



Denman Island Local Trust Committee Minutes of Special Meeting

Date: August 2, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: Susan Morrison, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately thirty-five (35) 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 Morrison called the meeting to order at 6:04 pm. She acknowledged that the meeting was being held in First Nations territory.

2. INTRODUCTIONS

Chair Morrison welcomed the public. She introduced herself, Local Trustees, staff and recorder.

By general consent the agenda was approved as presented.

3. OPENING REMARKS

Trustee Critchley acknowledged that the Farm Plan Implementation Project is a complex undertaking with many implications to be considered. He commented that he is looking forward to hearing from the community both here and at other opportunities that will include a Public Hearing in the future should these bylaw amendments proceed. He encouraged comments and written submissions to be made on this topic for Local Trust Committee (LTC) consideration.

Trustee Busheikin remarked that she has been involved in meetings over time regarding the Farm Plan and noted that the Plan has already been a useful tool in various ways. She pointed out that this initiative to implement the Farm Plan into the Official Community Plan (OCP) and Land Use Bylaw (LUB) is in the early stages and that community input and recommendations are being sought as an important part of the process.

4. DENMAN ISLAND FARM PLAN IMPLEMENTATION PROJECT - PRESENTATION AND COMMUNITY ENGAGEMENT

4.1 Background of Project

Planner Eggen explained that the Farm Plan was a multi-year community project initiated to enhance and preserve farming on Denman Island, undertaken in 2010-2012. The LTC identified the Farm Plan Implementation Project as a Top Priority, is considering potential amendments to the OCP and LUB, and sent out referrals for feedback. She provided an overview of the bylaw amendment process.

She noted that this Community Information Meeting is being held to provide the community with an opportunity to learn about the project and share their comments regarding the proposed bylaw amendments; and to answer any questions that might arise at this stage.

Members of the public asked the following questions and staff and Trustees responded as follows:

- Will all comments received be available for public review?
 - Yes, comments will be received by the LTC and posted on the website.
- How much weight do the referral responses carry?
 - LTC members consider referral responses and staff recommendations and make decisions in a process that is transparent and open to the public.
- Is information on Advisory Planning Commission (APC) and Growers & Producers Alliance (GPA) membership available? Are minutes produced by these groups available for public review?
 - Individuals are appointed to the APC by the LTC; their minutes are public documents and available for review. Information on GPA membership was provided and it was noted that all these members are Denman Island residents. Minutes produced by the GPA are made public when received by the LTC.

4.2 Proposed Changes to Official Community Plan (OCP) /Land Use Bylaw (LUB)

4.2.1 General Regulations, Setbacks and Definitions

Planner Zupanec presented an overview of proposed changes including a new “Agriculture” land designation in the OCP, the modification of four current definitions in the LUB, and four new definitions proposed to be added. She provided information on the three proposed changes to setback requirements.

Members of the public commented and asked the following questions. Staff and Trustees responded as follows:

- Concerns regarding the definition of “feedlots” were expressed and included the following:
 - How does this fit with the Islands Trust Preserve and Protect mandate?
 - Why include this with the Farm Plan on Denman Island?
 - It is unclear if feeding animals for some period of time might constitute a feedlot under this definition.
 - The previous definition contained reference to “commercial” which helped differentiate between a commercial feedlot and a subsistence operation.
 - Many people raise chickens to produce eggs for selling, not solely for personal consumption. Would this make it a feedlot or considered intensive agriculture?

