



Denman Island Local Trust Committee

Special Meeting Revised Agenda

Date: October 14, 2022 continued from October 6, 2022
Time: 10:00 am
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:00 AM - 11:00 AM
"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. **BUSINESS ITEMS**
 - 3.1. **Denman Island Farming Regulations Review Project - Staff Report** 2 - 44
4. **RECESSED** 11:15 AM - 11:15 AM
To resume on Friday, October 14, 2022 at 10:00 am
5. **RESUMED - OCTOBER 14, 2022** 10:00 AM - 11:00 AM
 - 5.1. ***Denman Island Farming Regulations Review Project - Memorandum*** 45 - 48

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

DATE OF MEETING: October 6, 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

RECOMMENDATION

1. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 228, cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018", is not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be read a first time.
3. That the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be read a second time.
4. That the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018", is not contrary to or at variance with the Islands Trust Policy Statement.
5. That the Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', be read a first time.
6. That the Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', be read a second time.
7. That the Denman Island Local Trust Committee request staff to refer Bylaw Nos. 228 and 229 to the following agencies and First Nations for comment:

• Cowichan Tribes • Halalt First Nation • Lake Cowichan First Nation • Lyackson First Nation • Penelakut Tribe • Snuneymuxw First Nation • Snaw'Naw'As Nation • Stz'uminus First Nation	• Nanwakolas Council • Wei Wai Kum Nation • We Wai Kai Nation • Qualicum First Nation • Comox Valley Regional District • Denman Growers and Producers Alliance • School District #71 (Comox Valley)
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- Te'Mexw Treaty Association
- Homalco First Nation (Xwemalhwu)
- K'omoks First Nation
- Tla'amin Nation
- Ministry of Agriculture and Food
- Agricultural Land Commission
- Hornby Island Local Trust Committee
- Denman Island Advisory Planning Commission

8. That the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw Nos. 228 (OCP) and 229 (LUB) after the referral response period is complete.

REPORT SUMMARY

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).

BACKGROUND

The Denman Local Trust Committee (LTC) passed the following resolutions at the regular business meeting held September 27, 2022

- That First Reading of the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be rescinded.
- That Bylaw No. 228 cited as 'Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018' be amended as follows:
 - Schedule 1, 1.8L: to the first bulleted point, adding the words "and the Denman Island Land Use Bylaw" after the word "regulation";
 - Schedule 1, 1.8b, replacing the words "in keeping with" with "as guided by";
 - Schedule 1, 1.8 d, removing the hyphen and all the following words after the word "bylaws";
 - Schedule 1: 1.15: removing Policy 4, and renumbering accordingly;
 - Schedule 1: renumber such that there is only one 1.8c
- That First Reading of the Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008', be rescinded.
- That Bylaw No. 229 cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018' be amended as follows:
 - Schedule 1, 1.1: deleting the words "and intensive agriculture" in the introductory text, removing item II, and renumbering accordingly;
 - Schedule 1, 1.12: replace the words "the following bullet" with and words "a new item five that reads" followed by the current bulleted text with the following change: removing the words "and

highway” and adding, after “landscape screen,” the words, “a berm, or fencing that shields the use from view from an adjacent lot”, and then adding the words “and renumbering the following points accordingly.”;

- Schedule 1, 1.14: adding, at the end, the text “and renumbering the following points as appropriate”;
- Schedule 1, 1.29, including material about using TUPS for the provision of agri-tourism accommodation in the R and F zones;
- Adding to Schedule 1, as item 4, a new point: amending LUB 3.3, Table 5, Setbacks, by adding “4 Minimum setbacks for produce stands” and the number “4.5 m” in each column.

ANALYSIS

Islands Trust Policy Statement (ITPS):

An ITPS Directives Only Checklist has been prepared for each of the bylaws (see Attachment 1 and 2). In staff’s opinion, Bylaw Nos. 228 and 229 are not contrary to or at variance with the ITPS.

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 both draft bylaws are found in Attachments 3 and 4.

Staff have also included a “track changes” copy of the bylaws in Attachment 5 and 6. The “track changes” copies of the Bylaws highlight the amendments endorsed at the September 27, 2022 LTC meeting.

Consultation

Referrals were initially sent out after first reading in 2018; however, given the length of time that has passed and the proposed amendments, re-referrals to agencies and First Nations are required.

As the project involves proposed OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation with agencies or First Nations other than those identified below and direct staff accordingly. Following second reading, staff recommends Bylaw Nos. 228 and 229 be referred to the following First Nations and agencies:

- | | |
|-------------------------------------|---|
| • Cowichan Tribes | • Nanwakolas Council |
| • Halalt First Nation | • Wei Wai Kum Nation |
| • Lake Cowichan First Nation | • We Wai Kai Nation |
| • Lyackson First Nation | • Qualicum First Nation |
| • Penelakut Tribe | • Comox Valley Regional District |
| • Snuneymuxw First Nation | • Denman Growers and Producers Alliance |
| • Snaw'Naw'As Nation | • School District #71 (Comox Valley) |
| • Stz'uminus First Nation | • Ministry of Agriculture and Food |
| • Te'Mexw Treaty Association | • Agricultural Land Commission |
| • Homalco First Nation (Xwemalhkwa) | • Hornby Island Local Trust Committee |
| • K'omoks First Nation | |

- Tla'amin Nation

- Denman Island Advisory Planning Commission

A community information meeting and public hearing are included as part of community consultation, and may occur between first and second reading, or between second and third reading.

Rationale for Recommendation

The intent of the Denman Island Farm Plan is to enhance and preserve farming in the region and work towards increased farm production that is both sustainable and resilient. Amendments to the OCP and LUB are required to help formally protect Denman Island's land base for agriculture. Staff recommend that Bylaw Nos. 228 and 229 be given first and second reading as per the recommendation on Page 1 of the staff report.

ALTERNATIVES

1. Make minor amendments to the draft bylaws and then proceed to second reading.

If the LTC wishes to make minor amendments to the draft bylaws, this can occur prior to consideration of first reading via the following resolution:

"That the Denman Island Local Trust Committee amend Bylaw No. (insert bylaw #), cited as "Denman Island (insert OCP or LUB), 2008, Amendment No. 1, 2018", by (insert specific changes here)."

The LTC could then proceed with the resolutions noted on page 1 of the staff report.

2. Request staff prepare revised draft bylaws for consideration of second reading at a subsequent meeting

If significant changes to the bylaw are desired by the LTC, the LTC should request that staff prepare revisions for LTC consideration at a subsequent meeting, via the following resolution:

"That the Denman Island Local Trust Committee request that staff to prepare the following amendments to Bylaw No. x, prior to Local Trust Committee consideration of second reading: (insert requested changes)."

Staff would provide the LTC with revised bylaw language to consider at a subsequent LTC meeting.

3. Request staff to include additional bylaw referral recipients.

The LTC can request additional bylaw referral recipients to those recommended by staff. The LTC should specify the additional recipients as a part of the recommended referral resolution on page 1 of the staff report.

NEXT STEPS

Subject to LTC concurrence with the staff recommendations, referrals to First Nations and agencies would be sent and a CIM and Public Hearing would be scheduled once the referral period closes.

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

ATTACHMENTS

1. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 228
2. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 229
3. Proposed Bylaw No. 228, amended (clean copy)
4. Proposed Bylaw No. 229, amended (clean copy)
5. Proposed Bylaw No. 228 (track changes)
6. Proposed Bylaw No. 229 (track changes)



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: Farm Plan Implementation

Bylaw No. 229

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.2	Forests
✓	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
✓	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2	Forests

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20

File Name: Farm Plan Implementation

Bylaw No. 228

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

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	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
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N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
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N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

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 _____ DAY OF _____, 2022

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

PUBLIC HEARING HELD 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 consistent with the *Agricultural Land Reserve Use Regulation* and the *Denman Land Use Bylaw*; 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 as guided by 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 and Denman Island bylaws.
- 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.

