



## Denman Island Local Trust Committee

### Minutes of Special Meeting

<b>Date:</b>	October 6, 2022 October 14, 2022
<b>Location:</b>	Electronic Meeting
<b>Members Present:</b>	Sue Ellen Fast, Chair David Critchley, Local Trustee Laura Busheikin, Local Trustee
<b>Staff Present:</b>	Sonja Zupanec, Acting Regional Planning Manager Marlis McCargar, Island Planner Vicky Bockman, Recorder
<b>Others Present:</b>	Ione Smith, Upland Agricultural Consulting

#### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Fast called the meeting to order at 10:03 am. She explained that this meeting is being held electronically to consider a limited agenda regarding the Farming Regulations Review and is being recorded for viewing on the Islands Trust website. She introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations, in particular the K'ómoks First Nation.

#### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

#### 3. BUSINESS ITEMS

##### 3.1 Denman Island Farming Regulations Review Project - Staff Report

Planner McCargar presented a brief summary of the Staff Report that asks Trustees to consider the proposed Bylaw Nos. 228 and 229 as discussed at the previous Local Trust Committee (LTC) meeting.

Trustees discussed the draft bylaws with the following noted:

- Some minor typographical errors were pointed out in draft Bylaw No. 229 for correction by staff;
- Fencing regulations contained in draft Bylaw No. 229 Schedule 1, 1.7 and 1.8 were considered to be unclear and more information to inform a decision would be useful.

**By general consent** the meeting was recessed at 10:18 am and reconvened at 10:30 am.

Discussion on possible amendments to draft Bylaw No. 229 continued:

- Agricultural Land Reserve setback regulations might provide additional information regarding how to protect streams, lakes, wetlands and foreshore from the impacts of farming;
- Differentiation between fencing for crop protection and confining of animals might be considered for clarity;
- Trustee Busheikin suggested other minor amendments for LTC members' information and discussion;
- Continuation of this discussion after input from staff in order to understand and accurately address the regulations under consideration while striving to keep advancing this project was suggested.

**DE-2022-117**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee adjourn the electronic Special Meeting and reconvene on Friday, October 14, 2022 at 10:00 am, the purpose being for staff to bring back information on setbacks from watercourses.

**CARRIED**

**4. ADJOURNED**

The meeting was recessed at 11:15 am and will reconvene on October 14, 2022 at 10:00 am.

**5. RECONVENED - OCTOBER 14, 2022**

Chair Fast recalled the meeting to order at 10:15 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations, in particular the K'ómoks First Nation.

**By general consent** the agenda was approved.

**5.1 Denman Island Farming Regulations Review Project - Memorandum**

Planner McCargar outlined the project background and process to date. She summarized the Memorandum that responds to the Local Trust Committee (LTC) request for additional information regarding setbacks from watercourses. She reported that the Memorandum includes the recommendation that fencing be excluded from the setback requirement at this time, in order to support a full range of acceptable agricultural uses.

She advised that:

- a comprehensive review of setback requirements and Development Permit Areas is out-of-scope for this project;
- the majority of community survey responses and the Advisory Planning Commission supported a more thorough review of the setback regulations in the future; and
- setbacks for the protection of water on farmland are set by the BC Ministry of Environment through the Agricultural Environmental Management Code of Practice which can provide a measure of confidence in watercourse protection until the LTC

undertakes a more comprehensive project to evaluate setbacks to watercourses across Denman Island.

A Trustee suggested that the incoming LTC might consider referring a request for review of the comprehensive setback requirements to the Regional Planning Committee, as these are regulations that could be relevant to the Islands Trust as a whole.

Trustee Critchley recommended that an information note referencing the BC Ministry of Environment Agricultural Environmental Management Code of Practice setback regulations be inserted into proposed Bylaw No. 229 following Section 1.8 for clarity.

