



DATE OF MEETING: November 14, 2017

TO: Denman Island Local Trust Committee

FROM: Ann Kjerulf, Regional Planning Manager
Northern Team

SUBJECT: Denman Island Farm Plan Implementation Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to draft bylaws to amend the Official Community Plan and Land Use Bylaw in order to implement recommendations of the Denman Island Farm Plan and to provide updated policies and regulations in relation to agricultural land use on Denman Island, in accordance with the “Synthesis of Referral Responses” attached to the Staff Report dated November 14, 2017.
2. That the Denman Island Local Trust Committee endorse the revised Denman Island Farm Plan Implementation Project Charter v.4 dated November 3, 2017.

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider the referral responses from the Advisory Planning Commission and Denman Growers and Producers Alliance and corresponding staff analysis of these responses, in relation to the Denman Island Farm Plan Implementation Project. A revised project charter is also presented for LTC consideration.

BACKGROUND

Proposed Official Community Plan (OCP) and Land Use Bylaw (LUB) Amendments in relation to the implementation of the Denman Island Farm Plan were previously referred by the LTC to the Denman Growers and Producers Alliance (GPA) and Advisory Planning Commission (APC) for comment on November 15, 2016. Subsequently, the LTC decided to include proposed LUB amendments (definitions and setback regulations for agriculture, intensive agriculture and feedlots) as part of the Farm Plan Implementation Project and also to refer these proposed amendments to the APC and GPA for comment. The LTC passed the following resolutions on June 6, 2017 and August 1, 2017 respectively:

DE-2017-047

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee defer consideration of, or changes to, proposed Bylaw No. 223 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2016” to occur simultaneously with the Denman Island Farm Plan implementation project. **CARRIED**

DE-2017-064

It was MOVED and SECONDED,

That the Denman Island Local Trust Committee refer Bylaw No. 223 considerations (agriculture, intensive agriculture, feedlot definitions) to the Advisory Planning Commission and Growers and Producers Alliance as part of its work on Farm Plan Implementation. **CARRIED**

The GPA's response to the initial referral of proposed OCP and LUB amendments to implement the Denman Island Farm Plan was received by the LTC on May 2, 2017. The APC's response to both the initial referral related to the Farm Plan and subsequent Bylaw No. 223 referral response, were included in the October 3, 2017 LTC meeting agenda package. The GPA provided a response to the subsequent referral of Bylaw No. 223 on October 28, 2017 (Attachment 1).

For further background regarding the Denman Island Farm Plan Project and previous APC and GPA referral responses, please refer to the Denman Island Farm Plan Implementation Project website:

www.islandstrust.bc.ca/islands/local-trust-areas/denman/projects-initiatives/denman-island-farm-plan-implementation.

ANALYSIS

Outline of Referral Requests

The initial referral in relation to Denman Island Farm Plan requested consideration of 13 proposed OCP policy amendments, 9 LUB amendments and an amendment to the Development Approval Information bylaw, as detailed on pages 3 and 4 of the November 15, 2016 staff report, and was supplemented by LTC comments on this report.

The subsequent referral in relation to proposed Bylaw No. 223, following the June 6, 2017 LTC meeting, requested that the GPA and APC consider the following LUB amendments:

- Replacing the definitions of “agriculture”, “intensive agriculture” and “feedlot”;
- Adding a definition of “confined livestock area”;
- Adding a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;
- Adding a general regulation to prohibit feedlots outside the Agricultural Land Reserve;
- Adding a 15-30 m setback requirement to lot lines where feedlots are permitted.

Proposed Bylaw No. 223, including amendments recommended by staff to the LTC at the June 6, 2017 meeting, is attached to this report (Attachment 2).

Synthesis of Referral Responses

Staff have analysed the responses to the referrals, and considered Agricultural Land Commission (ALC) and Ministry of Agriculture (MoA) policies and regulations where applicable, in order to formulate recommendations for the LTC (Attachment 3). The staff recommendations are as follows:

- 1.1 Add an OCP policy to support the provision of farm help accommodation in association with a bonafide farm use (as per the BC Assessment Act);
- 2.1 Add an OCP policy to support agritourism;
- 2.2 Add an OCP policy to support agritourism accommodation, subject to rezoning or temporary use permit (to address site-specific issues);
- 3.1 Designate TUP areas for agritourism accommodation on land in the ALR (*will require corresponding TUP guidelines in the Land Use Bylaw*);
- 4.1 Add an OCP policy to support agricultural processing uses and facilities on non-ALR land, subject to rezoning;
- 6.1 Designate TUP areas for “occasional markets, fairs and festivals” (which may include the W2 zone and other lands).

- 7.1 Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands.
- 8.1 Add an OCP policy to discourage panhandle lots.
- 9.1 Add an OCP policy to support the consolidation of farm parcels in the ALR;
- 10.1 Defer consideration of screening/buffering to a future phase of farm plan implementation;
- 14.1 Add an OCP policy to support alternative land tenure agreements;
- 15.1 Create a new zone for farm processing and storage;
- 16.1 Add a height exemption for silos and grain bins;
- 17.1 Add a TUP guideline in the Land Use Bylaw for secondary dwellings in the A zone, to require secondary dwellings to be clustered with principle dwellings in order to avoid sterilization or fragmentation of farm land;
- 18.1 Add TUP Guidelines for “Occasional markets, fairs and festivals” to the Land Use Bylaw;
- 20.1 Amend the Land Use Bylaw to permit road side farm stands in setback areas subject to obtaining a Ministry of Transportation and Infrastructure permit;
- 21.1 Amend the Land Use Bylaw to include subdivision regulations to prohibit creation of panhandle lots;
- 22.2 Defer consideration of landscape screening and buffering consistent with recommendation 10.1;
- 23.1 Replace the definition of agriculture in the Land Use Bylaw;
- 23.2 Add Land Use Bylaw provisions for subsistence and/or limited agriculture;
- 24.1 Replace the definition of intensive agriculture in the Land Use Bylaw as per Bylaw 223;
- 25.1 Replace the definition of feedlot in the Land use Bylaw as proposed in Bylaw 223;
- 26.1 Add a definition of confined livestock area to the Land Use Bylaw as proposed in Bylaw 223;
- 27.1 Add a 30 m setback requirement to the Land Use Bylaw (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;
- 28.1 Add a general regulation to the Land Use Bylaw to prohibit feedlots outside the Agriculture Land Reserve; and
- 29.1 Add a 15-30 m setback to the Land Use Bylaw to lot lines where feedlots are permitted as per Bylaw 223.

Issues and Opportunities

While Denman Island has agricultural land uses occurring both within and outside the ALR, lands within the ALR are subject to the *ALC Act* and regulations which provide both liberties and limitations for landowners. Local governments have the ability in certain cases, to regulate but not prohibit, and in other cases, to prohibit uses, on lands within the ALR. Yet, the current Denman Island Land Use Bylaw makes no distinction in its definition of agriculture which is applied broadly across the island, both within and outside the ALR. A fundamental question that arises is, does Denman Island wish to broadly allow all agricultural uses that would be permitted under the *Right to Farm Act*, or does it want to provide some limitations to agricultural uses in certain zones or on lots under a certain size?

The Denman Growers and Producers Alliance have highlighted the distinction in the *Right to Farm Act* definition of agriculture, which refers to farm businesses, from the common practice of subsistence farming on Denman Island. Notably, the current definition of agriculture in the Land Use Bylaw does not refer to agriculture as a specifically commercial activity. It rather picks and chooses which components of the farm use definition to employ from the *Right to Farm Act*. Some items are excluded and other items that are excluded from the definition of the *Act*, are included in the Land Use Bylaw definition. Moreover, while the Land Use Bylaw is silent on the matter, all farm uses identified in the *ALR Subdivision, Use, and Procedure Regulation* are permitted on lands within the ALR. In essence, there is a difference in the scope of agricultural activities that may occur within or outside the ALR, but this difference is not clear in the Land Use Bylaw.

Amending the Land Use Bylaw definition of agriculture may assist in clarifying the distinction between farm lands within and outside the ALR. It may also be useful to create new land use bylaw provisions for subsistence agriculture and/or limited agricultural uses outside the ALR. This could be particularly helpful for smaller lots in characteristically residential neighbourhoods where nuisance issues may otherwise arise. The Gabriola Land Use Bylaw, for example, does not permit agriculture on lots less than 2 hectares in size but does permit the keeping of animals for personal use. Similar provisions may include some thresholds for the number of poultry, livestock or other animals that may be kept.

The GPA, in their initial referral response, indicated that a review of Development Permit Areas (DPAs) and how these affect farming should be considered in the Farm Plan Implementation project, that consideration of new DPAs related to farming would be forward-thinking, and if considered now, could save hassle later and help to resolve unanticipated future conflicts. The GPA also suggested that the Farm Plan insufficiently addresses water issues and made comments about the perceived inaccuracy of Development Permit Area 4 mapping, and concerns were also raised with respect to potential impacts of the *Water Sustainability Act*.

Staff recommend that a review of existing and potential Development Permit Areas in relation to farming be considered in a subsequent phase of the Farm Plan Implementation project. Staff have identified 24 potential bylaw amendments, which the LTC may wish to consider reducing further, in order to advance implementation of the Farm Plan. The addition of DPA reviews and water use issues will contribute to a lengthier and more complex bylaw amendment process.

Rationale for Recommendation

Staff have reviewed the responses from the APC and GPA in relation to Provincial legislation and policy direction, and formulated recommendations as summarized in Appendix 3 – Synthesis of Referral Responses. The recommended bylaw amendments will create further policy and regulatory support for productive agriculture on Denman Island while mitigating potential negative impacts in smaller-lot, residential areas. Once draft bylaws are prepared, these should be referred to the APC and GPA for review and feedback. A draft revised project charter is attached for LTC consideration. The staff recommendation is noted on Page 1 of the report.

ALTERNATIVES

- 1. Request further information
- 2. Direct staff to draft alternative bylaw amendments.

NEXT STEPS

Staff anticipate proceeding with the preparation of draft bylaws and presenting these for LTC consideration in early 2018.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	November 3, 2017
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ATTACHMENTS

- 1. GPA Referral Response to Bylaw 223
- 2. Proposed Bylaw 223 (with amendments recommended by staff)
- 3. Synthesis of Referral Responses
- 4. Draft Project Charter v.4

Ann Kjerulf, Regional Planning Manager Islands Trust Northern Team

RE: Response to IT Referral of August 11, 2017

October 23, 2017

Dear Ann Kjerulf,

The Denman Island Growers and Producers Alliance has reviewed the Referral sent to Erika Bland and Doug Wright on August 11, 2017, regarding the proposed Bylaw No. 223 to amend the Denman Island Land Use Bylaw (LUB) as follows:

- Replacing the definitions of “agriculture”, “intensive agriculture” and “feedlot”;
- Adding a definition of “confined livestock area”;
- Adding a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;
- Adding a general regulation to prohibit feedlots outside the Agricultural Land Reserve;
- Adding a 15-30 m setback requirement to lot lines where feedlots are permitted.

We appreciate you taking the time to review the following comments:

1. Overall, we agree that it makes sense to undertake the amendment of this bylaw concurrently with the implementation of the Farm Plan.
2. We think that the proposed new definitions for “agriculture” and “intensive agriculture” are insufficient for the following reasons:
 - a. The definitions referring to agriculture and farming under FPPA only include farming that is done for business; this excludes any activities done for personal/family/community purposes (i.e. without a business/profit motive). We think that the term “agriculture” can and does refer to both commercially-oriented and non-profit-oriented operations. For instance, the Oxford English Dictionary defines agriculture as:

“The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.” This definition does not necessarily include the marketing of the resulting products of this activity.
 - b. The amendment to the bylaw as proposed would leave those doing subsistence farming (i.e. growing crops or raising livestock *not* for commercial purposes) outside the regulations applicable to “agriculture” and “intensive agriculture”.
 - c. From our interpretation, the proposed definition of “intensive agriculture” would not include plant crops. Perhaps we have this wrong, but if not, it seems like an important oversight, as surely the cultivation of plant crops by certain methods would be considered “intensive agriculture”
 - d. The definition of “intensive agriculture” as proposed in the chart, may be based on a globally-accepted definition that differentiates it from something like nomadic pastoralism, but we don’t feel it is necessarily representative of our local practices. We think there needs to be more of a distinction between different scales of “intensive” if that term is to be used, both within the bylaw and within the Farm Type/Scale chart.
 - e. We propose that the amendment needs to be altered so that it acknowledges that some activities deemed to be “subsistence farming” could still be considered “agriculture” and/or “intensive agriculture” and these activities may still require regulation. This is because some ‘subsistence’ activities, we feel, could still be deemed unsatisfactory to the community or the environment.

For example, suppose my neighbour (within the ALR) has 100 chickens, contained in an outdoor pen and fed on grain; these are for personal use, not sale. As far as we understand the proposed definitions, this activity would be considered “subsistence farming” and therefore the general setback guidelines and other regulations applicable to “agriculture” or “intensive agriculture” would not apply. On the other hand, 100 chickens right at my fence-line could cause significant disturbance to me and impact my home, land and waterways. If I complained, this neighbour, who is clearly ‘farming’ would not have

any protection under the FPPA because their activities are non-commercial. And I would not have any recourse because their operation would not legally require a setback. So, based on the definitions, we would both in a tough situation that would be difficult to resolve in reference to local and provincial bylaws.

3. Definition of “Feedlot”: in principle, we agree with the change to this definition which adds the clause: “excluding the confinement of animals for domestic purposes”; however,
 - a. We feel clarification is needed surrounding the definition of “growing” within the definition of feedlot as show in the ‘Farming Type/Scale’ chart. It is not clear to us what activities would be considered “growing” by this definition. Though it may be *implied* that “growing” means raising animals for the purpose of intentionally converting feed to meat, this is not stated explicitly. Therefore, it may be interpreted that “growing” could include feeding any animal with the intention of them naturally growing, even if the purpose is not to “grow” those animals for consumption (i.e. feeding laying hens).
 - b. We also note that under this definition a “feedlot” cannot exist if not for commercial purposes. However, (as we have explained in the example in 3.e above) someone could have what we would deem a feedlot-style operation, even if its purpose was not commercial. As far as we understand it, within the proposed amendment, that operation would only be considered a “confined feeding area”, which does not necessarily come with regulations around setbacks, as a defined “feedlot” would. Therefore, the definition of a feedlot should include something that refers to the density of animals within a confined area, as well.
 - c. We think that the 4500kg threshold of total animal weight which determines setback distance under the bylaw is perhaps appropriate for livestock and farmed game, but it is too high for poultry. 4500kg of poultry, based on an average weight of say 11kg per turkey, would be 409 turkeys. This would be over 2000 Chickens, at an average weight of 2.2kg per bird; certainly, in our minds, an operation that should require more than a 15 metre setback. Therefore, we suggest that there should be two different kg amounts to be used as the threshold for determining setback distance: 4500kg for livestock and farmed game, and perhaps 500kg for poultry.
 - d. Based on the issues with the clarity of the definition for “feedlot”, as we have outlined in #s 3a-c above, we cannot comment on whether “feedlots” should only exist within the ALR zone at this time.
4. We generally agree with the addition of the definition for “confined feeding area” as presented, if the definition of a “feedlot” included therein is adequately clarified going forward.
5. We propose that a general statement should be included within the bylaw which:
 - a. explicitly suggests that there are notable and sometimes subtle differences between commercial/for profit and personal/family/community/subsistence farming; and,
 - b. refers directly to the ‘Farm Type/Scale’ chart which helps to clarify this. We think this chart is useful, but also have a few questions about it (see #5 below) and ultimately propose that it requires some amendment.
6. Farm Type/Scale chart
 - a. There is no definition of “small” and so it is difficult to understand what would qualify as “subsistence farming”
 - b. The term “keeping of animals for personal use” doesn’t specify any quantified size of an operation
 - c. subsistence farming can include activities that we feel should be called “agriculture” or “intensive agriculture”
 - d. We feel that horticulture can certainly be a commercial activity, so we wonder why it is not included on the commercial side of the chart
7. We agree with the proposed changes to setbacks within the guidelines surrounding agricultural uses, but as we have noted above, are concerned that even these setbacks will not apply to some operations under the new definitions here presented.

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 223

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2016”.

2. Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008”, is amended as shown on Schedule 1, attached to and forming part of this bylaw.

READ A FIRST TIME THIS	15 TH	DAY OF	NOVEMBER	, 2016
READ A SECOND TIME THIS		DAY OF		, 2016
PUBLIC HEARING HELD THIS	t	DAY OF		, 2016
READ A THIRD TIME THIS		DAY OF		, 2016
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST				
THIS		DAY OF		, 2016
ADOPTED THIS		DAY OF		, 2016

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. 153

Schedule 1

Schedule “A” of Denman Island Land Use Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008”, is amended as follows:

1. Part 1 ADMINISTRATION, Section 1.1 Definitions, “*agriculture*”, “*intensive agriculture*” and “*feedlot*” are deleted entirely and replaced with:
 - i. “*agriculture* means the farm uses of land, buildings or structures for a farm operation as defined by the *Farm Practices Protection (Right to Farm) Act.*”
 - ii. “*feedlot* means a fenced area where livestock, poultry, or farmed game are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing, but excludes confinement of animals for domestic purposes.”
 - iii. “*intensive agriculture* means the use of land, buildings, and other structures by a commercial enterprise or an institution for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms (except forest fungi).”

2. Part 1 ADMINISTRATION, Section 1.1 Definitions, be amended to include a new definition as follows:
 - i. “*confined livestock area* means an outdoor, non-grazing area where livestock, poultry, or farmed game are confined by fences, other structures, or topography, and includes feedlots, paddocks, corrals, exercise yards, and holding areas, but does not include a seasonal feeding area.”

3. Part 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, Subsection 2.3(2) Setbacks from Streams, Lakes, and Wetlands be deleted entirely and replaced with:

“The minimum setback from the natural boundary of a stream, lake (except Chickadee and Graham), or wetland is:

 - 30.0 metres for a sewage disposal field or alternate sewerage system;
 - 30.0 metres for buildings and structures associated with intensive agriculture, feedlots, or used to accommodate domesticated animals other than household pets; and
 - 15.0 metres for all other buildings and structures except for a fence.

The minimum setback from Chickadee and Graham lake is:

Attachment 3

- 60.0 metres for a sewage disposal field, alternate sewerage system, and all other buildings and structures, except for a fence”
4. Part 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, Subsection 2.3(3) Setbacks and Elevations from the sea be deleted entirely and replaced with:

“The minimum setback from the natural boundary of the sea is:

- 30.0 metres for a sewage disposal field or alternate sewerage system;
 - 30.0 metres for buildings and structures associated with intensive agriculture (including feedlots), or used to accommodate domesticated animals other than household pets;
 - 5.0 metres for a boathouse; and
 - 15.0 metres for all other buildings and structures, except for a fence or access stairway.”
5. Part 2 GENERAL REGULATIONS, Section 2.3 General Setback Regulations, be amended to include a new subsection 7 and 8 as follows:

“Feedlot Regulations

7 Feedlots are prohibited on lands outside the Agriculture Land Reserve

8 The minimum setback from a lot line for feedlots is:

- 15.0 metres for feedlots used or intended to be used by less than 4500 kg of livestock, poultry, or farmed game.
- 30.0 metres for feedlots used or intended to be used for more than 4500 kg of livestock, poultry, or farmed game.

ATTACHMENT # – SYNTHESIS OF REFERRAL RESPONSES

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
<p>1. Add an OCP policy concerning farm help accommodation on land in the ALR</p> <ul style="list-style-type: none"> Both the GPA and APC expressed support. The ALC Act and Regulation do not set a limit on the number of additional residences for farm help accommodation per parcel, but all residences must be necessary for farm use. A suggested criterion is that the property has “farm status” under the <i>BC Assessment Act</i>. 	<p>1.1 Add an OCP policy to support the provision of farm help accommodation in association with a bonafide farm use (as per the BC Assessment Act).</p>
<p>2. Add an OCP policy to support agritourism accommodation on land in the ALR;</p> <ul style="list-style-type: none"> GPA: agritourism accommodation needs to be evaluated on a case by case basis. Campsites might be a good start, subject to no loss of agricultural production on Bonafide farms. APC: no general consensus that this was supportable. Concerns were raised about the too many unserviced campsites allowed under ALR rules, setbacks to neighbouring properties and possible fire hazards with makeshift cooking facilities. 	<p>2.1 Add a policy to support agritourism.</p> <ul style="list-style-type: none"> As per the ALC regulation “agritourism, other than accommodation” is a farm use and must not be prohibited by local government. <p>2.2 Add a policy to support agritourism accommodation, subject to rezoning or temporary use permit (to address site-specific issues).</p> <p>In the ALR, accommodation for agritourism is permitted <u>subject to local government zoning</u> if</p> <ul style="list-style-type: none"> (i) all or part of the parcel on which the accommodation is located is classified as a farm under the <i>Assessment Act</i>, (ii) the accommodation is limited to 10 sleeping units in total of seasonal campsites, seasonal cabins or short term use of bedrooms including bed and breakfast bedrooms under paragraph (d), and (iii) the total developed area for buildings, landscaping and access for the accommodation is less than 5% of the parcel;
<p>3. Designate TUP areas for agritourism accommodation on land in the ALR;</p> <ul style="list-style-type: none"> APC: no general consensus to support an amendment 	<p>3.1 Designate TUP areas for agritourism accommodation on land in the ALR.</p> <ul style="list-style-type: none"> Despite the lack of consensus amongst APC members, this was a recommendation of the multi-year farm plan process; designation of TUP areas provides an opportunity for the LTC to consider applications; approval is completely discretionary and if there is lack of support for a TUP in a particular instance, the LTC is not compelled to issue a TUP.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
<p>4. Designate TUP areas for processing uses and facilities on non-ALR land;</p> <ul style="list-style-type: none"> • GPA: Support facilities to support processing and storage of farm products if a project proposal related to these activities is brought forward. • APC: general consensus to support a future amendment - for facilities larger than normally used by a home-based business, 	<p>4.1 Add an OCP policy to support agricultural processing uses and facilities on non-ALR land, subject to rezoning.</p> <ul style="list-style-type: none"> • Staff advise that construction of processing facilities would likely require a significant capital investment. It is unlikely that an applicant would make such an investment with the lack of certainty that a TUP would be provide (as the TUP is limited to a 3 year term with the possibility of an additional 3 year term). • The ALC regulation permits processing in the ALR when at least 50% of the product processed is produced on the farm.
<p>5. Add an OCP policy regarding LTC consideration of subdivision proposals within the ALR;</p> <ul style="list-style-type: none"> • GPA: Consider these on a case by case basis and weigh in agricultural uses when determining actions around subdivisions both within and out of the ALR. • APC: Majority (7/8) support for this proposal 	<p>5.1 No additional policies are needed. Existing OCP Resource Policies include:</p> <ul style="list-style-type: none"> • Policy 7 The Local Trust Committee should only support an application for non-farm use or subdivision on land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either: <ul style="list-style-type: none"> ○ allows an activity that supplements the farm income and does not decrease the farming capability of the property; or ○ protects the land for conservation purposes.
<p>6. Add an OCP policy to support “occasional markets, fairs and festivals” in the W2 zone;</p> <ul style="list-style-type: none"> • LTC: An OCP amendment to support occasional markets, fairs and festivals in the W2 zone was not supported, as parking and traffic issues in the W2 zone were considered to be problematic; • GPA: Pursuing a market in the W2 zone would be difficult • APC: broad support to allow such events, though some concerns were raised around traffic congestion and control 	<p>6.1 Designate TUP areas for “occasional markets, fairs and festivals” (which may include the W2 zone and other lands). This is supported by existing OCP policies, including:</p> <ul style="list-style-type: none"> • Policy 1 (Services, Education and Culture) Zoning regulations should encourage community events such as seasonal fairs, concerts, art shows, temporary markets and cultural festivals that strengthen the social fabric of the community and fit with the tranquil and rural character of the Island. • Policy 4 (Economic Activities) Zoning regulations should permit temporary daytime outdoor markets, fairs and community fund-raising events on land in the Village and Institutional designations, provided that such activities are sensitive to the ground water availability and sewage disposal capability of the land. • Policy 15 (Tourism) The Local Trust Committee should encourage educational tourism, agritours, cultural tours, fairs, festivals, craft markets, garden or studio tours, hiking, biking, kayaking, walking, and low impact nature observation.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
<p>7. Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands;</p> <ul style="list-style-type: none"> • APC: 8/8 supported proposal 	<p>7.1 Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands. This supports the purposes of the ALC, as per the ALC Act:</p> <p><i>“6 The following are the purposes of the commission:</i> <i>(a) to preserve agricultural land;</i> <i>(b) to encourage farming on agricultural land in collaboration with other communities of interest;</i> <i>(c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.”</i></p>
<p>8. Add an OCP policy to discourage panhandle lots;</p> <ul style="list-style-type: none"> • APC: 8/8 supported proposal 	<p>8.1 Add an OCP policy to discourage panhandle lots.</p> <ul style="list-style-type: none"> • Further discussion is needed to determine to what extent this OCP policy should apply – to all Resource lands or to all lands on Denman Island. • Staff note that this is likely to be a contentious policy consideration due to the potential to limit subdivision.
<p>9 Add an OCP policy to support subdivision to consolidate farm parcels in the ALR;</p> <ul style="list-style-type: none"> • APC: 8/8 supported proposal 	<p>9.1 Add an OCP policy to support the consolidation of farm parcels in the ALR.</p> <ul style="list-style-type: none"> • Larger farm parcels provide greater opportunities for productive agriculture. • The effect of this policy may be to encourage consolidation. Consolidation of farm parcels is not considered a “subdivision” under the <i>Land Title Act</i> and does not require ALC approval.
<p>10 Add an OCP policy to support a requirement for landscape screening/buffering of trails;</p> <ul style="list-style-type: none"> • LTC: Adding an OCP policy to support a requirement for landscape screening/buffering of trails from adjoining agricultural areas was not considered to be a necessary action as this does not appear to be a concern in the community; • APC: 7/8 were against this proposal. 	<p>10.1 Defer consideration of screening/buffering to a future phase of farm plan implementation.</p> <ul style="list-style-type: none"> • This item was not supported by the APC due to concerns regarding the cost of trail buffering. • This item may be discussed more broadly in the future in conjunction with discussions regarding “edge planning” and development permit areas.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
<p>11 Add an OCP policy regarding “no net loss” of ALR land;</p> <ul style="list-style-type: none"> LTC: Adding an OCP policy regarding no net loss of Agricultural Land Reserve (ALR) land was not considered to be a necessary amendment given the amount of ALR land on Denman Island and the ALC’s process which considers recommendations from LTCs; GPA: An overall policy should be created that supports retention of ALR (explore a policy of no net loss, and consideration by LTC of proposals to add land to ALR). APC: 7/8 were against this proposal. 	<p>11.1 No additional policies are needed. Existing OCP Resource Policies include:</p> <ul style="list-style-type: none"> Policy 5 The Local Trust Committee should support the inclusion of land within the Agricultural Land Reserve. Policy 6 The Local Trust Committee should only support an application for non-farm use or exclusion of land from the Agricultural Land Reserve if the proposed non-farm use or exclusion provides for an essential community service or amenity which cannot reasonably be located on land outside of the Agricultural Land Reserve and for which the community need clearly outweighs the loss to agriculture.
<p>12 Add an OCP policy to support ALC applications to benefit farming or the greater community;</p> <ul style="list-style-type: none"> APC: 4/8 supported this proposal 	<p>12.1 No additional policies are needed. See Policy 6 (as noted above).</p>
<p>13 Amend the OCP to include a policy to support alternative land tenure agreements;</p> <ul style="list-style-type: none"> GPA: Alternative land tenure agreements need to be supported to bring land into production. APC: 5/8 supported this proposal 	<p>13.1 Add a policy to support alternative land tenure agreements.</p> <p>The <i>ALR Use, Subdivision and Procedure Regulation</i> (BC Regulation 171/2002) was recently amended to designate the following as a farm use:</p> <p><i>“(q) a farm use by a person other than the owner of the farm under a lease of the farm or part of the farm, if a condition of the lease is that the leased land be used only for one or more farm uses.”</i></p>
<p>14 Add farm processing and storage as principal uses in the Light Industrial (L) zone (subject to conditions);</p> <ul style="list-style-type: none"> LTC: LTC: An LUB amendment to allow farm processing and storage as principal uses in the Light Industrial zone with the use of Temporary Use Permits was questioned as there is a single, site-specific property in that zone; GPA: allow for farm processing in the Light Industrial Zone; this may prompt zoning change proposals to create more farm processing operations, which could increase the viability of farming APC: 8/8 supported this proposal 	<p>14.1 Create a new zone for farm processing and storage.</p> <ul style="list-style-type: none"> Addition of farm processing and storage to an existing zone may have unintended consequences in the future; rezoning processes can address site-specific concerns. Creation of a new zone for farm processing and storage would be consistent with staff recommendation 4.1.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
<p>15 Add farm help accommodation accessory to a principal farm use in the ALR (subject to conditions);</p> <ul style="list-style-type: none"> APC: 6/8 were against this proposal; concern that this would be used to get around density provisions; suggested creating a farm help accommodation zone 	<p>15.1 No Land Use Bylaw amendment is required. The LUB notes that farm help accommodation approved by the ALC (as a permitted farm use) does not require a temporary use permit.</p>
<p>16 Add a height exemption for silos and grain bins;</p> <ul style="list-style-type: none"> APC: 7/8 supported this proposal 	<p>16.1 Add a height exemption for silos and grain bins.</p>
<p>17 Add farm home plate provisions (to cluster residential uses and avoid sterilization of farm land);</p> <ul style="list-style-type: none"> GPA: Space and privacy issues are important considerations. An alternative to clustering should be to allow building on lower class farmland to minimize loss of good farmland. APC: 6/8 supported this proposal 	<p>17.1 Add a Temporary Use Permit guideline in the Land Use Bylaw for secondary dwellings in the A zone, to require secondary dwellings to be clustered with principle dwellings in order to avoid sterilization or fragmentation of farm land.</p>
<p>18 Add “Occasional markets, fairs and festivals” as a permitted use in the LUB W2 zone;</p> <ul style="list-style-type: none"> APC: 6/6 supported this proposal subject to a temporary use permit 	<p>18.1 Add TUP Guidelines for “Occasional markets, fairs and festivals” to the Land Use Bylaw.</p> <ul style="list-style-type: none"> This would implement staff recommendation 6.1.
<p>19 Amend the LUB definition of agriculture to include “farm operation”;</p> <ul style="list-style-type: none"> APC: 6/6 supported this proposal 	<p>19.1 See recommendation 23.1</p>
<p>20 Amend the LUB to permit road side farm stands in setback areas (subject to conditions);</p> <ul style="list-style-type: none"> APC: 6/6 supported this amendment -subject to considerations of safety and stand size. 	<p>20.1 Amend the Land Use Bylaw to permit road side farm stands in setback areas subject to obtaining a Ministry of Transportation and Infrastructure permit.</p>
<p>21 Amend the LUB to include subdivision regulation to prohibit creation of panhandle lots;</p> <ul style="list-style-type: none"> APC: 5/6 were opposed to this proposal 	<p>21.1 Amend the Land Use Bylaw to include subdivision regulations to prohibit creation of panhandle lots.</p> <ul style="list-style-type: none"> This would implement recommendation 8.1 which the APC supported. Staff note that the LUB currently allows driveway access panhandles to be created through subdivision.
<p>22 Amend the LUB to include landscape screening/buffering requirements for trails adjacent to ALR land;</p> <ul style="list-style-type: none"> APC: 6/6 were opposed to this proposal 	<p>22.1 Defer consideration of landscape screening and buffering consistent with recommendation 10.1.</p>

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
<p>23 Replace the definition of “agriculture”</p> <ul style="list-style-type: none"> • APC: 6/6 supported this proposal • GPA: the proposed definition of agriculture is insufficient, for reasons noted. 	<p>23.1 Replace the definition of agriculture as per the recommended Bylaw 223 definition.</p> <ul style="list-style-type: none"> • The proposed definition is consistent with direction from the Ministry of Agriculture. • Note, the <i>Right to Farm Act</i> does refer to activities involved in carrying on a “farm business” and does not refer to subsistence farming (growing crops or raising livestock not for commercial purposes) as noted by the GPA. <p>23.2 Add Land Use Bylaw provisions for subsistence and/or limited agriculture (growing crops or raising livestock accessory to a principle residential use)</p> <ul style="list-style-type: none"> • Both the current Land Use Bylaw definition and proposed definition are very liberal in terms of what may be deemed “agriculture”. • Should the intent be to not liberally permit “farm businesses” in residential zones as under the <i>Right to Farm Act</i>, staff recommend that provisions be added to the Land Use Bylaw to distinguish the type of agricultural uses permitted in residential zones. • Provisions for limited agriculture could include thresholds for livestock or poultry (e.g. number of chickens or gross weight of livestock).
<p>24 Replacing the definition of “intensive agriculture”</p> <ul style="list-style-type: none"> • APC: 6/6 supported this proposal 	<p>24.1 Replace the definition of intensive agriculture as per recommended Bylaw 223 definition.</p> <ul style="list-style-type: none"> • This is consistent with the definition in the <i>Local Government Act</i>. • Staff recommend including the words “except for forest fungi” following discussion with Ministry of Agriculture staff.
<p>25 Replace the definition of “feedlot”</p> <ul style="list-style-type: none"> • APC: 6/6 supported this proposal • GPA: agree with the change to this definition but noted concerns 	<p>25.1 Replace the definition of feedlot in the Land use Bylaw as per recommended Bylaw 223 definition.</p> <ul style="list-style-type: none"> • This is consistent with the Minister’s Bylaw Standards.
<p>26 Add a definition of “confined livestock area”</p> <ul style="list-style-type: none"> • APC: 6/6 supported this proposal • GPA: agree with the addition of the definition for “confined feeding area” as presented, if the definition of a “feedlot” included therein is adequately clarified going forward. 	<p>26.1 Add a definition of confined livestock area to the Land Use Bylaw as per recommended Bylaw 223 definition.</p> <ul style="list-style-type: none"> • This is consistent with the Minister’s Bylaw Standards. • Staff recommend adding the words “but excludes confinement of animals for domestic purposes” for clarity.

PROPOSED BYLAW AMENDMENTS REFERRED TO GPA/APC	STAFF RECOMMENDATION
<p>27 Add a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;</p> <ul style="list-style-type: none"> • APC: 6/6 supported this proposal • GPA: agree with proposed setbacks, noting concerns 	<p>27.1 Add a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets;</p>
<p>28 Add a general regulation to prohibit feedlots outside the Agricultural Land Reserve;</p> <ul style="list-style-type: none"> • APC: 6/6 supported this proposal 	<p>28.1 Add a general regulation to prohibit feedlots outside the Agriculture Land Reserve</p>
<p>29 Add a 15-30 m setback requirement to lot lines where feedlots are permitted.</p> <ul style="list-style-type: none"> • APC: 6/6 supported this proposal • GPA: agree with proposed setbacks, noting concerns 	<p>29.1 Add a 15-30 m setback to lot lines where feedlots are permitted.</p>

Denman Island Farm Plan Implementation - Charter v.4

Date: November 6, 2017

Purpose *The purpose of this project is to implement actions under recommendations 11, 13 and 14 of the Denman Island Farm Plan to inform the development of bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw.*

Background *The process of developing the Denman Island Farm Plan began in of 2009 and the Plan was endorsed by the Denman Island Local Trust Committee in June 2012. In January 2016, Farm Plan Implementation was added to the LTC Top Priorities List. In June 2016, consideration of new agriculture-related definitions and regulations was added to the Farm Plan Implementation project.*

Objectives

- To prepare bylaws to amend the Denman Island Official Community Plan and Land Use Bylaw, which implement Farm Plan Recommendations 11, 13, 14 and which align with the ALC Act and Regulation.
- To amend the LUB definitions of agriculture, intensive agriculture, feedlot and establish appropriate LUB setbacks for intensive agriculture and feedlots.
- To engage community members, the Advisory Planning Commission (APC), Grower and Producers Alliance (GPA), and other stakeholders in the development of policies and regulations to implement the Farm Plan.

In Scope

- Referral to Denman GPA and APC
- Community information meeting prior to second reading or public hearing of bylaws
- Project webpage maintenance

Out of Scope

- Farm Plan recommendations not related to LTC authority
- Creation of an Agricultural Enterprise Zone
- Review or amendment of existing DPAs
- Designation of new DPAs
- Consideration of landscape or screening requirements
- Water issues management

Workplan Overview

Deliverable/Milestone	Date
Adoption of Project charter	November 15, 2016
Referral of proposed OCP/LUB amendments to APC and GPA	December 2016 — October 2017
LTC consideration of APC/GPA input and staff analysis/recommendations	November 2017
Development of draft OCP/LUB bylaws	November 2017—February 2018
LTC consideration of draft OCP/LUB bylaws / 1st reading; Referral of proposed bylaws to APC and GPA; Preparation of community information materials; Community information meeting	March—April 2018
LTC consideration of revisions/further readings of proposed OCP/LUB bylaws	May 2018
Statutory bylaw amendment process (readings, referrals, public hearing)	March - August 2018

Project Team		Budget		
Marnie Eggen, Island Planner	Project Manager	Budget Source: Denman LTC Projects		
Ann Kjerulf, Regional Planning Manager	Project Sponsor	Fiscal	Item	Cost
Sonja Zupanec, Island Planner	Project Support	2017-2018	Community information meeting; advertising	\$1,000
RPM Approval: Ann Kjerulf Date: Nov. 6, 2017	LTC Endorsement: Resolution #: Date:	2018-2019	Public hearing	\$1,000
			Total	\$2,000 54