- Other jurisdictions are moving away from using “feedlot” definitions and are covering elements under the definition of “intensive agriculture” instead. Examples can be provided.
- Adding the term “wholly” does not add sufficient clarity. A better approach would be to limit livestock by a method such as density per acre.
 - It is outside of Islands Trust jurisdiction to prohibit feedlots.
- The only change to the current definition of “feedlot” is the addition of the word “wholly” prior to the phrase “sustained by means other than grazing” as an attempt to provide clarity. If there is some element of grazing or pasturing the operation would not be considered a feedlot.
- The term “commercial” was removed however replaced with the phrase “for domestic purposes” to differentiate between a commercial feedlot and a subsistence operation.
- A 50-metre setback from any lot line might be appropriate for a traditional feedlot; however would cause significant loss of available land on a large Denman Island farm should someone consider it a feedlot.
 - The LTC designated the 50-metre setback as a starting point for discussion. The standard setback for this situation is 30 metres.
- All these regulations that require Farm Status are problematic as that is a difficult status to obtain and maintain from year to year. This requirement makes farming less inclusive which is going backwards.
- The suggested definition of “immediate family” in the housing provisions is old-fashioned and might be reconsidered. What if a corporation or retreat centre owns a farm?
 - This definition is provincially mandated and cannot be expanded. It could be removed from the bylaw; however it might be helpful in some cases. This regulation is specific to small, not corporate, farms in the Agricultural Land Reserve (ALR).
- Concerns were expressed regarding the inclusion of cannabis production in the definition of “intensive agriculture”. It was suggested that the definition should not include specific products and that cannabis production should be addressed as a separate, horticultural operation issue.

4.2.2 Agri-Tourism Use and Accommodation

Planner Zupanec explained the proposed changes for Agri-Tourism Use and Agri-Tourism Accommodation with the following key points noted:

- For parcels in the R1, R2, and R3 zones with Farm Status the proposed bylaws would allow Agri-Tourism use. For parcels in the A, F, and RE zones with Farm Status, the proposed bylaws would also allow Agri-Tourism use.
- Proposed zoning changes would allow Agri-Tourism accommodation in the R1, R2, and R3 zones on parcels with Farm Status, subject to approval of a Temporary Use Permit (TUP). In addition to Agri-Tourism use, a farm in the Agricultural Land Reserve (ALR) could also operate a maximum of three accommodation units in the form of seasonal unserviced campsites or cottages, subject to approval by a TUP.

Members of the public commented, and asked questions that included the following with staff and Trustees responses.

- It was suggested that the exclusion of bistros or cafes for Agri-Tourism activities be reconsidered as these could be a wonderful addition to farm visits as in Europe.
- Trailers are not necessarily a negative; this might be an option to consider.
- Are temporary campsites already a permitted use? If so, what is the change?
 - The difference is that these are not for visiting family, rather are commercial in nature with payment received.
- Why limit the number of accommodation units to three when the Province allows up to ten? Why restrict farmers when it is difficult to earn a living on agricultural land?
 - This proposed provision was formulated based on the current regulations that have limited the economic benefit for average residents with a cap at three units; this is intended to limit any unfair advantage for farms to have more than three while providing added flexibility of a variety of types of units.
- There are many varieties of ALR land and farms on Denman Island. Rather than permitting accommodation by number of units, it might be prudent to approve based on other criteria such as size of land, soil classification, water availability, siting, and impact on neighbours.
 - Temporary Use Permits (TUPs) can be used to address many of these issues in order to minimize impact.
- What would be the cost and process time for a TUP?
 - The LTC has the ability to set the price for these TUPs. Estimation for timing from receipt of a complete TUP application to approval is approximately three months.
- Farm Status can change from year to year. It would be problematic if a TUP is tied to that and then the status changes. If land is in the ALR and is being farmed then Farm Status should not be a requirement.
- There was opposition expressed for adoption of housing regulations that rely on complaints from neighbours for compliance in the event of problems.
- How would “woofers” be considered for purposes of these regulations?
 - Woofers are volunteers and as such would be considered guests.

4.2.3 Subdivision, Housing and Farm Help Accommodation

Planner Zupanec noted that the proposed bylaw amendments include:

- A regulation that land in the ALR shall not be subdivided into panhandle lots and she provided an explanation of the rationale for this change;
- A statement that the LTC supports the consolidation of parcels in the ALR;

- A property in the ALR would be permitted one principal dwelling, one secondary suite within principal dwelling, and one temporary dwelling for immediate family. Farm help accommodation could also be permitted subject to a TUP.
- For a parcel in the ALR 2 hectares or larger with Farm Status, the proposed changes would allow one temporary dwelling (maximum 1300 sq. ft.) for farm help accommodation, subject to verification of the need by the ALC.

Members of the public commented, and asked questions that included the following with staff and Trustees responses.