Trustees, Consultant Smith and staff discussed the matter with the following points noted:

- the Islands Trust is moving away from the practice of inserting information notes as the Land Use Bylaw (LUB) should stand on its own; and there are many other regulations that apply provincially not referenced as information notes;
- this proposed information note might be interpreted to mean that this is the only part of the Code of Practice document that should be considered;
- an information note can become outdated as Provincial regulations change;
- farmers generally ask questions and solicit input from the Regional Agrologist, who is well versed in the Code of Practice and can answer specific questions about farming and setbacks;
- the Planner for the Ministry of Agriculture and Food is another source of information and will have an opportunity to comment on the proposed bylaws through the formal referral process that will be conducted as a next step;
- Trustee Critchley argued that an information note is warranted in this case as:
  - Watercourses are the most critical habitats and it should be the duty of the LTC to protect them;
  - The proposed Bylaw setback regulations include the wording “except for fences” which can be misleading, and many community members are not familiar with the Code of Practice or the *Environmental Management Act*.

Trustee Critchley moved the following motion

That the Denman Island Local Trust Committee amend proposed Bylaw No. 229 by inserting following Section 1.8 an information note stating that setbacks for fences are set out in the Code of Practice for Agricultural Environmental Management under the *Environmental Management Act*.

There being no seconder, the motion did not move forward.

**DE-2022-118**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” be amended as follows:

In Sections 1.7 and 1.8 delete the current text in its entirety and replace with “30.0 metres for buildings and structures associated with agriculture, except for a fence.”

**CARRIED**

Trustees considered the minor amendments suggested by Trustee Busheikin on October 6 and supported the added clarity and consistency that they provide.

**DE-2022-119**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” be amended as follows:

- In 1.4, adding, at the end of the second paragraph, after (Resource), a comma, and the words “and on properties in the Agricultural Land Reserve without a Temporary Use Permit.”;
- In 1.9, adding the words “, under Commercial,” after “by adding”;
- In 1.17, Table 1, item 12, adding words “where permitted by a Temporary Use Permit.” after the word “Act”.
- In 1.23, Table 2, item 8, changing the text after the word “(1) cabin” to “on a property over 4 HA and classified under the BC Assessment Act as “Farm.”, and then continuing with the following sentence beginning with “Should.”;
- In 1.24, Table 3, item 6, adding, in the second and third columns, the number one;
- In 1.24, Table 3, item 7, adding 410 m<sup>2</sup> in the second and third columns;
- In 1.24, Table 3, items 8 and 9, including the number “1” in each column;
- In 1.31, Objective, removing the words “and as permitted in the Agricultural Land Reserve Use Regulation”.

**CARRIED**

**DE-2022-120**

**It was MOVED and SECONDED,**

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.

**CARRIED**

**DE-2022-121**

**It was MOVED and SECONDED,**

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.

**CARRIED**

**DE-2022-122**

**It was MOVED and SECONDED,**

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.

A Trustee commented that as the Local Trust Committee revoked the earlier draft of the Bylaw, first and second reading are being given at this time to bring the process to the point it would have otherwise been.

**CARRIED**

**By general consent the meeting was recessed at 11:01 am and reconvened at 11:06 am.**

**DE-2022-123****It was MOVED and SECONDED,**

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.

**CARRIED****DE-2022-124****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.

**CARRIED****DE-2022-125****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a second time.

**CARRIED****DE-2022-126****It was MOVED and SECONDED,**

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	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 (Xwemalhkwu)	Hornby Island Local Trust Committee
K'ómoks First Nation	Denman Island Advisory Planning Commission
Tla'amin Nation	

**CARRIED****DE-2022-127****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw Nos. 228 (Official Community Plan) and 229 (Land Use Bylaw) after the referral response period is complete.

A Trustee suggested that these two meetings should be held separately especially given the important issue of secondary dwellings on agricultural land. Other Trustees commented that community members often prefer combined meetings held on evenings or weekends for convenience and preferred to leave that decision to staff and the incoming Local Trust Committee.

**CARRIED**

Trustees discussed communications relating to this project, suggesting that the incoming LTC might consider requesting staff to prepare a condensed, plain-language flyer insert for the publication in The Grapevine.

**6. ADJOURNMENT**

Ione Smith expressed her appreciation to everyone and noted that it is a pleasure to work with Denman Islanders. Trustees thanked her, appreciating the meaningful work that she advanced.

Trustee Busheikin noted that her time as a Trustee is ending; she has considered the work to be significant, and has enjoyed working with everyone.

Trustee Critchley also thanked staff for their professionalism, skill and patience; and his colleagues for respectful disagreements, diligence and carrying out their duties as Trustee and Chair during this term.

**By general consent** the meeting was adjourned at 11:26 am.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder