



DenmanIsland Local Trust Committee

Special Meeting Agenda

Date: July 13, 2022
Time: 10:30 am
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:30 AM - 12:00 PM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **APPROVAL OF AGENDA**
3. **DENMAN ISLAND FARMING REGULATION REVIEW PROJECT**
 - 3.1. **Presentation by Ione Smith - Upland Consulting Ltd.** 2 - 29
 - 3.2. **Memorandum - for discussion** 30 - 104
4. **ADJOURNMENT** 12:00 PM - 12:00 PM

Denman Island Farm Regulations Review

Engagement Summary and Key Directions



DELIVERED BY:



FUNDING PROVIDED BY:



July 2022

Project Objectives

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This project hopes to enhance and preserve farming activities on the island through updates to the Denman Island Official Community Plan policies and Land Use Bylaw regulations.

The project is focused on implementing three recommendations from the Denman Farm Plan.

- 11) Undertake a review of farm worker housing and agritourism accommodation
- 13) Implement zoning updates through the Land Use Bylaw
- 14) Amend the Official Community Plan

Engagement

3

- Main Engagement Activities
 - ▣ Presentation to APC
 - ▣ Presentation to LTC
 - ▣ Community mail-out
 - ▣ Interviews (8)
 - ▣ Questionnaire (164)
 - ▣ Community Information Meeting (7)



Engagement with Farming Community

4

- APC meetings with GPA members (x2)
- 7 farmers invited to be interviewed, 4 accepted
- 43% of respondents to the questionnaire are in the ALR

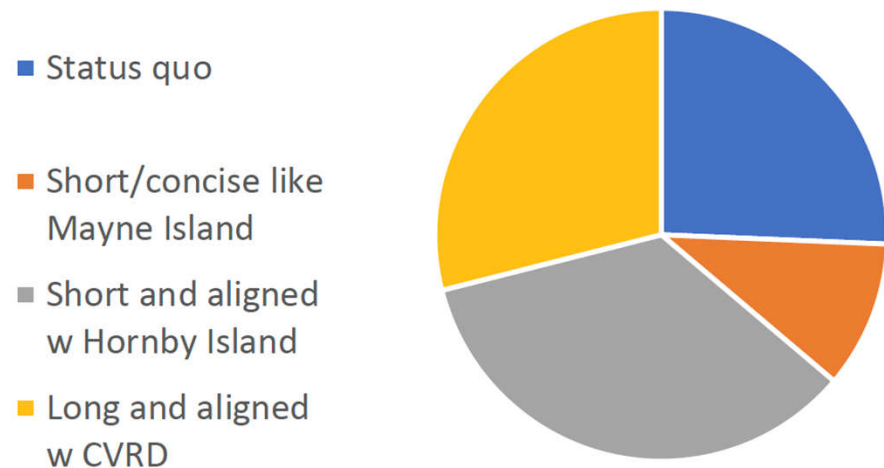


Definition of Agriculture

5

- Interviews w farmers indicated a shorter definition preferable
- Less likely to need to be updated as provincial policies change if the definition is more broad

Definition of Agriculture



Definition of Agriculture

6

- Direction: Consider shortening and aligning definition of agriculture Hornby Island
- “Agriculture” means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock.

Intensive Agriculture

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- Reminder: Must be permitted within the ALR but can be restricted outside the ALR.
- Current: “Intensive agriculture” is defined as: the use of land, buildings and structures by a commercial enterprise or an institution for the **confinement** of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots

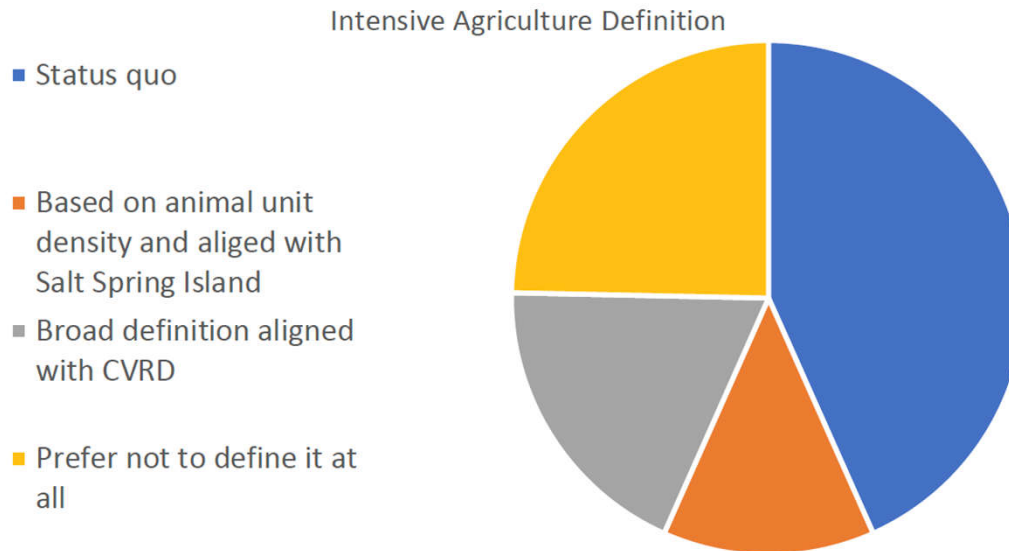
Intensive Agriculture

8

- What does "confinement" mean?
- Provincial Agricultural Environmental Management Code defined confined livestock/poultry areas as: an outdoor area, other than a grazing area, seasonal feeding area or temporary holding area, where livestock/poultry are confined by structures or topography
- This could be interpreted as barns, pig-sty, chicken coops

Intensive Agriculture

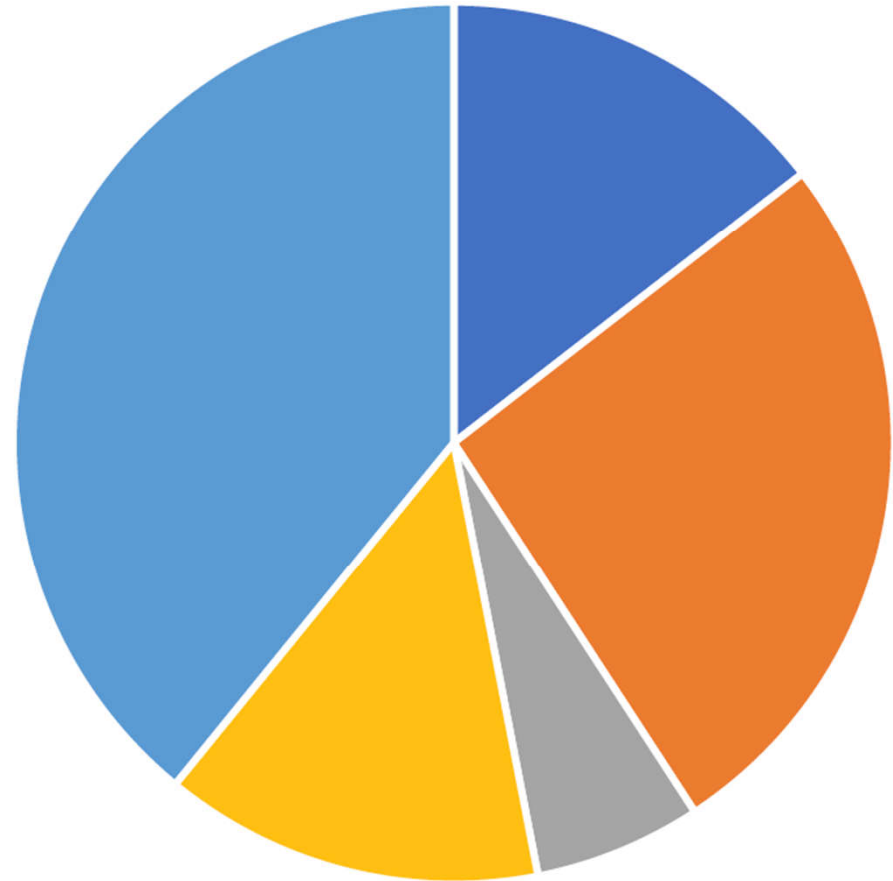
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- Support is mixed: keep status quo, do not define it all, or add some restrictions such as animal densities
- Most residents are not concerned about future potential for feedlots or high-intensity livestock/poultry operations

Intensive Agriculture in R1 and R2

- Yes without any additional restrictions
- Only on lots larger than 5 acres
- To a max of 10 livestock units
- To a max of 5 livestock units
- No support for intensive agriculture in R1/R2



Most would prefer some restrictions: lot size, total livestock numbers per parcel. Nearly 40% would like to see intensive agriculture prohibited in residential areas.

R1 /R2 Intensive Agriculture Restrictions

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- Option 1: Allow a maximum number of livestock/poultry:
 - Pros: Allows barns, coops, on all R1/R2 properties to a certain extent.
 - Cons: Difficult to enforce animal numbers.

- Option 2: Allow on properties > 2.0 ha (5 acres):
 - Pros: Easy to regulate/enforce.
 - Cons: Some R1/R2
 - Proportion of lots greater than 2.0 ha (5 acres)
 - R1: 11%
 - R2: 82%

Intensive Agriculture

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- Direction: Maintain the current definition of intensive agriculture.
- Direction: Restrict intensive agriculture in residential areas to properties that are larger than 2.0 ha (5 acres) - any existing structures grand-fathered in.

Definitions - Implications

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- OCP implications: None.
- LUB implications:
 - ▣ Revise definition for agriculture
 - ▣ Remove the definition of feedlot
 - ▣ Update accessory uses in R1/R2

Secondary Dwellings

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- Reminder: the ALC recently changed regulations to allow one small secondary dwelling per ALR property (under certain conditions) if supported by local governments.
- There are no restrictions on who can live there.
- Local governments, like Islands Trust, can place additional criteria on secondary dwellings.

Secondary Dwellings

- Not permitted at all
- Permitted in alignment with ALC rules and regulations
- Should require a Temporary Use Permit
- Should be subject to additional restrictions



- Most support secondary dwellings.
- Many would like to see additional requirements around water/septic or equivalent.

Secondary Dwellings

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- Direction: Align secondary dwelling allowances to ALC Act and regulations.
- Direction: Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent).

Dwellings - Implications

17

□ OCP implications:

- Revise #, type, size of dwellings allowed in ALR (principal dwelling, secondary suite, secondary dwelling)
- Include language to align w ALR regulations & criteria
- Include maximum setbacks for residential uses as per Min of Ag Guidelines

□ LUB implications:

- Remove need for Temporary Use Permits for secondary suite and secondary dwelling
- Include requirements for adequate water supply and septic (or equivalent)
- Add language around compliance w ALR regulations

Agri-Tourism Accommodations

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□ Reminders:

- The province has specific definitions of agri-tourism activities in the ALR.
- Agri-tourism accommodations must be related to farm activities.
- Properties must have farm tax status.
- Restrictions are in place regarding number of beds and lot coverage.
- Local governments can fully prohibit them.
- B&Bs (in a house) are not the same thing as agri-tourism accommodations

Agri-Tourism Accommodation

- Support ALC rules of up to 10 units/tents and 5% coverage
- Prefer more restrictive approach (e.g. < 10 units/tents)
- Status quo - do not support any agri-tourism accommodation
- Prefer a more nuanced approach (e.g. tents but not cabins)



- Approx 30% support ALC rules, no extra limits
- Approx 45% would like some restrictions
- Approx 25% would like to prohibit completely

Agri-Tourism Accommodations

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- Direction: Align agri-tourism accommodation allowances with ALC Act and regulations (e.g. connected to a property with Farm Tax Status, max 10 beds or tents, 5% lot coverage, seasonal and short-term only).
- Direction: Ensure that all agri-tourism accommodations have adequate potable water and septic capacity (or equivalent).
- Direction: Keep B&B bedrooms in principal homes as a separate policy. In keeping with ALC Act and regulations, up to 3 bedrooms allowable (status quo) in addition to any agri-tourism accommodation. Does not require Farm Tax Status.

Agri-Tourism Accommodations - Implications

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□ OCP implications:

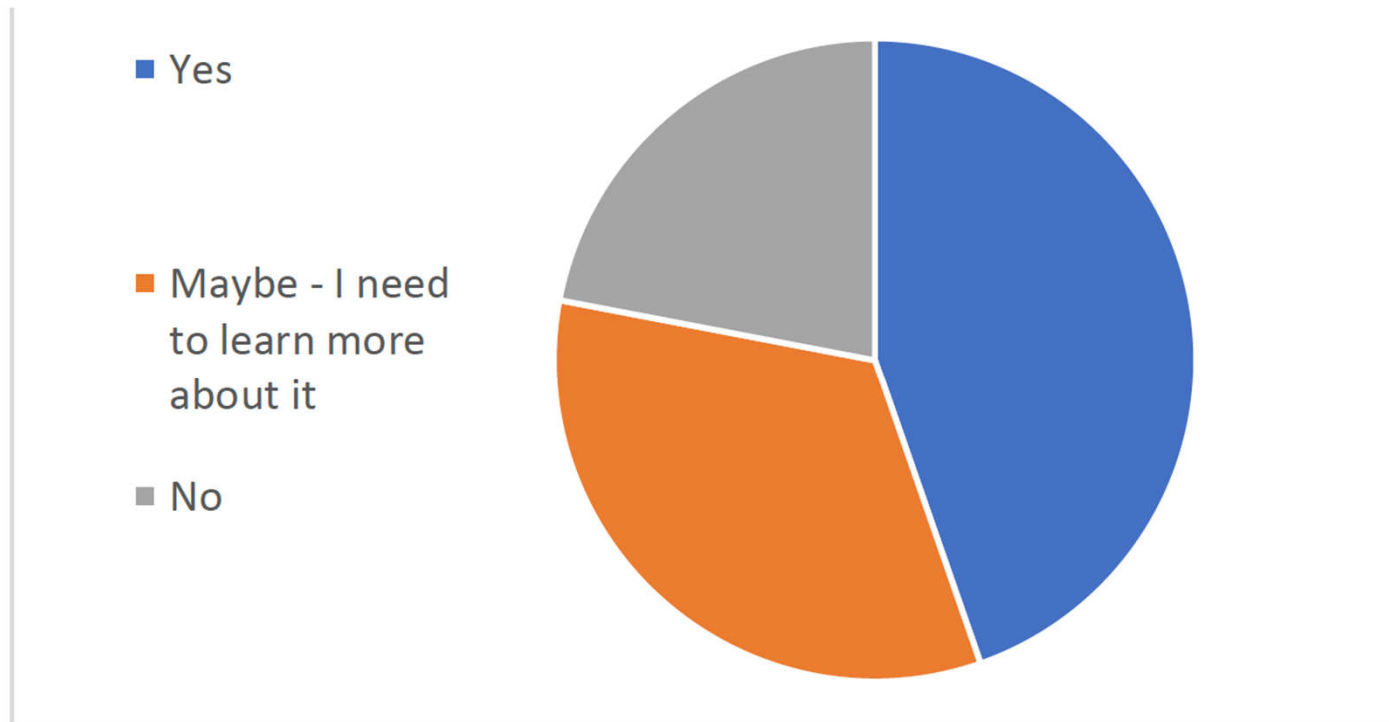
- Under Part E section E.2 Economic Activities add note that tourist accommodation within the ALR must be consistent with ALR regulations and Denman Island bylaws (e.g. farm tax status)
- Max 3 bedrooms in a principal dwelling (B&B) – status quo
- Section E.6 Up to 10 beds/tents/RV sites total including B&B rooms and 5% lot coverage max

□ LUB implications:

- Update definition to align w ALR regulations
- Update tables of permitted uses to align w ALR regulations
- Add language around adequate water supply & septic

Setbacks from Watercourses

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- Over $\frac{3}{4}$ of residents are open to discussing agricultural setback policies for watercourses.
- Many would like more information.
- Farming community is apprehensive.

Setbacks from Watercourses

23

- **Direction:** Revisit this topic when the Denman Island Land Use Bylaw is updated and revised, along with other Development Permit Areas.



Watercourse Setbacks - Implications

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- OCP implications:

- None

- LUB implications:

- Remove “intensive agriculture” and replace with “agriculture” for setback from natural boundary of a stream or lake
 - Replace “feedlot” with “agriculture” for Chickadee and Graham Lake setbacks
 - Replace “feedlot” with “agriculture, except for a fence” for setbacks from natural boundary of the sea

Other Housekeeping

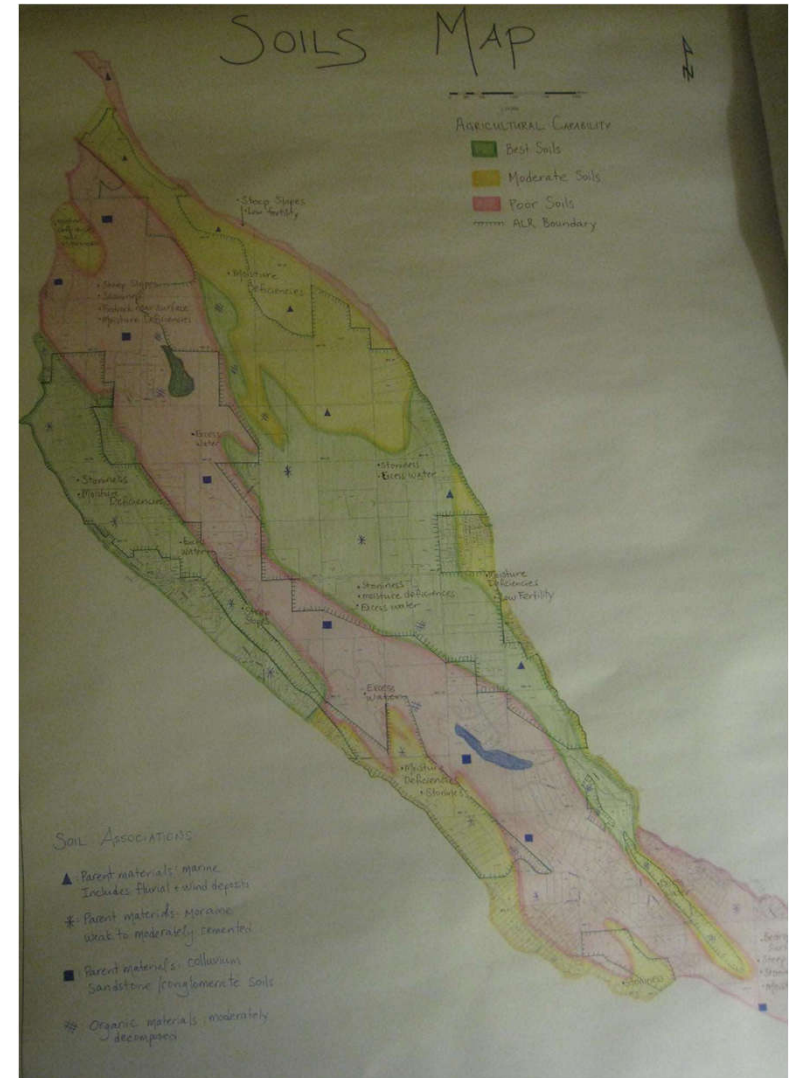
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- Temporary Use Permits
 - Add clarity that not required for secondary dwellings in A Zone if in ALR and if compliant w ALR regulations
 - TUPs not required for agri-tourism accommodation if compliant with ALR regulations and Denman Island bylaws (e.g. water supply and septic)
- Fencing
 - Remove fencing height restrictions in the ALR
- Panhandle Lots
 - Replace “shall not” with “will be discouraged” to allow for some flexibility for subdivisions

Next Steps

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- LTC to review recommended changes to the OCP and LUB
- Receive feedback from LTC
- Make final revisions
- Present final Farm Bylaw to LTC



Contact

27

Ione Smith

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778-999-2149

Agricultural Land

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Amount of Land in the ALR (ha)	2,698
Number of Parcels in the ALR	164
# Bare land ALR lots	33
# Bare land ALR lots (privately owned)	26
# Crown (Govt) ALR parcels	9
Average Size of Crown (Govt) ALR parcels (ha)	60.8
Average Size of Privately-Owned ALR parcels (ha)	13.3
# Privately-Owned ALR parcels greater than 40 ha	12
# Parcels with Farm Tax Status	52
# Parcels with Farm Tax Status in the ALR	38
Proportion ALR parcels w Farm Tax Status	22%
# Properties with Secondary Dwellings according to BC Assessment	2 (neither are in the ALR)



MEMORANDUM

File No.: 6500-20
(Denman Farm Regulations
Review)

DATE OF MEETING: July 13, 2022
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Heather Kauer, Regional Planning Manager
SUBJECT: Denman Island Farming Regulations Review Project

PURPOSE

- To update the Local Trust Committee on the status and next steps of the Denman Island Farming Regulations Review Project.
- To introduce two draft bylaws, Draft Bylaw No. 228 to amend the Denman Island Official Community Plan (OCP) Bylaw No. 185 and Draft Bylaw No. 229 to amend the Denman Island Land Use Bylaw No. 186 (LUB).
- The Gambier Island Local Trust Committee (LTC) is asked to consider the draft bylaws, and provide staff with direction on next steps.

BACKGROUND

Both Bylaw Nos. 228 (OCP) and 229 (LUB) have been given first reading (May 2018) and were presented at a Community Information Meeting (Aug 2, 2018) and a facilitated community workshop (April 24, 2019). Extensive referral responses from the Advisory Planning Commission and Growers and Producers Alliance were received and incorporated into the proposed bylaws at that time. The project was then put on hold due to planning staff resources being prioritized in other projects and applications.

The project was revitalized in September 2021. However, during the time the project was on hold as the Agriculture Land Commission (ALC) was actively reviewing and updating their provincial policies. It was determined that a small number of amendments were required for Proposed Bylaw nos. 228 and 289, in order to align with the provincial requirements and community feedback.

The LTC passed the following resolution at the regular business meeting held May 31, 2022.

DE-2022-065

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to set up an electronic special meeting for late June or early July to consider further steps in the Denman Island Farming Regulations Review project.

CARRIED

For further background and previous staff reports, and public correspondence please refer to the Project webpage: <https://islandstrust.bc.ca/island-planning/denman/projects/>.

PROJECT UPDATE

As outlined in the Engagement Summary Report: Denman Island Farming Regulation Review Project (Attachment 1), the engagement portion of the Denman Island Farm Regulation Review targeted key farming and food system players on the Island as well as the broader community. Engagement aided the project team in understanding the local farming context, and the preferences of community members regarding the main components of the Farm Regulations Review.

Engaging with the Denman Island farming community and with residents occurred through five main activities:

- Zoom meetings with Advisory Planning Commission (APC) and Growers and Producers Association (GPA) members
- Individual stakeholder interviews by phone – 8 interviews
- Community questionnaire (online and hard copies) – 164 responses
- Community Information Meeting (in person) – 7 attendees
- Meeting with the APC on June 14, 2022

Engagement centred around three key topic areas:

- Definitions of Agriculture, Horticulture, and Intensive Agriculture
- Housing, Secondary Dwellings, and Tourist Accommodations in the ALR
- Setbacks from Watercourses

Meeting with APC

On June 14, 2022 the APC conducted a meeting to review the Engagement Summary Report: Denman Island Farming Regulation Review Project (Attachment I) and consider the proposed directions for the draft bylaw amendments. See APC Draft Meeting Minutes (Attachment 5).

The APC received a presentation from Ione Smith of Upland Consulting. Ione Smith reviewed the engagement results and the rationale behind how each direction was developed. APC members were asked to indicate support of or objection to the proposed definitions and directions as presented.

The APC noted that properties zoned Resource (RE) were outside the scope of this project; however, recommended that the LTC consider a review of Resource zoned properties in a future project. In particular, the APC would like consideration of whether it is appropriate to have intensive agriculture as a permitted use in the Resource Zone. There are currently eight (8) properties zoned Resource on Denman Island and they make up a very small portion of the total land base.

The APC passed the following resolution indicating their support for the directions outlined in the Engagement Summary Report (Attachment 1).

DE-APC-2022-002

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission supports the directions contained within the Engagement Summary Report: Denman Island Farming Regulation Review Project of June 2022.

CARRIED

ANALYSIS

Policy/Regulatory

Agricultural Land Commission

Any local government bylaws covering land in the Agricultural Land Reserve (ALR) must adhere to all other provincial legislation, including the provincial ALCA. Section 46 of the ALCA states that local governments must adopt bylaws that support farm activities and that those bylaws must be consistent with the ALCA and any orders of the ALC.

Regulations allow local governments to authorize how a landowner can use a piece of land and how much of that use is allowed on the land. However, because the ALR is provincially regulated, Denman Island Farming Regulations must align with the province's policies and regulations and the Islands Trust must not prohibit agriculture in the ALR. In the ALR, certain forms of agriculture can be restricted but not prohibited. The Local Government Act specifies that intensive agriculture permitted in the ALR, regardless of any local zoning bylaw regulations.

Issues and Opportunities

Amendments to Proposed Bylaws:

The amended bylaws have been developed in accordance with LTC direction, OCP policies, the Agricultural Land Commission Act (ALCA) and the feedback obtained during engagement. The amended copies of Proposed Bylaw Nos. 228 and 229 are found in Attachments 2 and 3.

Staff have also included a "track changes" copy of the Proposed Bylaw No. 229 bylaw in Attachment 4. The "track changes" copy provides a reference of the proposed bylaw at first reading and highlights the amendments made.

Proposed Bylaw No. 228 (OCP)

Suggested amendments to draft Bylaw No. 228 since the May 1, 2018 regular business meeting are as follows:

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
Schedule 1.8	"In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit: • One dwelling per lot; • One secondary suite per lot consistent with the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i>; and	"In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit: • One principal dwelling per lot up to a maximum footprint size of 500 m² consistent with the <i>Agricultural Land Reserve Use Regulation</i>; and • One secondary suite within a principal dwelling per lot consistent with the <i>Agricultural Land Reserve Use Regulation</i> provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
	One temporary secondary dwelling per lot for immediate family consistent with <i>the Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i>; and	unit without endangering the water supply of adjacent land owners; and One secondary dwelling per lot consistent with <i>the Agricultural Land Reserve Use Regulation</i> provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
Schedule 1.8	n/a	1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the “Information Note” located between Policy 16 and Policy 17.
Schedule 1.8	n/a	1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve in keeping with the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.
Schedule 1.8	n/a	1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.
Schedule 1.8	n/a	1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation – this includes a maximum of 3 (three) bedrooms within a principal dwelling to be used as a Bed and Breakfast.

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
Policy 3	Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots.	Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.
Policy 5	Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve and on lots where agriculture or horticulture are a permitted use.	Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve when consistent with the <i>Agricultural Land Reserve Use Regulation</i> and on lots where agriculture or horticulture are a permitted use.
Policy 6	Agri-tourism accommodation, in association with a bona fide farm use, should be regulated by Temporary Use Permit.	Zoning regulations should permit agritourism accommodation on land in the Agricultural Land Reserve when consistent with the criteria set forth in the <i>Agricultural Land Reserve Use Regulation</i>; namely the land must be classified as farm under the Assessment Act; the total developed area for structures, landscaping and access for the accommodation must be less than 5% of any parcel; the accommodation must be limited to a total of 10 (ten) sleeping units or less including up to 3 (three) B&B bedrooms; and the accommodation must be provided on a seasonal or short-term basis.

Proposed Bylaw No. 229 (LUB)

Amendments to Proposed Bylaw No. 229 since the May 1, 2018 regular business meeting are available to review in the “track changes” copy (Attachment 4). The following directions informed the amendments to Proposed Bylaw No. 229:

- Revise the definition of “agriculture” to make it more concise and align it with the same definition used on Hornby Island.
- The current definition of “horticulture” will suffice.
- Keep the current definition of Intensive Agriculture as a permitted use in the ALR.
- Consider criteria of lots size and livestock stocking density for Intensive Agriculture in R1 and R2 zones.
- Align principal dwelling size limitations to ALC Act and regulations.
- Align secondary dwelling allowances to ALC Act and regulations
- Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent).
- Align agri-tourism accommodation allowances with ALC Act and regulations.
- Ensure that all agri-tourism accommodations have adequate potable water and septic capacity (or equivalent).

- Retain status quo regulations with regards to B&Bs contained within a principal dwelling

NEXT STEPS

The Proposed Bylaws Nos. 228 (OCP) and 229 (LUB) will be put forward at the next regular LTC meeting for first reading, as amended and second reading. If passed, staff will proceed with referrals to First Nations and agencies.

Submitted By:	Marlis McCargar Island Planner	June 28, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	June 29, 2022

ATTACHMENTS

1. Engagement Summary Report: Denman Island Farming Regulation Review Project
2. Proposed Bylaw No. 228, amended (clean copy)
3. Proposed Bylaw No. 229, amended (clean copy)
4. Proposed Bylaw No. 229 (track changes)
5. Advisory Planning Commission Draft Meeting Minutes of June 14, 2022
6. July 13, 2022 Presentation Slides by Upland Consulting

Engagement Summary Report

Denman Island Farming Regulation Review Project



JUNE 2022



upland agricultural consulting

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Funding Acknowledgement

This project is funded in part by the Local Government Partnership Program, with funding provided by Agriculture and Agri-Food Canada and the Government of British Columbia through programs delivered by the Investment Agriculture Foundation of B.C.

DELIVERED BY:

FUNDING PROVIDED BY:



1.0 Executive Summary

The engagement portion of the Denman Island Farm Regulation Review targeted key farming and food system players on the Island as well as the broader community. Engagement aided the project team in understanding the local farming context, and the preferences of community members regarding the main components of the Farm Regulations Review.

Engaging with the Denman Island farming community and with residents occurred through four main activities:

- Zoom meetings with Advisory Planning Commission (APC) and Growers and Producers Association (GPA) members
- Individual stakeholder interviews by phone – 8 interviews
- Community questionnaire (online and hard copies) – 164 responses
- Community Information Meeting (in person) – 7 attendees

Regular presentations were also provided to the Local Trust Committee (LTC) to provide updates regarding project progress.

Engagement centred around three key topic areas:

- Definitions of Agriculture, Horticulture, and Intensive Agriculture
- Housing, Secondary Dwellings, and Tourist Accommodations in the ALR
- Setbacks from Watercourses

Based on the assessment of the feedback obtained during engagement, the following directions have emerged to inform the recommended changes to the Farm Regulations Review.

Definition of Agriculture

- Consider revising the definition of “agriculture” to make it more concise and align it with the same definition used on Hornby Island.

Definition of Horticulture

- The current definition of “horticulture” (status quo) will likely suffice.

Definition of Intensive Agriculture

- Consider keeping the current definition of Intensive Agriculture as a permitted use in the ALR.
- Consider criteria of minimum lot size and livestock stocking density for Intensive Agriculture in R1 and R2 zones .

Principal Dwelling Size in the ALR

- Align principal dwelling size limitations to ALC Act and regulations (e.g. 500 m² maximum).

Secondary Dwellings in the ALR

- Align secondary dwelling allowances to ALC Act and regulations.
- Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent).

Agri-Tourism Accommodations in the ALR

- Align agri-tourism accommodation allowances with ALC Act and regulations.
- Ensure that all agri-tourism accommodations have adequate potable water and septic capacity (or equivalent).

B&Bs within a Principal Dwelling

- Retain status quo regulations with regards to B&Bs contained within a principal dwelling (up to 3 bedrooms).

Setbacks from Watercourses

- Revisit this topic when the Denman Island Land Use Bylaw is updated and revised, along with other Development Permit Areas.

2.0 Key Engagement Steps Completed

Engaging with the Denman Island farming community and with residents occurred through four main activities:

1. Zoom meetings with Advisory Planning Commission (APC) and Growers and Producers Association (GPA) members
2. Individual stakeholder interviews by phone
3. Community questionnaire (online and hard copies)
4. Community Information Meeting (in person)

These are each described below.

2.1 Zoom Meetings with APC and GPA Members

Members of the APC and GPA were invited by Islands Trust staff to a Zoom meeting in January 2022 to be introduced to the consulting team and to discuss some key issues involving the Farm Regulations Review. The draft Engagement Plan was presented and leaders of the farming community were identified. A second Zoom meeting is planned for June 2022 to present the engagement results and draft recommendations.

2.2 Individual Stakeholder Interviews

The consultant team invited 14 stakeholders to participate in an interview. A total of 8 individuals accepted. Most interviews were conducted by phone, and 2 or 3 via email. Half of

the individuals interviewed were farmers. The remaining were educators, APC members, GPA members, Trustees, and other members of the community.

2.3 Community Questionnaire

There were 164 responses received to the Denman Island Farm Regulation Review community questionnaire. The questionnaire was available from early March to early May 2022. It included an overview of the objectives the project, explanations of the regulation(s) in question and provided an opportunity for respondents to provide their opinions and feedback on the review. Responses to the questionnaire came from a good distribution of residents within and outside of the ALR and in the Agriculture Zone. Just over a third of respondents were located within the ALR and the Agriculture Zone, with another 6% within the A Zone but outside the ALR.

2.4 Community Information Meeting

An in-person community information meeting was held on Denman Island on April 21, 2022. It was advertised through a community mailout and via the Driftwood as well as online through social media. The event was attended by 7 community members and the 3 LTC Trustees, as well as Islands Trust staff and 2 members of the consulting team. The consultants provided an overview of the project objectives, and a summary of the preliminary community questionnaire results. Discussion during the meeting addressed the topics of farming outside the ALR (R1 & R2 properties), agricultural and farming definitions, secondary dwellings and agritourism.

3.0 Key Themes and Directions

The key themes explored throughout engagement and the emergent directions are briefly described below. Much of this feedback was informed by the farming community and/or those who live in the ALR and for whom the Farm Regulations will directly affect. In addition to the interviews conducted with farmers, 65 of respondents to the questionnaire indicated that they were located in the ALR and/or the A Zone.

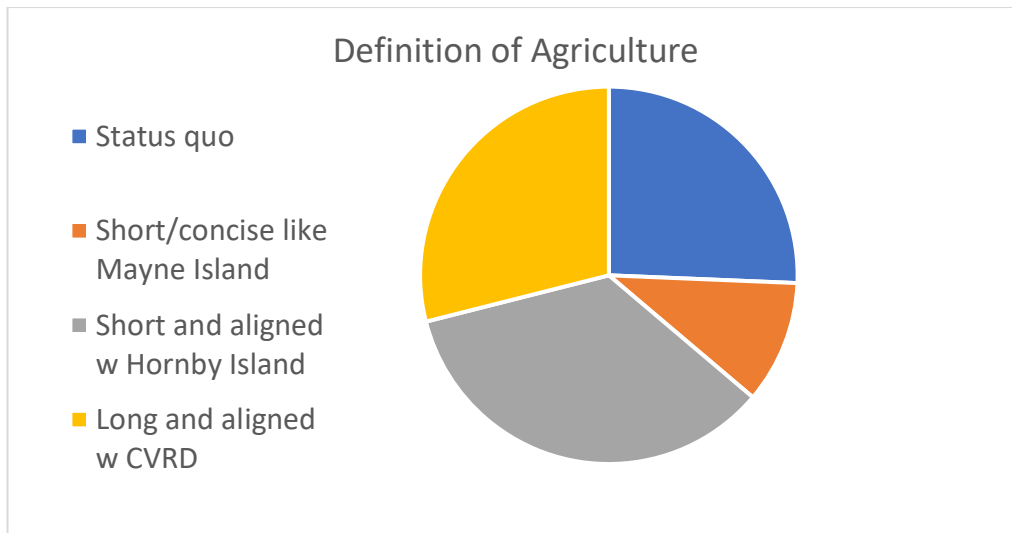
3.1 Definitions

Denman Islanders support many definitions related to farming which already exist in the regulations (status quo) and where changes to current regulations are proposed or offered, opinions tend to be split down the middle.

Definition of Agriculture

The most popular option is to use the same definition as Hornby Island (35% support), which is much more concise than the status quo (25% support).

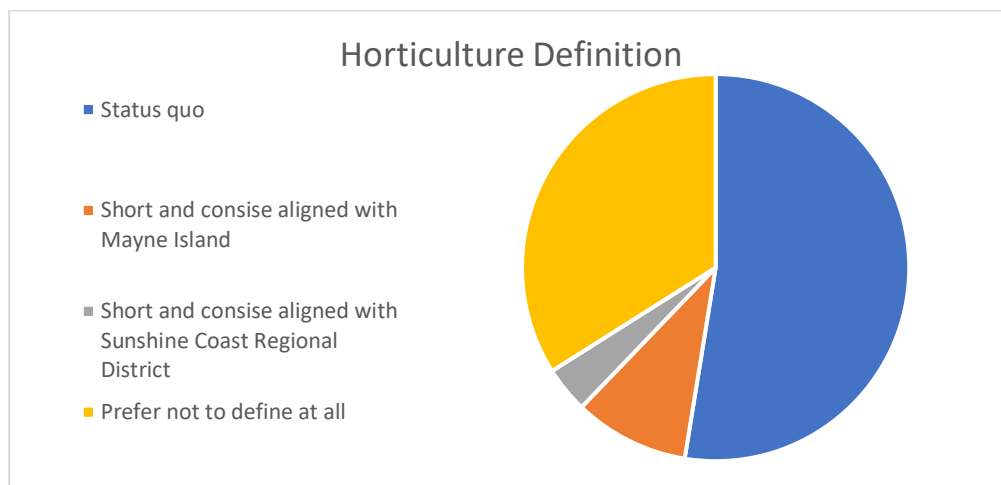
- *Direction: Consider revising the definition of “agriculture” to make it more concise and align it with the same definition used on Hornby Island.*



Definition of Horticulture

More than 50% support the current definition of Horticulture (status quo).

- *Direction: The current definition of “horticulture” will likely suffice.*



Definition of Intensive Agriculture

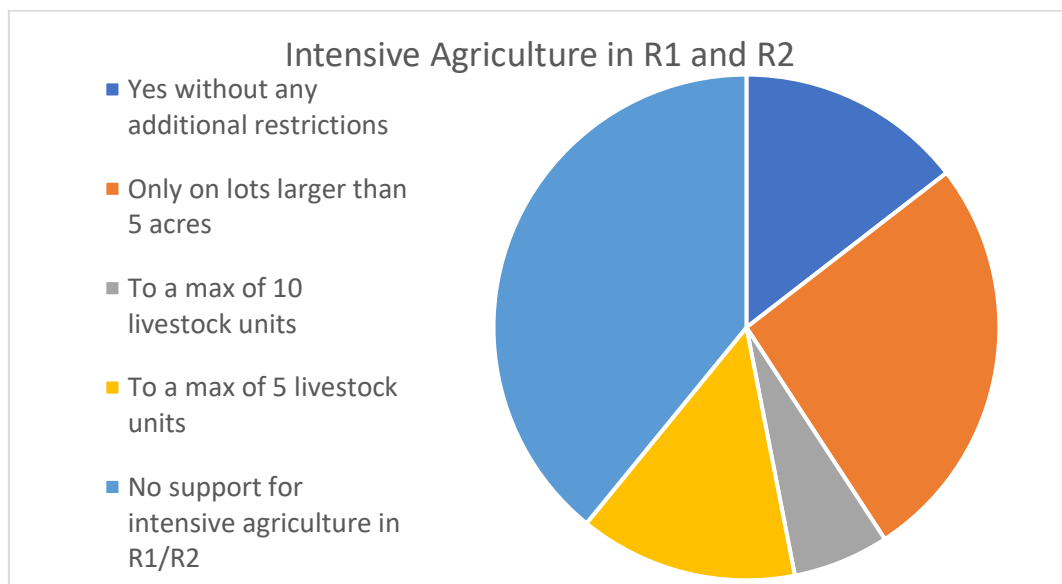
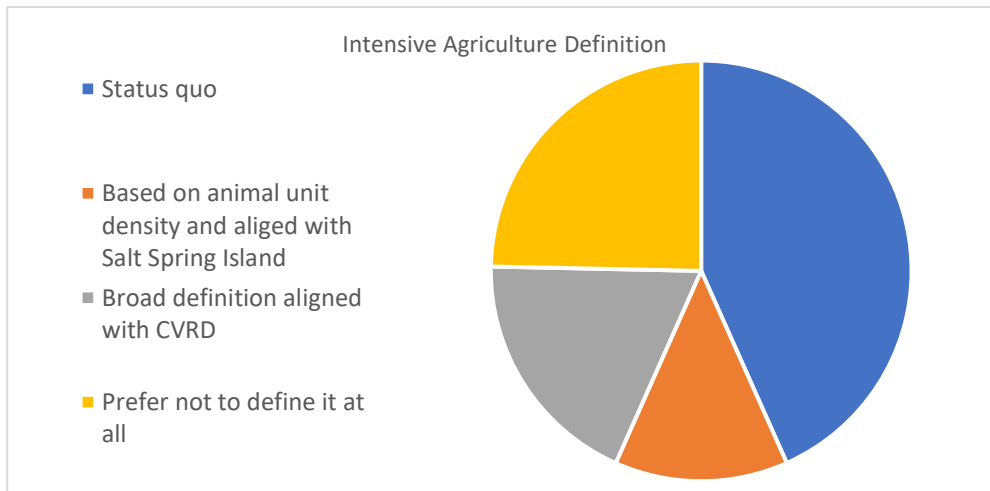
43% support the current definition of Intensive Agriculture (status quo) while 25% prefer that it not be defined at all. Based on provincial regulation, Intensive Agriculture is always allowed in the ALR. It is up to local governments to determine whether or not to allow it in areas outside the ALR (such as R1 and R2).

54% of respondents would support intensive agriculture in R1 and R2, albeit most would support it only with some restrictions in place. The balance (46%) do not support Intensive Agriculture in R1 and R2 zones at all. This would mean that no barns or livestock enclosures would be allowed in zones R1 and R2.

Directions:

- *Consider keeping the current definition of Intensive Agriculture as a permitted use in the ALR.*

- *Consider criteria of lots size and livestock stocking density for Intensive Agriculture in R1 and R2 zones .*



Other comments and feedback regarding definitions could be grouped into specific themes – these are presented in order of the frequency they were heard:

1. Providing less restrictive definitions
2. Providing more specific definitions
3. Prohibiting intensive agriculture on Denman Island (note that it is not possible to restrict intensive agriculture within the ALR)
4. The importance of clear and consistent communication
5. Prohibiting intensive agriculture on small lots
6. Site specific considerations for intensive agriculture in R1 and R2 zones
7. The importance of growing and distributing food locally
8. No changes wanted, keep the status quo

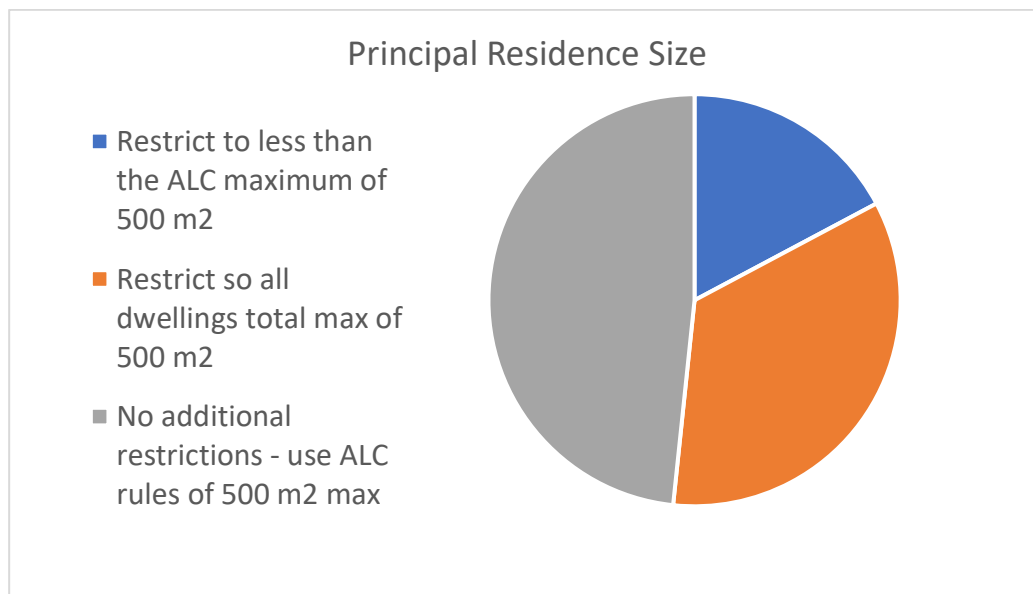
3.2 Housing, Secondary Dwellings, and Tourist Accommodation

Principal Dwelling Size

Support for additional restrictions to the maximum size of the principal dwelling was pretty evenly split, with about 52% preferring some additional size limits and 48% preferring no additional limits.

Direction:

- *Align principal dwelling size limitations to ALC Act and regulations.*



Secondary Dwellings

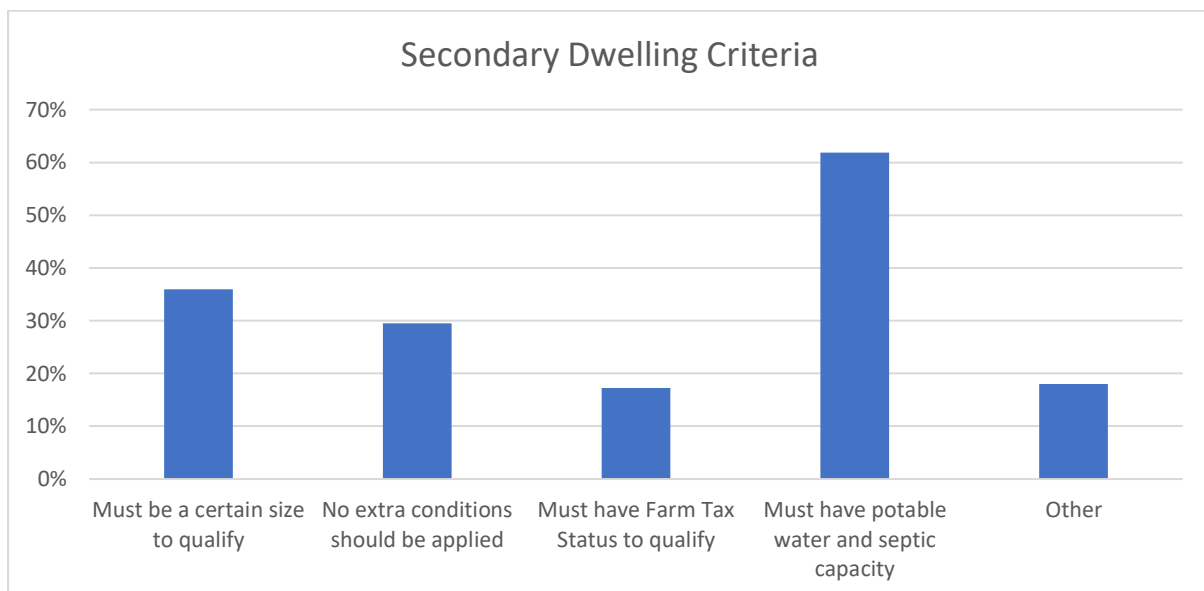
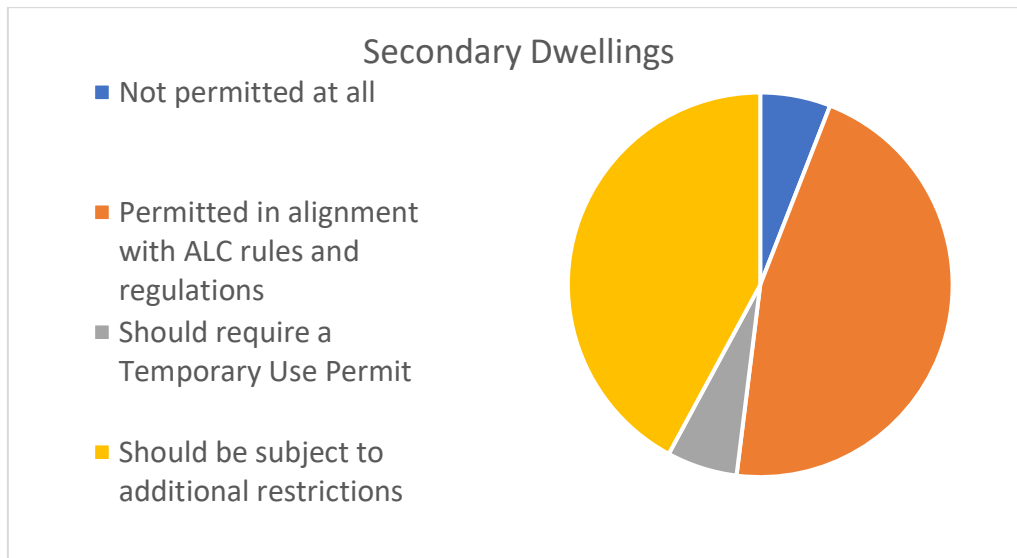
Most respondents felt that secondary dwellings should be allowed in alignment with the ALC Act and regulations, and a subset of respondents would also like to see some additional criteria placed on secondary dwellings. The support for requiring a Temporary Use Permit was low.

For respondents that would like to see additional restrictions put in place for secondary dwellings, the majority are for ensuring that there is adequate potable water and septic capacity in place. There is also some support for considering the size of the property and only allowing secondary dwellings on properties over a certain size (e.g. 5 acres).

Those who responded “other” most often noted that alternatives to conventional septic systems may also be adequate (e.g. composting toilets). Other comments noted the importance of clustering principal residences with secondary dwellings to protect the viability of farmland and to consider setbacks from neighbouring lots.

Directions:

- *Align secondary dwelling allowances to ALC Act and regulations.*
- *Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent).*



Other comments and feedback regarding secondary dwellings in the ALR included:

1. Ensuring affordability of housing is prioritized
2. Consideration of who can live in secondary dwellings, such as farm workers or those experiencing housing challenges currently
3. Ensuring that water and other utilities required for the additional dwellings do not impose scarcity on existing residents.
4. Limiting short term rentals (e.g. AirBnBs)

Agri-Tourism Accommodation

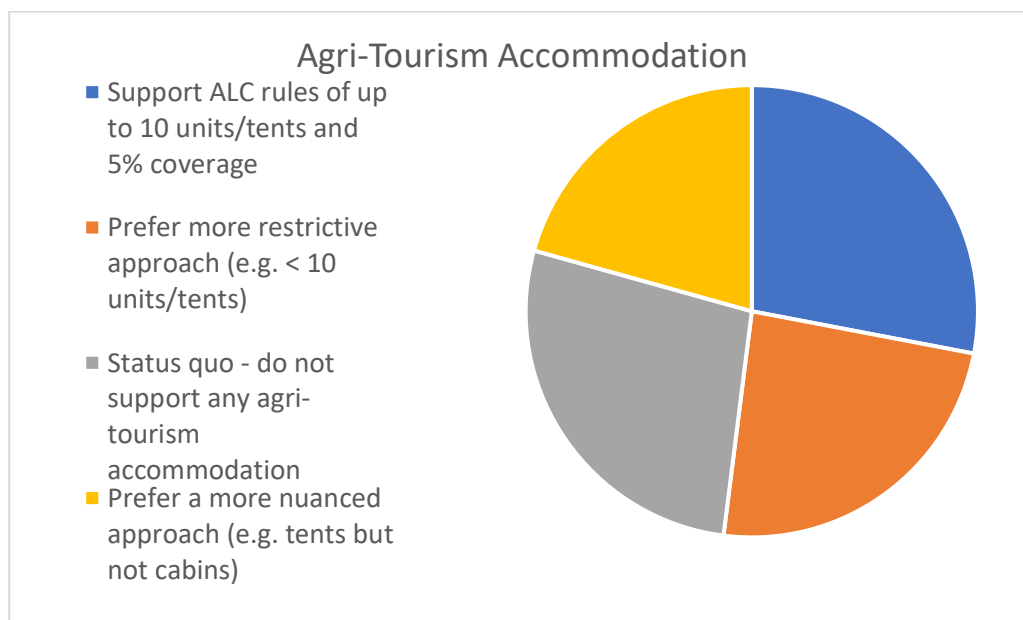
Based on ALC regulations, agri-tourism accommodation must be directly related to an agri-tourism activity and the property must have Farm Tax Status. The total area used for the accommodation must be less than 5% of the parcel and list limited to a max of 10 sleeping

units (e.g. a bedroom, trailer, or tent) but can be restricted to less by local governments. This accommodation must be provided on a seasonal (specific time of year, but not all year) or short term (less than 30 consecutive days per tourist) basis only.

Agri-tourism was largely supported by 73% of respondents, though opinions on restrictions were divided and most concerns centered around availability of water, septic, set-backs from neighbors and minimum lot size. This is a shift from the status quo, whereby agri-tourism accommodation is currently not allowed on Denman Island.

Directions:

- *Align agri-tourism accommodation allowances with ALC Act and regulations.*
- *Ensure that all agri-tourism accommodations have adequate potable water and septic capacity (or equivalent).*

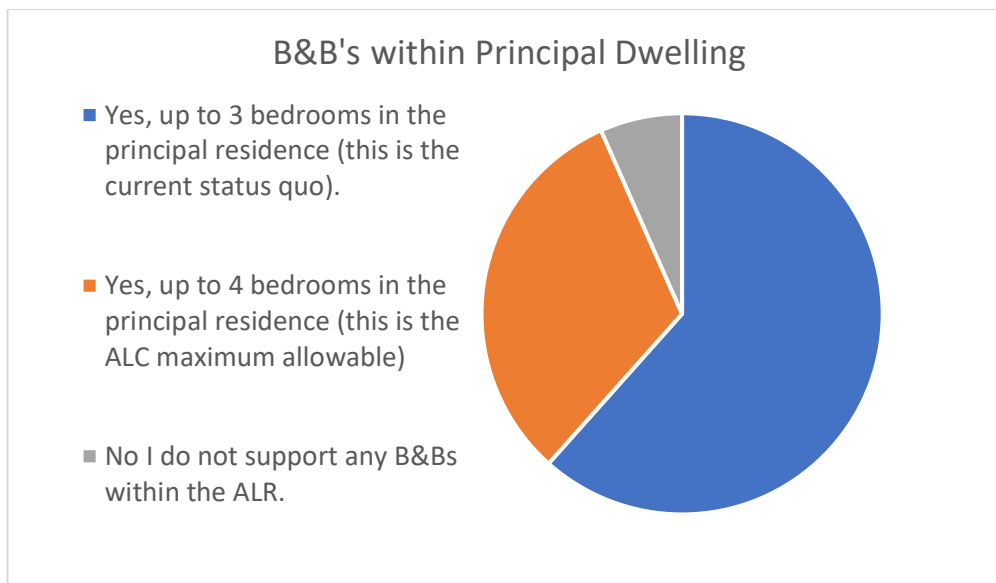


B&Bs within a Principal Dwelling

The majority of respondents are comfortable with the status quo, whereby up to 3 bedrooms within a principal dwelling can be used for Bed and Breakfast purposes. The ALC does not regulate this type of accommodation in the ALR, it is up to local governments to determine if they are an allowed use.

Direction:

- *Retain status quo regulations with regards to B&Bs contained within a principal dwelling.*



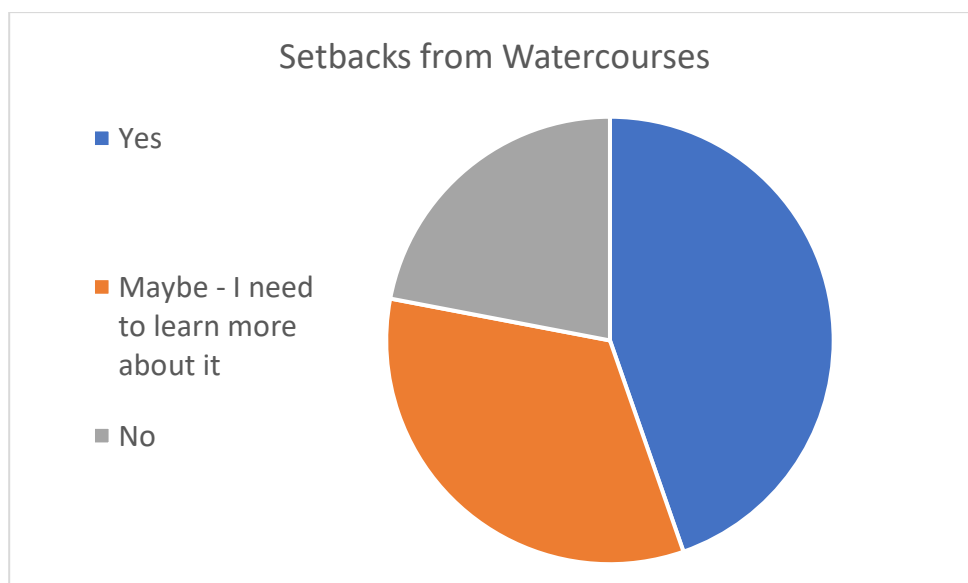
3.3 Setbacks from Watercourses

A majority (78%) of respondents were open to updating Denman Island's Development Permit Area #4 (Streams, Lakes, and Wetlands) to include requirements for fencing and/or other measures to keep livestock and poultry out of waterways and/or to establish riparian buffers within specific setback areas

However, of those not in full support of the DPA update there was a desire for more information, clearer definitions, and wider protection for watercourses. Many also pointed to existing regulations and restrictions imposed by other levels of government and questioned the ability for compliance and enforcement.

Direction:

- *Revisit this topic when the Denman Island Land Use Bylaw is updated and revised, along with other Development Permit Areas.*



**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

PROPOSED
A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008,” is amended as per Schedule 1 and Schedule 2 attached to and forming part of this Bylaw.

READ A FIRST TIME THIS 1ST DAY OF MAY , 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 1

1. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “A” is amended as follows:

- 1.1 Part B – PREAMBLE, Section B.1 – INTRODUCTION, Subsection – What is an Official Community Plan? is amended by deleting the word “eight” and replacing it with “nine” in each instance it appears and adding the word “Agriculture” as a bullet point before “Conservation/Recreation”.

- 1.2 Part B– PREAMBLE, Section B.3 – GUIDING OBJECTIVES, Subsection – Families and Individuals – Guiding Objectives is amending by adding the following text directly before “Guiding Objective – Conservation/Recreation”:

“Guiding Objective – Agriculture

To preserve agricultural land and encourage farming on land in the Agricultural Land Reserve”

- 1.3 Part C – THE NATURAL ENVIRONMENT, Section C.3 – THE MARINE ENVIRONMENT, Subsection- The Marine Environment- Advocacy Policies, Article - Advocacy Policy 3 is amended by replacing “The Ministry of Agriculture and Lands” with “The Ministry responsible for agriculture”.

- 1.4 Part D – THE SOCIAL FABRIC, Section D.3 – WATER MANAGEMENT, Subsection - Water Management- Advocacy Policies, Article - Advocacy Policy 2 is amended by replacing “The Ministry of Transportation and Infrastructure, Ministry of Environment and the Ministry of Agriculture and Land” with “The Ministries responsible for transportation, environment and agriculture”

- 1.5 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING is amended by deleting the fifth paragraph in its entirety and replacing it with:

“The Sustainable Resource designation, which is shown on Schedule C, includes large forested lots on the island in which the existing principal use is locally operated sustainable resources harvesting.

The Agriculture designation, which is shown on Schedule C, includes all of the lands in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.”

- 1.6 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 3 is amended by adding the words “in the Agriculture designation” before “the size of new lots for agricultural”.

- 1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”.

- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:

“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:

- One principal dwelling per lot up to a maximum footprint size of 500 m² consistent with the *Agricultural Land Reserve Use Regulation*; and
- One secondary suite within a principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
- One secondary dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
- Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”

1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the “Information Note” located between Policy 16 and Policy 17.

1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve in keeping with the Ministry of Agriculture and Food’s *Guide to Bylaw Development in Farming Areas* to protect the land’s agricultural viability.

1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.

1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 28: that the proposal is not located within the Agricultural Land Reserve.

1.8e Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation – this includes a maximum of 3 (three) bedrooms within a principal dwelling to be used as a Bed and Breakfast.

- 1.9 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by changing the section title to “AGRICULTURE AND RESOURCES”.

- 1.10 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by deleting the fourth paragraph in its entirety and replacing it with:

“The Agriculture designation, which is shown on Schedule C, includes all land in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.

The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 1.11 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - Guiding Objective, is amended by inserting the words “and that the Agricultural Land Reserve is protected for farming use.” after the word “Island”.
- 1.12 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - “Resource – Objectives” is amended by renaming “Resource – Objectives” to “Agriculture and Resource Objectives”.
- 1.13 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection - Agriculture and Resource Objectives, Article – Objective 1 is amended by adding the words “for farming” after “Reserve”.
- 1.14 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – “Resource – Policies” is amended by renaming “Resource – Policies” to “Agriculture and Resource Policies”.
- 1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – Agriculture and Resource Policies is amended by adding the following policies preceding Policy 1 and renumbering subsequent policies in this subsection accordingly:

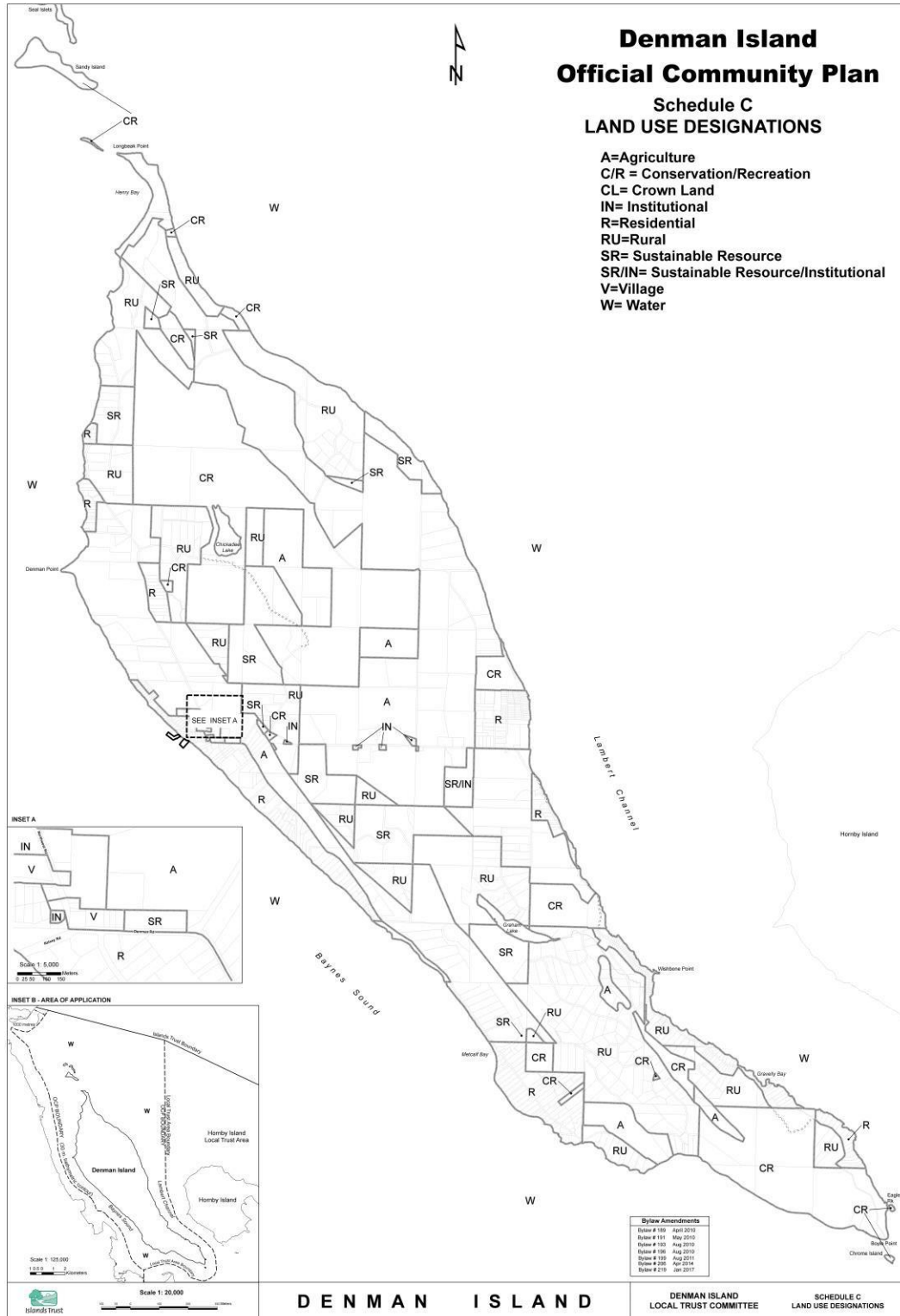
“Policy 1	The Agriculture designation should apply to all lands in the Agricultural Land Reserve and the principal use of land within this designation should be agriculture.
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- Policy 2 The Local Trust Committee supports the consolidation of parcels in the Agricultural Land Reserve.
- Policy 3 Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.
- Policy 4 The Local Trust Committee supports the provision of farm help accommodation on land in the Agricultural Land Reserve, in association with a bona fide farm use, and subject to approval by the Agricultural Land Commission.
- Policy 5 Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve when consistent with the *Agricultural Land Reserve Use Regulation* and on lots where agriculture or horticulture are a permitted use.
- Policy 6 Zoning regulations should permit agritourism accommodation on land in the Agricultural Land Reserve when consistent with the criteria set forth in the *Agricultural Land Reserve Use Regulation*; namely the land must be classified as farm under the Assessment Act; the total developed area for structures, landscaping and access for the accommodation must be less than 5% of any parcel; the accommodation must be limited to a total of 10 (ten) sleeping units or less including up to 3 (three) B&B bedrooms; and the accommodation must be provided on a seasonal or short-term basis.
- Policy 7 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 8 The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island.”
- 1.16 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS:
- (a) Article – Policy 8 is amended by adding the words “Agriculture designation and” before “Sustainable Resource designation”; and,
- (b) Article – Policy 9 is amended by removing the words “area designated Sustainable Resource” and replacing with “areas designated Agriculture and Sustainable Resource” and adding the word “Agriculture and” before “Sustainable Resource designation”.
- 1.17 Part H – OTHER PERMITS, Section H.2 – TEMPORARY USE PERMITS, INFORMATION NOTE is amended by removing the words “Section 921 of”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “C” is amended as per Schedule 2, attached to and forming part of this Bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

Schedule 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 1ST DAY OF MAY 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

1. Schedule "A" of Denman Island Land Use Bylaw No. 186 cited as "Denman island Land Use Bylaw, 2008", is amended as follows:

- 1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*agriculture*" and replacing with:

i. "*agriculture*" means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock.

- 1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*feedlot*" in its entirety

- 1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended to include the following new definitions in alphabetical order:

- i. "*agri-tourism*" means agri-tourism as defined in the *Agricultural Land Reserve Use Regulation*.
- ii. *agri-tourism accommodation* as defined by the *Agricultural Land Reserve Use Regulation*.

- 1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource). Secondary. Temporary Use Permits are not required for secondary dwellings within the Agricultural Land Reserve as long as the secondary dwellings are consistent with the *Agricultural Land Reserve Use Regulation*.

Secondary suites are generally permitted within the principal dwelling within these zoning designations without the need for a Temporary Use Permit.

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- 1.5 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

“INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”

- 1.6 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

- 1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with agriculture, except for a fence, or used to accommodate domesticated animals other than household pets; and
- 15.0 metres for all other buildings and structures except for a fence.

The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with agriculture or used to accommodate domesticated animals other than household pets.”

- 1.8 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 - Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures, including fencing, associated with agriculture, except for a fence, or used to accommodate domesticated animals other than household pets;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

- 1.9 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 – Setback Exemptions is amended by adding the following bullet:

- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m2.”

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1.10 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.

1.11 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended as follows:

6. Horticulture and agriculture, accessory to a principal residential use
7. Intensive agriculture on lots greater than 2.0 ha.

Commented [IS1]: I am not sure if this is even necessary because in Table 2 it allows Building and Structures to accommodate horticulture and agriculture and sale of those products. Is this essentially the same thing?

1.12 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)

Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)

Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)

Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)

Commented [IS2]: Maximum height for a fence should be N/A in the “A” zone as there should be no fencing height requirements in the ALR according to best practices – otherwise should increase the height maximum as 2.0 m may not be high enough to keep out deer.

1.13 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
“10	Agri-tourism use on a lot classified as a farm under the BC <i>Assessment Act</i> ”	✓	✓	✓
11	Agri-tourism accommodation on a lot classified as a farm under the BC <i>Assessment Act</i> (requires approval)”	✓	✓	✓

1.14 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

1.15 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	✓	✓	✓
13	Secondary dwelling unit consistent with the <i>Agricultural Land Reserve Use Regulation</i>	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)		✓	✓
15	Agri-tourism on a lot classified as a farm under the BC <i>Assessment Act</i>	✓	✓	✓
16	Agri-tourism accommodation on a lot classified as a farm under the BC <i>Assessment Act</i> and consistent with the <i>Agricultural Land Reserve Use Regulation</i> provided that the land owner provides the	✓		

	Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners (requires approval)	DE-BL-229		
16	Agri-tourism accommodation on a lot classified as a farm under the BC Assessment Act (requires approval by a Temporary Use Permit)		✓	✓

1.16 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Commented [IS3]: Also consider changing 3.4.6 to not allow permanent sawmills on the ALR on lots over 10.0 ha – I believe a permanent structure would require a non-farm use application to the ALC? It's not clear to me if Section 10 of the ALR Use Regulation includes permanent sawmills but I don't think it is given the subsequent Section 27-3 (see below):

Forestry

10 The following uses of agricultural land are designated as farm uses and may not be prohibited as described in section 4:

- (a) deliberately retaining, introducing and mixing trees or other plants in crop or animal production systems to provide an economic return, commonly referred to as "agroforestry";
- (b) producing botanical forest products;
- (c) producing and harvesting timber, including engaging in silviculture and forest protection activities.

Other permitted non-farm uses

27

(3) The use of agricultural land for operating a temporary sawmill is permitted, but may be prohibited as described in section 20, if at least 50% of the volume of milled timber is harvested from the agricultural land on which the sawmill is located.

Table 2 – Permitted Buildings and Structures

	A	F	RE
7 "On land in the Agricultural Land Reserve, a secondary dwelling unit in accordance with the <i>Agricultural Land Reserve Use Regulation</i> ."	✓		

- 1.17 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures

	A	F	RE
1. Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2. Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3. Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4. Maximum lot coverage by buildings and structures			
• excluding greenhouses	35%	5%	10%
• including greenhouses	75%	5%	10%
5. On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
6. On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	n/a	n/a
7. On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot.	1	n/a	n/a

- 1.18 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 3 – the Information Note at the bottom of Table 3 is removed.

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 4 – Height, Subsection 3 is amended by adding the words "except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve" after the word "use".

- 1.20 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for "A" Agriculture and replacing with "N/A".

- 1.21 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 7 – Subdivision, is amended by adding a new subsection (2) as follows:

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"2 Land in the Agricultural Land Reserve shall be discouraged from being subdivided into panhandle lots.

1.22 Part 5 – TEMPORARY USE PERMITS, "Area 2", Subsection – Guidelines, is amended

Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as "R2" (Rural Residential), "F" (Forestry) and "RE" (Resource). For clarity, Temporary Use Permits are not required for secondary dwellings within the "A" (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the *Agricultural Land Reserve Use Regulation* and that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners.

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan and as permitted in the *Agricultural Land Reserve Use Regulation*.

Guidelines

Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Rural Residential), "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.

Guideline 2 Compliance with the requirements of the "Secondary Suites and Accessory Dwellings" regulations of Part 2, "General Regulations", is a condition of approval.

Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:

- a) Adequate off-road parking should be provided;
- b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
- c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
- d) Other requirements that the Local Trust Committee may consider appropriate.

1.23 Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after "Area 2":

"Area 3

Agri-tourism accommodation may be permitted on a lot classified as a farm under the *BC Assessment Act*. If the parcel is in the Agricultural Land Reserve then it must also be consistent with agri-tourism accommodation criteria set forth in the *Agricultural Land*

Commented [IS4]: Since Agri-Tourism Accommodation will not be requiring a TUP it will need to be moved another section of the LUB

*Reserve Use Regulation.***Objective**

To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling are subject to Section 2.4.

Guidelines

Guideline 1 The agri-tourism accommodation is limited to a maximum of 10 sleeping units in total on the lot, either in the form of seasonal campsites, seasonal cabins and including existing home based guest accommodation units in the principal dwelling. A maximum of 3 of the 10 sleeping units are permitted as home based guest accommodation units within the principal dwelling.

Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;

Guideline 3 The accommodation should be sited and designed to address:

- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;
- The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
- The provision of accommodation which is temporary and located near existing farm buildings;
- Mitigating possible negative impacts using landscape buffers and screening;
- The provision of adequate potable water and sewage disposal.;
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.”

Commented [IS5]: Since Agri-Tourism Accommodation will not be requiring a TUP it will need to be moved another section of the LUB

PRO-POSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008,” is amended as per Schedule 1 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 1ST DAY OF MAY 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

1. Schedule "A" of Denman Island Land Use Bylaw No. 186 cited as "Denman island Land Use Bylaw, 2008", is amended as follows:

- 1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*agriculture*", "*feedlot*", "*intensive agriculture*" and "*panhandle*" in their entirety and replacing with:

i. ~~"agriculture means the farm uses of land, buildings or structures for a farm operation as defined by the Farm Practices Protection (Right to Farm) Act;"~~ "*agriculture*" means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock

ii. ~~"feedlot means a fenced area where livestock, poultry or farmed game are confined solely for the purpose of growing or finishing, and are wholly sustained by means other than grazing, but excludes confinement of animals for domestic purposes;"~~

iii. ~~"intensive agriculture means the use of land, buildings, and other structures for the confinement of poultry, livestock, fur bearing animals, the growing of mushrooms (except forest fungi), or cannabis production, except to the extent the use is carried out solely for domestic purposes and does not involve the production of any items for sale, trade or commerce;"~~

iv. ~~"panhandle lot means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;"~~

- 1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*feedlot*" in its entirety

- 1.2.1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended to include the following new definitions in alphabetical order:

- i. "*agri-tourism* means agri-tourism as defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.
- ii. *agri-tourism accommodation* means accommodation provided for and used only by the clients, customers, guests or patrons, but not the employees, of an agri-tourism activity as defined by *the Agricultural Land Reserve Use Regulation*.

immediate family means, with respect to an owner, the owner's (a) parents, grandparents and great-grandparents,

- 1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4

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is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource). Secondary.

Temporary Use Permits are not required for secondary dwellings within the Agricultural Land Reserve as long as the secondary dwellings are consistent with the *Agricultural Land Reserve Use Regulation*.

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Secondary suites are generally permitted within the principal dwelling within these zoning designations without the need for a Temporary Use Permit.

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~~(b) spouse, parents of spouse and stepparents of spouse,~~

~~(c) brothers and sisters, and~~

~~(d) children or stepchildren, grandchildren and great grandchildren"~~

- iii. ~~temporary secondary dwelling unit means a building or structure used for residential accommodation, other than a building or structure located, built, or placed upon a permanent foundation."~~

1.41.5 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

“INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”

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1.41.6 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

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1.41.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

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“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with ~~intensive~~ agriculture, except for a fence;
- ~~30.0 metres for buildings and structures, including fencing, associated with a feedlot~~ or used to accommodate domesticated animals other than household pets; and
- 15.0 metres for all other buildings and structures except for a fence.

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The minimum setback from Chickadee Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with ~~a feedlot~~ agriculture or used to accommodate domesticated animals other than household pets.”

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1.41.8 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 - Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

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“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- ~~30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;~~
- 30.0 metres for buildings and structures, including fencing, associated with ~~agriculture, except for a fence, a feedlot~~ or used to accommodate domesticated animals other than household pets;
- 5.0 metres for a boathouse; and
- 15.0 metres for all other buildings and structures, except for a fence or access stairway.”

1.51.9 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 – Setback Exemptions is amended by adding the following bullet:

- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m2.”

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1.61.10 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.

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1.11 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended as follows:

Commented [IS1]: I am not sure if this this even necessary because in Table 2 it allows Building and Structures to accommodate horticulture and agriculture and sale of those products. Is this essentially the same thing?

6. Horticulture and agriculture, accessory to a principal residential use

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7. Intensive agriculture on lots greater than 2.0.

Commented [KB2]: hectares

1.71.12 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

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1.7.1 Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)

1.7.2 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)

1.7.3 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)

1.7.4 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)

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1.81.13 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Commented [IS3]: Maximum height for a fence should be N/A in the “A” zone as there should be no fencing height requirements in the ALR according to best practices – otherwise should increase the height maximum as 2.0 m may not be high enough to keep out deer.

Table 1 – Permitted Uses

		R1	R2	R3
"10	Agri-tourism use on a lot classified as a farm under the BC Assessment Act"	✓	✓	✓
11	Agri-tourism accommodation <u>on a lot classified as a farm under the BC Assessment Act</u> (requires approval by a Temporary Use Permit)"	✓	✓	✓

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1.91.14 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

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1.101.15 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

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Table 1 – Permitted Uses

		A	F	RE
"12	Secondary suite	✓	✓	✓
13	On lots larger than 2 ha in the Agricultural Land Reserve, temporary secondary dwelling unit used only for the residential accommodation of the land owner's immediate family <u>Secondary dwelling unit consistent with the Agricultural Land Reserve Use Regulation</u>	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)	✗	✓	✓
15	Agri-tourism on a lot classified as a farm under the BC Assessment Act	✓	✓	✓

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16	Agri-tourism accommodation on a lot classified as a farm under the BC Assessment Act and consistent with the Agricultural Land Reserve Use Regulation provided that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners (requires approval)	✓		
16	Agri-tourism accommodation on a lot classified as a farm under the BC Assessment Act (requires approval by a Temporary Use Permit)	✗	✓	✓

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1.111.16 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

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- Commented [ISS]: Also consider changing 3.4.6 to not allow permanent sawmills on the ALR on lots over 10.0 ha – I believe a permanent structure would require a non-farm use application to the ALC? It's not clear to me if Section 10 of the ALR Use Regulation includes permanent sawmills but I don't think it is given the subsequent Section 27-3 (see below):
- Forestry
 - 10 The following uses of agricultural land are designated as farm uses and may not be prohibited as described in section 4:
 - (a)deliberately retaining, introducing and mixing trees or other plants in crop or animal production systems to provide an economic return, commonly referred to as "agroforestry";
 - (b)producing botanical forest products;
 - (c)producing and harvesting timber, including engaging in silviculture and forest protection activities.
- Other permitted non-farm uses
 - 27
 - (3) The use of agricultural land for operating a temporary sawmill is permitted, but may be prohibited as described in section 20, if at least 50% of the volume of milled timber is harvested from the agricultural land on which the sawmill is located.

Table 2 – Permitted Buildings and Structures

	A	F	RE
7	“On land in the Agricultural Land Reserve, <u>a the gross floor area of a temporary secondary dwelling unit for the residential accommodation of the owner's immediate family shall not exceed 1300 square feet in accordance with the Agricultural Land Reserve Use Regulation.</u> ”	✓	

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1.121.17 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

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Table 3 - Density of Uses, Buildings and Structures

Table 3 - Density of Uses, Buildings and Structures		A	F	RE
1.	Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2.	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3.	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4.	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%
5.	On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
6.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	n/a	n/a
7.	On land in the Agricultural Land Reserve, on a lot 2 hectares or larger, maximum number of temporary secondary dwelling units per lot.	1	n/a	n/a

1.18 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – the Information Note at the bottom of Table 3 is removed.

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1.19 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.

1.20 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for “A” Agriculture and replacing with “N/A”.

~~1.13~~

~~1.14~~ Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

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Table 5 – Setbacks

	A	F	RE
"7 Minimum setback from any lot line for feedlots	50.0 m	n/a	n/a"

~~1.151.21~~ Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 7 – Subdivision, is amended by adding a new subsection (2) as follows:

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"2 Land in the Agricultural Land Reserve shall ~~not be discouraged from being~~ subdivided into panhandle lots.

~~1.31.22~~ Part 5 – TEMPORARY USE PERMITS, "Area 2", Subsection – Guidelines, is amended

Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as "R2" (Rural Residential), ~~"A" (Agriculture),~~ "F" (Forestry) and "RE" (Resource). ~~For clarity, Temporary Use Permits are not required for secondary dwellings within the "A" (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the Agricultural Land Reserve Use Regulation and~~ that the land owner provides the Local Trust Committee with proof that adequate water supply is available for each dwelling unit without endangering the water supply of adjacent land owners.

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Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan ~~and as permitted in the~~ Agricultural Land Reserve Use Regulation.

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Guidelines

Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as "R2" (Rural Residential), ~~"A" (Agriculture),~~ "F" (Forestry) and "RE" (Resource) by the Denman Island Land Use Bylaw.

Guideline 2 Compliance with the requirements of the "Secondary Suites and Accessory Dwellings" regulations of Part 2, "General Regulations", is a condition of approval.

Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:

- a) Adequate off-road parking should be provided;
- b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
- c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
- d) Other requirements that the Local Trust Committee may consider appropriate.

~~1.161.23~~ Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after "Area 2":

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"Area 3

~~The Local Trust Committee may issue a Temporary Use Permit for a~~ Agri-tourism accommodation may be permitted on a lot classified as a farm under the *BC Assessment Act*.

Commented [IS7]: Since Agri-Tourism Accommodation will not be requiring a TUP it will need to be moved another section of the LUB

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If the parcel is in the Agricultural Land Reserve then it must also be consistent with agri-tourism accommodation criteria set forth in the *Agricultural Land Reserve Use Regulation*.

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Objective

To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling ~~do not require a Temporary Use Permit but~~ are subject to Section 2.4.

Guidelines

Commented [IS8]: Since Agri-Tourism Accommodation will not be requiring a TUP it will need to be moved another section of the LUB

Guideline 1 The agri-tourism accommodation is limited to a maximum of ~~three~~ 10 sleeping units in total on the lot, either in the form of seasonal campsites, seasonal cabins and including existing home based guest accommodation units in the principal dwelling. A maximum of 3 of the 10 sleeping units are permitted as home based guest accommodation units within the principal dwelling.

Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;

Guideline 3 The accommodation should be sited and designed to address:

- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;
-

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- The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
- The provision of accommodation which is temporary and located near existing farm buildings;
- Mitigating possible negative impacts using landscape buffers and screening;
- The provision of adequate potable water and sewage disposal. ~~Where approvals are required from other agencies such as water licensing or septic approval, these should be obtained prior to the issuing of a Temporary Use Permit;~~
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.”

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Minutes of the Hornby Island Advisory Planning Commission

Date of Meeting: Tuesday, June 14, 2022

Location: Denman Activity Centre
1111 Northwest Rd. Denman Island, BC

APC Members Present: Edi Johnston, Member
George McRae, Member
C Urquhart, Member

Staff Present: Marlis McCargar, Island Planner
Katherine Vogt, Recorder by Zoom

Others Present: Ione Smith, Consultant by Zoom

1. CALL TO ORDER

Acting Chair McCargar called the meeting to order at 10:13 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She introduced staff and invited Advisory Planning Commission (APC) members to introduce themselves.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Hornby Island Advisory Planning Commission Draft Minutes dated August 14, 2020 for adoption.

The following correction to the minutes was presented for consideration:

Member McRae noted an error in the minutes on page 6 regarding the motion DE-APC-2020-005, which was not actually carried because three Advisory planning Commission (APC) members had been against it. APC members at the time: George McRae, Tom Zawila, and Anne de Cosson were against it, had noted the discrepancy in the draft minutes, and had brought it up with the APC Chair. It was not remembered who had abstained from voting. Chair Forsyth had deferred the issue to a next APC meeting.

By general consent, the minutes were adopted as corrected.

4. BUSINESS ITEMS

4.1 Election of Chair, Vice-Chair and Secretary

DE-APC-2022-001

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission defer nominations until the next business meeting and requests that background and orientation information be provided at a date to be determined.

CARRIED

Chair McCargar noted that one APC member had indicated that they would not be available for the next 6 months, which would leave 4 APC members available for meetings.

5. REFERRAL FROM DENMAN ISLAND LOCAL TRUST COMMITTEE-Denman Island Farming Regulations Review Project Presentation by Consultant Ione Smith

Chair McCargar explained that APC members were being asked to review public and stakeholder comments gathered through previous public engagement processes regarding enhancing and preserving local farming activities; and to give direction to the Local Trust Committee (LTC) for their upcoming July 13, 2022 special meeting, by indicating support of or objection to certain proposed regulations, definitions and directions.

Chair McCargar introduced Consultant Ione Smith from Upland Consulting who gave a power point presentation entitled "Denman Island Farm Regulations Review: Engagement Summary and Key Directions."

Ione Smith noted the following:

- Previous public engagement included presentations to the APC and LTC; community information meetings, a mail-out, a questionnaire that received 164 responses; and 8 interviews, four of which were local farmers; and input from the Growers and Producers Alliance.
- Intensive agriculture is a contentious subject and a misleading term. A chicken coop or a barn could be considered an intensive agriculture structure.
- Local governments can restrict intensive agriculture only on properties outside of the ALR.
- It is being recommended that Intensive agriculture could be restricted on R1 and R2 zoned lots or restricted on lots less than 2 hectares (approximately 5 acres) because smaller lots are more likely to result in problems with neighbors. Once enclosed structures are permitted, it is hard to enforce livestock or chicken numbers; existing structures could be exempted. Of note, 11% of R1 and 82% of R2 parcels on Denman are greater than 5 acres.
- Intensive agriculture is permitted on Resource zoned properties.
- There are 454 R1, 300 R2, and 8 RE (resource) zoned properties on Denman Island.

- There are 164 parcels of land in the Agriculture Land Reserve (ALR); 52 lots have farm tax status; 38 of the farm-status lots are in the ALR.
- The Agriculture Land Commission (ALC) formerly restricted secondary dwellings to family members and farm workers, but this restriction has been removed; also, farm tax status is no longer required. Farm worker accommodation is considered separately from second dwellings.
- The province has specific definitions of agri-tourism within the ALR, accommodations must relate to farm activities, and farm tax status is required. Up to 10 accommodation units such as tents, RVs or cabins are permitted. Local governments may prohibit or restrict them. Community feedback has been divided: 30% support them, 45% want restrictions; 25% want to prohibit.
- The Provincial Code of Practice for Environmental Agriculture Management already provides laws around farming near water systems, but local governments may require additional restrictions. Community feedback was apprehensive but open to discussion.
- Resource zones were kept outside of the scope of this project because they are not in the ALR and were not affected by recent ALR changes to second dwellings.
- R3 zones were also not included in the project.

Ione Smith offered to send the power point presentation to all APC members.

APC members reviewed the recommendations for directions contained within the Engagement Summary Report: Denman Island Farming Regulation Review Project: June 2022 which were the following:

- Definition of Agriculture
 - APC members agreed to make it more concise.
- Definition of Horticulture
 - APC members agreed to maintain the current definition.
- Definition of Intensive Agriculture
 - APC members agreed to consider keeping the current definition of Intensive agriculture as a permitted use in the ALR and to consider criteria of minimum lot size and livestock stocking density for intensive Agriculture in R1 and R2 with legacy provisions.
 - The APC noted that they would like to see future consideration of Resource zones being made compatible with R1 and R2 zones' restrictions (in particular, around intensive agriculture).
- Principal dwelling size in the ALR
 - APC members agreed to align principal dwelling size limitations to the *Agricultural Land Commission Act* regulations of 500 meters squared maximum.
- Secondary dwellings in the ALR
 - APC members agreed to align secondary dwelling allowances to the *Agricultural Land Commission Act* and regulations; and to ensure that all new secondary dwellings have adequate potable water and septic capacity or equivalent.
- Agri-Tourism Accommodations in the ALR
 - APC members agreed to align agri-tourism accommodation allowances with the *Agricultural Land Commission Act* and regulations and to ensure that all agri-

tourism accommodations have adequate potable water and septic capacity or equivalent.

- B&Bs within a principal dwelling
 - APC members agreed to retain *status quo* regulations with regard to B&Bs contained within a principal dwelling of up to 3 bedrooms.
- Setbacks from Watercourse
 - APC members agreed to revisit this topic at a future date, when the Denman Island land Use Bylaw is updated and revised, along with consideration of other Development Permit Areas.
 - An APC member expressed that watercourse setbacks should be a priority issue.

Ione Smith left the meeting at 11:50.

DE-APC-2022-002

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission supports the directions contained within the Engagement Summary Report: Denman Island Farming Regulation Review Project of June 2022.

CARRIED

APC members noted that only 3 out of 5 APC members were present at the meeting.

APC members also recommended to the LTC that future consideration be given to Resource (RE) Zones. In particular, considering the impact of making RE zones compatible with the zoning in other residential zones, recognizing that it is currently outside of the scope of this current Farm Project.

By general consent, the meeting was adjourned at 12:00 pm.

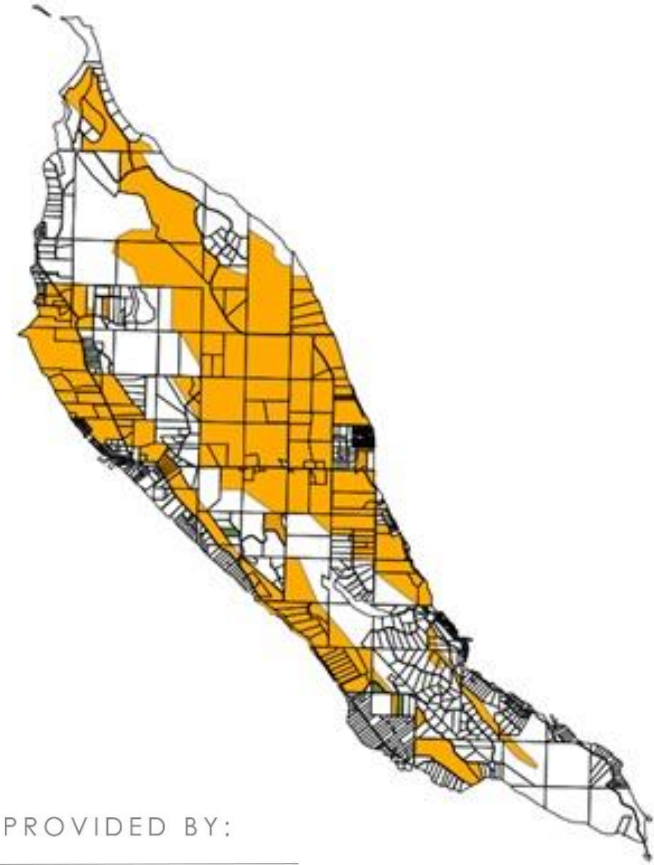
Marlis McCargar, Chair

Certified Correct:

Katherine Vogt, Recorder

Denman Island Farm Regulations Review

Engagement Summary and Key Directions



DELIVERED BY:



FUNDING PROVIDED BY:



Project Objectives

2

This project hopes to enhance and preserve farming activities on the island through updates to the Denman Island Official Community Plan policies and Land Use Bylaw regulations.

The project is focused on implementing three recommendations from the Denman Farm Plan.

- 11) Undertake a review of farm worker housing and agritourism accommodation
- 13) Implement zoning updates through the Land Use Bylaw
- 14) Amend the Official Community Plan

Engagement

3

□ Main Engagement Activities

- ▣ Presentation to APC
- ▣ Presentation to LTC
- ▣ Community mail-out
- ▣ Interviews (8)
- ▣ Questionnaire (164)
- ▣ Community Information Meeting (7)



Engagement with Farming Community

4

- APC meetings with GPA members (x2)
- 7 farmers invited to be interviewed, 4 accepted
- 43% of respondents to the questionnaire are in the ALR

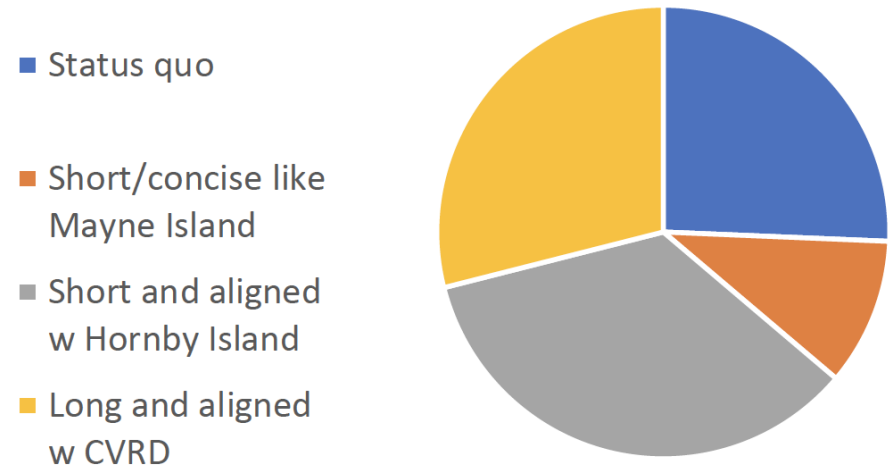


Definition of Agriculture

5

- Interviews w farmers indicated a shorter definition preferable
- Less likely to need to be updated as provincial policies change if the definition is more broad

Definition of Agriculture



Definition of Agriculture

6

- Direction: Consider shortening and aligning definition of agriculture Hornby Island
- “Agriculture” means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock.

Intensive Agriculture

7

- Reminder: Must be permitted within the ALR but can be restricted outside the ALR.
- Current: “Intensive agriculture” is defined as: the use of land, buildings and structures by a commercial enterprise or an institution for the **confinement** of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots

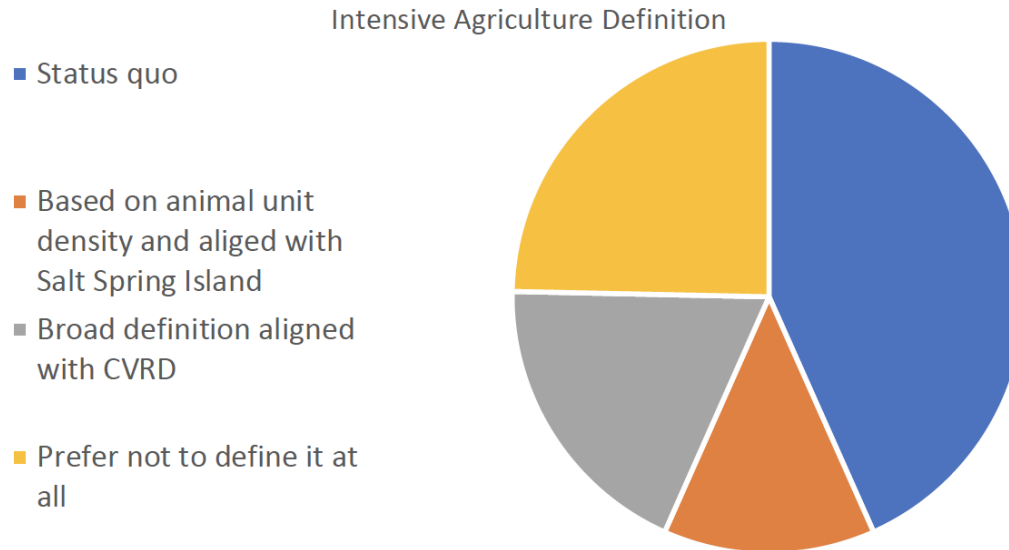
Intensive Agriculture

8

- What does "confinement" mean?
- Provincial Agricultural Environmental Management Code defined confined livestock/poultry areas as: an outdoor area, other than a grazing area, seasonal feeding area or temporary holding area, where livestock/poultry are confined by structures or topography
- This could be interpreted as barns, pig-sty, chicken coops

Intensive Agriculture

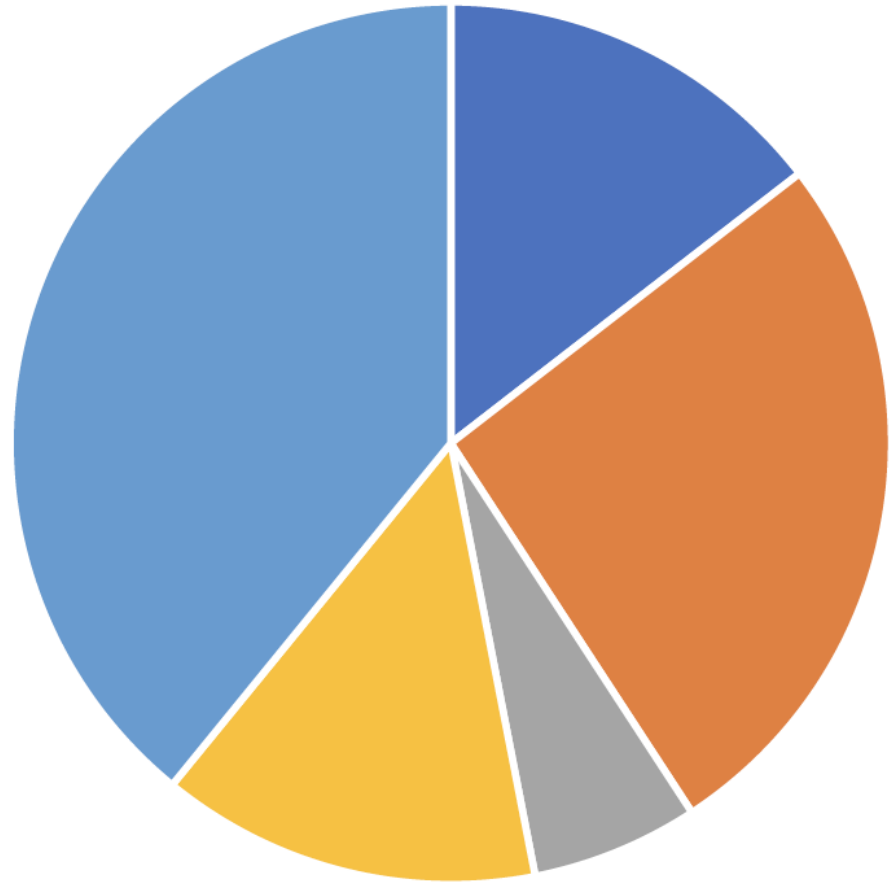
9



- Support is mixed: keep status quo, do not define it all, or add some restrictions such as animal densities
- Most residents are not concerned about future potential for feedlots or high-intensity livestock/poultry operations

Intensive Agriculture in R1 and R2

- Yes without any additional restrictions
- Only on lots larger than 5 acres
- To a max of 10 livestock units
- To a max of 5 livestock units
- No support for intensive agriculture in R1/R2



Most would prefer some restrictions: lot size, total livestock numbers per parcel. Nearly 40% would like to see intensive agriculture prohibited in residential areas.

R1 /R2 Intensive Agriculture Restrictions

11

- Option 1: Allow a maximum number of livestock/poultry:
 - Pros: Allows barns, coops, on all R1 /R2 properties to a certain extent.
 - Cons: Difficult to enforce animal numbers.

- Option 2: Allow on properties > 2.0 ha (5 acres):
 - Pros: Easy to regulate/enforce.
 - Cons: Some R1/R2
 - Proportion of lots greater than 2.0 ha (5 acres)
 - R1: 11%
 - R2: 82%

Intensive Agriculture

12

- Direction: Maintain the current definition of intensive agriculture.
- Direction: Restrict intensive agriculture in residential areas to properties that are larger than 2.0 ha (5 acres) - any existing structures grand-fathered in.

Definitions - Implications

13

- OCP implications: None.
- LUB implications:
 - Revise definition for agriculture
 - Remove the definition of feedlot
 - Update accessory uses in R1/R2

Secondary Dwellings

14

- Reminder: the ALC recently changed regulations to allow one small secondary dwelling per ALR property (under certain conditions) if supported by local governments.
- There are no restrictions on who can live there.
- Local governments, like Islands Trust, can place additional criteria on secondary dwellings.

Secondary Dwellings

- Not permitted at all
- Permitted in alignment with ALC rules and regulations
- Should require a Temporary Use Permit
- Should be subject to additional restrictions



- Most support secondary dwellings.
- Many would like to see additional requirements around water/septic or equivalent.

Secondary Dwellings

16

- Direction: Align secondary dwelling allowances to ALC Act and regulations.
- Direction: Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent).

Dwellings - Implications

17

□ OCP implications:

- ▣ Revise #, type, size of dwellings allowed in ALR (principal dwelling, secondary suite, secondary dwelling)
- ▣ Include language to align w ALR regulations & criteria
- ▣ Include maximum setbacks for residential uses as per Min of Ag Guidelines

□ LUB implications:

- ▣ Remove need for Temporary Use Permits for secondary suite and secondary dwelling
- ▣ Include requirements for adequate water supply and septic (or equivalent)
- ▣ Add language around compliance w ALR regulations

Agri-Tourism Accommodations

18

□ Reminders:

- The province has specific definitions of agri-tourism activities in the ALR.
- Agri-tourism accommodations must be related to farm activities.
- Properties must have farm tax status.
- Restrictions are in place regarding number of beds and lot coverage.
- Local governments can fully prohibit them.
- B&Bs (in a house) are not the same thing as agri-tourism accommodations

Agri-Tourism Accommodation

- Support ALC rules of up to 10 units/tents and 5% coverage
- Prefer more restrictive approach (e.g. < 10 units/tents)
- Status quo - do not support any agri-tourism accommodation
- Prefer a more nuanced approach (e.g. tents but not cabins)



- Approx 30% support ALC rules, no extra limits
- Approx 45% would like some restrictions
- Approx 25% would like to prohibit completely

Agri-Tourism Accommodations

20

- Direction: Align agri-tourism accommodation allowances with ALC Act and regulations (e.g. connected to a property with Farm Tax Status, max 10 beds or tents, 5% lot coverage, seasonal and short-term only).
- Direction: Ensure that all agri-tourism accommodations have adequate potable water and septic capacity (or equivalent).
- Direction: Keep B&B bedrooms in principal homes as a separate policy. In keeping with ALC Act and regulations, up to 3 bedrooms allowable (status quo) in addition to any agri-tourism accommodation. Does not require Farm Tax Status.

Agri-Tourism Accommodations - Implications

21

□ OCP implications:

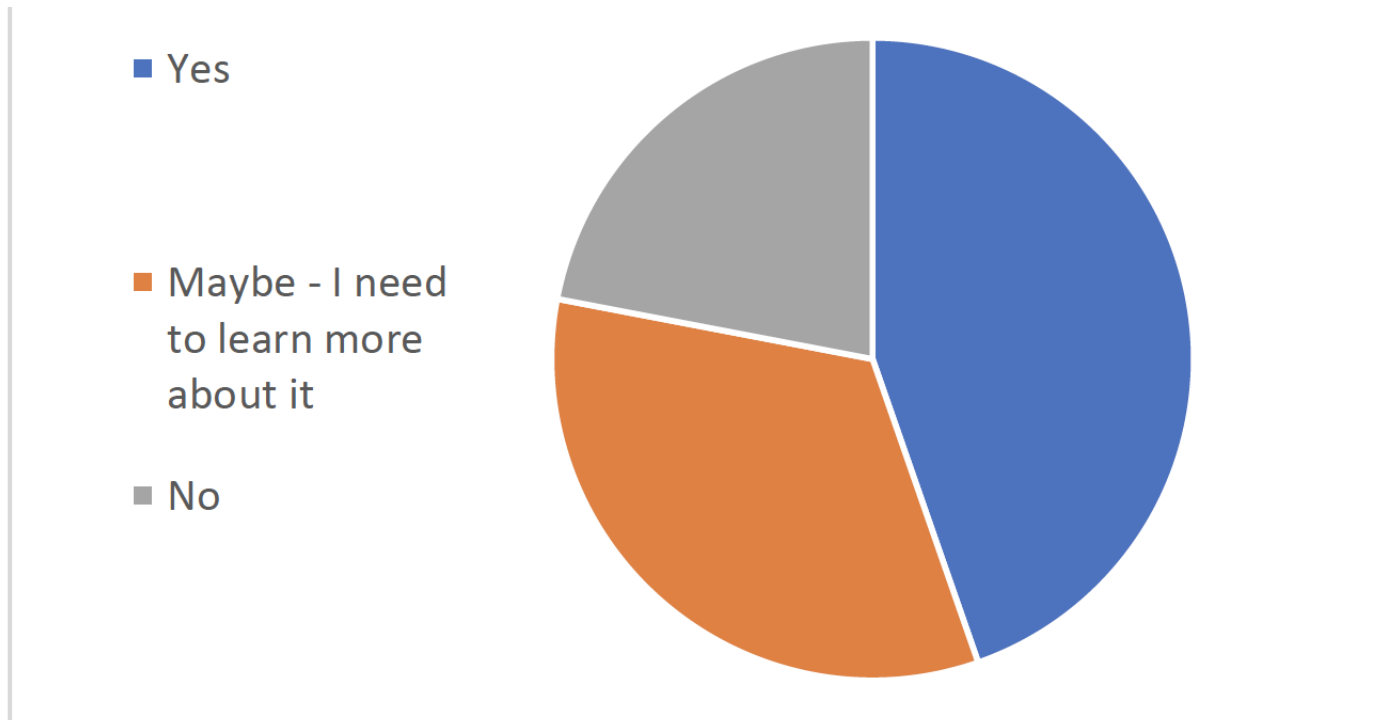
- Under Part E section E.2 Economic Activities add note that tourist accommodation within the ALR must be consistent with ALR regulations and Denman Island bylaws (e.g. farm tax status)
- Max 3 bedrooms in a principal dwelling (B&B) – status quo
- Section E.6 Up to 10 beds/tents/RV sites total including B&B rooms and 5% lot coverage max

□ LUB implications:

- Update definition to align w ALR regulations
- Update tables of permitted uses to align w ALR regulations
- Add language around adequate water supply & septic

Setbacks from Watercourses

22



- ❑ Over $\frac{3}{4}$ of residents are open to discussing agricultural setback policies for watercourses.
- ❑ Many would like more information.
- ❑ Farming community is apprehensive.

Setbacks from Watercourses

23

- **Direction:** Revisit this topic when the Denman Island Land Use Bylaw is updated and revised, along with other Development Permit Areas.



Watercourse Setbacks - Implications

24

- OCP implications:

- None

- LUB implications:

- Remove “intensive agriculture” and replace with “agriculture” for setback from natural boundary of a stream or lake
 - Replace “feedlot” with “agriculture” for Chickadee and Graham Lake setbacks
 - Replace “feedlot” with “agriculture, except for a fence” for setbacks from natural boundary of the sea

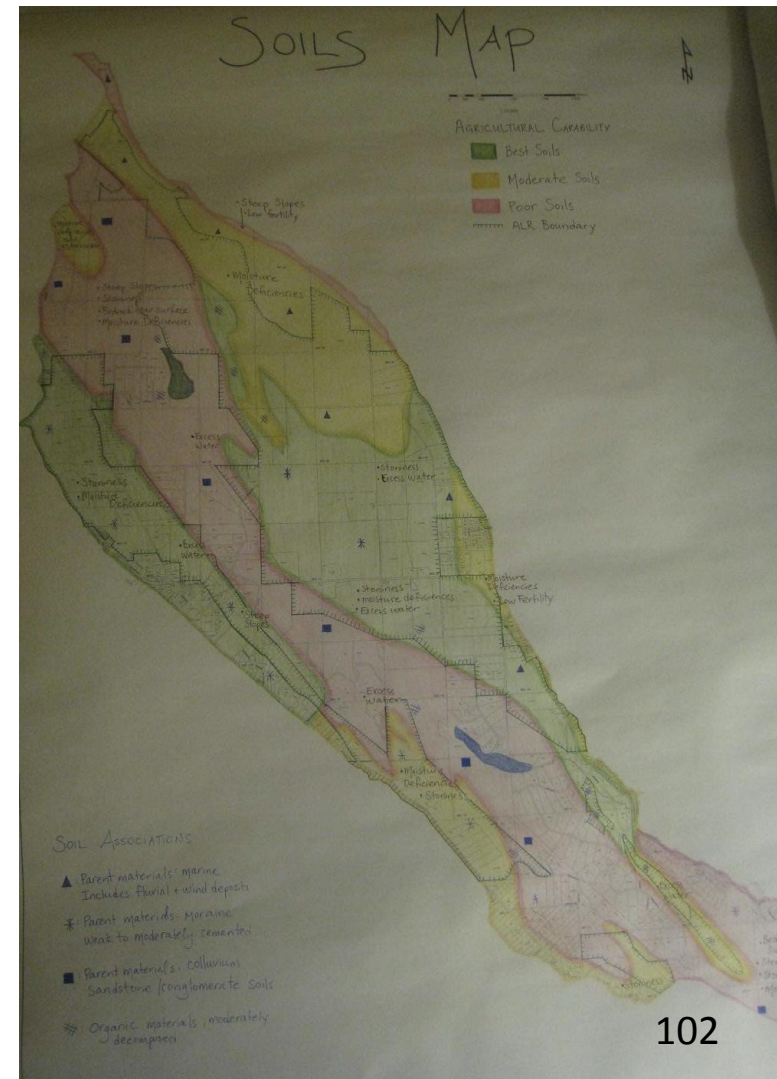
Other Housekeeping

25

- Temporary Use Permits
 - Add clarity that not required for secondary dwellings in A Zone if in ALR and if compliant w ALR regulations
 - TUPs not required for agri-tourism accommodation if compliant with ALR regulations and Denman Island bylaws (e.g. water supply and septic)
- Fencing
 - Remove fencing height restrictions in the ALR
- Panhandle Lots
 - Replace “shall not” with “will be discouraged” to allow for some flexibility for subdivisions

26

- 102



Contact

27

Ione Smith

ione@uplandconsulting.ca

778-999-2149

Agricultural Land

28

Amount of Land in the ALR (ha)	2,698
Number of Parcels in the ALR	164
# Bare land ALR lots	33
# Bare land ALR lots (privately owned)	26
# Crown (Govt) ALR parcels	9
Average Size of Crown (Govt) ALR parcels (ha)	60.8
Average Size of Privately-Owned ALR parcels (ha)	13.3
# Privately-Owned ALR parcels greater than 40 ha	12
# Parcels with Farm Tax Status	52
# Parcels with Farm Tax Status in the ALR	38
Proportion ALR parcels w Farm Tax Status	22%
# Properties with Secondary Dwellings according to BC Assessment	2 (neither are in the ALR)