



## Denman Island Local Trust Committee Minutes of Special Meeting

**Date:** April 21, 2022  
**Location:** Denman Activity Centre  
 1111 Northwest Rd, Denman Island, BC

**Members Present:** Sue Ellen Fast, Chair  
 David Critchley, Local Trustee  
 Laura Busheikin, Local Trustee

**Staff Present:** Marlis McCargar, Island Planner  
 Vicky Bockman, Recorder

**Others Present:** Ione Smith, Consultant  
 Kazlyn Bonner, Consultant  
 Approximately seven (7) members of the public

### 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 6:35 pm. She welcomed the public and acknowledged that the meeting was being held in territory of the K'ómoks and other Coast Salish First Nations. She introduced Trustees, staff, recorder and consultants from Upland Agricultural Consulting; and advised that this meeting is being recorded for upload to the Islands Trust website after the meeting.

She advised that this Special Local Trust Committee (LTC) meeting was being held to conduct a presentation and facilitated question and answer session where members of the public will hear information and can ask questions about the Denman Island Farming Regulations Review project.

### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

### 3. PRESENTATION ON FARM REGULATIONS REVIEW PROJECT BY UPLAND AGRICULTURAL CONSULTING

Ione Smith, consultant and project manager, began the presentation with background information, noting that this project was funded in part by Agriculture and Agri-Food Canada and the Government of British Columbia through programs delivered by the Investment Agriculture Foundation of B.C.. She confirmed that this presentation will be posted online for public viewing.

She advised that the purpose of this project is to implement actions under recommendations 11, 13, 14 of the Denman Island Farm Plan:

- Undertake a review of farm worker housing and agri-tourism accommodation;
- Implement zoning updates through the Land Use Bylaw (LUB), and
- Amend the Official Community Plan (OCP).

She outlined the work undertaken to advance the project includes review of data, maps, reports and policy with extensive interviews to gather informed feedback to develop the questionnaire for community input.

She explained that the purpose of this meeting is to present preliminary results from online submissions of the questionnaire and to provide an opportunity for a question and answer session. She reported that questionnaire submissions are still being received and that the engagement results will be analyzed and presented to both the Local Trust Committee (LTC) and the Advisory Planning Commission to inform next steps.

She presented information on parcels on Denman Island as well as the number of properties with secondary dwellings according to BC Assessment; and summarized the results received to date of the questionnaire topic areas:

- Definitions of agriculture, horticulture and intensive agriculture
- Housing in the ALR
- Agri-tourism and associated tourist accommodation
- Setbacks for agricultural buildings and practices from waterbodies.

#### **4. QUESTION AND ANSWER SESSION**

Members of the public were invited to raise questions with answers provided by the consultant, planner or Trustees.

- Would there be restrictions to intensive agricultural greenhouse production for growing lettuce, for example, on a small lot either inside or outside of the ALR?
  - Inside of the ALR intensive agriculture cannot be restricted; exclusions can only occur outside of the ALR. The questionnaire provides an opportunity to suggest types of agriculture permitted in different zones.
- How would the Farm Regulations be enforced? Would it be through the Bylaw Enforcement Notification (BEN) system?
  - Bylaw enforcement of the regulations in the LUB is complaint driven and the approach is to work with the property owner to gain compliance. Bylaw enforcement on non-ALR properties would likely be addressed through the BEN system. Properties in the ALR may be subject to the bylaws of local jurisdiction, or could be subject to provincial enforcement procedures.
- Will these regulations serve the needs of the community? The Farm Plan did not originate with local knowledge, and there are errors in basic data and mapping. Fencing to keep animals out of wetlands on large acreage can be onerous - much of Denman Island is wetland; the BC Ministry of Environment definition of watercourse does not define it well for this island. Some property owners not on ALR land may not understand they may not be able to sell commercially as they are doing now. Also, is there any way to prevent or limit people from establishing greenhouses on cement foundations?
  - Concern with mapping is acknowledged due to limited access to private property and it is hoped that the community can help to make sure the maps are as accurate as possible. If in the ALR, cement foundation restrictions can only apply to cannabis

production, otherwise are not restricted. In non-ALR land, local government can make restrictions.

- Is there a way to protect water through these regulations? What tools might be available to address the draining of wetlands in the ALR?
  - Setbacks are the best jurisdictional tool and most setbacks for the protection of water on farmland are set by the BC Ministry of Environment through the Agricultural Environmental Management Code of Practice. Local regulations cannot be less restrictive than those guidelines. Drainage is an agricultural use and is allowed in the ALR; the LTC cannot regulate that activity.
- Would housing for Worldwide Opportunities on Organic Farms (WWOF) farm help be considered agri-tourism accommodations?
  - Agri-tourism accommodation has to be directly connected to agri-tourism activity. Farm worker housing is a different category.
- What is the budget for this Farm Regulations Review project?
  - A grant for \$18,000 has been received for this project.
- Why are non-farmers being tasked with limiting farm activity?
  - This LTC was elected to process and create land use bylaws for the community; specialized consultants and engagement with community are helping to shape the bylaws. The questionnaire has asked participants “in which zone do you live” rather than “are you a farmer”.
- Will farmers continue to be able to apply to ALC for exemption from a regulation? Currently a farmer can apply to the ALC for an exemption to resolve a problem and the LTC was requested to ensure that this ability continues. The speaker understood from a discussion with a Planner that this will no longer be possible unless the bylaws include a provision that allows an application to the ALC for exemptions.
  - The ALC would notify the LTC of any application and would require that the LTC provide a motion of support, non-support or no comment to the ALC to inform their decision.
- How many secondary dwellings would be allowed on a property in the ALR with 101 acres?
  - If the property is over 40 hectares then one secondary dwelling of no more than 180 m<sup>2</sup> would be permitted. An application for a non-adhering residential use would need to be submitted to the ALC for an additional dwelling.
- What does “confined” mean specifically as it relates to intensive farming and feedlots? A definition should be created that clarifies that it is not feeding animals in a confined manner that constitutes intensive farming because, for example, 250 chickens scratching outside might be inappropriate for small lots where intensive agriculture is not currently permitted.
  - The Guide for Bylaw Development in Farming Areas, created by the province, provides definitions: “Confined Livestock Area means an outdoor area, other than a grazing area, seasonal feeding area or temporary holding area, where livestock are confined by structures or topography” and “Confined Poultry Area means an outdoor area, other than a grazing area or seasonal feeding area, where poultry are confined by structures or topography”. The questionnaire includes a question asking “would you support the permitted use of intensive agriculture in R1 and/or R2 zones on Denman Island on land that is outside of the ALR” in order to gauge if the community would consider that appropriate.
- What is the definition of “fencing” as it relates to setbacks?
  - Fencing can be required for Development Permit Area (DPA) #4 (Streams, Lakes, and Wetlands) however, this is out of scope for this project. The questionnaire included a

question to gauge interest in revisiting DPA #4 to ensure that livestock and poultry are kept out of streams.

- Is there a way for regulations to ensure good practice continues when farms change hands or go through changes in activity?
  - Permitted uses are designated within zones which are broad enough to accommodate a wide diversity of agricultural activities.
- Are there already regulations through the Ministry of Environment Code of Practice to keep livestock away from streams?
  - The Ministry requires there be setbacks, however, they do not require specific structures such as fencing, and it is up to the landowner to determine how that setback is implemented.
- Are there many instances on Denman Island where cows are getting into wetlands? This might help inform a decision that could impact farmers with a requirement for fencing that might be onerous.
  - A community member responded that this answer depends on how wetland or watercourse is defined. Definitions within the Ministry of Environment are fairly broad and livestock are allowed to graze but the property owner is also responsible for any mitigation that might be required.
- Why is there a condition for agri-tourism accommodations to have adequate potable water and septic capacity? Should this not be a requirement for cabins and tents located anywhere?
  - Agri-tourism accommodation is not currently permitted on Denman Island and this option is in the questionnaire to help gauge how important that condition might be in consideration of this topic.
- Are there regulations in the *Agricultural Land Commission Act* regarding frequency or duration of stay for agri-tourism accommodation?
  - Yes; the regulations require that the occupancy must be temporary and seasonal, and any individual tourist must limit the stay to a maximum of 30 days.
- Can a legal secondary dwelling be used for seasonal WWOOF farm help housing?
  - Yes; there are no restrictions on the occupancy of the secondary dwelling. An application for a non-adhering residential use could be made to the ALC for additional farm worker housing. Other options could apply for a farm that has been in operation since before the creation of the ALC.
- Could a farmer of ALR or non-ALR land house WWOOF farm help in a dwelling on another property owned by the farmer?
  - As long as the intent is not for a short-term vacation rental, temporary visitors are not regulated.
- Are there any tools the LTC can use to reduce the risk of property values increasing on farm property that is allowed a large principal residence and a secondary dwelling in order to keep farmland in the hands of farmers?
  - Suggestions included the consideration of additional conditions to limit the size of the principal residence and/or secondary dwelling; exploration of restrictions on secondary dwellings in ALR land that might include a rental only option to limit the uptake. It is difficult to reconcile affordable housing with ALR, which has the priority of agriculture, not housing.

Chair Fast invited the public to view the maps displayed in the room to identify additions, corrections, or changes that can be brought to the attention of the consultant or planner.

**ADJOURNMENT**

**By general consent** the meeting was adjourned at 8:15 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder