



AGRICULTURE REGULATION REVIEW

Land Use Bylaw Review (OCP Implementation) Project

October 24, 2020

October 27, 2020

PROJECT OUTLINE

- **Objective:** To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB.
- **The project is categorized into 7 topic areas:**
 - Residential floor area review
 - Conservation subdivision review
 - Tourist Commercial regulation review
 - Marine shoreline regulations review
 - Agricultural regulations amendments
 - Industrial regulation review
 - Minor and technical amendments

PROJECT TIMELINE



| Workplan Overview | |
|---|------------------------|
| Deliverable/Milestone | Date |
| <i>Project charter endorsed</i> | <i>January 2020</i> |
| <i>Staff research and analysis of options, preparation of background documents, reports and discussion papers</i> | <i>Feb – June 2020</i> |
| <i>LTC review of background material and consideration of public consultation options</i> | <i>June 2020</i> |
| <i>First Nations engagement</i> | <i>June – Nov 2020</i> |
| <i>Public consultation (scope, extent and timing to differ for topic areas), early referrals</i> | <i>July – Nov 2020</i> |
| <i>LTC review of consultation results and consideration of amendment options</i> | <i>Jan – Feb 2021</i> |
| <i>Preparation of draft bylaw (blackline and new format)</i> | <i>Mar – May 2021</i> |
| <i>LTC Consideration of draft bylaw</i> | <i>May 2021</i> |
| <i>Community Information meetings / agency and First Nations referrals</i> | <i>June – Aug 2021</i> |
| <i>Legislative Process (longer if OCP amendments required)</i> | <i>Sept – Dec 2021</i> |

AGRICULTURE IN THE NP OCP & LUB

- **North Pender Official Community Plan (OCP):**
 - The objectives of the OCP are supportive of the farming community, the preservation of farmland and the importance of agriculture to the health, economic viability and sustainability of farming in North Pender. Importantly the objectives endorse the ALC's mandate and the ALR.
- **North Pender Land Use Bylaw (LUB):**
 - The LUB is the main mechanism for implementing the OCP. The **Agricultural (AG)** Zone encompasses most lands on North Pender that are in the ALR. Importantly, farming also occurs on **Rural (R)**, **Rural Comprehensive (RC)** and **Rural Residential (RR)** zoned properties on the island. Definitions and General Regulations also regulate uses, siting and height.

AGRICULTURE USES – LAND USE BYLAW



Table1 - Agriculture Uses in LUB

| Zone | Agriculture² Permitted | Livestock Limitations | Prohibited Agricultural Uses |
|--------------------------------------|---|---|--|
| <i>All</i> | Horticulture ³ as an accessory use | - | - |
| <i>Agriculture (AG)</i> | Yes Agri-tourist accommodation as an accessory use | None other than setbacks (see Table; 2 General Regulations') | - |
| <i>Rural (R)</i> | yes | - lot not abutting a water supply - rabbit and poultry raising (accessory) only | Pig farming, dog breeding and boarding kennels lots less than 1.2 ha |
| <i>Rural Comprehensive One (RC1)</i> | yes | - lots greater than 0.4 ha not on a source of potable water, keeping horses and other equine animals, cattle, goats and sheep (accessory) | |
| <i>Rural Comprehensive Two (RC2)</i> | Yes | | |
| <i>Rural Residential (RR)</i> | no | | |

² Agriculture defined as the use of land, buildings and structures for a farm operation.

³ 'Horticulture' defined as the use of land for rearing plants.

AGRICULTURE USES – LAND USE BYLAW



Table 2 - Agriculture Uses in General Regulations LUB

| <i>General Regulation</i> | Permitted Use | Prohibited Use |
|---------------------------|---|---|
| 3.1.1 | <p>Road-side stalls not exceeding 10m² (products of the property)</p> <p>Farm retail sales where agriculture is permitted if farm status under BC Assessment</p> | |
| 3.2.1 | | Fur Farming except as permitted in ALR by a person licenced under the <i>Fur Farm Act</i> |
| 3.3.1 | Farm equipment and vehicles excepted | Vehicle storage - storage of more than 2 unlicensed motor vehicles outdoors prohibited |
| 3.4.4 | <p>Height of accessory building for farm use –</p> <p>Maximum 10 m</p> <p>Farm Silos and Grain Bins exempted</p> | |
| 3.7 | <p>Siting</p> <ul style="list-style-type: none"> - Any sewage disposal field or pit for agriculture must be 60 m of the natural boundary of the sea, or 30 m of a lake, wetland, stream or domestic water source. - Any mushroom barn or enclosure for livestock, poultry, or farmed game 30 m of any lot line (4500 kg or more) - No permanent animal enclosure within 7.6 m of any lot line and no agriculture waste storage within 15m of any lot line | |

INVENTORY – AG ZONED LANDS

Table 3 – Agricultural Zoned Properties on North Pender

| <i>Zone</i> | <i>Area</i> | <i>Commonly known as</i> | <i>Site Specific Use</i> |
|--------------------------|-------------|---------------------------|---|
| <i>Agricultural (AG)</i> | 307.2 | - | - |
| <i>AG (a)</i> | 3.7 | Hope Bay Bible Camp | Camp facility |
| <i>AG(b)</i> | 13.6 | Pender Island Golf Course | Golf Course including accessory club house and five (5) accessory buildings |
| <i>Ag(c)</i> | 27.2 | Clam Bay Farm | One dwelling and a managers suite (max. 55 m ²) |
| <i>Total</i> | 352 | | |

⁴ Southern Gulf Islands Food and Agriculture Study (2017) P.12

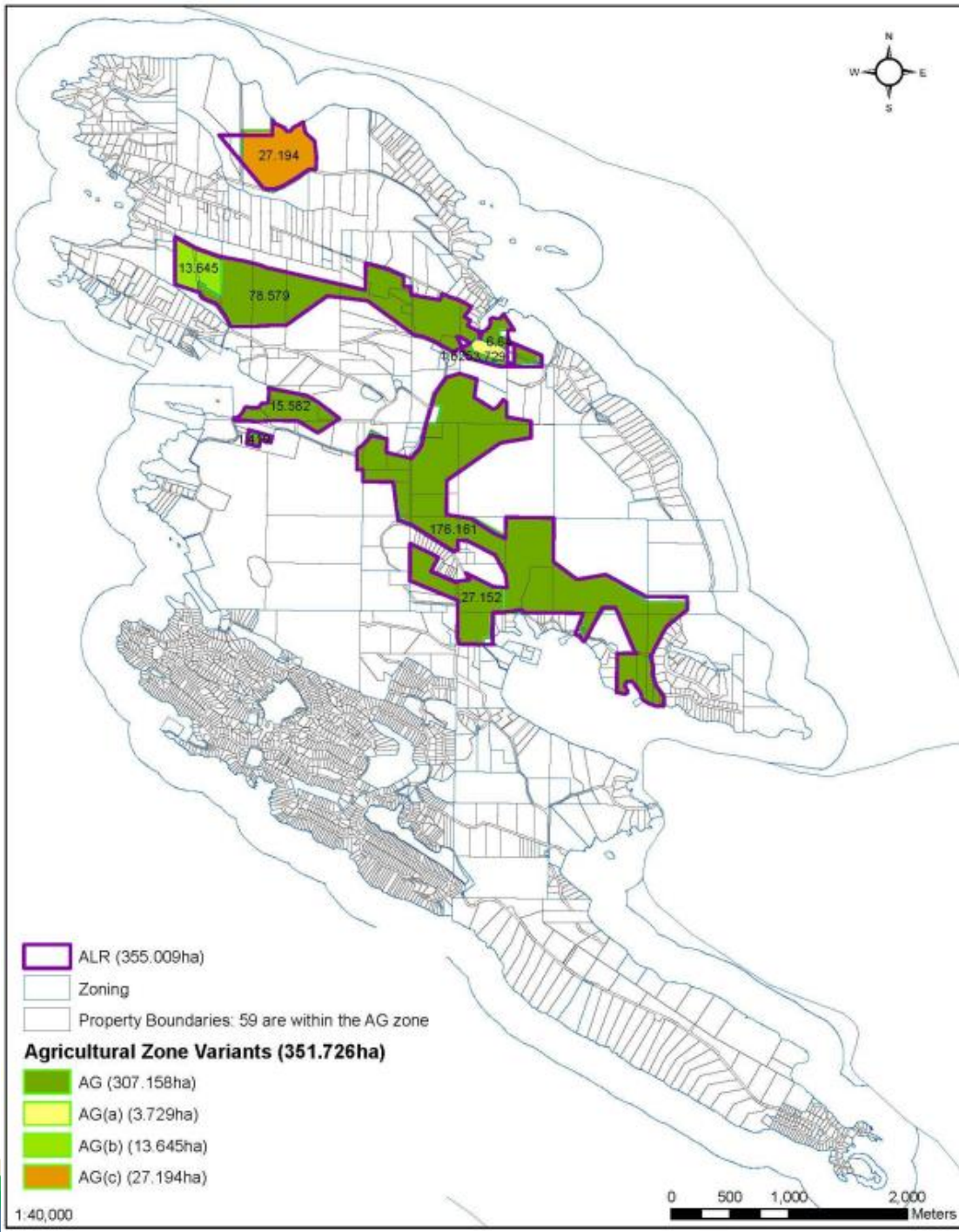
⁵ Islands Trust Mapping indicates the area is 355 ha

Table 4 – ALR and non-ALR farmed on North Pender⁴

| ALR (ha) | ALR currently Farmed (ha) | Non-ALR currently farmed (ha) | Total Land Currently farmed (ha) |
|------------------------|---------------------------|-------------------------------|----------------------------------|
| 346 (355) ⁵ | 140 (46%) | 63 | 203 |



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DISCUSSION



1. **ALC Amendments, Regulations & Local Government Guidelines**
 - a) Table 5 compares uses and definitions in the current Agriculture (AG) zone in the LUB to the current ALC policies and regulations. Relevant OCP policies and options for the LUB amendments are listed as well.

Table 5 - Agricultural (AG) Zone and ALC Regulation

| | Agricultural (AG) Zone | ALC Policy & Regulations | OCP Policy | LUB - Regulatory Options |
|--|--|--|------------|---|
| <i>Secondary Suites</i> | Permitted in zone and further regulated in general regulations | ALR Use Reg. s.31 - one secondary suite wholly within principal residence; -on any size lot in ALR; - no farm class status required | | No action |
| <i>Cottage</i> | Allowed use in zone | ALC Act amend. (Feb 2019) - Second dwelling only by application to ALC. | 2.2.5 | Potential amendment AG zone for consistency with current or proposed ALC amendments* *Ministry of Ag. Policy Intention Paper (January 2020) indicates that a small second dwelling – flexible housing forms - may be permitted with future ALC amendments. |
| <i>Manufactured Homes for Immediate Family</i> | For information only | Policy L-25: Permits one manufactured home in addition to principal dwelling up to 9m in width ('double-wide') and 22.86 m in length for immediate family on any size lot in the ALR. Building permit must be issued before December 31, 2020. | | Amend AG Zone zoning to prohibit manufactured homes after December 31, 2020 to harmonize with policy |
| <i>Farm Worker Housing</i> | Not currently permitted in zone | ALC Act amend. (Feb 2019) - By application to ALC | 2.2.5 | Consider amendment to AG zone to include use with note "only by ALC Approval" |
| <i>Non-Adhering Residential Use (NARU)</i> | For information only | Policy L-26 decision-making guidelines for consideration of non-adhering uses (second dwellings, temporary farm dwellings, dwellings over 500 m ² , etc.) | | No Action |
| <i>Dwelling Size</i> | No limit in zone | Total floor area of a dwelling is 500 m ² in ALR | | Consider amendment to AG zone to introduce a max. size dwelling in ALR; |



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| | Agricultural (AG) Zone | ALC Policy & Regulations | OCP Policy | LUB - Regulatory Options |
|-----------------------------------|--|--|---------------------------|---|
| Agri-Tourism accommodation | Permitted in zone: must be accessory; on ALR land; within a permitted dwelling or cottage; no commercial/ retail; max 6 guests and 3 bedrooms. | ALC Act – A permitted farm use. Must be in relation to <i>Agri-Tourism Activity</i> ; total developed area 5% of parcel; 10 units maximum; seasonal or short-term | 2.2.19; 2.2.20 and 2.2.21 | Amend definition and regulations in AG zone to harmonize with ALC Regulation by defining and restricting use to that associated with <i>Agri-Tourism Activity</i> Amend as previous. Consider allowing accessory camping as an accessory use to Subsection 8.3.7 “Agri-tourist Accommodation” (OCP policy 2.2.21) |
| Agri-Tourism Activity | No reference in zone, but as a farm use is permitted | Policy L-04. A farm use. Must have farm status. Limited to list of approved activities including heritage farm equip. displays, farm tours, educational or demonstration of farm operations, rides (tractor, etc.), activities that promote or market livestock, harvest festivals, etc.) | 2.2.19; 2.2.20 and 2.2.21 | Amend definition and regulations in AG zone to harmonize with ALC Regulation by defining and restricting use |
| Home Business (Occupation) | Yes - One business and 65 m ² max. floor area. Total storage area 65 m ² | Policy L-07: Permitted as a non-farm use up, accessory to residential or farm use on the property and a maximum area of 100 m ² or maximum by Local Government (whichever is less) Further limits on facilities (no daycares, preschool/schools, group homes and health and community care facilities) and size | | Amend General Regulations (size and types) to be consistent with ALC for Home Business and Home Industry in ALR |
| Home Industry | Yes - One Industry and 185 m ² max. floor area. Total storage area 65 m | (As above – no differentiation with ‘Home Occupation’) | | As above |



Agricultural (AG) Zone **ALC Policy & Regulations** **OCP Policy** **LUB - Regulatory Options**

| | | | | |
|-----------------------------------|---|--|-------|---|
| <i>Cannabis Production</i> | No specific reference in zone | ALC Act Amend. (Feb 2019): all forms of cannabis production are now a 'farm use.' Local government can regulate or prohibit certain kinds of cannabis production, though not all forms. Cannot prohibit if outdoors in a field inside a structure with a base entirely of soil. Any prohibition or regulation must be under a bylaw under section 552 of <i>Local Government Act</i> | | Consider amending AG and Rural zones to limit building size for indoor cannabis production. |
| <i>Farm Retail Sales</i> | Yes - where agriculture is a permitted use with farm status | Policy L-02 A permitted farm use. If all products originate or are produced on the farm on which the sales are taking place, there is no limitation for the retail sales area. Thresholds if farm or non-farm products offered for sale originate elsewhere, there is a retail sales area limitation (based on origin - max. 300 m ²) | 2.2.4 | Limit max area to 300 m ² |
| <i>'Farm Operation'</i> | Definition in LUB | 'Farm Use' | | Amend definition to harmonize with ALC definitions for 'farm use' and allowable uses. |

DISCUSSION



2. Consultation – Special AAPC

- SAAPC to provide their recommendations to the LTC on potential LUB amendments.

3. Consultation – General

- Early First Nations engagement and referral – in progress
- Early referral Regional Agriologist, Ministry of Agriculture, and ALC when draft amendments are completed.

4. Southern Gulf Islands Food & Agriculture Strategy (SGIFAS)

- Many of the recommendations within the SGIFAS are not within the scope of the LTC jurisdiction and of this project as they are strategic in nature and are non-regulatory.

DISCUSSION



5. Cannabis Production

- ALC reclassified cannabis production in the ALR as farm use. As a result, applications to the Agricultural Land Commission (ALC) are no longer required for any form of cannabis production in the ALR.
- Limiting the size and siting of buildings as a method of regulating the scale of indoor cannabis production and processing (both within and outside the ALR) is noted as a possible option for the LTC.

6. ALR Boundaries & Agriculture outside of ALR

- 63 ha of farmed land that is outside of the ALR identified by SGIFAS (mostly Rural, Rural Comprehensive and Rural Residential zoned properties).
- A mapping study to reconcile ALR Mapping, zoning and designation with Land Capability Mapping (soils capability mapping) could inform recommendations to the ALC with regard to ALR boundaries, but would be outside the scope of the current LUB amendments.

7. Mapping (technical amendments)

- There are numerous minor inaccuracies with the location of the ALR relative to Agricultural (AG) zoned properties. These stem from issues discrepancies between ALC's ALR data and Islands Trust mapping data.
- Specific properties where zoning does not coincide with ALR Mapping.

OPTIONS



1. Land Use Bylaw (LUB) Amendments

- The LUB definitions, regulations and uses should be reviewed for consistency with the ALC policies and regulations, specifically:
 - a) Review and update definitions.
 - b) Monitor legislative changes for second dwelling in the ALR and make amendments accordingly.
 - c) Prohibit manufactured homes.
 - d) Consider options for farm worker accommodation.
 - e) Establish a maximum floor area.
 - f) Review and amend Agri-tourism and Agri-tourist accommodation definitions and regulations.
 - g) Amend home industry and home occupation regulations.
 - h) Consider amendments to regulate cannabis production in the ALR, and also on non-ALR land.
 - i) Review farm retail sales provisions.

OPTIONS



2. ALR Boundaries

- a) Undertake a technical mapping review of ALR boundaries and Agricultural (AG) zone to review existing zoning and land use designation boundaries with the boundaries of the ALR.
- b) Consider amending zoning on specific properties:
 - i. 4406 Razor Point Road – amend zoning and OCP designation on ALR portion of the property.

3. Process and Consultation

- a) Through their terms of reference, the special AAPC should review and make recommendations on potential LUB amendments and engaging the broader farming community and through this identify any specific regulations that may be impediments to farming, particularly on non-ALR land.
- b) Draft bylaw amendments should be referred early to Regional Agrologist (Ministry of Agriculture) and ALC for review and comment.

UPCOMING COMMUNITY INFORMATION MEETINGS FOR THE LUB REVIEW PROJECT



- **Saturday, November 7th 10am** **Other Project Specific Topics
(Conservation Subdivision Review, Tourist Commercial Regulation Review, Shoreline Regulations Review, and Minor Technical Amendments)**