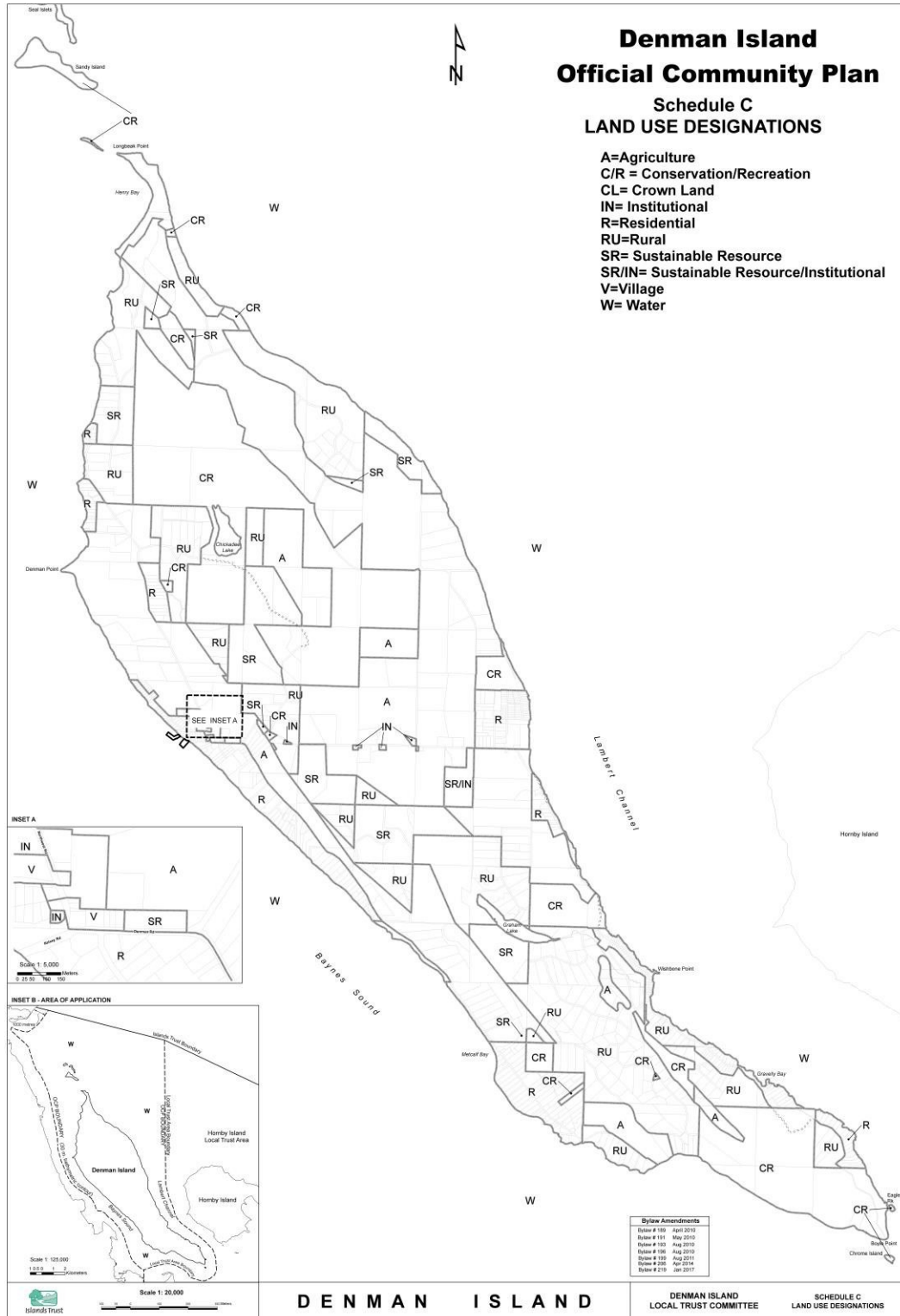
The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 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.

