



Denman Island Local Trust Committee Minutes of Special Meeting

Date: July 27, 2022
Location: Electronic Meeting

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

Staff Present: Marlis McCargar, Island Planner
 Sonja Zupanec, Island Planner
 Vicky Bockman, Recorder

Others Present: Ione Smith, Upland Agricultural Consulting
 There were no 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 2:00 pm. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, introduced Trustees, staff and recorder, and advised that this special meeting is being live streamed and recorded for posting to the Islands Trust website.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

4.1 DFO Shellfish Aquaculture Management Advisory Committee

A Trustee inquired as to the absence of a Town Hall in this meeting and in response, it was noted that the Question and Answer session at 3.2 was included to create an opportunity for community members to participate in this meeting regarding the Farm Regulations Review Project. Trustees recognized the importance of community input on this project and encouraged opportunities for engagement.

By general consent the agenda was approved as amended.

3. DENMAN ISLAND FARMING REGULATION REVIEW PROJECT

3.1 Presentation by Ione Smith - Upland Consulting Ltd.

Ione Smith conducted a presentation on the Denman Island Farm Regulations Review Engagement Summary and Key Directions. The report is available on the Islands Trust website for viewing and includes information on:

- Project objectives – to enhance and preserve farming activities through bylaw updates;

- Engagement - presentations to Advisory Planning Commission, Local Trust Committee (LTC), Growers and Producers Alliance; interviews, community mail-out Questionnaire, Community Information Meeting;
- Definition of Agriculture;
- Definition of Intensive Agriculture;
- R1/R2 Intensive Agriculture Restrictions;
- Secondary Dwellings in Agricultural Land Reserve (ALR);
- Agri-Tourism Accommodations in ALR properties with farm tax status;
- Setbacks from Watercourses – Water issues are out of scope for this project; recommending topic be revisited with future Development Permit Areas updates;
- Next Steps – Consultant to receive feedback from LTC and community members on recommended changes, make final revisions, and present proposed Farm Bylaw to LTC.

3.2 Question and Answer Session

Trustees presented questions and engaged with Planners and Consultant Ione Smith in discussion that included the following:

- There was community support for additional water/septic or equivalent requirements for secondary dwellings on ALR properties and agri-tourism accommodations. What mechanism would trigger the need to provide this information and what would satisfy the requirements?
 - Staff can report back to the LTC with recommendations for specific mechanisms to consider, and to satisfy the condition for adequate water and septic capacity in those cases.
- While acknowledging the importance of secondary income for farmers, concern was expressed that permitting agri-tourism without adequate regulation might increase the number of tourists to an undesirable level and have a negative impact on neighbours.
 - What are the setback requirements for agri-tourism platform accommodations?
 - How would the 5% lot coverage restriction be calculated and applied for tents that could be scattered throughout the property?
 - Can the Agricultural Land Commission (ALC) policy wording that specifically outlines the criteria and categories for agri-tourism activities be integrated into the bylaws?
 - Can the Siting and Use Permit (SUP) policy be changed to include commercial tenting associated with agri-tourism camping?
 - Can the length of stay be limited to less than 30 days?
 - Only farms in the ALR with farm tax status would be eligible to conduct permitted agri-tourism activity.

The community survey indicated that the community does not generally support Temporary Use Permits (TUPs), however it is an option the LTC can consider to control the type of development that is occurring and regulate water and septic for agri-tourism accommodation.

It is within the jurisdiction of local governments to regulate setbacks, restrict the number or type of accommodations, or length of stay as desired; however it was advised that length of stay would be difficult to enforce.

Staff can bring options and analysis to the September LTC meeting of how the SUP procedure might be changed to capture and follow up on information that might need to be submitted for agri-tourism accommodation.

- Support was expressed for permitting intensive agriculture on R1/R2 properties more than 2.0 ha (5 acres). The current definition of intensive agriculture includes the text: “the use of land, buildings and structures by a commercial enterprise or an institution for the confinement of poultry...”.
 - Would this restrict an individual with a flock of chickens on a 1-2 acre property from farm gate sale of eggs? Continuation of this type of small scale usage was supported.
 - “Confining” chickens is a common practice to protect them from predators; would this then be considered commercial?
- The LTC has the flexibility to remove the word “commercial” from the Intensive Agriculture definition; it is the term “confined” that differentiates intensive agriculture. Staff can explore approaches that would continue to permit farm gate egg sales on R1/R2 properties.
- Definition of agri-tourism accommodation in Schedule 1 section 1.3 Part 1 ii should be corrected to state “agri-tourism accommodation means agri-tourism accommodation as defined by the Agricultural Land Reserve Use Regulation”.
- If TUPs for agri-tourism accommodation are not required if compliant with the ALR regulations and Denman Island bylaws and are removed from Land Use Bylaw (LUB) Table 3 1.23 Part 5 Area 3 and Guidelines, where will this information be moved to in the LUB?
 - Depending on LTC direction, staff might suggest the information be incorporated into the Zone Table and would bring back recommendations at a future meeting.
- Would it be possible to require that secondary dwellings in the ALR be restricted to housing for immediate family members, farm workers or rental housing only or include affordability restrictions?
 - It is not possible that zoning can require that rent be affordable without using housing agreements which are cumbersome. It might be possible to include rental housing as a permitted use, however, it would be difficult to enforce.

3.3 Staff Report - for decision

DE-2022-090

It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee request staff to prepare revised draft bylaws for consideration of second reading at a subsequent meeting including the following:

- Limiting options for agri-tourism accommodation to no more than four tents or RV sites and no more than one cabin per property and including sufficient setbacks for those uses;

ADOPTED

- Creating regulations to allow seasonal egg sales on R1 and R2 lots over 1ha not in the Agricultural Land Reserve, while prohibiting the keeping of roosters on these lots;
- Limiting the maximum size of a principal dwelling unit in Agricultural Land Reserve land to 410 metres² unless it contains a secondary suite in which case maximum size would be 500 metres².

Trustee Busheikin spoke to the motion, noting that these amendments are put forth after discussion, and community input will be heard; the second bullet is directed at maintaining the island's rural nature; and the third bullet addresses increasing impacts on the island while assigning square footage requirements that are larger than the average Canadian home.

Trustee Critchley supports advancement of this amendment and looks forward to community engagement on these issues that will inform next steps.

CARRIED

DE-2022-091

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for satisfying requirements around septic and water for secondary dwellings and agri-tourism accommodations.

CARRIED

DE-2022-092

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for minimizing the impact of agri-tourism accommodation.

Trustee Busheikin spoke to the motion. In conversations with farmers, she has heard that they do not want farmland to be alienated by agri-tourism; and possible approaches to mitigate impact might include clustering, contiguous accommodations, setbacks, or siting near the main dwelling.

CARRIED

4. NEW BUSINESS

4.1 DFO Shellfish Aquaculture Management Advisory Committee

Trustee Critchley advised that he has received an invitation from Fisheries and Oceans Canada to apply to join their committee, Shellfish Aquaculture Management Advisory Committee.

DE-2022-093

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee nominate Trustee David Critchley as a representative to sit on the Shellfish Aquaculture Management Advisory Committee of Fisheries and Oceans Canada, and that Trustee Laura Busheikin be the alternate representative in case of his inability to attend any meeting, and that Trustee Busheikin sign any nomination forms necessary.

CARRIED

5. ADJOURNMENT

By general consent the meeting was adjourned at 4:34 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder