterns which maintain the rural character of the Comox Valley and promote a strong rural community that reflects a diversity of lifestyles and economic activities.
- 3.2 To designate appropriately serviced settlement areas.
- 3.3 To support urban growth in the Comox Valley to occur in the municipalities.

A. Land Use and Environment: Objectives and Policies

Since there are no changes to section A. the existing text of section A is not included in this abstract.

B. Land Use and Economy: Objectives and Policies

Intent and rationale for amendment

The text of bylaw 216, OCP amendment 46 had to merge with the existing headings and numbering of the OCP. Therefore the following notwithstanding clause was inserted to ensure that no overlap or misunderstanding of clauses resulted in inserting additional text.

Amending section B. by inserting the following “notwithstanding” clause:

Notwithstanding the policies contained in any of the schedules of Bylaw No. 2042 being the “Rural Comox Valley Official Community Plan Bylaw, 1998”, the following objectives and policies shall apply to the *aquaculture industry* and the *agriculture industry*.

B.1 General Economy Objectives

- B.1(a) To encourage economic development which is consistent and compatible with the environmental and settlement policies of this plan.
- B.1(b) To promote a match between job creation and the employment needs of Comox Valley residents.
- B.1(c) To support the expansion and diversification of the local economic base.
- B.1(d) To encourage and facilitate the development of home-based and small businesses.

B.2 General Economy Policies

- B.2(a) The Regional District shall establish guidelines for environmental and social impact studies, including the scale and type of proposal to which the guidelines shall apply.

B.3 Home Occupations and Cottage Industries Objective

- B.3(a) To provide opportunities for *home occupations* and *cottage industries*.

B.4 Home Occupations and Cottage Industries Policies

- B.4(a) *Home occupations* and *cottage industries* shall be supported.
- B.4(b) *Home occupations* and *cottage industries* shall be regulated through zoning to:
 - .1 ensure the business remains secondary to the residential use of the property; and
 - .2 minimize potential negative impacts of the business (e.g. traffic, noise, odours) on surrounding land uses and the environment.

B.5 Local Commercial Services Objectives

- B.5(a) To support the strengthening of existing *rural service centres* to serve the needs of the local community.
- B.5(b) To minimize the impact of local commercial development on the environment, aesthetics, and adjoining properties.
- B.5(c) To encourage centrally located commercial areas to provide social focal points to promote an increased level of community interaction and involvement.

B.6 Local Commercial Services Policies

- B.6(a) Commercial operations designed to serve residents of the Plan area shall be located in existing *rural service centres* or *Rural Settlement Areas*.
- B.6(b) Infilling or redevelopment of *rural service centres* as shown on the Plan map shall be considered prior to designating additional *rural service centres*.
- B.6(c) Commercial areas in each *Rural Settlement Area* shall be encouraged to accommodate pedestrians and cyclists as a means of reducing auto dependency and promoting pedestrian orientation.

B.6(d) Criteria for the evaluation of commercial proposals shall include:

- .1 the provision or maintenance of public access to the waterfront, where applicable;
- .2 mitigation of potential traffic impacts and noise and light emissions on residential areas;
- .3 compatibility with adjacent land and water uses and natural resource areas;
- .4 not located on land located within the *Agricultural Land Reserve (ALR)* or *Forestry Land Reserve (FLR)*;
- .5 where located adjacent or near *ALR* land, adequate measures are taken to buffer the development from the *ALR*;
- .6 the provision of adequate services for water, solid and liquid waste management, and recycling and off-street parking; and
- .7 the provision of adequate transportation links, access and parking.

B.6(e) All lands, excluding those identified as being environmentally sensitive, hazardous or designated for park or coastal use, may be considered for the issuance of a *Temporary Commercial Use Permit* (see Glossary). The issuance of such a permit shall be conditional on the application being consistent with the policies of this Plan and consistent with criteria, characteristics and scope defined for this use in the applicable *Electoral Area Plan* and *Local Area Plan*, and on the applicant providing:

- .1 a detailed description of the proposed use and the duration of proposed activity;
- .2 plans for mitigation of potentially harmful impacts on the environment and the local community;
- .3 approvals/permits from all applicable provincial and federal government agencies;
- .4 security to the local government to guarantee performance of the terms of the permit; and
- .5 an invitation to the local community to attend a public meeting on the application.

Issuance of a permit shall be subject to the public notice and participation requirements of the *Municipal Act*.

B.6(f) Development permits as outlined in the Plan shall be utilized to provide greater regulation over the form and character of commercial development.

B.7 Tourist Services and Highway Services Objectives

B.7(a) To encourage and support the area's tourist recreational potential, provided such uses are compatible with the resources and settlement patterns of the area.

B.7(b) To direct highway commercial development to *Rural Settlement Areas*.

B.8 Tourist Services and Highway Services Policies

B.8(a).(1) The strata conversion of tourist/resort commercial uses to residential uses shall not be supported;

- B.8(a).(2) The strata conversion of campsites, recreational vehicle (RV) pads, or mobile home pads shall not be supported.
- B.8(b) Tourist services and developments, including eco-tourism and destination tourism uses, shall be permitted in the Plan area subject to the policies of this plan and the provisions of the applicable zoning, subdivision, and any other local bylaw. Sites within the *ALR* shall only be considered where the Agricultural Land Commission supports the use.
- B.8(c) The siting of tourist services and developments shall take into consideration:
- .1 the mitigation of traffic impacts in existing residential areas;
 - .2 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide required buffering and screening;
 - .3 provision for public access to the coastal waterfront, where applicable;
 - .4 provision of adequate water supply and liquid waste management systems; and
 - .5 provision of adequate transportation links, access and parking.
- B.8(d) Tourist and local services developed to meet the needs of visitors to and permanent residents of commercial-recreational resorts shall be located in the *Rural Settlement Area* where the resort is located. Other tourist-related or highway commercial services shall be encouraged to locate within existing urban centres or *Rural Settlement Areas*, and not along the roads leading to the resort areas.
- B.8(e) Existing commercial developments on the Island Highway and other major roads shall be recognized; however, further commercial strip development along these roads shall not be permitted.
- B.8(f) Development permits as outlined in the Plan shall be utilized to provide greater regulation over the form and character of a tourist development and/or highway commercial development.

B.9 Industrial Objectives

- B.9(a) To encourage industry and *employment centres* that have low environmental impacts.
- B.9(b) To provide criteria for the location of industrial enterprises.
- B.9(c) To support the local resource industry through the identification of areas suitable for *value-added* processing and servicing.

B.10 Industrial Policies

- B.10(a) Lands designated for industrial use are shown on Schedule B as Industrial Area and Marine Industrial Area.
- B.10(b) Uses permitted on lands designated Industrial Area and Marine Industrial Area are shown on Table 1.
- B.10(c) A diversity of industrial uses, including those which support the resource-based economy and those associated with high technology, shall be encouraged to locate on lands designated for industrial use.
- B.10(d) The location of all industrial uses shall take into consideration:
- .1 traffic generation through existing residential and local commercial areas;
 - .2 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide required buffering and screening;
 - .3 public access to the coastal waterfront, where applicable;

- .4 provision of adequate water supply and liquid waste management systems; and
 - .5 provision of adequate transportation links, access and parking.
- B.10(e) Industrial uses on *ALR* lands shall contribute to the agricultural economy and be approved by the Agricultural Land Commission.
- B.10(f) Industrial uses of a noxious or hazardous nature may be permitted on an isolated basis where justifiable reason and need can be proven, and where the potential for significant adverse environmental impacts can be eliminated, minimized or mitigated.
- B.10(g) Industrial uses, as defined as heavy by the zoning bylaw, shall be located in designated industrial parks, which are appropriately serviced to provide required quantities of potable water and collect, treat, and properly dispose of waste and stormwaters.
- B.10(h) Industrial sites shall be designated as development permit areas in order to provide for a greater degree of control over the form and character of development and protection of the natural environment.
- B.10(i) Areas designated as upland resource, industrial and marine industrial on the Plan map, excluding those identified as being environmentally sensitive, hazardous or designated for park use, may be considered for the issuance of a *Temporary Industrial Use Permit*. The issuance of such a permit shall be
- conditional on the application being consistent with the policies of this Plan and consistent with criteria, characteristics and scope defined for this use in the applicable *Electoral Area Plan* and *Local Area Plan*, and the applicant providing:
- .1 a detailed description of the proposed use and the duration of proposed activity;
 - .2 plans for mitigation of potentially harmful impacts on the environment and the local community;
 - .3 site rehabilitation plans, where appropriate;
 - .4 approvals/permits from all applicable provincial and federal government agencies;
 - .5 security to the local government to guarantee performance of the terms of the permit; and
 - .6 an invitation to the local community to attend a public meeting on the application.
- Issuance of a permit shall be subject to the public notice and participation requirements of the Municipal Act.
- B.10(j) The Regional District shall work cooperatively with the Village of Cumberland, the Comox Valley Economic Development Society, the Forest Land Commission, and other appropriate government agencies to obtain approvals for the development of an industrial park for *value-added forestry*.
- B.10(k) A marine industrial land study shall be undertaken to determine the best locations for marine industrial use in the Plan area based on environmental, social and economic considerations and that a moratorium on further marine industrial development shall be imposed until the Courtenay River Estuary Management Plan is completed and appropriate *Official Community Plan* related amendments have been adopted.
- B.10(l) Existing industrial uses located outside of industrial areas shown on the Plan map shall be recognized and shall be considered for industrial designation in the *Electoral Area Plans*.

B.11 Resource-Based Economic Activities Objectives

- B.11(a) To promote the long-term viability of renewable resource-based industries, including *agriculture, aquaculture, and forestry*.
- B.11(b) To maintain *Agricultural Land Reserve (ALR)* and *Forest Land Reserve (FLR)* designated lands.
- B.11(c) To work to restore and maintain a water quality level which allows for the safe operation of the local shellfish industry and recreational shellfish gathering.
- B.11(d) To encourage responsible *agricultural* and *forestry* practices with respect to soil conservation, water conservation, vegetation removal, and stormwater management.
- B.11(e) To control the deposit and removal of soil, gravel, rock and sand and the deposit of other materials on land in the Plan area.
- B.11(f) To regulate the processing of extracted materials.

B.12 Forestry Policies

- B.12(a) The economic importance of a sustainable forest industry to the Comox Valley shall be recognized and supported.
- B.12(b) The Upland Resource Area designation, as shown on Schedule B, identifies areas with significant natural habitat, resource and recreational values. The importance of these areas shall be recognized for the provision of green space and buffers; *greenways*; recreational opportunities; forest products; wildlife habitat; groundwater recharge area protection; and *biodiversity*.
- B.12(c) Uses permitted on lands designated Upland Resource Area are shown on Table 1.
- B.12(d) The retention, protection and enhancement of lands with high *forestry* capability shall be supported.
- B.12(e) The production and marketing of local wood products shall be supported.
- B.12(f) The *biodiversity* guidelines of the Forest Practices Code shall be supported.
- B.12(g) The use of forested land for *greenways* corridors shall be encouraged.
- B.12(h) Programs or initiatives which promote stewardship of the forest resource and small scale community and private woodlot operations shall be encouraged.

Intent and rationale for amendment

The existing OCP does not have objectives for *agriculture and aquaculture industries* and therefore two new sections (B.13 and B.14) are added reflecting the objectives for these industries. The difference between these two objective sections is the following:

Section B.13, includes objectives that apply to the *agriculture and aquaculture industries*, regardless where in jurisdiction of the Comox Valley Regional District the industries establish.

Section B.14, includes objectives that apply only to the ***agricultural area*** (which is land designated ALR).

RGS Part Four, Managing Growth, section 2.(b) determines the following that is reflected in the OCP:

“Agriculture is an important aspect of the Comox Valley’s economic and cultural landscape and should be protected and enhanced. ... Agricultural Areas cover approximately 12 percent of the Comox Valley, but only slightly more than 50 percent of the lands are currently in agricultural production, which leaves the potential for significant expansion of agricultural activities. ...With regards to growth management, it is the intent of the RGS to reinforce the policies and procedures within the ALR in order to support agricultural practices.”

Adding the following two new sections (B.13 and B.14) to the OCP bylaw that did not exist before:

B.13 Agriculture and Aquaculture Industries Objectives

Regional district support for economic growth

- B.13(a) Increase communication with stakeholders from *agriculture and aquaculture industries*.
- B.13(b) Promote and strengthen the long-term viability of renewable resource-based uses in the Comox Valley, including *agriculture and aquaculture industries*.
- B.13(c) In accordance with the Comox Valley Regional District regional growth strategy (RGS), support local *agriculture* and protect lands designated *Agricultural Land Reserve (ALR)* and identified suitable non-ALR lands for the purpose of food production.
- B.13(d) In accordance with the Comox Valley Regional District regional growth strategy (RGS), support improved water quality of Baynes Sound for the production of shellfish and other aquaculture products.
- B.13(e) Strengthen the retention and expansion of *agriculture and aquaculture industries*.
- B.13(f) Encourage the establishment of value-added processing plants for *agriculture and aquaculture industries* in locations where potential land use conflicts can be mitigated.
- B.13(g) For small-scale, land intensive and entry-level *agriculture and aquaculture industries*, consider support for the following initiatives that meet legislative requirements and where potential negative effects on adjacent land uses can be mitigated:
 - .1 innovative farming and local marketing techniques that would improve the economic viability of these operations;
 - .2 farm-gate sales;
 - .3 the exploration of alternative models of agricultural land ownership that support these operations, such as:
 - a) mentorship programs between new farmers and experienced farmers;
 - b) cooperative and traditional leasing of agricultural land; and
 - c) farm trusts/cooperatives where food producers share barns, other farm buildings, equipment and expenses.

Natural systems and environmental best practices

- B.13(h) Promote best management practices that protect natural systems and land forms, streams, lakes, wetlands, fish and wildlife habitats, shores and the water quality of Baynes Sound and other marine areas with aquaculture potential.

Rainwater management

- B.13(i) Promote the sound management of rainwater to benefit *agriculture and aquaculture industries*.
- B.13(j) Support watershed-based rainwater management planning.
- B.13(k) Investigate the development of rainwater storage and use for *agriculture and aquaculture industries*.
- B.13(l) Support the improvement of drainage infrastructure for lands suitable for *agriculture and aquaculture industries*.

Water use and protection of water sources

- B.13(m) Support increased water availability for *agriculture and aquaculture industries* by striving to keep natural systems healthy and functioning.
- B.13(n) Recognize ground water as an important resource to support *agriculture and aquaculture industries*.
- B.13(o) Encourage *agriculture and aquaculture industries* to adhere to agricultural and environmental best practices when using water.

Access and transportation routes

- B.13(p) Protect and enhance transportation routes to meet the needs of *agriculture and aquaculture industries*.
- B.13(q) Work with the Ministry of Transportation and Infrastructure and the provincial approving officer to address the provision of access and transportation routes (air, land, rail and sea) that would meet the needs of *agriculture and aquaculture industries*, to reduce existing and potential constraints to the economic development of these industries.
- B.13(r) Minimize and mitigate recreational/agricultural conflicts where there are trails and parks adjacent to land designated agricultural areas.

B.14 Agricultural Area Objectives

Land uses

- B.14(a) Support and encourage lands designated *agricultural area* to be used for a range of uses, including the production and processing of agricultural and aquaculture products by *agriculture and aquaculture industries*, in accordance with the range of land uses permitted by the *Agricultural Land Commission Act*.
- B.14(b) Protect the farming integrity and agricultural function of lands designated *agricultural area*.

Second dwelling and siting of dwelling

- B.14(c) Consider the construction of a second dwelling where the applicant can demonstrate how it would support *agriculture and aquaculture industries* established on the subject land.
- B.14(d) Minimize the residential impact on arable farm land by dwelling units and related residential infrastructure such as driveways.

Subdivision and services

- B.14(e) Preserve lands designated *agricultural area* by supporting the subdivision of these lands, when:
 - 1. the applicant demonstrates, how the proposal will generate a net benefit to *agriculture or aquaculture*;
 - 2. the subdivision is supported by Agricultural Land Commission; and
 - 3. is in accordance with the minimum permitted parcel size in the Comox Valley zoning bylaw.
- B.14(f) The development and subdivision of lands designated *agricultural area* is supported by sustainable on-site infrastructure services.

Buffers

- B.14(g) In order to protect land designated *agricultural area* and minimize land use conflicts, buffers adjacent to mutual property lines with *agricultural area* will be required.

Intent and rationale for amendment

The direction provided in the following RGS policy was followed.

“6D-3 Regularly consult with farmers, farm businesses, and agricultural stakeholders on issues that may impact their ability to productively farm local lands.”

The OCP review process followed a close working relationship with the agriculture and aquaculture stakeholders. The policy review committee represented the primary stakeholders and worked closely with CVRD staff to review revised, improved policies supporting the food producing industries. The following section B.15 of the OCP reflects the mutual decisions and requests from the primary stakeholders, and comments received from the Agriculture Land Commission and the Comox Valley Economic Development Society, legislative requirements and agricultural best practices. Agriculture legislation is scattered through many different laws, regulations and for ease of use it was decided to draw from the different legislation and include in this section below, the pertinent information that food producers should

be aware of and policies that will guide decisions for the future development of *agricultural areas*.

In addition to the above-mentioned 6D-3 RGS policy, the following RGS direction and policies apply

MG Policy 2B-1 – Agricultural Areas

“Official community plans shall contain policies for Agricultural Areas that are consistent with the Agricultural Land Commission Act and regulations established under the Act, including the establishment of adequate buffers that ensure abutting farm and non-farm uses do not conflict and that non-farm uses do not impede agricultural activity within the ALR.”

“6A-2 Work towards ensuring that development does not result in negative impacts on adjoining farmlands or shellfish tenures by affecting the volume and quality of ground and surface water, in particular storm water discharge.” (Underlining added.)

“6A-4 Where possible contiguous areas of agricultural land should be preserved and severance by recreation, parks, and transportation or utility corridors should be avoided with the exception of environmentally sensitive areas.” (Underlining added.)

“6A-5 OCPs should include criteria to guide locations for agricultural support infrastructure (e.g., processing, production research, and market development facilities).

6A-6 OCP policies should be developed to guide the location of residential development on agricultural parcels to preserve the agricultural capacity.” (Underlining added.)

“6D-1 Support the ‘value chain’ of agriculture through development of agricultural policies and uses in OCPs, to encourage food processing plants, storage and local markets.

6D-1 Support the availability of local agricultural products through encouraging local procurement at schools, grocery stores, and government offices.” (Underlining added.)

“6C-1 Local governments and farmers should work together to increase irrigation water supply to support agricultural activities.” (Underlining added.)

“6C-2 Local governments, agricultural stakeholder groups and farmers should work together to increase non-potable irrigation water to farmland.” (Underlining added.)

The size of the impervious area of proposed farm buildings and structures that require the preparation of a rain water management plan, described in policy B15(k)

This area is based on the direction provided by the Ministry of Agriculture, in the Guide for Bylaw Development in Farming Areas, May 2011 – Part C, Bylaw Standards, Section 11.4.2.

The provision made in policy B.15(q)(.2) for consideration to include land in the ALR

An owner of land in the **agricultural area** can apply to the Agricultural Land Commission to have their land included in the ALR land base. The commission supports a minimum parcel size of 8 ha, for land designated ALR.

30 metres separation for structures and wells described in policy B.15(z.1)

This standard is based on the Agricultural Land Commission's report Landscaped Buffer Specifications (1993) and the Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges (June, 2009).

Replacing this section B.13 that has been greyed out with the renumbered section and text following in green below:

B.13 Agriculture Policies

- B.13(a) The economic importance of a sustainable *agriculture* industry to the Comox Valley shall be recognized and supported.

- B.13(b) Lands designated for agricultural use are shown on Schedule B as Agricultural Area.
- B.13(c) Uses permitted on lands designated Agriculture Area are shown on Table 1. Uses on lands in the *ALR* are as permitted by the Agricultural Land Commission Act and Agricultural Land Commission.
- B.13(d) The retention, protection and enhancement of lands with agricultural capability shall be supported.
- B.13(e) Consolidation of smaller parcels of agricultural land into larger, more viable agricultural units is encouraged and any reduction in land area of a viable farm operation shall be discouraged.
- B.13(f) The Regional District shall explore methods of water collection, storage, distribution and re-use to meet the irrigation needs of the agricultural industry.
- B.13(g) Non-agricultural uses, including transportation and utilities rights-of-way, which would be in conflict with farming operations and *ALR* lands, shall be strongly encouraged to locate on other lands.
- B.13(h) The Regional District shall take an active role in the administration of the Soil Conservation Act.
- B.13(i) New development on non-agricultural lands adjacent to *ALR* lands shall be required to provide natural vegetated or landscaped buffer areas and/or fencing along property lines, in accordance with ALC Landscape Buffer Specifications, to reduce the potential for land use conflicts.
- B.13(j) The Regional District shall consider:
 - .1 establishing a development permit area for the protection of farming on non-farm lands located in the Plan area to protect farm lands located adjacent to *Rural Settlement Areas*; and
 - .2 reviewing its regulations with respect to *ALR* lands to ensure compatibility with the Agricultural Land Commission Act and Regulations.

B.15 Agricultural Area Policies

Regional district support for economic growth

- B.15(a) Promote “buy local” campaigns.
- B.15(b) Foster communication with the Comox Valley Regional District Agricultural Advisory Committee and stakeholders from *agriculture and aquaculture industries*.
- B.15(c) Support the establishment of farmer’s markets.
- B.15(d) Support the establishment of farm gate sales and limited on-site sales in accordance with the *Agricultural Land Commission Act* and the Comox Valley zoning bylaw, to:
 - .1 decrease transportation costs for producers;
 - .2 provide consumers with direct access to local food; and
 - .3 allow consumers to connect with the farmers who produced their food.

Natural systems and environmental best practices

- B.15(e) Use best practices guidelines and standards of senior government agencies to promote adequate flood control, bank stabilization, and stream protection.

Rain water management

- B.15(f) Where the regional district is considering new development or subdivision adjacent to or upstream from lands designated *agricultural area*, the following will be incorporated into the review and approval process:

- .1 best management practices designed to mitigate impacts on *agricultural areas* that will ensure that post-development flows do not exceed pre-development flows and to promote aquifer recharge; and
- .2 for the benefit of ground water, fish bearing waters, and/or the water of Baynes Sound, that run-off be dealt with in accordance with a rainwater management plan designed by a professional engineer, which also addresses the quality of run-off.

Water use and protection of water sources

- B.15(g) In order to support local food production, the Comox Valley Regional District will support the provision of potable water to *agriculture and aquaculture industries* to supplement ground and surface water.
- B.15(h) Through partnerships, the regional district will support initiatives for water collection, storage, distribution and re-use to meet:
 - .1 the domestic needs for potable water; as well as
 - .2 the irrigation and livestock watering needs of *agricultural industry*; and
 - .3 the product rinsing, preparing and processing needs of *agriculture and aquaculture industries*.
- B.15(i) Through partnerships, the regional district will work with the stakeholders of *agriculture and aquaculture industries* to:
 - .1 increase non-potable irrigation water to lands designated *agricultural areas*; and
 - .2 measures to support water flow into the Tsolum River.
- B.15(j) When considering development applications and subdivision referrals, the regional district will require, where possible, that ground and surface water protection is considered in the development application review process.
- B.15(k) When the total impervious area of proposed farm buildings and structures exceeds 3,700 square metres or covers more than 10 percent of a lot or contiguous lots, the regional district will consider requesting the landowner to prepare rain water and *agricultural liquid waste* management plans. The rain water management plan will need to retain post development flows on the subject land without placing a burden to adjacent landowners to deal with additional run-off created through the construction of the afore-mentioned buildings and structures.

Land uses and protection of agriculture

- B.15(l) Lands located within the provincial *Agricultural Land Reserve (ALR)* are designated *agricultural area*.
- B.15(m) Uses permitted on lands designated *agricultural area* are shown on table 1 (part 3, section 2).
- B.15(o) In accordance with the *Local Government Act*, *intensive agriculture* is protected and is a permitted use on land located in the *Agricultural Land Reserve (ALR)*, and is therefore allowed to establish on land designated *agricultural area* despite any other provisions made in the Comox Valley zoning bylaw.
- B.15(p) The conversion of land with an *Agricultural Land Reserve (ALR)* designation to a non-agricultural designation is not supported.
- B.15(q) Applications to include land in *Agricultural Land Reserve (ALR)* are forwarded to the Agriculture Land Commission for consideration. The Comox Valley Regional District will support applications for inclusion in the ALR that:
 - .1 show a benefit to *agriculture and aquaculture industries* and enhances the overall land base;
 - .2 with the provision that the zoning of the land be amended if the existing zoning of the land (before inclusion into the *Agricultural Land Reserve (ALR)*) permits subdivision of lots less than 8 ha.
- B.15(r) General conditions for the development of land designated *agricultural area*:

- .1 All new development must support the primary agricultural function of lands designated *agricultural area*.
 - .2 If unable to connect to a community water service provider and an existing sewer treatment facility, the service provisions must meet the health regulations and the approvals of the Vancouver Island Health Authority (VIHA).
 - .3 To limit the negative impact of residential use on land designated *agricultural areas* the size of dwellings on these lands should be limited.
 - .4 The area of construction and landscaping for a dwelling involving the placement of fill or removal of soil should not exceed 0.2 ha in accordance with Agricultural Land Commission policy.
 - .5 Where it is not possible to accommodate a residential driveway within the 0.2 ha building area, the amount of fill or soil removed for the construction of the driveway should not exceed 320m³/16.0 ha in accordance with Agricultural Land Commission policy.
- B.15(s) The establishment of non-agricultural uses, including transportation and utilities rights-of-way, and areas for alternative energy production (unless directly linked to farming operations), which would be in conflict with farming operations and lands designated *agricultural area*:
- .1 shall be strongly encouraged to locate on other lands; and
 - .2 if relocation is not possible, the *agricultural area* land owner should be consulted to mitigate the impacts of these uses on agricultural operations.

Subdivision and services

- B.15(t) The existence of multiple dwellings on a property shall not be a factor in determining subdivision potential.
- B.15(u) Where subdivision occurs, sustainable on-site services must be provided in accordance with agricultural, environmental and industry best practices including potable water, onsite septic disposal, drainage and potential irrigation water.
- B.15(v) Consolidation of smaller parcels of agricultural land into larger, more viable agricultural parcels is encouraged and reduction in land area of a viable farm operation is discouraged.
- B.15(w) Severance of agricultural areas by new transportation or utility corridors, or new recreational trails should be avoided and encouraged to be re-routed away from agricultural areas.
- B.15(x) Subdivision of land in agricultural areas is generally discouraged and where possible, contiguous areas of agricultural land should be preserved.
- B.15(y) Where subdivision of land in the agricultural area is proposed in accordance with *Agricultural Land Commission Act* and with the minimum lot area requirements of the Comox Valley zoning bylaw, the applicant, where requested by the Comox Valley regional district, is required to provide the following:
- .1 An agriculture and/or aquaculture proposal, that demonstrates how the proposed subdivision would benefit *agriculture and aquaculture industries*.
 - .2 A site plan showing how the use of arable farm land on the subject lot will be optimized through the siting and the location of the following proposed future improvements (as applicable):
 - a) the proposed farm buildings and structures, the proposed residential use and related structures, and other potential future non-farm buildings as the case may be;
 - b) related infrastructure, such as the driveway and potential surface water collection; and

- c) on-site services that may include well(s), a septic field/tank or sewage disposal system.
- .3 If no building or structures are contemplated for the proposed subdivided land, identify the location on the proposed new parcel, of a potential building site envelope and related on-site servicing infrastructure that would minimize the impact of development on available arable land and on-site environmental features, such as wetlands and streams.
- .4 A drainage and irrigation plan indicating how rainwater will be managed to ensure that:
 - a) adjacent lands will not be negatively affected by the proposed development of the subject land through post-development flows that would not exceed pre development flows; and
 - b) how ground water would be re-charged.
- .5 Upon request from the regional district, proof that the proposed well(s) on the subject land would not negatively impact adjacent wells in the area. For aquifer protection proof will consist of a report from a qualified professional, capturing ground water quantification, vulnerability and protection measures that need to be applied as conditions of subdivision.

Buffers

- B.15(z) Through “edge planning” the relationship and impact of different adjacent land uses on each other are taken into consideration, making provision for the protection of *agriculture and aquaculture industries*. New development on non-agricultural lands adjacent to lands designated *agricultural areas* or *Agricultural Land Reserve (ALR)* in neighbouring jurisdictions shall be required to buffer areas and/or fencing along common property lines, to reduce the potential for land use conflicts, in accordance with Development Permit Area (DPA) No. 19, ALR Buffer.
- B.15(z.1) In accordance with Development Permit Area (DPA) No. 19 principal structures and wells are to locate a minimum of 30 metres from the common boundary of the land designated agricultural area or Agricultural Land Reserve (ALR) in neighbouring jurisdictions. If the size of the property cannot accommodate this distance the owner of the proposed development is responsible to demonstrate to the satisfaction of the Comox Valley Regional District how drinking water source protection will be addressed.

Dwellings – second dwellings and siting of dwellings

- B.15(z.2) The owners of land designated agricultural area are encouraged to locate and group buildings, structures, dwellings and related infrastructure, including driveways, to preserve and not fragment contiguous tracks of land and/or the most productive land on the property. For the benefit of agriculture and aquaculture industries examples of best management practices for siting requirements that can be considered, include the following:
- .1 siting of all buildings and structures in a way that would not negatively affect the long term agricultural potential of the subject property or the adjacent properties;
 - .2 avoiding fragmenting and alienating productive and or arable land;
 - .3 avoiding placing buildings on the best soils on a property or where such buildings could negatively impact sensitive environmental features on the subject land, such as wetlands or streams;
 - .4 minimizing nuisance factors such as noise or lights by filtering and screening these factors to be less noticeable;
 - .5 grouping all development together, so that the remaining open land can easily be accessed by large farming equipment;

- .6 avoiding long driveways and the siting of buildings deep into the property;
 - .7 improving compatibility between dwelling units and farming operations, where possible, place residential uses adjacent to roads;
 - .8 limiting the size of development by keeping the footprint of dwelling units small so that greater separation between dwelling units can be achieved; and
 - .9 orienting dwelling units and other structures to optimize solar heating and light.
- B.15(z.3) The *Agriculture Land Commission Act* determines that lands designated *agricultural areas* may not be permitted to be used, or a building erected, for any purpose other than farming except for dwellings necessary to support the farm use or as permitted by regulation. Because the provision of housing is considered a necessary accessory use to the agricultural use of the property, the construction of one single family dwelling on each registered parcel of land is permitted on land designated *agricultural area*.
- B.15(z.4) The *Agriculture Land Commission Act* allows for a lot that had more than one dwelling prior to December 1972 to continue indefinitely, despite that fact that the additional dwelling may not be associated with a farm operation. Where the additional dwelling(s) is not necessary for farm use, it is treated as a non-conforming use and replacement, in the case of fire (for example), would require the approval of the [Agricultural Land Commission](#).
- B.15(z.5) Additional dwellings on land designated *Agricultural Land Reserve* (ALR) is regulated by the [Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#). The *Agriculture Land Commission Act* does not set a limit on the number of additional dwellings for farm help per legal lot; however, all such homes must be necessary for farm use.
- B.15(z.6) In considering an application for a second farm dwelling, the Comox Valley Regional District requires the applicant to provide:
- .1 proof of how the proposal meets the provisions of the Comox Valley zoning bylaw;
 - .2 information on the farm operation to justify a second dwelling, where there should be enough farming activity taking place to fully employ one full-time person before a second dwelling unit for a farm help should be considered;
 - .3 the geographic location, availability and proximity of alternative accommodation off the subject land, in the immediate area;
 - .4 the nature and the size of the dwelling and if the proposed dwelling is going to be temporary (and if so, for what period of time) or if it is going to be a permanent dwelling or a mobile home;
 - .5 the identification of how the additional dwelling will be provided with on-site services that would meet provincial regulations;
 - .6 a site plan, showing how best practices for the siting of the second dwelling took the following into account:
 - a) all the other existing developments on the subject land;
 - b) related infrastructure, such as the driveway and potential surface water collection;
 - c) on-site services that includes well(s) and the septic field/tank or sewage disposal system and how the proposed second dwelling will be serviced.
 - .7 drainage and irrigation considerations, indicating how rainwater will be managed to ensure that:
 - a) the post-development flows would not exceed pre development flows;
 - b) adjacent lands will not be negatively affected by the proposed development of the subject land; and
 - c) how ground water would be re-charged.
 - .8 potential buffering and the use of landscaping to shield the proposed residential use from agriculture and or aquaculture activities.

- B.15(z.7) To further limit the negative impacts of residential use on land designated *agricultural area*, the size of second dwelling(s) should be limited.
- B.15(z.8) When an owner wishes to construct an additional dwelling on a parcel that already has the maximum permitted number of dwellings, the owner may make application to the Comox Valley Regional District (CVRD) to temporarily occupy an existing dwelling while constructing the new dwelling. The owner must enter into an agreement with the CVRD and provide a performance bond. The owner must agree to have a building permit in place to demolish, remove, or where permitted, convert the existing dwelling to an accessory building prior to occupancy of the new dwelling and agree that the existing dwelling shall be vacated and no longer occupied within 7 days of being granted occupancy approval for the new dwelling, or earlier if requested by the CVRD.

Processing plants and related infrastructure

- B.15(z.9) The regional district supports the principle of establishing value added processing uses and related structures on the land where the primary products are produced, but recognize that:
- .1 the applicant must meet all other legislative requirements before such a proposed processing use or structure can be established; and
 - .2 that the proposal should include suggestions of how potential negative effects resulting from the value added process can be minimized.
- B.15(z.10) Food processing uses and structures supporting *agriculture and aquaculture industries* shall be permitted on lands designated *agricultural area*, subject to Agricultural Land Commission(ALC) approval.
- B.15(z.11) The siting and site design of value-added processing plants shall follow best practices and shall mitigate any potential off-site impacts.
- B.15(z.12) The location of processing plants shall take into consideration:
- .1 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide potential buffering and screening if required;
 - .2 public access to the coastal waterfront, where applicable;
 - .3 provision of adequate water supply and liquid waste management systems;
 - .4 traffic generation and air pollution through existing developed areas;
 - .5 provision of adequate transportation links, access and parking; and
 - .6 surrounding neighbourhood and user needs in regard to noise, lighting, air pollution, screening, idling of trucks, etc.

Access and transportation routes

- B.15(z.13) Provide sufficient and diversified transportation options to bring required products to the Comox Valley and to export produce grown here.
- B.15(z.14) Encourage public education regarding the understanding that public roads need to be shared with large farming equipment.
- B.15(z.15) With regard to new trails, the regional district will:
- .1 attempt to re-route new trails away from active livestock operations and if relocation is not possible or practical to secure the continuity of trails, the landowner impacted by the development proposal shall be consulted to determine how the impacts of the proposed new trail on the livestock operations can be mitigated; and
 - .2 mitigating measures and agricultural best practices will be included in the planning and developing of trails and parks in designated *agricultural areas* that take into account:
 - a) the ALC's landscape buffer specifications; and
 - b) the [Ministry of Agriculture and Lands – a Guide to Using and Developing Trails in Farm and Ranch Areas \(2002\)](#).

- B.15(z.16) The provision of buffers along trails may include a combination of fencing, physical separation, water features, vegetation and elevation differences.
- B.15(z.17) During the planning and design of trails in an agricultural area, the regional district will consult with the Comox Valley Regional District Agricultural Advisory Committee.
- B.15(z.18) Transportation and utility right-of-ways, and areas for alternative energy production (unless directly linked to farming operations), which may be in conflict with farming operations and lands designated agricultural area:
 - .1 shall be strongly encouraged to locate on other lands; and
 - .2 if relocation is not possible or practical, the *agricultural area* land owner should be consulted to determine how the impacts of the proposal on the agricultural operations can be mitigated.
- B.15(z.19) Support the revitalization of the E&N railway line as an important transportation corridor for agriculture and aquaculture industries.

Intent and rationale for amendment

Since the “Denman Island Local Trust area” is explained in the existing OCP, the bylaw amendment improved the explanation, to clarify the area of jurisdiction of the “Denman Island Local Trust”, the Comox Valley Regional District and in doing so, clarified the applicable value of the proposed new policies. The new policies do not apply to the water surface of Baynes Sound, but applies upland from the high-water mark of the east coast of Vancouver Island.

The following RGS direction and policies apply

6A-2 Work towards ensuring that development does not result in negative impacts on adjoining farmlands or shellfish tenures by affecting the volume and quality of ground and surface water, in particular storm water discharge.” (Underlining added.)

6B-1 Land used for aquaculture and related activities should be maintained where appropriate for such uses and recognized in OCPs.

6B-3 Where appropriate, encourage the development of shellfish support infrastructure such as processing facilities, production research, and market development.

6B-4 Promote sustainable aquaculture practices and environmental stewardship in cooperation with agencies and stakeholders.

6B-5 Where there are documented public health issues in existing residential areas, sewer services will be considered for existing areas to protect the marine environmental health of the area.

6D-2 Support the ‘value chain’ of agriculture through development of agricultural policies and uses in OCPs, to encourage food processing plants, storage and local markets.

6D-1 Support the availability of local agricultural products through encouraging local procurement at schools, grocery stores, and government offices.”

Replacing section B.14 that has been greyed out with the re-numbered section and text following in green below:

B.14 Aquaculture and Fisheries Policies

- B.14(a) The economic importance of sustainable aquaculture and fisheries industries to the Comox Valley shall be recognized and supported.
- B.14(b) The Denman Island Local Trust area includes the area up to the eastern coast of Vancouver Island from Mud Bay to Comox Point (not including municipal boundaries).

The Denman Island OCP and zoning bylaw only extend 1 000 metres seaward from the coastline of Denman Island; the coastal area is outside of this area.

If the Coastal designation remains for this area, the Islands Trust requires that it be consistent with the Islands Trust Policy Statement and the “Object of the Trust.”

This will require new policies for this area.

- B.14(c) The Regional District shall work cooperatively with the Islands Trust, local government and senior government agencies to develop policy for the area extending 300 metres seaward from the highwater mark of the eastern coastal boundary of the planning area that falls within the jurisdiction of the Islands Trust.
- B.14(d) Uses permitted in the area designated as Coastal Area are as shown on Table 1.
- B.14(e) Fisheries and *aquaculture* related habitats and resources shall be protected, and where feasible enhanced, through the designation of these lands as Environmentally Sensitive Areas Development Permit Areas, and through the application of appropriate development criteria and regulations.
- B.14(f) The Courtenay River Estuary Management Plan shall be considered for inclusion in the OCP during the annual review of the OCP following its completion.
- B.14(g) The Regional District shall work with senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources.
- B.14(h) The protection of streams for fish access and the retention of natural open channels for small streams shall be required as surrounding areas are developed.
- B.14(i) The *riparian area* as an important component of a healthy aquatic zone shall be protected.

B.16 Aquaculture and Fisheries Policies

Jurisdiction

- B.16(a) The 300 metre coastal area (excluding municipal boundaries) as shown on schedule B (land use designation map) is partially located within the Denman Island Local Trust area of jurisdiction. However, the zoning designation for water (shown on schedule ‘C’ of the Denman official community plan) only includes the marine areas within the Denman Island Trust Committee, as far west as the 30 metre bathometric contour of the shore of Vancouver Island and therefore, in the applicable Baynes Sound – Denman/Hornby Islands (electoral area ‘A’), does not extend all the way to the eastern coast of Vancouver Island.

Because the Denman Island Local Trust area of jurisdiction includes the ocean area up to the high-water mark of the eastern coast of Vancouver Island from Mud Bay to Comox Point, development within the 300 metre coastal area therefore needs to be consistent with:

.1 the Islands Trust [Policy Statement](#); and the following

.2 *Island Trust Act* section 3, “Object of the Trust”:

“to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

- B.16(b) Above the high-water mark of the eastern coastline of Vancouver Island, any upland or backshore development within the Comox Valley Regional District boundary (as shown on

schedule B, land use designation map), falls within the jurisdiction of bylaw no. 2042, being the “Rural Comox Valley Official Community Plan, 1998” (OCP).

Regional district support for economic growth

- B.16(c) Promote “buy local” campaigns.
- B.16(d) Support the establishment of farm gate and “dock-side” sales and limited on-site sales (that meet all legislative requirements), to:
- .1 decrease transportation cost for producers;
 - .2 provide consumers with direct access to healthy fresh and local food;
 - .3 allow them to connect directly with primary food producers; and
 - .4 allow for community building between aquaculture producers and the local community.

Natural systems and environmental best practices

- B.16(e) Recognize aquatic habitats and resources as environmentally sensitive areas that need to be protected and enhanced.
- B.16(f) Protect *riparian areas* as an important component of an aquatic ecosystem, amongst other through provincial riparian areas regulation (RAR), development permit regulations and sound rain water management policies and practices where applicable.

Land uses

- B.16(g) Uses permitted in the area designated as “coastal area” are shown on table 1 (part 3, section 2).
- B.16(h) The development of *agriculture and aquaculture industries* in proximity to the shoreline must follow best environmental and industry practices:
- [Caring for Our Shores: A Handbook for Coastal Landowners in the Strait of Georgia \(1998\)](#)
 - [Coastal Shore Stewardship: A Guide for Planners, Builders and Developers \(2003\)](#)
 - [Green Shores Coastal Development Rating System \(March, 2010\)](#)
 - Green Shores, [Sustainable Approaches to Coastal Design \(August 16, 2008\)](#); and
 - [A Guide for Structures along Estuaries and Large Rivers \(2003\)](#)
- B.16(i) The regional district recognizes the need of the *aquaculture industry* to effectively grow seed that can replenish existing oyster beds and therefore supports in principle the use of power supplies from Deep Bay and Fanny Bay wharfs for the growing of seed for the *aquaculture industry*.
- B.16(j) Food processing uses and structures supporting *agriculture and aquaculture industries* shall be encouraged to establish on appropriate lands designated *agricultural area*, subject to Agricultural Lands Commission(ALC) approval.
- B.16(k) When reviewing development applications for upland aquaculture facilities, processing uses and structures the Comox Valley Regional District shall consider the following:
- .1 a location, ideally within a five minute drive from existing wharfs, marinas and boat ramps;
 - .2 compatibility of intended use with adjacent land and water uses, natural resource areas, and the ability to provide potential buffering and screening if required;
 - .3 public access to the coastal waterfront, where applicable;
 - .4 provision of adequate water supply and liquid waste management systems;
 - .5 traffic and air pollution related to the proposed aquaculture facilities and processing uses on existing developments;
 - .6 the provision of adequate transportation links, site access and on-site parking;
 - .7 the surrounding neighbourhood and community needs and sensitivities in regard to

- .8 excessive noise, light and air pollution, odours, effluents, etc. of the operation; rain, stormwater and site retention of runoff, so that adjacent properties are not negatively impacted; and
 - .9 landscaping requirements, screening and buffering to mitigate potential traffic noise, diesel truck idling, and local cooling mechanisms.
- B.16(l) Implement best practices in creating trails adjacent to Baynes Sound, riparian, wetland, and other aquatic areas that also includes [The Stewardship Series - Access Near Aquatic Areas: A Guide to Sensitive Planning Design and Management \(1996/1997\)](#)

B.15 Resource Extraction and Processing Policies

- B.15(a) The deposit and removal of soil, sand, gravel and rock and the deposit of other materials shall be limited to Upland Resource and Industrial Areas except for areas identified as environmentally sensitive.
- B.15(b) The processing of minerals, sand, gravel, coal or quarry materials shall be subject to the policies of this plan, and shall require application for industrial zoning or a *Temporary Industrial Use Permit*.
- B.15(c) Existing and future gravel pits and other *aggregate* deposits shall be reclaimed for a plan-supported purpose following the completion of resource extraction activities in accordance with applicable provincial regulations.
- B.15(d) The Regional District shall consider the adoption of a Soil Removal and Deposit Bylaw to ensure sustainable aggregate supply to meet demands while minimizing land use conflicts.
- B.15(e) The Regional District shall work cooperatively with senior government agencies to study aggregate and mineral potential in the planning area.

C. Land Use and Settlement: Objectives and Policies

C.1 Rural Area Objectives

- C.1(a) To encourage land use patterns which minimize urban sprawl.
- C.1(b) To ensure that development is serviced to an appropriate and adequate rural standard.
- C.1(c) To support land use proposals that minimize potential negative impacts on the natural environment and the productive potential of resource lands.
- C.1(d) To support the provision of affordable housing appropriate to its rural setting.

Intent and rationale for amendment

To reflect the following RGS direction for “Rural Area”

“In order to maintain the rural character and function of these areas...”

Adding the following objective to the existing objectives of C.1 listed above:

- C.1(e) To ensure that all rural development supports the agriculture objectives and policies contained in this bylaw, aiming to support the rural character and function of the *rural area*, including the working agricultural land base and aquaculture areas.

C.2 Rural Area Policies

- C.2(a) Lands designated as *Rural Area* are shown on Schedule B.
- C.2(b) Uses permitted on lands designated *Rural Area* are shown on Table 1.
- C.2(c) Where community water systems and/or community sewer systems are not available, lands in the Rural Areas shall only be subdivided in accordance with the regulations of the authority having jurisdiction for septic system and well approvals and in accordance with the minimum and average lot sizes provided in the applicable zoning bylaw.
- C.2(d) The strata conversion of secondary suites, carriage houses and secondary dwellings shall not be supported.
- C.2(e) The strata conversion of second dwellings shall only be supported where the minimum lot size requirement is achieved.”
- C.2(f) Despite any other provision of this bylaw, density averaging, density bonusing and density transfer do not apply to the subdivision of lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010. *Density averaging, density bonusing or density transfer* may be used to secure community benefits such as the preservation of rural lands, open space, sensitive habitats, and working woodlots.
- C.2(g) Settlement adjacent to ALR lands shall provide buffering and appropriate and adequate servicing to reduce potential negative impacts on farm land.
- C.2(h) The annexation of land in the Plan area into the municipalities of Comox, Courtenay and Cumberland by means of boundary expansions may be supported where such urban expansion occurs within mutually determined *containment boundaries* or because of verified public health and safety issues. Phasing of such boundary expansions, based upon projected five to 10 year land requirements, shall be encouraged as a means of lessening the impact on rural residents.

Intent and rationale for amendment

RGS, Part Four, section 2 Rural Areas

Clarifying RGS and OCP terminology

In the RGS:

- “*Rural Settlement Area*” refer to “*Rural Area*” of the OCP, encompass all lands within the electoral areas outside of *Core Settlement Areas* that are not designated *agricultural areas, resource areas, or provincial parks*.
- “*Rural Areas*” include the following OCP areas – *agricultural area, rural area and rural settlement area*.

For the “*Rural Area*” of the OCP, the following RGS direction and policies apply:

“In order to maintain the rural character and function of these areas, it is important to establish appropriate policies with regard to land uses and lot sizes. ...With regard to lot sizes, there is existing and ongoing pressure to subdivide lands within *Rural Areas* for the purposes of creating small lots of less than 4 hectares in size. A preponderance of such lot sizes will make it increasingly difficult to maintain medium and large-size farm enterprises in the Comox Valley and will begin to change the character of *Rural Areas* as they become denser. The biggest concern is that small lots will result in the unintentional conversion of Rural Areas into estate residential areas, with ongoing conflicts created between residential and agricultural uses.” (Bold and underlining added.)

“MG Policy 2A-1 – Rural Character of Rural Settlement Areas

All new development within Rural Settlement Areas must maintain the rural character of its surroundings and

support the function of a working rural landscape. This requires careful consideration of the permitted uses, the form and scale of development and lot sizes.

MG Policy 2A-2 – Minimum Lot Sizes in Rural Settlement Areas

The Comox Valley Rural OCP shall establish minimum lot sizes in Rural Settlement Areas ranging between 4 hectares and 20 hectares, subject to soil conditions, ground water capacity, extension of existing subdivision areas, interface fire hazards and suitability of lands for rural development.

MG Policy 2A-3 – Alternative Minimum Lot Sizes for Agricultural Purposes

In limited circumstances, OCP policies that allow for lot sizes less than 4 hectares, but no smaller than 2 hectares, may be considered where it is demonstrated that such lot sizes will create opportunities for small-scale, land intensive and entry-level farming. Conditions will be established for all subdivisions less than 4 hectares to secure that such lots will be used for farming purposes, and maintained as such over time, and will not become estate housing.

An overall cap on 2 hectare lots within Rural Settlement Areas should also be established. There should be regular monitoring of farm sizes to **ensure that 2 hectare lot sizes are being used for farming** (bold and underlining added) and that there is an adequate supply of larger farm parcels (20 hectares or more). To assist with implementation, an inventory of all Rural Settlement Area parcel sizes should be conducted as part of the agriculture plan review to ensure a balanced distribution of parcel sizes that maintains the rural nature of these areas and determines the success of developing small scale agriculture operations through 2-hectare subdivisions.

MG Policy 2A-4 – Land Uses within Rural Settlement Areas

The Comox Valley Rural OCP shall establish a range of permitted uses within Rural Settlement Areas as follows:

- (a) Agriculture and related uses shall be permitted. Such uses include food processing establishments, distribution centres, farmers markets and agricultural research facilities;
- (b) Lots smaller than 4 hectares, but not smaller than 2 hectares, may be permitted **provided lands are farmed and agriculture is the primary use on the property**. The OCP policies should provide direction and definition for farming to set these conditions. (Bold and underlining added.)
- (c) Non-residential and non-agricultural-related uses shall be limited to land and servicing capabilities. These will mainly be associated with on-site businesses, home-based businesses, small-scale accommodations, small-scale tourist-related uses. Commercial uses should be clustered within specific service areas (e.g., Merville, Black Creek, Fanny Bay).
- (d) Resort developments shall be permitted subject to restrictions on the overall size of development and conditions that such development do not include full-time residential uses, is not located in drinking watersheds and do not locate adjacent to the Inland Highway.
- (e) Renewable energy infrastructure and facilities (e.g., windmills, solar farms) shall be permitted on all lots, as determined by each local government."

The establishment of a farm residential footprint - policies C.2(l) and (m)

The policy requirements are derived from examples found in the Ministry of Agriculture's publication prepared by Sustainable Agriculture Management Branch: Regulating the Siting and Size of Residential Uses In the ALR – Discussion Paper and Minister's Bylaw Standard, September 2011

The size limitation on the size of a dwelling unit on non-ALR land required in policy C.2(o)

A limitation on the size of future dwelling units on lots less than 4 ha created through subdivision is placed:

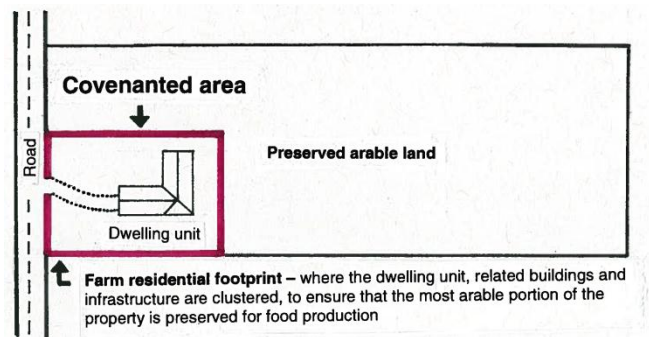
To discourage residential estate development in rural areas. The establishment of large expensive residences and accessory farm residential facilities can significantly increase the value of property, making it less affordable for prospective farmers and therefore the land will be less likely used for active farming operations. The Ministry of Agriculture determined that small parcels are affected more by expensive residential uses than larger parcels and that the resident of large and valuable residences can also be intolerant of disturbances from farm practices on neighbouring parcels.

The 300m² limitation on the size of a dwelling unit is derived from examples found in the Ministry of

Adding the following policies to the existing policies of section C.2 above:

Subdivision of non – ALR land:

- C.2(i) Lot sizes less than 4 hectares, but no smaller than 2 hectares shall be considered, providing that the proponent can demonstrate how the proposed lot(s) will create opportunities for small-scale, land intensive and entry-level agriculture.
- C.2(j) For larger tracts of land that include the development proposals for more than two lots to be created, the regional district shall consider proposals for small-scale, land intensive and entry level agriculture and aquaculture industries that are completed through a phased development agreement. The intention of this policy is that subject to approvals, the land would be developed through phases, where the completion of the first phase reflects OCP policies and other bylaws, before a second phase can be contemplated.
- C.2(k) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land users. Public road ending or road frontages adjacent to land designated agricultural area, or Agricultural Land Reserve (ALR) in neighbouring jurisdictions should be avoided, except as may be necessary for access by farm vehicles.
- C.2(l) Through the siting of the farm residential footprint, attempt to preserve and not to fragment the arable portion of the subject land. Establish the farm residential footprint close to a public road, either at the front lot line or the side lot line if it is a corner lot, providing that this is not proven to be the best arable land on the property.
- C.2(m) The residential use (farm house) shall only be located within the farm residential footprint. The regional district shall require covenants to ensure that the proposed farm residential footprint is established only in the area indicated with a subdivision proposal.



- C.2(n) Where rezoning is required to create lots less than 4 ha, agriculture and aquaculture uses must be established prior to permanent residential uses.
- C.2(o) The permanent residential use on a lot less than 4 ha shall be limited to one (1) dwelling unit limited in size to a maximum area of 300.0 metres², with the understanding that before the permanent residential use is established, the land owner will be allowed temporary accommodation on the subject land. Such temporary accommodation can consist of recreational vehicle or mobile home.
- C.2(p) Where small-scale, land intensive and entry-level *agriculture and aquaculture industries* are located adjacent to existing rural residential neighbourhoods and other existing uses, buffers will be provided to reduce potential land uses conflicting including noise, dust, odours and

- undesirable airborne particulate matter.
- C.2(q) Buffers may include a combination of fencing, physical separation, water features, vegetation and elevation differences.
- C.2(r) When considering an application for rezoning for the purpose of subdivision to create a 2 ha to 4 ha lot(s), an applicant will provide the following:
- .1 an agriculture and aquaculture farm plan/detailed proposal for the subject lot(s) and how it will contribute to the *agriculture and aquaculture* production in the Comox Valley;
 - .2 a site analysis and a plan prepared by a BC land surveyor, documenting the opportunities and constraints of the subject lot(s) in terms of topography, agricultural capacity, surrounding land uses and an explanation of how the subdivision proposal responds to the site analysis. A site analysis shall include where relevant:
 - a) topography of the land (including ridgelines, slope gradients and erosion areas);
 - b) a rainwater management plan;
 - c) soil classification and capacity;
 - d) on-site sewer service/liquid waste management plan;
 - e) proof of potable water;
 - f) a description of irrigation capabilities;
 - g) suitability for non-soil based *agriculture and aquaculture industries*;
 - h) environmental sensitive features including: habitat corridors, wetlands, watercourses and habitat trees;
 - i) potential natural features that can be enhanced for capturing rainwater to use for irrigation purposes;
 - j) land liable to inundation by floodwaters;
 - k) prevailing wind patterns to assess odour and dust impacts;
 - l) any existing and proposed buildings and works, including outdoor storage areas and shelter for livestock;
 - m) adjoining land uses and neighbouring buildings; and
 - n) any other matters relevant to the subject lot(s) and its environment that will influence using it for food production.
 - .3 the location and extent of a buffer (where applicable) that is required to shield proposed development from adjacent (potential or existing) agriculture and aquaculture industries, where the proposal may include individual buffers for each proposed lot, or one contiguous buffer surrounding the collective outside boundary of the collection of small lots;
 - .4 the location of infrastructure including power, water, sewer and road access; and
 - .5 a site plan prepared by a surveyor, outlining the location of the proposed farm residential footprint, as illustrated on figure one.

Agriculture and aquaculture industry development in rural area

- C.2(t) Support the establishment of *agriculture and aquaculture industries* and related uses, such as farm gate sales, food processing establishments, distribution centres, farmers markets and agricultural research facilities.
- C.2(u) In considering an application to establish *agriculture and aquaculture industries* or related uses in *rural area*, the applicant, where requested by the Comox Valley regional district, is required to provide the following information to the satisfaction of the regional district:
- .1 how the proposal meets the provisions of the Comox Valley zoning bylaw, or how it could be met through successful rezoning of the subject land;
 - .2 how the proposal will maintain the rural character of its surroundings and support the function of a working rural landscape;

- .3 compatibility of intended use with adjacent land and water uses, natural resource areas and the ability to provide potential landscaping, buffering and screening.
 - .4 the identification and protection measures of environmental sensitive features on the land;
 - .5 a rainwater management and drainage plan designed by a professional engineer, to ensure:
 - a) best management practices to mitigate impacts on adjacent land that will ensure that post-development flows do not exceed pre-development flows and to promote aquifer recharge; and
 - b) for the benefit of ground water, fish bearing waters, and/or the water of Baynes Sound, that run-off be dealt with in accordance with the rainwater management plan, which also addresses the quality of run-off.
 - .6 a site analysis and a plan prepared by a BC land surveyor, documenting the opportunities and constraints of the subject lot(s) in terms of topography, agricultural capacity, surrounding land uses and an explanation of how the subdivision proposal responds to the site analysis. A site analysis shall include where relevant:
 - a) topography of the land (including ridgelines, slope gradients and erosion areas);
 - b) a rainwater management plan;
 - c) on-site sewer service/liquid waste management plan;
 - d) proof of potable water;
 - e) a description of irrigation capabilities (where applicable);
 - f) environmental sensitive features including: habitat corridors, wetlands, watercourses and habitat trees;
 - g) prevailing wind patterns to assess odour and dust impacts;
 - h) any existing and proposed buildings and works, including outdoor storage areas and where applicable, a shelter for livestock;
 - i) adjoining land uses and neighbouring buildings;
 - j) how screening and buffering from adjacent land uses will be done;
 - k) site access and on-site parking; and
 - l) any other matters relevant to the subject lot(s) and its environment that will influence using it for food production.
- C.2(v) Landowners who want to receive the same protection for their industries as those located in *agricultural area*, are encouraged to apply to have their land included in the *Agricultural Land Reserve* (ALR), with the provision that the zoning of the land be amended if the existing zoning of the land (before inclusion into the *Agricultural Land Reserve*) permits subdivision of lots less than 8 ha.

Since the remainder of the policies in section C. did not change, it was not included in this abstract

D. Advocacy Policies

D.1 Natural Systems Advocacy Policies

- D.1(a) Local government agencies, senior government agencies and residents of the Comox Valley shall be encouraged to work cooperatively in the identification of hazardous lands and environmentally sensitive areas, including site specific habitat considerations, such as significant wildlife nesting, rearing and migration habitat, within the Plan area.

- D.1(b) Where significant ecological habitat or other sensitive areas are identified, land owners may be encouraged to place these areas into a public trust or return them to the public domain. Access to these areas should be in keeping with the identified level of sensitivity.
- D.1(c) *Foreshore* leases which require landfill or dredging of the aquatic environment shall be discouraged.
- D.1(d) Land owners, local municipalities and senior government agencies shall be encouraged to work cooperatively with the Regional District in the undertaking of water supply studies to identify future demand for water both from resource industries, in particular *agriculture*, and from residential and other urban land uses, and determine the most economically and environmentally appropriate methods of meeting future water needs of the Comox Valley.
- D.1(e) The participation of local farmers in the “BC Ten Point Plan on Agriculture and the Environment” process shall be encouraged.

D.2 Air Quality Advocacy Policies

- D.2(a) The use of alternative forms of transportation, and in particular those which do not require the use of fossil fuels, shall be encouraged.
- D.2(b) Local institutions and organizations shall be encouraged to educate the public regarding the maintenance of atmospheric quality.

D.3 Water Quality Advocacy Policies

- D.3(a) The use of proven innovative liquid waste servicing systems shall be encouraged.
- D.3(b) Senior government agencies and non-governmental organizations shall be encouraged to work cooperatively on watershed management planning processes in order to create policies for an environmentally and economically healthy watershed *ecosystem*.
- D.3(c) Senior government agencies shall be encouraged to work cooperatively with the Regional District in the application of the Land Development Guidelines and Stream Stewardship Guidelines.
- D.3(d) To ensure that vessels using the waters in the Plan area have septic holding tanks and that harbours and marinas provide pump-out stations.
- D.3(e) To establish an environmentally safe drydock facility for vessels to be maintained and repaired.
- D.3(f) To establish guidelines to ensure that marine *aquaculture* operators maintain the health of the *foreshore* during and following use of the area.

D.4 General Economy Advocacy Policies

- D.4(a) The Comox Valley Economic Development Society shall be encouraged to attract businesses which complement the environmental characteristics and the natural qualities, culture and geographic setting of the Comox Valley, and to encourage and support home-based businesses and small businesses to grow.
- D.4(b) Crown Lands shall be encouraged to provide lands to the community for community uses supported by this Plan prior to marketing.

D.5 Forestry Advocacy Policies

- D.5(a) Senior government agencies and private forest companies shall be encouraged to maintain active consultation with Comox Valley residents regarding the implementation of forest management plans.
- D.5(b) Senior government agencies and private forest companies shall be encouraged to work cooperatively with the Regional District to develop guidelines and standards pertaining to the establishment and maintenance of treed buffers between lands within the working forest and *Rural Settlement Areas*.

Intent and rationale for amendment

Advocacy policies reflect community interests and are provided to influence other jurisdictions. These policies are listed following the OCP policies where the Regional District has jurisdiction.

The following RGS direction and policies apply

*"6A-5 OCPs should include criteria to guide locations for **agricultural support infrastructure** (e.g., processing, production research, and market development facilities)." (Bold and underlining added.)*

"6C-1 Local governments and farmers should work together to increase irrigation water supply to support agricultural activities."

6C-2 Local governments, agricultural stakeholder groups and farmers should work together to increase non-potable irrigation water to farmland."

Replacing this section D.6 that has been greyed out with the re-numbered section and text following in green below:

D.6 Agriculture Advocacy Policies

- D.6(a) Members of the local farm community shall be encouraged to meet senior government agency environmental guidelines and observe the requirements of the UCode of Agricultural Practice forU UAgricultural Waste ManagementU and the standards drawn up in accordance with the UFarm Practices Protection ActU, in order that the area's watercourses remain free of agricultural-generated pollution.
- D.6(b) Local government and senior government agencies shall be encouraged to develop a regional plan for *agriculture* in consultation with the farming community and the Regional District.
- D.6(c) Local government and senior government agencies shall be encouraged to continue working with the local farming community to maintain or re-establish natural watercourse patterns and to provide facilities for fish (e.g. spawning channels, fish hatcheries).
- D.6(d) The Provincial Agricultural Land Commission shall be encouraged to retain, protect and support the enhancement of lands, for agricultural uses, within the *ALR*.
- D.6(e) The City of Courtenay, Town of Comox, and Village of Cumberland, and senior government agencies shall be encouraged to coordinate with the Regional District with respect to the planning and development of water sources to meet the irrigation needs of the agricultural community.
- D.6(f) Farm operators shall be encouraged to protect the natural environment by using appropriate conservation techniques.

D.6 Agriculture Advocacy Policies

Support and economic growth

- D.6(a) Through partnership improve the public awareness of the importance of *agriculture and aquaculture industries*, particularly among people living in close proximity to, or within areas designated *agricultural area* and *rural area* and the foreshore of Baynes Sound; by supporting policies that protect land designated *agricultural area* and the water quality of Baynes Sound for current and future food production.
- D.6(b) Local government and senior government agencies shall be encouraged to develop a regional plan for *agriculture and aquaculture* in consultation with the stakeholders from *agriculture and aquaculture industries* and the regional district.
- D.6(c) The regional district shall work cooperatively with the Islands Trust, local government and senior government agencies to develop policy for the area extending 300 metre seaward from the high-water mark of the eastern coastal boundary of the planning area that falls within the jurisdiction of the Islands Trust.
- D.6(d) The regional district shall work with senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources.
- D.6(e) The Comox Valley Economic Development Society shall be encouraged to attract businesses which complement and strengthen *agriculture and aquaculture industries*.
- D.6(f) The regional district will liaise with improvement districts, agencies and ministries to effectively address the provision of infrastructure and services that *agriculture and aquaculture industries* require.
- D.6(g) The regional district shall consult with BC Assessment to determine what can be done with regards to property taxes that will encourage and not deter land owners and active farmers from adding value to the primary products grown on their land.
- D.6(h) The regional district will communicate with the real estate board to request realtors who sell properties in *agricultural and rural areas* of the Comox Valley regional district, to include a notice to the prospective land purchasers that the property they are interested in is located in an area where active farming operations are supported and may therefore be subject to noise, odour, dust and other activities associated with active farming operations.

Water use

- D.6(i) Through partnerships, the regional district will, over the long term consider tools to improve access to potable water at a reasonable price available to *agriculture and aquaculture industries*.

Access and transportation routes

- D.6(j) The regional district will, in consultation with *agriculture and aquaculture industries*, work with Ministry of Transportation and Infrastructure to develop sufficient access points and suitable road infrastructure (location and standard) that would meet the needs of the *agriculture and aquaculture industries* and *forestry* sector.
- D.6(k) Work cooperatively with provincial agencies, *agriculture and aquaculture industries* to create a transportation network (land, rail, sea and air) that is compatible with and supportive of food production in the Comox Valley.
- D.6(l) The Ministry of Transportation and Infrastructure shall be encouraged to:
 - .1 give consideration to the policies of the OCP and the protection of the *rural character* of the plan area when planning for any new road alignment;
 - .2 consult with the regional district with respect the siting of public accesses which provide access to water bodies and the foreshore for *aquaculture industry*; and
 - .3 take it into consideration when, during April to October, applications for road running

and cycling races, or similar non-vehicle road uses are received, that roads located in designated *agricultural areas* are frequently used by *agriculture and aquaculture industries*. Holding these races during the busy food production months have a negative impact on the operations of *agriculture and aquaculture industries* and results in dangerous situations where heavy farming equipment mixes with runners and cyclists.

- D.6(m) Senior government agencies and local governments shall be encouraged to continue to work cooperatively to develop commercial airport operations and related commercial aviation ventures for the economic benefit of the Comox Valley.

Intent and rationale for amendment

Advocacy policies reflect community interests and are provided to influence other jurisdictions. These policies are listed following the OCP policies where the Regional District has jurisdiction.

The following RGS direction and policies apply

“6A-5 OCPs should include criteria to guide locations for agricultural support infrastructure (e.g., processing, production research, and market development facilities).” (Underlining added.)

“6B-3 Where appropriate, encourage the development of shellfish support infrastructure such as processing facilities, production research, and market development.

6B-4 Promote sustainable aquaculture practices and environmental stewardship in cooperation with agencies and stakeholders.”

Replacing this section D.7 that has been greyed out with the re-numbered section and text following in green below

D.7 Aquaculture and Fisheries Advocacy Policies

- D.7(a) The Baynes Sound Round Table shall be encouraged to continue to bring together various interests to resolve issues associated with Baynes Sound.
- D.7(b) Senior government agencies shall be encouraged to require applicants to provide for the maintenance of appropriate public access to the *foreshore* when considering *aquaculture* leases.
- D.7(c) When watershed management plans are being developed, participants shall be encouraged to include policies to enhance the health of the local shellfish industry and emphasize the need to protect this unique marine habitat for shellfish.

D.7 Aquaculture and Fisheries Advocacy Policies

Support and economic growth

- D.7(a) Through partnership, build strong alliances by fostering communication with the Comox Valley Regional District Agricultural Advisory Committee and stakeholders from *agriculture and aquaculture industries*.
- D.7(b) The regional district will work with stakeholders from *agriculture and aquaculture industries*, senior government, the Islands Trust, non-government organizations and local residents to protect Baynes Sound shellfish resources.
- D.7(c) Through partnership improve the public awareness of the importance of *agriculture and aquaculture industries*, particularly among people living in close proximity to or within areas designated *agricultural area* and *rural area* and the foreshore of Baynes Sound; by supporting policies that protect land designated *agricultural area* and the water quality of Baynes Sound for current and future food production.

- D.7(d) The regional district shall work cooperatively with the Islands Trust, local governments and senior government agencies to develop policy for the area extending 300 metres seaward from the high water mark of the eastern coastal boundary of the planning area that falls within the jurisdiction of the Islands Trust. The 300 metres coastal area is shown on schedule B, land use designation map.
- D.7(e) Senior government agencies shall be encouraged to require applicants to provide for the maintenance of public access to the *foreshore* when considering *aquaculture* leases.
- D.7(f) When watershed management plans are being developed, participants shall be encouraged to include policies to enhance the health of the local shellfish industry and emphasize the need to protect this unique marine habitat for shellfish.
- D.7(g) The regional district will communicate with the real estate board to request realtors who sell properties on the foreshore of Baynes Sound, to include a notice to the prospective land purchasers that the property they are interested in is located in an area where active farming operations are supported and may therefore be subject to noise, odour, and other activities associated with active aquaculture operations.

Subdivision and services

- D.7(h) The agency responsible for wastewater disposal shall be encouraged to:
- .1 consider the cumulative effects of ineffective individual septic systems;
 - .2 evaluate areas with suspected problems;
 - .3 consult with affected landowners with respect to corrective measures;
 - .4 enforce legislative requirements, where necessary;
 - .5 permit the installation of approved innovative technologies; and
 - .6 encourage the safe reuse of effluent and biosolids in conjunction with *agriculture and aquaculture industries*.

Since no changes were made to the remainder of the advocacy policies, the policies were deleted and not included in this abstract

Part Three Plan Map

Intent and rationale for amendment

The following RGS direction and policies apply

“6E-4 Review regulatory bylaws to support an appropriate level of agriculture and related uses as considered appropriate by the Agricultural Land Commission.”

The amendments reflect the updates of schedule ‘B’ Land Use designations map and terminology used on this map.

Replacing the following text that was greyed out with the green text following below:

1. Schedule B – Land Use Designation Map

The Land Use Designation Map, Schedule B, identifies the location of the seven land use designations:

- *Rural Settlement Area*;
- Rural Area;
- Industrial Area;
- Marine Industrial Area;
- Agricultural Area;
- Upland Resource Area; and
- Coastal Area.

The Rural Service Centre symbol indicates the approximate location of existing *rural service centres*.

The boundaries indicated on the Land Use Designation Map are to be considered approximations. The exact extent of boundaries shall be determined through *Electoral Area Plans*, *Local Area Plans* or other planning studies.

Permitted land uses are indicated on Table 1 and outlined in the associated text.

Schedule B, Land Use Designation Map, identifies the location of the following nine land use designations:

- Agricultural Area;
- ALR designated land in neighbouring jurisdictions;
- Rural Area;
- Industrial Area;
- Marine Industrial Area;
- Settlement Expansion Area;
- Upland Resource Area;
- 300m Coastal Area; and
- Rural Settlement Area.

The Rural Service Centre and wharfs/marinas/boat ramp symbols indicate the approximate location of existing *rural service centres*, wharfs/marinas/boat ramps.

The boundaries indicated on the land use designation map are to be considered approximations. The exact extent of boundaries shall be determined through *Electoral Area Plans*, *Local Area Plans* or other planning studies.

Permitted land uses are indicated on table 1 (part 3, section 2) and outlined in the associated text.

Intent and rationale for amendment

This is a housekeeping amendment, to reference that this table is section 2 of Part Three

Part 3, section 2 TABLE 1 Land Use Designations and Permitted Uses

Permitted Use (Refer to following pages for full description.)	Land Use Designation					
	Upland Resource Area	Agricultural Area	Coastal Area	Industrial/ Marine Industrial Area	Rural Area	Designated Settlement Area
Residential		3			3	3
Commercial		home occupations only		limited to products manufactured or processed on-site	cottage industry and home occupations only	3
Rural Service Centre					3	
Manufacturing & Processing	3			3	3	3
Warehousing & Transportation Services			3	3	3	3
Woodlots & Portable Sawmills	3	3		3	3	
Sawmills				3		
Institutional						3
Parks, Recreation & Open Space	3	3	3	3	3	3
Tourist Services		farm experience only	facilities tied to upland services only		3	3
Temporary Commercial Use Permit (TCUP)	3	3		3	3	3
Temporary Industrial Use Permit (TIUP)	3			3		
Agriculture	3	3			3	
Forestry	3	3			3	
Fish Hatcheries & Enhancement	3	3	3	3	3	3
Aquaculture			3			
Marine Protected Areas			3			
Utilities	3	3	3	3	3	3

3. Land Use Designations – Permitted Uses

Upland Resource Area

The following land uses shall be permitted on lands designated Upland Resource, and as permitted by the UForest Land Reserve Act and Forest Land Commission for lands within the FLR:

- .1 *forestry*, including timber harvesting and production;
- .2 *agriculture*;
- .3 *aggregate* processing;
- .4 parks, recreation and open space;
- .5 fish hatcheries and enhancement;
- .6 *temporary commercial use*;
- .7 *temporary industrial use*; and
- .8 public and private utilities.

Agricultural Area

The following land uses shall be permitted on lands designated agricultural area, and as permitted by the Agricultural Land Commission Act and Agricultural Land Commission for lands within the ALR:

Intent and rationale for amendment

The amendments accommodate revised terminology, such as *agriculture and aquaculture industries*.

Replacing the following land uses that were greyed out with the list of uses following in green text below:

- .1 *agriculture*;
- .2 farm experience tourism;
- .3 *home occupations*;
- .4 residential associated with farm activity;
- .5 parks, recreation and open space;
- .6 fish hatcheries and enhancement;
- .7 *temporary commercial use*;
- .8 *forestry*, including woodlots and portable sawmills; and
- .9 public and private utilities.

- .1 *agriculture industry*;
- .2 *aquaculture industry*;
- .3 farm experience tourism;
- .4 farm retail sales;
- .5 *home occupations*;

- .6 residential associated with farm activity;
- .7 parks, recreation and open space;
- .8 fish hatcheries and enhancement;
- .9 *temporary commercial use*;
- .10 *forestry*, including woodlots and portable sawmills; and
- .11 public and private utilities.

Coastal Area

The coastal area shall permit the following uses:

- .1 *aquaculture*;
- .2 marine parks;
- .3 marine protected areas;
- .4 marine transportation services including moorage, maintenance, and infrastructure;
- .5 tourist services tied to upland tourist services only;
- .6 fish hatcheries and enhancement; and
- .7 public and private utilities.

Industrial/Marine Industrial Area

The following land uses shall be permitted on lands designated industrial/marine industrial:

- .1 manufacturing and processing;
- .2 warehousing and transportation services;
- .3 woodlots and sawmills;
- .4 parks, recreation and open space;
- .5 *temporary commercial use*;
- .6 *temporary industrial use*;
- .7 fish hatcheries and enhancement;
- .8 commercial operations limited to the sale of products manufactured or processed on-site; and
- .9 public and private utilities.

Rural Area

The following land uses shall be permitted in *rural areas*:

Intent and rationale for amendment

The amendments accommodate revised terminology, such as *aquaculture industry*.

Replacing the following land uses that were greyed out with the list of green uses following below:

- .1 single family residential, secondary suites and mobile homes;
- .2 agriculture;
- .3 forestry, including wood lot operations and portable sawmills;
- .4 manufacturing and processing;
- .5 warehousing and transportation services;
- .6 parks, recreation and open space;
- .7 fish hatcheries and enhancement;
- .8 tourist accommodation limited to bed and breakfast operations and tourist resorts;
- .9 *rural service centres*;
- .10 *temporary commercial use*;
- .11 *cottage industry and home occupations*; and
- .12 public and private utilities.

- .1 single family residential, secondary suites and mobile homes;
- .2 *agriculture*;
- .3 *aquaculture industry*;
- .4 forestry, including wood lot operations and portable sawmills;
- .5 manufacturing and processing;
- .6 warehousing and transportation services;
- .7 parks, recreation and open space;
- .8 fish hatcheries and enhancement;
- .9 small scale tourist accommodation limited to bed and breakfast operations and tourist resorts;
- .10 *rural service centres*;
- .11 *temporary commercial use*;
- .12 *cottage industry and home occupations*; and
- .13 public and private utilities.

Rural Settlement Area

The following land uses shall be permitted in *Rural Settlement Areas*:

- .1 residential, including a mix of housing sizes, types and styles;
- .2 commercial-service, including tourist services, accommodation and development;
- .3 *home occupations*;
- .4 warehousing and transportation services;
- .5 manufacturing and processing;
- .6 institutional, including schools;
- .7 information-based activity, including research and development and high technology;
- .8 parks, recreation and open space;
- .9 *temporary commercial use*;
- .10 fish hatcheries and enhancement;
- .11 *agriculture*; and

Part Four

Development Permit Areas

The existing text of Part Four is not affected by the OCP amendment bylaw and left unchanged. For practical reasons, it was therefore not included in this abstract.

Intent and rationale for amendment

The following RGS direction and policies apply

RGS MG Policy 2B-1 – Agricultural Areas

“Official community plans shall contain policies for Agricultural Areas that are consistent with the Agricultural Land Commission Act and regulations established under the Act, including the establishment of adequate buffers that ensure abutting farm and non-farm uses do not conflict and that non-farm uses do not impede agricultural activity within the ALR.”

*“6A-2 Work towards ensuring that development does not result in **negative impacts on adjoining farmlands** or shellfish tenures by affecting the volume and quality of ground and surface water, in particular storm water discharge.” (Bold and underlining added.)*

Standards

Standards used in the development permit reflect best practices of the industry as described in: Agricultural Land Commission's report Landscaped Buffer Specifications (1993) and the Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges (June, 2009).

British Columbia Society of Landscape Architects and British Columbia Landscape and Nursery Association, British Columbia Landscape Standard (7th edition, 2008)

At the end of Part Four, the following stand-alone new development permit area no. 19 is added.

E. Development Permit Area No. 19: Agricultural Land Reserve (ALR) Buffer

E.1 Designated Areas

The requirement for a development permit will apply to the following areas of land indicated on the associated Development Permit Area No. 19: ALR Buffer map:

- E.1(a) A 30 metre wide strip adjacent to a shared boundary located on land with the following designations - *rural area, settlement expansion areas, rural settlement area* – where the land shares a common boundary with land designated *agricultural area* or *Agricultural Land Reserve* in neighbouring jurisdictions;
- E.1(b) The development permit applies to land within the 30 metre development permit area described above in E.1(a), subject to:
 - .1 new lots created through subdivision; or
 - .2 development of the subject lots.

E.2 Objective

To protect farm land designated *agricultural area* or *Agricultural Land Reserve* (ALR) located in neighbouring jurisdictions by mitigating conflict between *agriculture and aquaculture industries* and adjacent land uses.

E.3 Justification

Land use conflicts may develop between lands designated *agricultural area* or an *Agricultural Land Reserve* (ALR) and adjacent land uses. These conflicts may compromise the use of the land for *agriculture and aquaculture industries*. The incorporation of a 30 metre wide buffer between non-agricultural lands and lands used for food production will protect the food production value of the latter.

The *Local Government Act* (LGA) sections 919.1(1)(c) and 920(10) authorizes the regional district to include in the official community plan, a development permit area for the protection of farming. Section 920(1)(10) gives authorization for a development permit to include requirements for screening, landscaping, fencing and siting of buildings or other structures, in order to provide for the buffering or separation of development from farming on adjoining or reasonably adjacent land.

Wells being located within a 30 metre distance from land designated *agricultural area* or *Agricultural Land Reserve*, may result in the mentioned designated areas not being able to utilize the full extent of their lands. Without the buffer, the owners of the above-mentioned designated lands could be limited in certain agricultural and aquaculture operations if the effect of these operations, such as the spraying of crops, may result in a potential pollution of the neighbouring wells.

Research undertaken by the BC Ministry of Agriculture and Lands indicates that the most effective buffer combines separation, vegetation and fencing. This combination is the best way to mitigate the impacts from farming activities (noise, dust/spray drift, light) and urban activities (trespass, litter, crop damage, livestock harassment from dogs).

E.4 Applicability

Prior to subdividing or developing on lands that are adjacent to designated *agricultural area* or *Agricultural Land Reserve* (ALR) in neighbouring jurisdictions, the non-agricultural land owner must:

- E.4(a) Obtain a development permit in accordance with Development Permit Area No. 19: ALR Buffer Guidelines.
- E.4(b) Include an assessment of the site to substantiate the need for a buffer and provide design measures that are most appropriate for the site – consider the type and intensity of the proposed adjacent land use and its relationship to *agriculture and aquaculture industries*.

E.5 Exemptions

E.5(a) General exemptions

When the following general conditions apply within the 30 metre wide development permit area, landowners will not need a development permit:

- .1 Alteration of land that would protect existing *agriculture* or *aquaculture industries*;
- .2 Construction of farm buildings;
- .3 Construction involving a building floor area of 10m² or less;
- .4 Internal alterations and renovations to a building or structure that do not encroach further into the development permit area, closer to the *Agricultural Land Reserve* (ALR);

- .5 Erection of fences;
 - .6 Growing, rearing, producing and harvesting of agricultural or aquaculture products in accordance with recognized standards of the *Farm Practices Protection (Right to Farm) Act*, and codes of agricultural practice;
 - .7 Stream habitat enhancement work, riparian planting, and environmental compensation work directed by senior government agencies, registered landscape architect or a professional biologist;
 - .8 In-stream work as defined by section 9 of the *Water Act*;
 - .9 Removal of invasive species and planting of native vegetation;
 - .10 The removal of hazardous trees as authorized by a professional arborist or senior level of government;
 - .11 Emergency works to prevent flood erosion damage to structures;
 - .12 Emergency works to repair or replace public utilities or infrastructure; and
 - .13 Limited trail construction or maintenance where trail construction and area of intrusion does not exceed 1.5 metres in width and where there is no excavation or removal of native soil.
- E.5(b) Subdivision exemptions
- In the case of a proposed subdivision, the exemption applies to the following situations within the 30 metre wide development permit area:
- .1 Lot line adjustments or where subdivision does not result in the ability to construct a new dwelling unit.
 - .2 Where the land subject to a subdivision proposal is not forming a common boundary with designated *agricultural area* or an *Agricultural Land Reserve*, but is separated with a dedicated road right of way of at least 20 metre wide.

E.6 Development Permit Area Guidelines

Development permits shall be issued in accordance with the following guidelines.

Buffer

- E.6(a) The vegetated buffer shall be delineated prior to commencing construction or land alteration.
- E.6(b) A buffer must be maintained and/or established on land within the development permit area parallel to and/or along the common boundary of the adjacent land designated *agricultural area* or *Agricultural Land Reserve* (ALR).
- E.6(c) Subject to the exemption clause, a total minimum separation distance of 30 metres (of which 15 metre is a vegetative buffer) between a residential dwelling unit and adjacent land designated *agricultural area*, or *Agricultural Land Reserve* (ALR) is required to mitigate the impacts of residential on farming activities. The 30 metre separation distance may include a road or railway line right of way.
- E.6(d) Locate principal structures, accessory buildings and wells a minimum of 30 metres from the common boundary of the land designated *agricultural area* or *Agricultural Land Reserve* (ALR). If the size of the property cannot accommodate this distance, principal structures and wells shall be a minimum of 50 percent of the property depth back from the common boundary with land designated *agricultural area* or *Agricultural Land Reserve* (ALR).
- E.6(e) Notwithstanding the guidelines E.6(a) to E.6(d) above, when a buffer is required in this development permit area, the applicant must provide and maintain a continuous minimum 15 metre wide vegetated buffer between any development and the land designated *agricultural area* or *Agricultural Land Reserve* (ALR). No buildings, structures or wells shall be allowed within this 15 metre buffer area.
- E.6(f) If paths and/or passive recreational uses are part of the landscaped buffer, the recreational features will not take up more than 5 metres of the buffer and they will be located away from

- the common boundary with land designated *agricultural area* or *Agricultural Land Reserve* (ALR).
- E.6(g) For the purpose of providing additional separation from the land designated *agricultural area* or *Agricultural Land Reserve* (ALR) and reducing potential conflicts, consider locating an open space next to the edge of the landscape buffer. The open space can be designed with water retention capacity and adequate rain water drainage features.
- E.6(h) All buffer areas shall be generally designed and sized in accordance with section 10 - Urban side Buffer Design Criteria of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June, 2009\)](#).
- E.6(i) Plant layout, spacing, and support shall be generally in accordance with the B.C. Agricultural Land Commission's B.C. Agricultural Land Commission's report [Landscaped Buffer Specifications \(1993\)](#) and the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June, 2009\)](#).
- E.6(j) To create a filtered view of *agriculture* and *aquaculture* practices on the land designated *agricultural area* and/or *Agricultural Land Reserve* (ALR) from the development permit area, preserve existing and supplement vegetation that meets the British Columbia Landscape Standard published by the BC Landscape Architects Society/BC Landscape and Nursery Association as amended from time to time. All new landscaping in the development permit area shall require the following vegetation standards:
- .1 shrubs – 45 cm;
 - .2 groundcover and grass – 30 cm; and,
 - .3 trees – 30 cm around and below the root ball.

Buffer maintenance

- E.6(k) A buffer maintenance plan shall be developed and will include the following: maintenance procedures for all buffer plantings on a regular basis during the first two growing years including a weed management schedule or plan.

Fencing

- E.6(l) Barrier fencing, designed to limit encroachment into *Agricultural Land Reserve* (ALR) lands by materials and pets, must be constructed in accordance with appendix C of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June, 2009\)](#).

Subdivision layout

- E.6(m) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land uses. Avoid road endings or road frontage next to land designated *agricultural area* or *Agricultural Land Reserve* (ALR) except as may be necessary for access by farm vehicles. Subdivision design and construction will minimize erosion through consideration of topography that will not result in neighbouring properties becoming the catchment area for additional runoff from roads and driveways.

E.7 Application requirements

In consideration of sections E.1, to E.6, the applicant will need to provide the following to the satisfaction of the Comox Valley Regional District:

- E.7(a) A site plan(s) or subdivision layout with a north arrow and scale, indicating the following:
- .1 The civic address and road names of where in the regional district the site is located;
 - .2 The location, width and description of the buffer:
 - a) a sketch showing the location of the common boundary between subject lands, the location and width of the buffer and how the buffer is or will be constructed to protect the adjacent *agricultural area* or *Agricultural Land Reserve*; and

- b) when applicable, an accompanying buffer maintenance plan signed off by a registered landscape architect or professional biologist.
- .3 The location, siting and description of infrastructure and buildings, with a description indicating the following:
 - a) location and lot line setbacks of all existing and proposed buildings;
 - b) the footprint, dimensions and floor areas of all existing and proposed buildings, with the identification of the uses of the existing and proposed buildings;
 - c) location of existing and proposed septic field/tank or sewage disposal systems, noting lot line setbacks and the distance to the buffer;
 - d) location and setbacks of any natural features, such as water courses (including ditches), steep banks and steep slopes;
 - e) rights-of-way and easements; and
 - f) the location of existing and proposed drive way(s), fire hydrants, fire department connections, gas lines, hydro, telecommunication poles and other geographic features.
- E.7(b) A rain water management plan, prepared by a professional engineer, indicating:
 - .1 That the proposed development will not have a detrimental drainage impact on the adjacent farm land; and
 - .2 How predevelopment peak flows will not exceed post development peak flows.
- E.7(c) Where subdivision is proposed, a hydrogeological analysis from a professional engineer, indicating that the proposed development and any wells, will not have a detrimental impact on the existing wells of the adjacent farm land(s).

Appendix A

Glossary of Terms

Intent and rationale for amendment

Amendments are required to include revised terminology or to improve existing definitions

The definitions of “Agriculture” and “Aquaculture” greyed out below are deleted and the following definitions included in green below, are added:

Aggregate	means hard substances (sand, gravel, broken stone) which are mixed with cement to make concrete, materials for road construction, etc.
Agriculture	means farm operation as defined in the <u>Farm Practices Protection (Right to Farm) Act</u> .
Agriculture industry	includes all of the farming operations as defined in the <u>Farm Practices Protection (Right to Farm) Act</u> , where agriculture species (animals and plants) are grown, reared, produced, harvested, processed, graded, stored, marketed and sold through farm gate or limited on-site sales. The above-mentioned processing of these products can be conducted (on ALR designated land), providing that at least 50 percent of the agriculture products that is included in the

afore-mentioned processing actions is produced on the subject land, or is feed required for farm production purposes on the subject land.
 If the above-mentioned circumstances apply, then the agriculture products (grown or processed on the subject land) can be marketed and sold through farm gate or limited on-site sales.
 In the text of the OCP, when reference is often made to ‘agriculture and aquaculture industries’, the meaning of the terms is inclusive of each of the singular industries as defined in the glossary of terms.

Agricultural Land Reserve (ALR) means lands designated by the Provincial Agricultural Land Commission as agricultural land suitable for farm use. *ALR* lands are shown on the Land Status Map, Appendix C.

Agricultural liquid waste means a by-product of agriculture that contains less than 20 percent solids and includes agricultural waste water and silage juices.

Aquaculture means the cultivation, rearing and harvesting of aquatic organisms on the land or in the water.

Aquaculture industry means a land or water based industry that includes facilities, natural or human made containers, where freshwater and saltwater organisms and aquatic plants are grown or cultivated.
 The processing of aquaculture products can include the storage, packing, product preparation or processing of these products (on ALR designated land), providing that at least 50 percent of the aquaculture products included in the afore-mentioned processing actions is produced on the subject land, or is feed required for farm production purposes on the subject land.
 The above-mentioned circumstances apply, then the aquaculture products (grown or processed on the subject land) can be marketed and sold through farm gate or limited on-site sales.
 In the text of the OCP, when reference is often made to ‘agriculture and aquaculture industries’, the meaning of the terms is inclusive of each of the singular industries as defined in the glossary of terms.

Benchmark means a target, or how much can reasonably expect to be achieved after a set period of time.

Biodiversity biological diversity applies to all varieties of life and their processes. *Biodiversity* encompasses the full range of natural variability, including genetic diversity, species diversity and *ecosystem* diversity.

Biotechnical slope stabilization means the combined use of mechanical elements (or structures) and biological elements (or plants) to prevent

slope failure and erosion. Both biological and mechanical elements must function together in an integrated and complementary manner.

Buffer

refers to a vegetated area within a lot, generally adjacent to and parallel with a property line, arranged and maintained to screen or separate adjoining land uses or properties, and may include one or a combination of the following: existing or introduced vegetation, ditches, roads, berming and fencing.

Containment Boundary

...

Intensive agriculture

as defined under the *Local Government Act*, means the use of land, buildings and other structures by a commercial enterprise or an institution for

- .1 the confinement of poultry, livestock or fur bearing animals, or
- .2 the growing of mushrooms.

No further definitions were added to the existing glossary of terms and therefore the remainder of the terms found in the OCP was not included in this abstract.

Map amendments

Intent and rationale for amendment

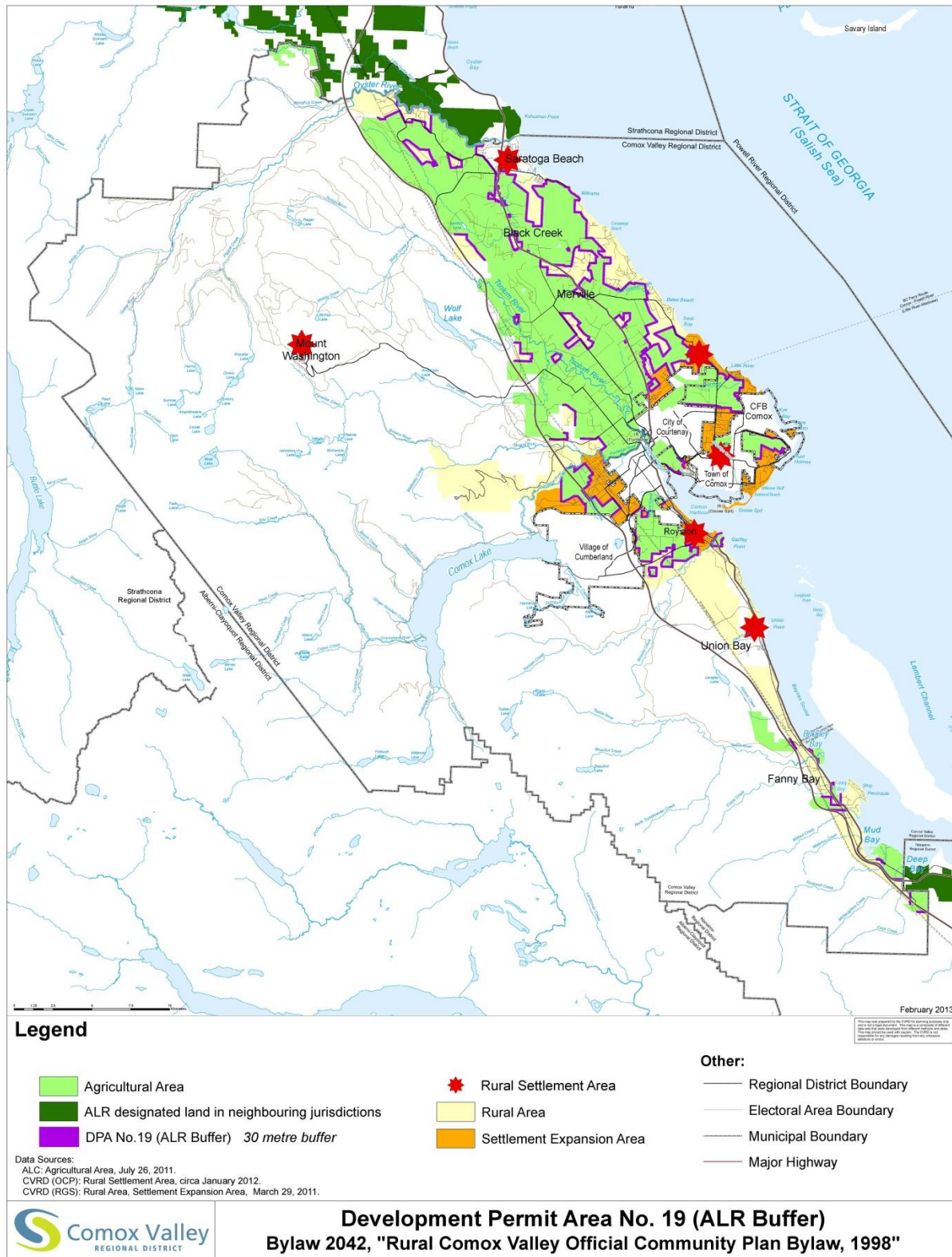
1. Mapping in schedule 'A' of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042" is amended with adding a new map attached as Appendix '1', "Development Permit Area No. 19 (ALR Buffer)", which provides the following information:
 - a. land dedicated as "agricultural area" in the Comox Valley regional district;
 - b. land dedicated as agriculture land reserve (ALR) in neighbouring jurisdictions;
 - c. the development permit area no 19 (DPA No 19) ALR buffer – 30 metre;
 - d. the location of "rural settlement area" as found in the existing schedule 'B', "land use designation map" of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042";
 - e. land dedicated "rural area" corresponding with the "rural area" designation layer ofn bylaw no. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010";
 - f. land dedicated "settlement expansion area" corresponding with the "settlement expansion area" designation land in bylaw no. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010"; and
 - g. indicating regional district, electoral area, municipal boundaries and the location of major highways.
2. Mapping in Schedule 'A' of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042" is amended as follows:
 - a. Replace "Appendix 'C'" with another map, attached as Appendix '2', which amends the original appendix 'C' as follows:
 - i. the replacement map provides the same information as the original map, only with updated layers of land designated "upland resource area" and "agricultural area", corresponding with the same designation layers in bylaw no. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010"; and
 - ii. indicating regional district, electoral area, municipal boundaries and the location of major highways.

3. Mapping in Schedule 'B' of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042" is amended as follows:
 - a. Replace "Appendix 'B'" with another map, attached as Appendix '3', which amends the original Schedule 'B' as follows:
 - i. maintaining the location of "rural settlement area", "industrial area", "marine industrial area", "300 metre coastal area" as found in the existing schedule 'B', "land use designation map" of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042";
 - ii. updated layers indicating "agricultural are", agricultural reserve (ALR) in neighbouring jurisdictions, "rural area" and "upland resource area" corresponding with the same designation layers in bylaw no. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010";
 - iii. including a new layer "settlement expansion area" corresponding with the same designation layer in bylaw no. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010";
 - iv. including new information indicating the location of "rural service centre"; "wharf/marina/boat ramp"; and indicating regional district, electoral area, municipal boundaries and the location of major highways.

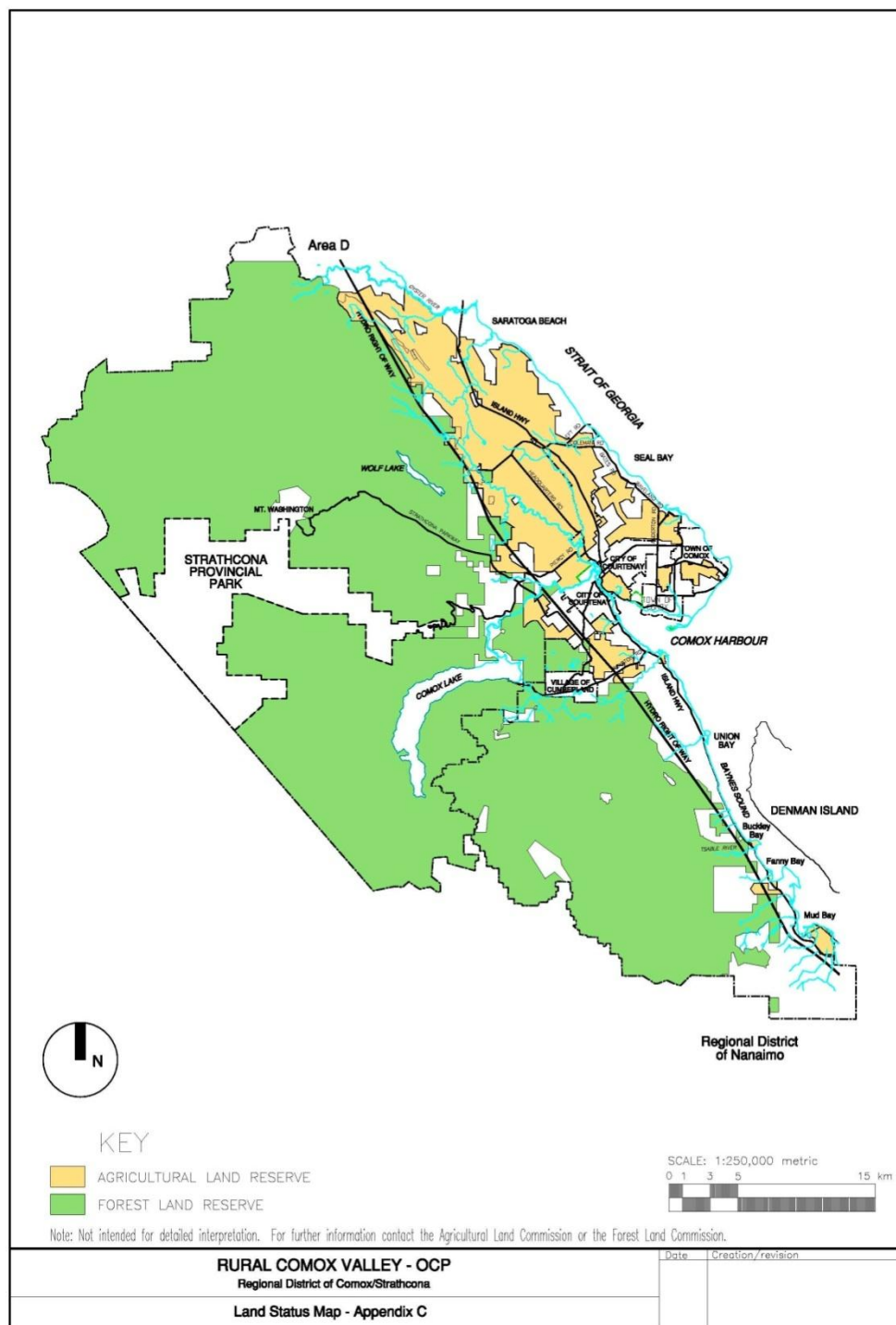
Map amendments to Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042" include the following:

1. Adding a new map, attached as appendix '1' – "Development Permit Area No. 19 (ALR Buffer)" immediately before part 5 (plan implementation) in schedule 'A';
2. Replacing the "Land Status Map - Appendix 'C' in schedule 'A' with the "Land Status Map – Appendix 'C'" attached as appendix '2'; and
3. Replacing schedule 'B' (land use designation map) with the "Schedule B – Land Use Designation Map" attached as appendix '3'.

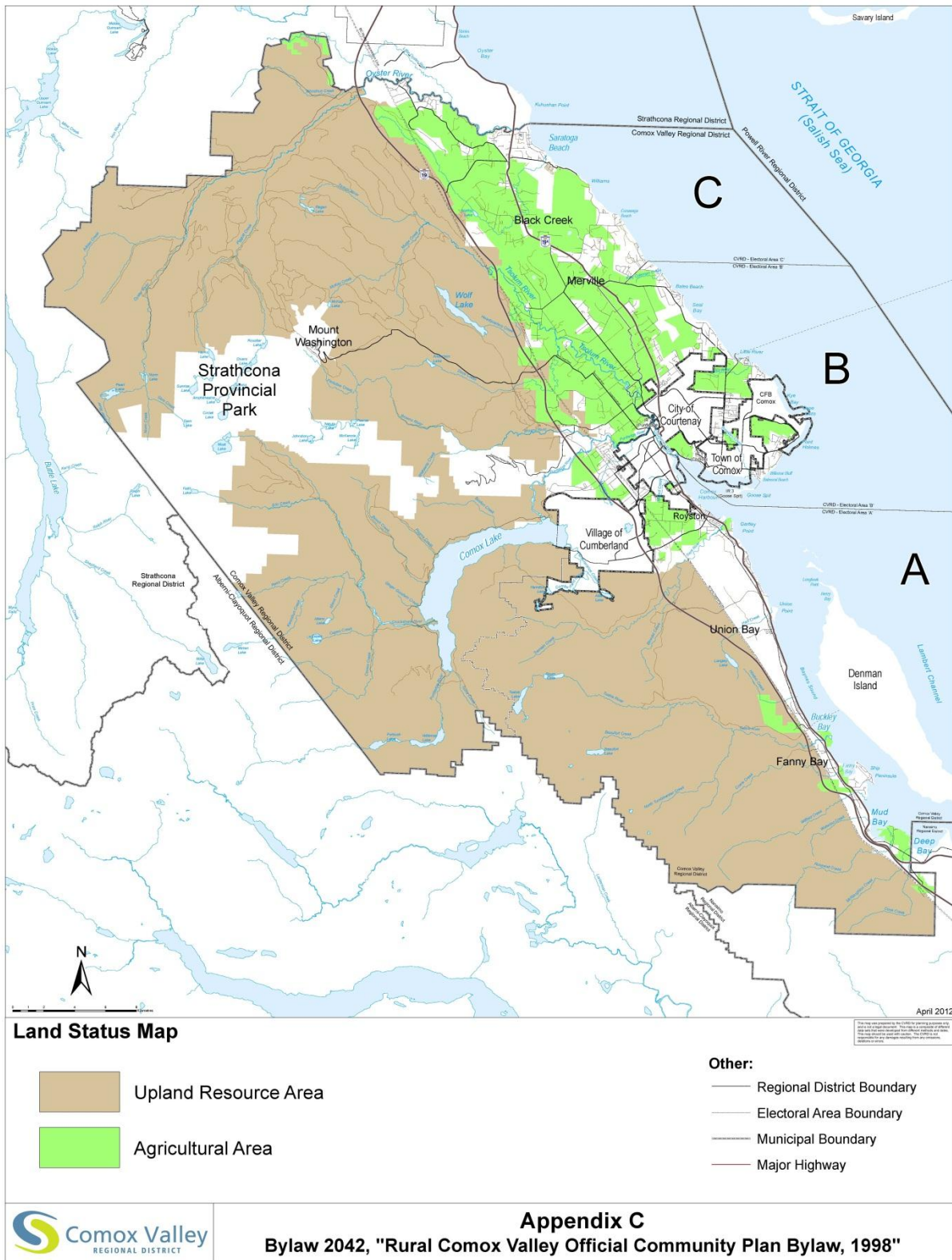
Appendix 'I'



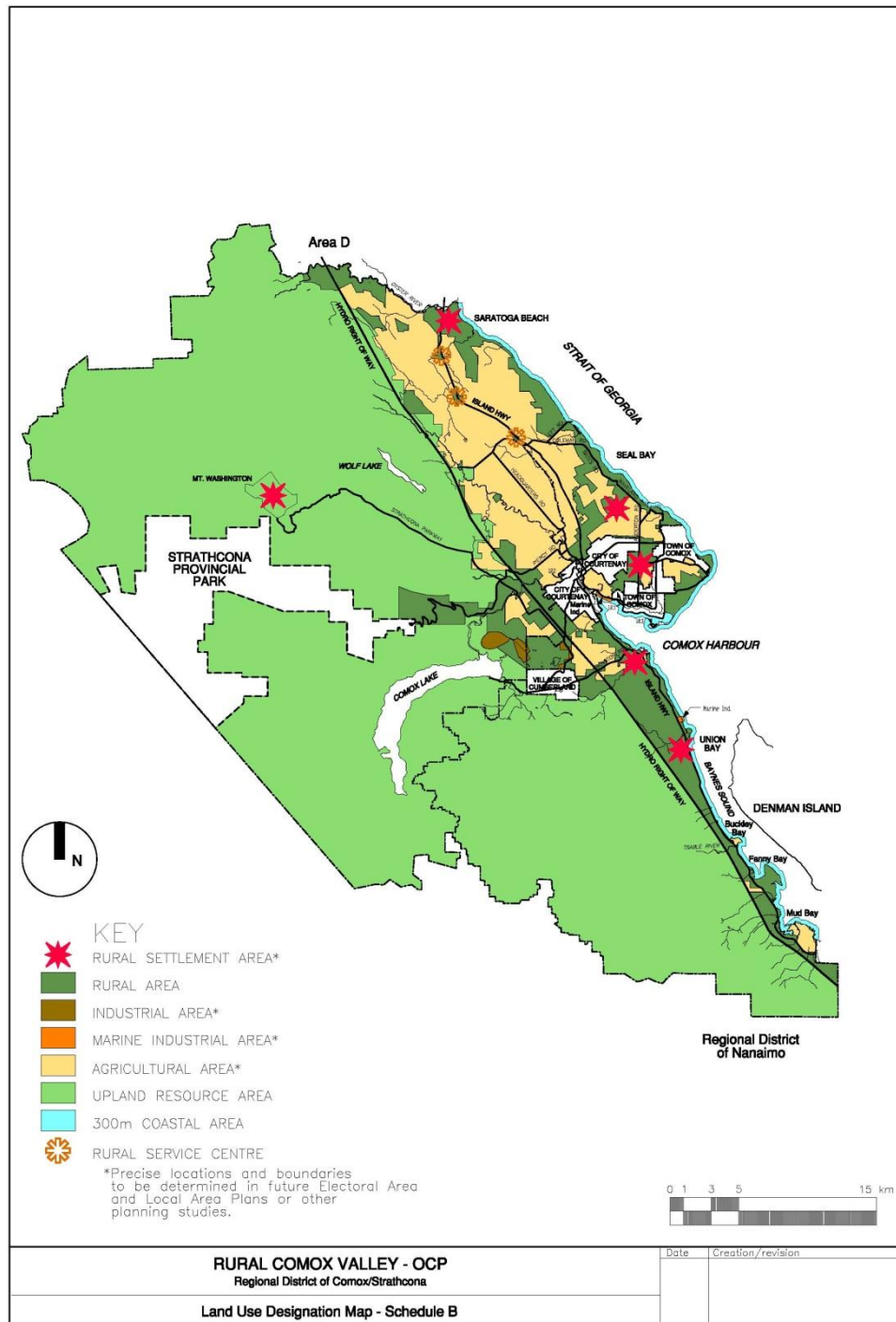
Existing Appendix 'C' of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042"



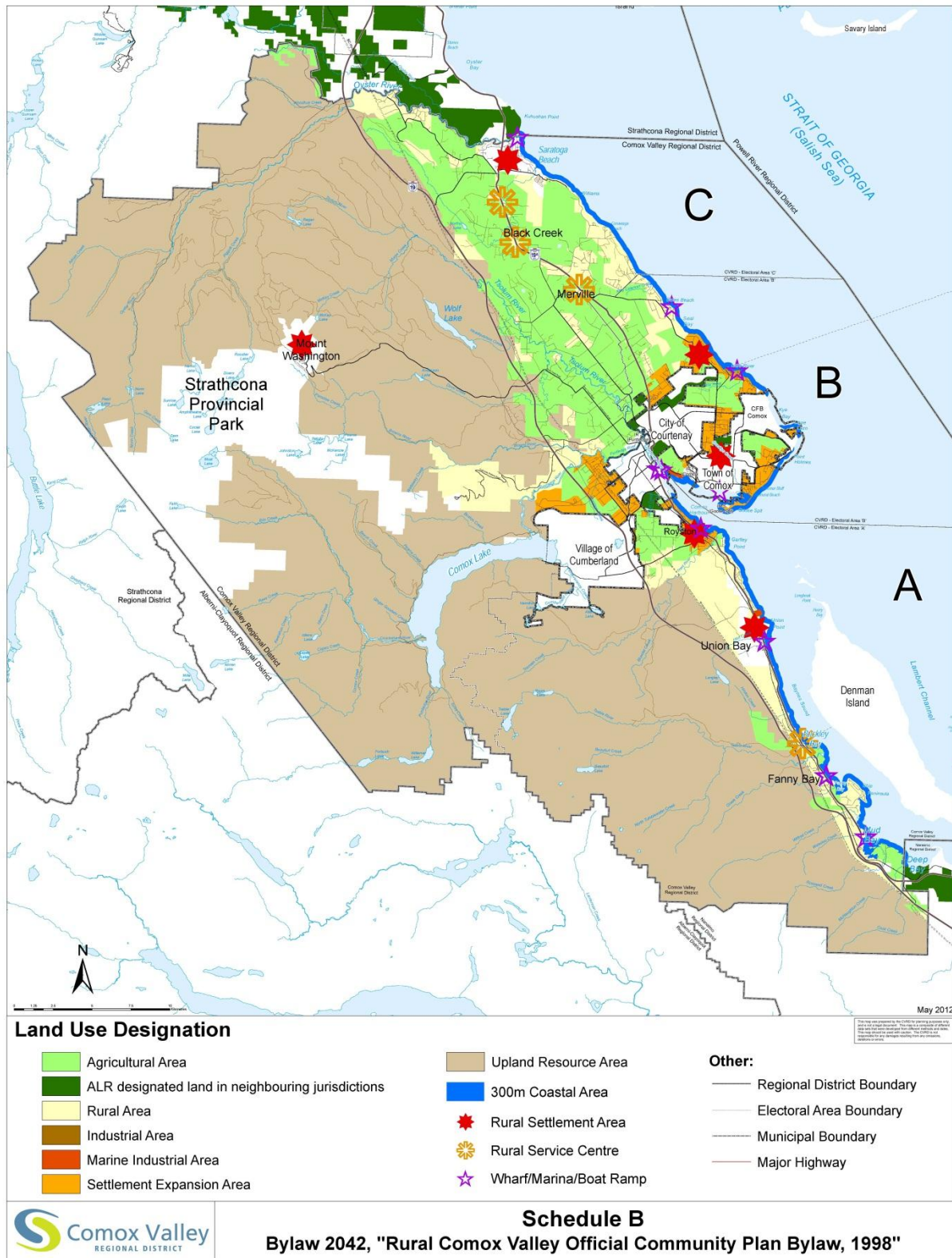
Appendix '2'



Existing Schedule 'B' of Bylaw No. 2042 being "Rural Comox Valley Official Community Plan, 1998, Bylaw 2042



Appendix '3'





Memorandum

700 North Road Gabriola Island BC V0R 1X3

Telephone **250. 247-2063** FAX: 250. 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date April 26, 2013 File Number 3030-1 Denman

To Denman Island Local Trust Committee
For meeting of May 8, 2013

From Aleksandra Brzozowski
Island Planner

Re Annual Report - Denman Island Local Trust Committee section

The *Islands Trust Act* requires that Trust Council prepare an annual report of the operations of Trust Council, the Executive Committee and the Local Trust Committees. With the end of the fiscal year on March 31, 2013, it is time to start compiling information for the 2012-2013 Annual Report. In developing the content of the report, Local Trust Committees (LTCs) are requested to provide wording for their individual sections of the report and are required to approve the final wording of their section of the report. The purpose of this memo is to provide draft wording for the Denman Island LTC section of the 2012-2013 Annual Report.

The section should describe the activities of the LTC over the fiscal year, such as projects or processes initiated or completed, and permits or rezonings of interest to the community. Local Trust Committees are advised to aim for a minimum of two paragraphs and a maximum of one page.

Draft wording for the 2012-2013 Annual Report has been prepared by staff and is provided below for consideration:

The Denman Island Local Trust Committee held 10 regular business meetings in the 2012-2013 fiscal year. This fiscal year saw the completion and endorsement of the Denman Island Farm Plan. Work began on addressing the negative impacts of certain aquaculture practices and possible regulatory measures to mitigate these on the Denman Island shoreline. The Local Trust Committee established a Marine Advisory Planning Commission to advise on this work. Public consultation in 2012 focused on a proposed Bylaw Enforcement Notification bylaw, which was ultimately defeated. A call was brought forward from the community for a review of various Housing Policies including affordable housing and visitor accommodation; this was added to the work program.

A stream mapping and assessment contract was completed for the Morrison Marsh watershed as a first step to complying with Provincial Riparian Area Regulation. Amendments to Development Permit Area 4: Streams, Lakes and Wetlands, as well as an accompanying Development Approval Information bylaw, were drafted and reviewed in anticipation of completing mapping later in 2013.

A small number of development applications were reviewed in the 2012-2013 fiscal year, including applications to the Agricultural Land Commission. Work continued on the rezoning application from the Denman Community Land Trust Association for affordable housing.

pc Courtney Simpson, Regional Planning Manager



Islands Trust

Preserving **island** communities, culture and environment.

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Population (2011):
Approximately 1,022

Size:
5,108 hectares (12,622 acres)

Location:
22 kilometres south-east of Courtenay on Vancouver Island.

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Denman Island Local Trust Committee

Latest News

In this section you will find current news items that are relevant to your Local Trust Area and your community. [Subscribe](#) to the Denman Island Latest News updates and receive the latest information on official community plan reviews, staff reports, notifications and other documents published in the latest news section.

April 2013

- April 2013 – Proposed Bylaws No. [204](#), [205](#), and [206](#) related to the establishment of affordable housing on a single lot on Denman Island were given first reading on April 2, 2013.

February 2013

- [Greening our Shores - follow up information](#)
- [Greening our Shores Workshop Program](#)
- [Greening our Shores Workshop – February 26, 2013 information flyer \(updated info\)](#)
- [Greening our Shores Workshop – Integrated Shoreline & Watershed Maps](#)

November 2012

- [After nearly three years of hard work, the Denman Island Farm Plan is complete! Hard copies will be available on Denman Island shortly.](#)
- [Islands Trust 2011-2012 Annual Report is now published. Page 32 of the report provides a summary of the work of the Denman Island Local Trust Committee](#)

November 2011

- [Denman Island Community Heritage Register has been adopted, commemorating the Denman Island Community Hall and the Marcus Isbister Old School Centre](#)

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Planner Office Hours on Denman Island

Denman Island Local Trust Committee Standing Resolutions

- [Home Based Guest Accommodations - May 1, 2012](#)

Denman Island Farm Plan

- [Denman Island Farm Plan](#)
- [Denman Island Farm Plan Public Consultation Brief - November 30th, 2011](#)
- [Food and Farming on Denman Island: Consumer and Producer Perspectives - Report](#)
- [Denman Island Agriculture Strategy | Land Use Inventory Map | Crop Map | Pasture/Forage and Livestock Map | Soils Map](#)
- [Islands Trust Report: Exploring Food Security In the Islands Trust Area](#)

Rezoning Application for Affordable Housing from Denman

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[Meeting Minutes](#)
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[Land Use Application Forms](#)

Community Land Trust Association (DE-RZ-2011.1)

- [Staff Report for meeting of January 24, 2012](#)
- [Staff Report for meeting of October 13, 2011](#)
- [Staff Report for meeting of September 12, 2011](#)
- [DCLTA Tenant Selection Criteria](#)
- [Application form and package](#)
- [Mapping and Preliminary Biological Description of DCLTA Keystone Project Property](#)

Watercourse Mapping

- [Map of Natural Drainage Areas \(Watersheds\)](#)
- [Riparian Areas Regulation Implementation on Denman Island - Fact Sheet January 2012](#)
- [RAR Stream Identification of the Morrison Marsh System](#)

Ecosystem Mapping

- [Denman Island Local Trust Area ecosystem maps and feedback form](#)

Land Use and Development Information

- [Denman Island Development Permit Brochure](#)
- [Regulation of Land Use on Denman Island](#)
- [Denman Island Siting and Use Permit Brochure](#)

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Denman Island Density Potential Mapping

- [Density Potential Map - October 2010](#)

Relevant Research and Reports

- [Housing Needs Assessment on Hornby and Denman Island - Final Report](#)

Map of New Ministry of Environment Protected Area showing the North Denman Lands

- [Denman Island Protected Area Acquisitions 2010](#)

Shoreline Management Resources

- [Coastal Shores Stewardship](#)
- [Caring for our Shores](#)
- [Greenhores](#)

Denman Island Community Profile

Denman Island Community Heritage Register

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