- 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 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 5 Zoning regulations should permit an amount of agritourism accommodation on land in the Agricultural Land Reserve that is more limited than the criteria set forth in the *Agricultural Land Reserve Use Regulation*.
- Policy 6 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 7 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



DRAFT

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 _____ DAY OF _____, 20XX

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

PUBLIC HEARING HELD 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. 229**

Schedule 1

1. Schedule "A" of 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."
 - ii. "*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
 - 1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by inserting the following new definitions in alphabetical order:

agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the *Assessment Act* and includes all listed agri-tourism activities in Section 12.2 of the *Agricultural Land Reserve Use Regulation*.

agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or recreational vehicle on an agri-tourism accommodation campground as defined by the *Agricultural Land Reserve Use Regulation*.

Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.

Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.

- 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 suites are generally permitted within a principal dwelling within these zoning designations.

- 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 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding the following bullet:
- One per sleeping unit of agri-tourism accommodation
- 1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:
- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest
- 1.11 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.”
- 1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations – General Regulations, is amended by adding the following item after 4:
5. All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen, a berm, or fencing.
- 1.13 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”.
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item 6 with:
6. Horticulture and agriculture, accessory to a principal residential use
- 1.15 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 9:
6. Intensive agriculture on lots greater than 2.0 hectares.
- 1.16 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)
- 1.17 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	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area	✓	✓	✓
“11	Agri-tourism use on a lot classified as a farm under the BC Assessment Act”	✓	✓	✓

12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act..	✓	✓	✓
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- 1.18 Part 3 –ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2 after pit privies:

6. agri-tourism accommodation

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following item following number 3:

Table 5 – Setbacks		R1	R2	R3
4	Minimum setback for produce stands from the front lot line	4.5m	4.5m	4.5m

- 1.20 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 9 – Conditions of Use		R1	R2	R3
	On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	?	?	?

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

- 1.22 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 <i>the 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 lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the <i>Agricultural Land Reserve Use Regulation</i> .	✓	✓	✓
16	Agri-tourism accommodation on a lot classified as a farm under the BC Assessment Act (requires approval by a Temporary Use Permit)”		✓	✓

- 1.23 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:

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> .”	✓	

- 8 “On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a farm classified under the BC Assessment Act as “Farm” and on lots larger than 4 ha. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot.”

✓

- 1.24 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, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourism accommodation must be less than 1% of the total area of the parcel	?	n/a	n/a
6. On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
7. On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	n/a	n/a
8. On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))			
9. On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot.”	1	n/a	n/a

- 1.25 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².

- 1.26 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.

- 1.27 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”.
- 1.28 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”.
- 1.29 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:

Table 5 - Setbacks		A	F	RE
“7	Minimum setback from any lot line for agri-tourism accommodation”	30.0m	30.0m	30.0m”

- 1.30 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	A	F	RE
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	*Agri-tourism accommodation must be approved through a Temporary Use Permit	*Agri-tourism accommodation must be approved through a Temporary Use Permit

- 1.31 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*.

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.

- 1.32 Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after “Area 2”:

“Area 3

The Local Trust Committee may issue Temporary Use Permits for agri-tourism accommodation on lands zoned as “R1” (Residential), “R2” (Rural Residential), “R3” (Co-housing), “F” (Forestry) and “RE” (Resource) on a farm classified under the BC Assessment Act as “Farm” over 4 hectares in size. For clarity, Temporary Use Permits are not required for agri-tourism accommodation within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

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 Agri-tourism accommodation is limited to four (4) or fewer sleeping units in the form of either seasonal campsites and/or a maximum of one (1) cabin.

- 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;
 - Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
 - 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.”

DRAFT

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

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 _____ DAY OF _____, 20XX

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

PUBLIC HEARING HELD 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 consistent with the *Agricultural Land Reserve Use Regulation* and the *Denman Land Use Bylaw*; 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 farm help and approved by the Agricultural Land Commission.”

Deleted: full-time

- 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 as guided by the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.

Deleted: in keeping with

- 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.

Deleted: c

- 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 and Denman Island bylaws.

Deleted: 8d

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

Deleted: – this includes a maximum of 3 (three) bedrooms within a principal dwelling to be used as a Bed and Breakfast.

- 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.

- 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 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 5 Zoning regulations should permit an amount of agritourism accommodation on land in the Agricultural Land Reserve that is more limited than the criteria set forth in the *Agricultural Land Reserve Use Regulation*.
- Policy 6 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 7 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.

Deleted: 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.¶

Deleted: 5

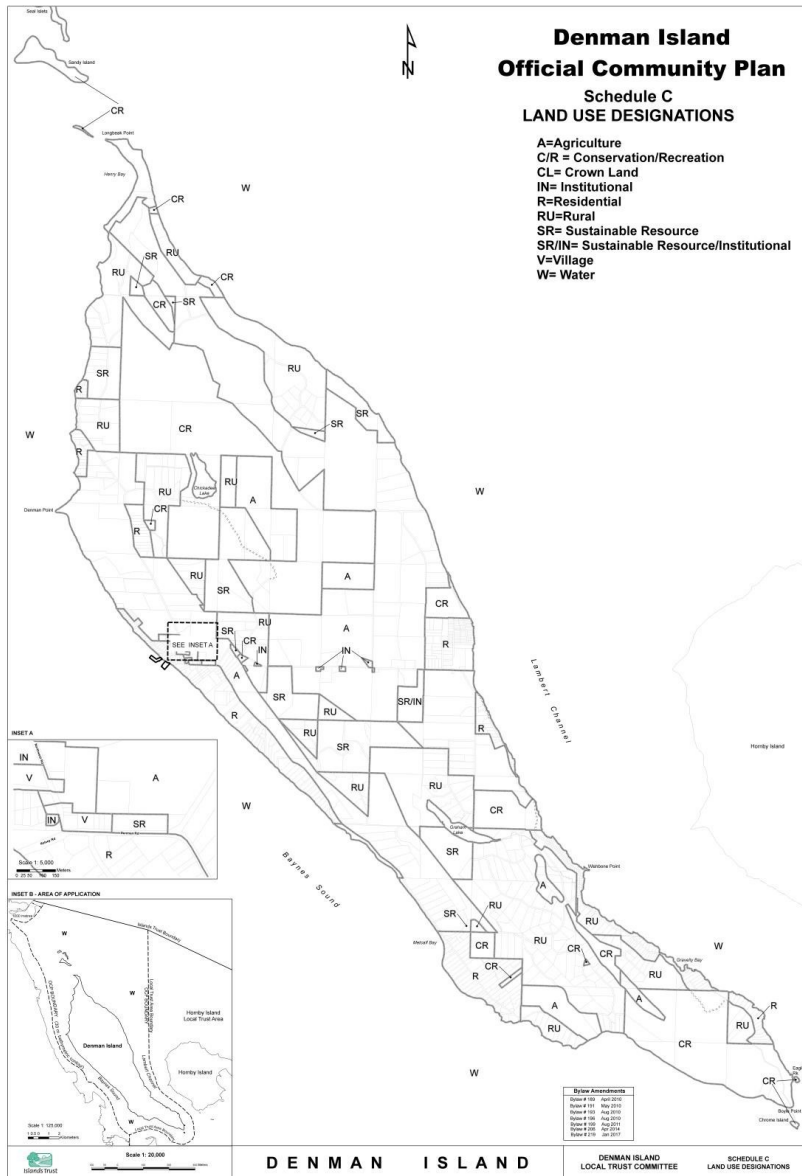
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**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 2



DRAFT

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 _____ DAY OF _____, 20XX

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

PUBLIC HEARING HELD 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. 229**

Schedule 1

1. Schedule "A" of 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."

ii. "*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

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

agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the *Assessment Act* and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use Regulation.

agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or recreational vehicle on an agri-tourism accommodation campground, as defined by the *Agricultural Land Reserve Use Regulation*.

Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.

Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.

Deleted: and "*intensive agriculture*"

Deleted: <#>"*intensive agriculture* means the use of land, buildings and structures on a farm classified under the BC Assessment Act as "Farm" for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots;"¶

Deleted: .

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- 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 suites are generally permitted within a principal dwelling within these zoning designations.

- 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.”

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- 1.9 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding the following bullet:
- One per sleeping unit of agri-tourism accommodation
- 1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:
- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest
- 1.11 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.”
- 1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations – General Regulations, is amended by adding the following item after 4:
- All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen, a berm, or fencing.
- 1.13 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”.
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item 6 with:
- Horticulture and agriculture, accessory to a principal residential use
- 1.15 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 9:
- Intensive agriculture on lots greater than 2.0 hectares.
- 1.16 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)
- 1.17 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	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area	✓	✓	✓
“11	Agri-tourism use on a lot classified as a farm under the BC Assessment Act”	✓	✓	✓

Deleted: bullet

Deleted: or highway

Deleted: as follows

Deleted: ectares.

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12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act.	✓	✓	✓
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Deleted: and consistent with the *Agricultural Land Reserve Use Regulation*

- 1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2 after pit privies:

6. agri-tourism accommodation

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following item following number 3:

Table 5 – Setbacks		R1	R2	R3
4	Minimum setback for produce stands from the front lot line	4.5m	4.5m	4.5m

- 1.20 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 9 – Conditions of Use		R1	R2	R3
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.		☐	☐	☐

- 1.21 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.
- 1.22 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 <i>the 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 lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the <i>Agricultural Land Reserve Use Regulation</i> .	✓	✓	✓
16	Agri-tourism accommodation on a lot classified as a farm under the BC Assessment Act (requires approval by a Temporary Use Permit)”		✓	✓

- 1.23 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:

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> ."	✓	

- 8 "On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a farm classified under the BC Assessment Act as "Farm" and on lots larger than 4 ha. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot."

- 1.24 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

“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, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourim accommodation must be less than 1% of the total area of the parcel	□	n/a	n/a
6.	On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
7.	On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	n/a	n/a
8.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))			
9.	On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot.”	1	n/a	n/a

- 1.25 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².

- 1.26 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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- 1.27 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”.
- 1.28 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”.
- 1.29 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:

Table 5 - Setbacks		A	F	RE
“7	Minimum setback from any lot line for agri-tourism accommodation”	30.0m	30.0m	30.0m”

- 1.30 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	A	F	RE
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	*Agri-tourism accommodation must be approved through a Temporary Use Permit	*Agri-tourism accommodation must be approved through a Temporary Use Permit

Deleted: n/a

Deleted: n/a

- 1.31 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*.

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

DE-BL-229

- 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.

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

"Area 3

The Local Trust Committee may issue Temporary Use Permits for agri-tourism accommodation on lands zoned as "R1" (Residential), "R2" (Rural Residential), "R3" (Co-housing), "F" (Forestry) and "RE" (Resource) on a farm classified under the BC Assessment Act as "Farm" over 4 hectares in size. For clarity, Temporary Use Permits are not required for agri-tourism accommodation within the "A" (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

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 Agri-tourism accommodation is limited to four (4) or fewer sleeping units in the form of either seasonal campsites and/or a maximum of one (1) cabin.

DE-BL-229

- 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;
 - Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
 - 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."



MEMORANDUM

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

DATE OF MEETING: October 14, 2022
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Sonja Zupanec, Acting Regional Planning Manager
SUBJECT: Update on setbacks to watercourses for Denman Farm Regulations Review Project

PURPOSE

To provide information to the Denman Island Local Trust Committee (LTC) on setbacks from watercourses.

BACKGROUND

The Denman Local Trust Committee passed the following resolutions at the regular business meeting held November 14, 2017:

DE-2017-086

It was MOVED and SECONDED

that the Denman Island Local Trust Committee direct staff to investigate and report on the following matters:

- information about setbacks from streams, lakes and wetlands and the natural boundaries of the sea in relation to fences allowed up to their margins such that livestock may encroach upon these sensitive areas.

CARRIED

The following response was provided in the March 6, 2018 Staff Report:

"The Riparian Areas Regulation does not apply to farm practices as defined in the Farm Practices Protection Act (for parcels in or out of the ALR), including the siting of agricultural fencing. Currently, the LUB allows fences to be constructed within setback areas. While the Ministry of Agriculture does not provide any specific guidance as to what an appropriate setback would be between a fence and a sensitive environmental feature, Section 527 of the Local Government Act states that a local government may require, set standards for, and regulate the provision of screening for "preserving, protecting, restoring and enhancing the natural environment". Staff recommends that the LTC regulate the siting of fencing for confined livestock from streams, lakes, wetlands and the natural boundary of the sea using the minimum possible setback that could be supported environmentally so that impacts on agriculture can also be minimized. This would be consistent with the current OCP policy: "Zoning regulations should establish sufficient setbacks to ensure that livestock waste does not enter lakes, streams, wetlands or the sea."

In a Staff Report dated, May 1, 2018, staff suggested proposed bylaw language could require fencing associated with feedlots or used to accommodate domesticated animals other than household pets to be subject to a 30 m setback. All other fencing would be excluded from setback provisions.

The original wording for draft Bylaw 229 was created to address the concern of feedlots sited too close to watercourses. However, under the advice of the Ministry of Agriculture, it was recommended to remove the term feedlot and address agriculture or intensive agriculture more specifically.

During the Denman Island Special Meeting held on October 6, 2022, the LTC requested further information about the setback requirement from watercourses and the natural boundary of the sea. In particular, if fencing is to be allowed within the setback area. **Staff recommend that fencing be excluded from the setback requirement at this time in order to support a full range of acceptable agricultural uses.** An 'Agricultural Environmental Code of Practice' (AEM Code) is in effect in British Columbia which regulates setbacks in agricultural areas (see discussion below). This can provide a measure of confidence in watercourse protection in the interim until the LTC undertakes a more comprehensive project to evaluate setbacks to watercourses across Denman Island.

The following Table outlines the recommended change to regulations 1.7 and 1.8 in Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018:

Proposed Bylaw 229	October 2022 Recommended Change	Current Land Use Bylaw No. 186
Section 1.7 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 buildings and structures associated with agriculture, except for a fence, or used to accommodate domesticated animals other than household pets;	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 buildings and structures associated with agriculture, except for a fence.	Section 2.3.2 The minimum setback from the natural boundary of a stream, lake, or wetland for buildings and structures, except for a fence, sewage disposal field or alternate sewerage system, is 15.0 metres, except for Chickadee and Graham lakes in which case the minimum setback is 60.0 metres
Section 1.8 The minimum setback from the natural boundary of the sea is: 30.0 metres for buildings	The minimum setback from the natural boundary of the sea is:	Section 2.3.3 The minimum setback from the natural boundary of the sea for buildings and structures, except for a boathouse, fence, or access stairway is:

and structures, including fencing, associated with agriculture, except for a fence, or used to accommodate domesticated animals other than household pets;	• 30.0 metres for buildings and structures, associated with agriculture, except for a fence.	• 30.0 metres for buildings and structures associated with intensive agriculture or used to accommodate domesticated animal other than household pets;
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Setbacks between Agriculture and Watercourses

Agricultural Environmental Management Code of Practice

Most setbacks for the protection of water resources on farmland are set by the BC Ministry of Environment through the Agricultural Environmental Management Code of Practice (AEM Code) and are therefore not regulated through local bylaws. The AEM Code is a relatively new regulation that was enacted in 2019.

The AEM Code defines "watercourse" as:

- (a) an area of land that perennially or intermittently contains surface water, other than
 - i. puddles,
 - ii. groundwater and dugout ponds for livestock watering, and
 - iii. furrows, grassed waterways and other temporary ponded areas that are normally farmed, and
- (b) drainage ditches that lead to an area described in paragraph (a);

Sections 15-19 of the AEM Code specify setbacks required from areas where livestock or poultry are being kept and/or fed (either intensively or non-intensively), where by-products, nutrients, or wood residue are being stored, and where composting structures and/or piles are located.

Section 64 (1) of the AEM Code states that "a person responsible for a grazing area, seasonal feeding area or temporary holding area in which livestock or poultry have direct access to a watercourse must ensure that effective controls are in place to minimize (a) trampling and erosion of soil into the watercourse, and (b) contaminated runoff, leachate and solids entering the watercourse."

Development Permit Areas

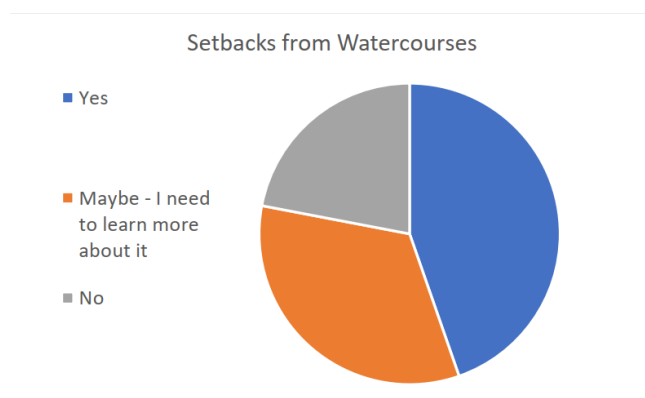
Islands Trust can require that agriculture in the Agricultural Land Reserve (ALR) adhere to local Development Permit Area (DPA) Guidelines for environmental protection near waterways, wetlands, waterbodies, shorelines, and other sensitive ecosystem areas. Local bylaws can't be so restrictive as to prohibit agricultural production completely. For example, local bylaws could require fencing to prevent livestock from entering ponds, streams, wetlands, lakes, or other waterbodies but could not prohibit livestock from grazing on the property entirely. As per the LTC Project Charter, designation of new DPAs, review or amendment of existing DPAs and water management issues were **out of scope for this project**.

Denman Island Farm Regulations Review Project Questionnaire

The Denman Island Farm Regulations Review Project Questionnaire, that was available in Spring 2022, received 164 responses from community members. Under the direction of the LTC, the Consultant included one question on the Questionnaire about setbacks between agriculture and watercourses:

Q12). Would you support 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?

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.



The recommendation from the Consultant to the LTC earlier this year was to revisit DPAs and setbacks to watercourses during a future Land Use Bylaw update.

Denman Island Advisory Planning Commission (APC)

During the June 14, 2022 meeting of the APC, setbacks from watercourses were discussed. APC members agreed with the approach 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.

There was not comprehensive community consultation done on the issue of setbacks between agriculture and watercourses as it was out of scope for this project; however, it is clear from the response to Question 12 and the APC recommendation that there is an interest in exploring the issue further as another project.

Submitted By:	Marlis McCargar, Island Planner	October 12, 2022
Concurrence:	Sonja Zupanec, RPP, MCIP, Acting Regional Planning Manager (Northern Region)	October 12, 2022