- There is a new policy in the OCP that states that the LTC supports the consolidation of parcels in the ALR; however, it was pointed out that many people cannot afford this approach and more farming is done on smaller parcels.
- What housing options are available for a property with agricultural status, less than two hectares in size and no Farm Status? And how does this interface with lot coverage regulations?
 - The secondary suite option is not tied to Farm Status. Properties over two hectares in size would be allowed additional housing. Current lot coverage regulations would continue to apply.

Concerns were expressed regarding the issue of temporary housing options and included the following:

- What is the logic for the use of temporary dwellings for farm housing and farm help accommodation? It seems that this would be creating a more precarious situation rather than less.
- These temporary housing options sound like a migrant farmer program rather than for affordable housing for those who might want to grow food. Non-temporary housing for family and workers was supported.
- Removal of farm land from the ALR designation is difficult and farming is a long-term commitment. Why not have dwellings that are more permanent?
- The population of Denman Island is aging; supporting younger people who want to farm however lack the funds for property is important. The idea of single family farms is outdated. Temporary housing was not supported and the LTC was encouraged to consider a more accommodating version of family and how to help the younger generation.
 - Farmworker housing may be temporary in nature as housing needs on farms change with resulting impacts on farms. The use of temporary housing provides an ability to ensure that the land is returned to its original state in the event of change.
- Has the increase to density been calculated to determine the effect of possible total uptake of all accommodation units being proposed? A rough estimate by the speaker suggested it might be an additional 350 units. Concern was also expressed that the addition of any additional dwelling without a TUP would increase density.
- The total size for the housing or shared space has not been defined. The use of trailers is not a style of housing that resonates on Denman Island.

- Allowing a secondary suite above an existing farm building using an existing footprint makes more sense for ALR housing provisions than using a temporary dwelling.

Planner Eggen reported on referrals that were sent to agencies, First Nations, the APC and GPA. She provided a summary of referral responses and noted that minutes from the APC and the responses from the GPA were received by the LTC.

4.3 QUESTION AND ANSWER SESSION

Members of the public commented, and asked questions that included the following with staff and Trustees responses.

- What is the definition of “farming”? What is the distinction between commercial farming and subsistence farming? Has consideration been given to subsistence farming: farming for the purpose of replacing food one has to buy with food that is grown?
- A member of the public indicated a desire to see the latest APC minutes when available and to learn of the Ministry of Agriculture’s position on inclusion of cannabis production in the definition of “intensive agriculture”.
- An APC member noted that the minutes from the last meeting have not been adopted; however he reported that APC was in favour of panhandle lots dependant on location and siting; and had serious questions regarding proposed Agri-Tourism regulations.
- A resident reported that there are several small lots with agricultural designation in her neighbourhood subdivision yet there has not been discussion regarding water supply or sewer disposal in these circumstances. Some have shallow wells however setbacks discussed do not seem to apply to these. These issues need to be addressed as these proposed regulations and additional dwellings will have impacts on neighbours.
- Islands Trust’s and an island’s needs and approach to farming are different from those of the Ministry of Agriculture. We have to find ways that allow us to feed ourselves which was a theme of the Farm Plan. Concern was expressed regarding the feedlot and intensive agriculture definitions.
- A GPA member expressed concern that the second referral response has not been considered or incorporated into this proposal.
 - Procedure was explained and it was clarified that the GPA’s latest referral response has been reviewed by Trustees and will be presented and considered at a future LTC meeting. The input from this group is appreciated and the LTC is grateful for the work and input provided by both the APC and the GPA.
- A YMCA-type unit and public laundry facility available to farm workers would support unserviced camping sites and a need experienced by summer workers. This arrangement would be more efficient and less costly than putting in grey-water facilities on properties.
- The LTC was encouraged to consider all comments provided by the APC and GPA.

5. OPEN HOUSE

Chair Morrison pointed out the location of maps, copies of the proposed amended bylaws and comment sheets and encouraged feedback from the community.

6. UPCOMING MEETINGS

6.1 Next Regular Meeting Scheduled for Tuesday, August 7, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next meeting date, time and location.

7. CLOSING STATEMENTS AND ADJOURNMENT

Trustees thanked everyone for their participation tonight and for staff's work in bringing this presentation to the public

By general consent the meeting was adjourned at 8:02 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder