



DATE OF MEETING: February 7, 2019
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, Island Planner
Sonja Zupanec, Island Planner
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Denman Farm Plan Implementation Project – Bylaws No. 228 (OCP) and 229 (LUB)

RECOMMENDATION

1. That the Denman Island Local Trust Committee amend Proposed Bylaw No. 228 (OCP), cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018” by replacing item 1.15 Policy 3 with the following text:

“Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots unless there is a demonstrated agricultural or community benefit to support panhandle parcel configuration.”

2. That the Denman Island Local Trust Committee request staff to schedule a special meeting for the purposes of holding a public consultation event to solicit input on proposed Bylaw No. 228 (OCP) and 229 (LUB), to be scheduled as early as March 7, 2019.
3. That the Denman Island Local Trust Committee endorse the revised Project Charter v.4.3, dated January 29, 2019.

REPORT SUMMARY

The purpose of this report is to:

- Provide the Denman Island Local Trust Committee (LTC) with a status update on the Farm Plan Implementation Project;
- Seek LTC direction on next steps in community consultation and potential amendments to Proposed Bylaws 228 (OCP) and 229 (LUB); and
- Request the LTC endorse a revised project charter.

BACKGROUND

Bylaws 228 and 229 were given first reading on May 1, 2018; agency and first nation referrals were sent thereafter, and referral responses were reported to the LTC at the October 9, 2018 meeting. At the same LTC meeting, the following resolutions were passed:

DE-2018-089

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct that the Staff Report on the Farm Plan Implementation Project be referred to the Growers and Producers Association for comments.

CARRIED

DE-2018-090

It was MOVED and SECONDED,

that the Farm Plan Project be placed on the next Local Trust Committee agenda with staff suggestions for a participatory public meeting format.

CARRIED

DE-2018-091

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to amend the Farm Plan Implementation Project Charter to include an additional Community Information meeting and to seek budget approval for this.

CARRIED

The [October 9, 2018 staff report](#) was referred to the Denman Growers and Producers Association (GPA) on October 22, 2018 and a response was received November 18, 2018 (Attachment 1). Staff would provide a summary of the response at the proposed community information meeting, and at a future LTC meeting.

A revised project charter is included for LTC consideration as Attachment 3. No additional budget approval is required as there are remaining funds for 2018/19.

ANALYSIS

Issues and Opportunities

Proposed Bylaw No. 228 (OCP)

Proposed Bylaw No. 228 (OCP) (Attachment 4) to amend the Denman Island Official Community Plan (OCP) was given first reading on May 1, 2018. As per the current Project Charter (Attachment 2), this project is considerably delayed and has not advanced to public hearing as per the recommended workplan timeline. There are two main factors that have contributed to the delay. One is the Denman LTC standing resolution passed at the October 9, 2018 LTC meeting to prioritize affordable housing applications, which diverts staff time away from LTC top priority projects. The second factor is the request of the LTC to add an additional public consultation element to the Farm Plan Implementation Project. In order to advance consideration of the OCP amendments to implement the Farm Plan, staff recommend the LTC reconsider one amendment to Proposed Bylaw No. 228 (OCP) prior to additional public consultation.

The amendment is consistent with staff and agency recommendations, the Denman Island Farm Plan, and pertains to subdivision of land in the Agricultural Land Reserve (ALR). Proposed Bylaw 228(OCP) currently contains the following proposed policy language:

*“Section E.4 Agriculture and Resource Policies -
Policy 3 Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots.”*

Staff recommend the following amendment to this draft policy, consistent with Ministry of Agriculture and Agriculture Land Commission referral responses:

“Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots unless there is a demonstrated agricultural or community benefit to support panhandle parcel configuration.”

As outlined in the [March 6, 2018 Staff Report](#), this approach is consistent with the Denman Farm Plan and Guide to Bylaw Development in Farming Areas, and supportive of increasing farming potential and reducing potential conflict between neighbours. Future subdivision applicants with a proposal for a panhandle lot could apply to the LTC for a Development Variance Permit for permission to vary the regulation prohibiting panhandles, and proposed Policy 3 could assist with identifying acceptable exceptions to the regulation.

No other substantial amendments are anticipated to Proposed Bylaw No. 228 (OCP) at this time. However, staff recommend that there be public consultation to confirm the proposed policy direction, and that this occur at the proposed public consultation event. Alternatively, should the LTC wish to advance the legislative process for Bylaw No. 228 separately from Bylaw No. 229, they could pass resolutions to give the bylaw second reading as amended and/or request staff to schedule a public hearing (public hearing may occur either before or after second reading). These efforts could potentially assist to advance Proposed Bylaw No. 228 such that Ministerial approval could be achieved sooner and by the time Proposed Bylaw No. 229 is ready for adoption.

Public Consultation

Public comments received up to date, including those submitted at the Community Information Meetings are posted on the [Project website](#).

The LTC has requested staff recommendations on options for the LTC to host an additional community consultation event. The goal would be to solicit feedback on Proposed Bylaw No. 228 and specific elements of Proposed Bylaw No. 229 (LUB) in advance of a public hearing or LTC consideration of second reading of the bylaws. The categories of consultation topics for Proposed Bylaw No. 229 could include regulating agri-tourism use, agri-tourism accommodation, horticulture/agriculture uses in residential zones, and housing in the Agricultural Land Reserve (ALR). Staff recommends the LTC engage residents and title holders in a facilitated 2 hour community engagement event in March 2019. With reference to the IAP2 Spectrum of Public Participation, as follows, this approach seeks to engage with community members through the “consult” to “collaborate” stages.

	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
PUBLIC PARTICIPATION GOAL	To provide the public with balanced and objective information to assist them in understanding the problem, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decision.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
PROMISE TO THE PUBLIC	We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.

Figure 1 Spectrum of Public Participation ([International Association For Public Participation](#))

For the proposed community engagement event, it is anticipated that Chair Fast could moderate the proceedings, planning staff would provide a short presentation on the project objectives and purpose of consultation, and community members could participate in small group discussions (facilitated by planning staff), to provide feedback on proposed amendments.

This type of consultation (Figure 1) would allow a large number of participants to learn about the proposed amendments being considered and target categories of interest to provide feedback. Following the the consultation event, planning staff could provide an analysis on the feedback received and alternatives for LTC consideration prior to second reading or scheduling a public hearing.

Revised Project Charter

A revised project charter (Attachment 3) is included for LTC endorsement to reflect updated timelines and budgets.

Rationale for Recommendation

Staff have previously summarized public and agency input, and recommended several potential amendments to Proposed Bylaw Nos. 228 and 229. The LTC wishes to undertake further community consultation on Proposed Bylaw No. 229 (LUB) to inform potential amendments prior to bylaw advancement to public hearing. Amendments to the project charter are required to ensure the workplan reflects an updated timeline for bylaw development and adequate budget to support the Denman Farm Plan implementation project. Recommendations are found on page 1 of this staff report.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations:

1. Request staff to prepare amendments for Proposed Bylaw No. 229 (LUB) for LTC consideration.

The LTC may advance amendments to Proposed Bylaw No 229 as outlined in the October 2018 staff report, which were based on staff recommendations, agency referral responses and public consultation. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

- a. Include Temporary Use Permit (TUP) and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family;*
- b. Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms;*
- c. Reduce the lot line setback for feedlots from 50 metres to 30 metres;*
- d. Remove the term, ‘feedlot’;*
- e. Add a new defined term, ‘confined livestock area’;*

f. Remove ‘agriculture’ as an accessory use in the R1, R2, and R3 zones, while retaining ‘horticulture’ as an accessory use in these zones;

g. Remove the term, ‘intensive agriculture’;

h. Amend the definition of ‘horticulture’ to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner;

i. Permit the ‘keeping of animals for personal use’ as an accessory use in the R1, R2, R3 zones;

j. Remove ‘horticulture’ as a permitted use in the A, F, and RE zones, while retaining ‘agriculture’ as a principal permitted use in these zones;

k. Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones with a minimum lot size or other appropriate regulation with input from provincial and/or federal agencies.

2. Should the LTC wish to advance Proposed Bylaw No. 228 separately from Proposed Bylaw No. 229 by via second reading and/or scheduling a public hearing for Proposed Bylaw No. 228:

That the Denman Island Local Trust Committee Proposed Bylaw No. 228 (OCP), cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018” be read a second time, as amended.

That the Denman Island Local Trust Committee request staff to schedule a community information meeting and public hearing for Bylaw No. 228 (OCP), cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018”.

NEXT STEPS

If the LTC concurs with the staff recommendation, notification will be prepared for the special meeting to further consult with Denman Island residents and title holders on targeted elements of Proposed Bylaw No. 229 (LUB).

Submitted By:	Sonja Zupanec, MCIP, RPP Island Planner	Marnie Eggen, MCIP, RPP Island Planner	January 29, 2019
Concurrence:	Ann Kjerulf, MCIP, RPP Regional Planning Manager		January 31, 2019

ATTACHMENTS

1. Denman Growers and Producers Association Referral Response, November 18, 2018
2. Project Charter v4.2 endorsed March 2018
3. Project Charter REVISED (draft v4.3) January 2019
4. Proposed Bylaw No. 228 (OCP)
5. Proposed Bylaw No. 229 (LUB)

From: douglas Wright [REDACTED]
Sent: Tuesday, November 13, 2018 12:24 PM
To: Denman Planner; David Critchley; Laura Busheikin
Subject: Re: Potential Bylaw Changes to Bylaw 228 and 229 - referral to the Denman Growers and Producers Alliance

Thank you Marnie for the opportunity to comment.

Attached please find the Growers and Producers response to the referral. Hopefully we have covered all points of concern in a constructive fashion.

The number of large farms(semi-commercial) on Denman is small and due to land values, cost of ferries, government regulation, the GPA sees little opportunity for change in volume of product produced.

What is a concern(and part of the Denman character) is the 90 or so small producers. Many of these do not have or hope to have "farm status"(and perhaps are not on ALR land) but they exist and were noted in the original farm plan documents. Denman is not like larger centres, we have an abundance of lesser producers and this helps these folks stretch their limited dollars into a viable living situation. Examples of local creativity and production can be seen at the Farmers Market, Blackberry Fair and Christmas Fair.

For the GPA, we have an interest in encouraging you farmers, promoting value added ideas, education, growing healthy local food which in turn should lead to lowering the carbon footprint, respecting, environmental values and adding to economic opportunities.

Doug Wright
for the
Denman Growers and Producers Alliance

From: Denman Planner <denmanplanner@islandstrust.bc.ca>
Sent: Monday, October 22, 2018 2:08 PM
To: islandagriculture@gmail.com
Cc: Becky McErlean; douglas Wright [REDACTED]; Sonja Zupanec
Subject: Potential Bylaw Changes to Bylaw 228 and 229 - referral to the Denman Growers and Producers Alliance

Denman Growers and Producers Alliance Members,

Please find attached a referral from the Denman Island Local Trust Committee (LTC) regarding proposed

Bylaws No. 228 and No. 229 to amend the Denman Official Community Plan and the Denman Island Land Use Bylaw, respectively.

Kind regards,
Marnie

Denman Island Planner
Islands Trust, Northern Office
700 North Road, Gabriola Island, BC, V0R 1X3
(250) 247-2063
Enquiry BC Toll-free call 1-800-663-7867 or from the lower mainland 604-660-2421

Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca
Preserving Island communities, culture and environment since 1974

Response to Islands Trust Staff Report dated Oct 9, 2018, Farm Plan

Introduction:

The Denman Island Growers and Producers Alliance (GPA) acknowledges that defining zoning and planning for agriculture on Denman for the next twenty years or so is tricky. Current practices, subdivisions and historical ALR boundaries have created planning challenges.

Summary of Major Points

1/ Using existing TUP's for approving Secondary Dwellings or Farm Worker Housing is expensive over the long term and creates an unknown factor when doing long term planning. The end result we believe will act as a disincentive to farming. We would therefore recommend an alternate approval mechanism be used.

An option for Island Trust may be a "Letter of Understanding"(similar to what the province did years ago) between the existing property owner and Island Trust. This "Contract" could be signed by both parties(and witnessed) with terms and conditions that reflect local needs. The contract would be not transferable and would not affect existing zoning on ALR lands such that a need for a TUP does not exist.

2/ Current practices suggest a need for a new definition such as small scale agriculture. This need was intended to be reflected in the farm plan and is supported by the demonstrated growth of the Denman Farmers Market(12 vendors in 2015 to 42 in 2018) and increased local product sales at stores. For livestock, we suggest the term "Small Scale Agriculture" could be utilized on R1, R2, R3, lands over 2 hectares. We invite further discussion on this point not knowing which property owners might be affected.

A proposed definition could be

Small Scale Agriculture – Is the production of crops and livestock on a small piece of land. Unlike large scale commercial agriculture it provides the dual role of being a source of household food security as well as income from the sale of surplus product. The use of agrochemicals is limited. Sale of products produced is limited to the local area and farmers markets.

Response to Specific Points

1)a – All ALR land be designated agricultural – GPA supportive

2) a – Permit one secondary suite and one secondary dwelling - GPA supportive of maintaining existing regulations (we think this does not require a TUP).

- Comment TUP only good six years then what? If an alternate approval mechanism(see above) is used specific conditions could apply.

- On many of the larger farms adequate water for domestic use exists. Suggest maintain existing regulations subject to proof of potable water and septic capacity.

- If proof of potable water cannot be obtained a rainwater collection system and cistern system could be utilized subject to a minimum cistern capacity of 3000 gallons (we mention this size because I recollect hearing cistern requirement of 1000 gallons was proposed).

- For secondary dwelling when no longer required for immediate family, stipulate that it can be used for low cost housing at a rate of 60% current market values for rentals.

2)b – Tup for farm worker housing – generally supportive of not having a TUP for Farm Worker Housing. If an alternate approval mechanism is used, specific conditions can apply including, siting of such structure on less productive agriculture land.

3) - Agritourism use – understand cabins can be an issue especially if loss agricultural land is the concern.

- Island Trust may want to define seasonal use if not already done

- suggest proposed camping units at revised densities. 2 ha to 5ha – 3 units; 5 ha to 10 ha – 5 units; Greater than 10 ha – 10 units.

- suggest that if more permanent accommodation units can be clumped into one new or existing structure with sewer and water, one structure(2500 square feet) could be constructed containing up to three suites. This type of structure could also provide the dual role of seasonal farm worker housing(when the need exists for labour at harvest time).

- rv's and campers not a bad thing(generally they bring in their own water and take their waste with them when they leave). Sites should minimize impacts to farming operations(eg not paved) and located on less productive agricultural land. Parking should be on the farm only

4)a - Panhandle lots – support staff recommendation to approve exceptions.

4)b/c/d – Feed lots – generally don't see a prospect for a viable feed lot on Denman suggest that the term intensive agriculture or confined livestock area. We as farmers probably don't want to overly antagonize our neighbours. Island Trust may want to consider a term "Farm Structures used for feeding livestock" and stipulate that new structures have a setback of 50 metres from lot lines.

4)e – Horticulture – support the amended definition of “horticulture” so that it allows the growing of plants **and raising bees** for sale in R1, R2, R3 zones, plus on lots 2 hectares and larger, permit small scale livestock production.

-- 14 or 15 families have bee hives on Denman

- people on larger residential lots will want to have livestock and many do! Frequently they are bartered and sold on a small scale basis.

A number of larger long established farms have barns or livestock on R1 or R2 lands(Schimdt, Lake and Driftwood for example) and they will need to be grandfathered somehow in the new regulations.

4)f - No comment on Cannabis– The GPA is about the growing of food. Our values include lowering the carbon footprint, supporting new and young farmers and food independence.

Denman Island Farm Plan Implementation - Charter v.4.2

Date: March 6, 2018

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—May 2018
LTC consideration of draft OCP/LUB bylaws / 1st reading; Referral of proposed bylaws to APC and GPA; Preparation of community information materials (including a plain language guide to the draft amendments); Community information meeting	May— July 2018
LTC consideration of revisions/further readings of proposed OCP/LUB bylaws	July—August 2018
Statutory bylaw amendment process (readings, referrals, public hearing)	May— September 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: February 23, 2018	LTC Endorsement (amended): Resolution #: DE-2018-029 Date: March 6, 2018	2018-2019	Public hearing	\$1,000
			Total	\$2,000³⁴

Denman Island Farm Plan Implementation Project - Charter v.4.3 Draft

Date: February 2019

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.*

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- Water issues management

Workplan Overview

Deliverable/Milestone	Date
Adoption of Initial Project charter	Completed November 15, 2016
Referral of proposed OCP/LUB amendments to APC and GPA	Completed 2016 and 2017
LTC consideration of APC/GPA input and staff analysis/recommendations	Completed 2017 and 2018
Development of draft OCP/LUB bylaws and First Reading/Early Referrals	Completed 2018
Community information meeting (OCP and LUB)	Completed 2018
Community Consultation Event (LUB amendments)	Spring 2019
LTC consideration of revisions/further readings of proposed OCP/LUB bylaws	Spring 2019
Public Hearing, consideration of Third Reading, Forward to Executive Committee of the Islands Trust and the Minister of Municipal Affairs and Housing	Spring—Summer 2019
Consideration of Final Reading (adoption)	Summer– Fall 2019

Project Team

Island Planner	Project Manager
Regional Planning Manager	Project Sponsor
Island Planner/Planner 2	Project Support

RPM Approval:

Ann Kjerulf

Date:

LTC Endorsement (amended):

Resolution #: DE-2018-029

Date:

Budget

Budget Source: Denman Farm Plan Implementation Project

Fiscal	Item	Cost
2018-2019	Community consultation event; advertising, legal review	\$3600
2019-2020	Public hearing	\$1,000
	Total	\$4,600³⁵

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN 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 for all purposes as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”.

2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008,” is amended as per Schedule 1 and Schedule 2 attached to and forming part of this Bylaw.

READ A FIRST TIME THIS 1ST DAY OF MAY , 2018

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 1

1. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “A” is amended as follows:

1.1 Part B – PREAMBLE, Section B.1 – INTRODUCTION, Subsection – What is an Official Community Plan? is amended by deleting the word “eight” and replacing it with “nine” in each instance it appears and adding the word “Agriculture” as a bullet point before “Conservation/Recreation”.

1.2 Part B– PREAMBLE, Section B.3 – GUIDING OBJECTIVES, Subsection – Families and Individuals – Guiding Objectives is amending by adding the following text directly before “Guiding Objective – Conservation/Recreation”:

“Guiding Objective – Agriculture

To preserve agricultural land and encourage farming on land in the Agricultural Land Reserve”

1.3 Part C – THE NATURAL ENVIRONMENT, Section C.3 – THE MARINE ENVIRONMENT, Subsection- The Marine Environment- Advocacy Policies, Article - Advocacy Policy 3 is amended by replacing “The Ministry of Agriculture and Lands” with “The Ministry responsible for agriculture”.

1.4 Part D – THE SOCIAL FABRIC, Section D.3 – WATER MANAGEMENT, Subsection - Water Management- Advocacy Policies, Article - Advocacy Policy 2 is amended by replacing “The Ministry of Transportation and Infrastructure, Ministry of Environment and the Ministry of Agriculture and Land” with “The Ministries responsible for transportation, environment and agriculture”

1.5 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING is amended by deleting the fifth paragraph in its entirety and replacing it with:

“The Sustainable Resource designation, which is shown on Schedule C, includes large forested lots on the island in which the existing principal use is locally operated sustainable resources harvesting.

The Agriculture designation, which is shown on Schedule C, includes all of the lands in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.”

1.6 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 3 is amended by adding the words “in the Agriculture designation” before “the size of new lots for agricultural”.

1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”.

- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:

“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:

- One dwelling per lot;
- One secondary suite per lot consistent with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; and
- One temporary secondary dwelling per lot for immediate family consistent with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*; and
- Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”

- 1.9 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by changing the section title to “AGRICULTURE AND RESOURCES”.

- 1.10 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by deleting the fourth paragraph in its entirety and replacing it with:

“The Agriculture designation, which is shown on Schedule C, includes all land in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.

The Sustainable Resource designation, which is shown on Schedule C, includes all large lot forest lands. The principal use in this designation is forestry.”

- 1.11 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - Guiding Objective, is amended by inserting the words “and that the agricultural land reserve is protected for farming use.” after the word “Island”.

- 1.12 Part E – FAMILIES AND INDIVIDUALS, Section E.4 – AGRICULTURE AND RESOURCES, Subsection - “Resource – Objectives” is amended by renaming “Resource – Objectives” to “Agriculture and Resource Objectives”.

- 1.13 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection - Agriculture and Resource Objectives, Article – Objective 1 is amended by adding the words “for farming” after “Reserve”.

- 1.14 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – “Resource – Policies” is amended by renaming “Resource – Policies” to “Agriculture and Resource Policies”.

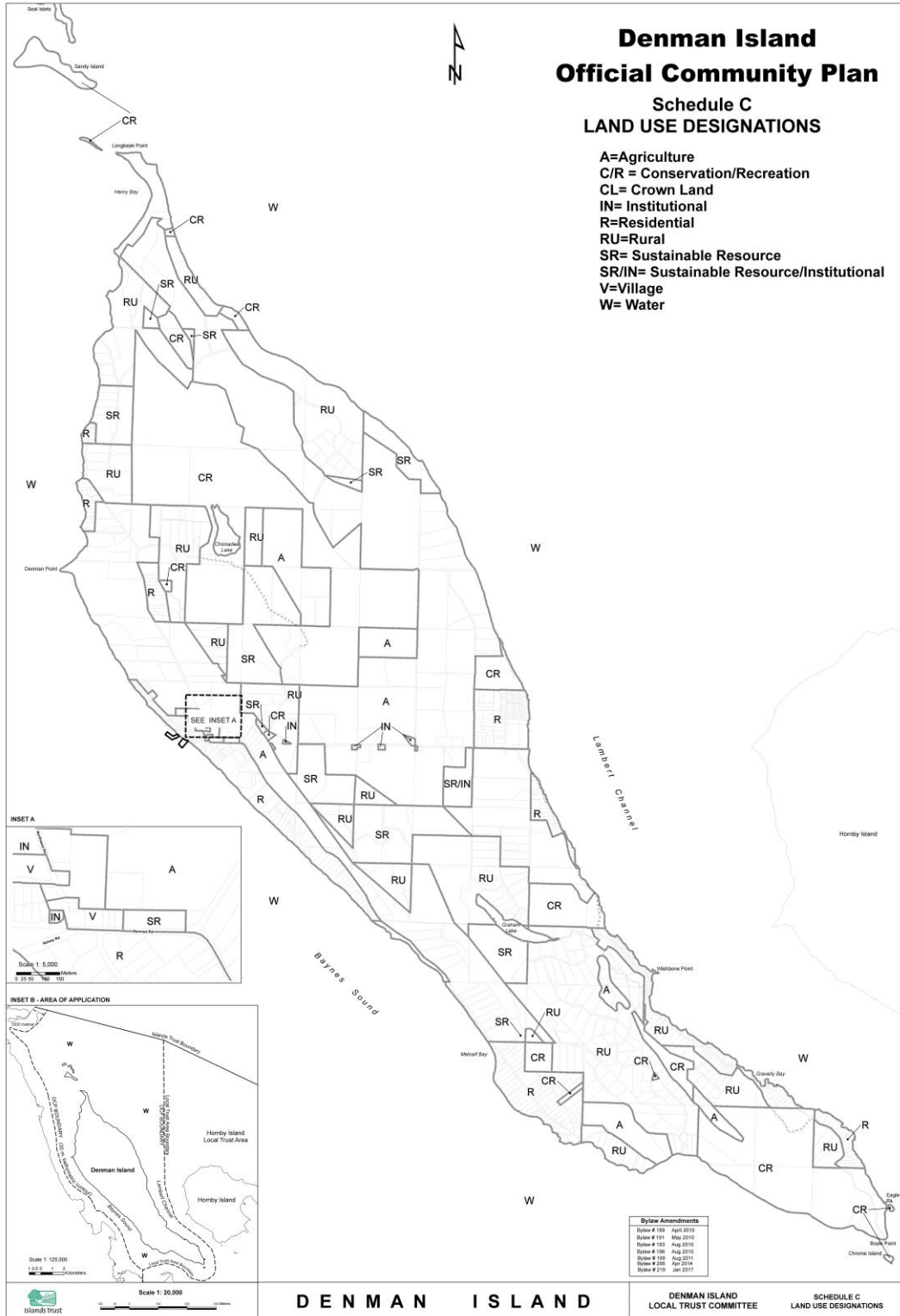
- 1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – Agriculture and Resource Policies is amended by adding the following policies preceding Policy 1 and renumbering subsequent policies in this subsection accordingly:

“Policy 1 The Agriculture designation should apply to all lands in the Agricultural Land Reserve and the principal use of land within this designation should be agriculture.

- Policy 2 The Local Trust Committee supports the consolidation of parcels in the Agricultural Land Reserve.
- Policy 3 Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots.
- Policy 4 The Local Trust Committee supports the provision of farm help accommodation on land in the Agricultural Land Reserve, in association with a bona fide farm use, and subject to approval by the Agricultural Land Commission.
- Policy 5 Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve and on lots where agriculture or horticulture are a permitted use.
- Policy 6 Agri-tourism accommodation, in association with a bona fide farm use, should be regulated by Temporary Use Permit.
- Policy 7 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 8 The Local Trust Committee should only support applications for exclusion of land from the Agricultural Land Reserve where there is a significant benefit for the greater community of Denman Island.”
- 1.16 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES, Subsection – DEVELOPMENT APPROVAL INFORMATION – CIRCUMSTANCES AND SPECIAL CONDITIONS:
- (a) Article – Policy 8 is amended by adding the words “Agriculture designation and” before “Sustainable Resource designation”; and,
- (b) Article – Policy 9 is amended by removing the words “area designated Sustainable Resource” and replacing with “areas designated Agriculture and Sustainable Resource” and adding the word “Agriculture and” before “Sustainable Resource designation”.
- 1.17 Part H – OTHER PERMITS, Section H.2 – TEMPORARY USE PERMITS, INFORMATION NOTE is amended by removing the words “Section 921 of”.
2. Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan Bylaw, 2008”, Schedule “C” is amended as per Schedule 2, attached to and forming part of this Bylaw.

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 228**

Schedule 2



PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

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 for all purposes as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”.

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

READ A FIRST TIME THIS	1 ST	DAY OF	MAY	2018
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

Chair

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Schedule 1

1. Schedule "A" of Denman Island Land Use Bylaw No. 186 cited as "Denman island Land Use Bylaw, 2008", is amended as follows:

1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting "*agriculture*", "*feedlot*", "*intensive agriculture*" and "*panhandle*" in their entirety and replacing 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 wholly 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 for the confinement of poultry, livestock, fur bearing animals, the growing of mushrooms (except forest fungi), or cannabis production, except to the extent the use is carried out solely for domestic purposes and does not involve the production of any items for sale, trade or commerce;"

iv. "*panhandle lot* means a lot, the configuration of which results in a front lot line that is less than 50% of the average lot width;"

1.2 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended to include the following new definitions in alphabetical order:

i. "*agri-tourism* means agri-tourism as defined in the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

ii. *agri-tourism accommodation* means accommodation provided for and used only by the clients, customers, guests or patrons, but not the employees, of an agri-tourism activity.

iii. *immediate family* means, with respect to an owner, the owner's
(a)parents, grandparents and great grandparents,
(b)spouse, parents of spouse and stepparents of spouse,
(c)brothers and sisters, and
(d)children or stepchildren, grandchildren and great grandchildren"

iv. *temporary secondary dwelling unit* means a building or structure used for residential accommodation, other than a building or structure located, built, or placed upon a permanent foundation."

1.3 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 5 is amended by deleting the following information note in its entirety:

“INFORMATION NOTE: Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”

1.4 Part 2 – GENERAL REGULATIONS, Section 2.2 – General Height Regulations, Subsection 2.2.1 is amended by adding the words “deer fencing, netting supports, trellises,” before the word “radio”.

1.5 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.2 - Setbacks from Streams, Lakes and Wetlands is deleted in its entirety and replaced with:

“The minimum setback from the natural boundary of a stream, a lake other than Chickadee Lake or Graham Lake, or a wetland is:

- 30.0 metres for a sewage disposal field or alternate sewage system;
- 30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;
- 30.0 metres for buildings and structures, including fencing, associated with a feedlot 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 Lake and Graham lake is 60.0 metres for a sewage disposal field, alternate sewage system, and all other buildings and structures, including fencing associated with a feedlot or used to accommodate domesticated animals other than household pets.”

1.6 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.3 - Setbacks and Elevations from the Sea is deleted in its entirety and replaced with:

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

- 30.0 metres for a sewage disposal field or alternate sewage disposal system;
- 30.0 metres for buildings and structures associated with intensive agriculture, except for a fence;
- 30.0 metres for buildings and structures, including fencing, associated with a feedlot 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.”

1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations, Subsection 2.3.6 – Setback Exemptions is amended by adding the following bullet:

- “Structures used solely for the purpose of displaying and offering for sale items produced on the same parcel, and having a floor area no greater than 10 m².”

1.8 Part 3 – ZONE REGULATIONS, Section 3.1 – Creation of Zones, Subsection 3.1.1 is amended by replacing the heading “Resource Zones” with “Agriculture and Resource Zones”.

1.9 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

- 1.9.1 Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)
- 1.9.2 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)
- 1.9.3 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)
- 1.9.4 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)

1.10 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses		R1	R2	R3
“10	Agri-tourism use on a lot classified as a farm under the BC <i>Assessment Act</i> ”	✓	✓	✓
11	Agri-tourism accommodation (requires approval by a Temporary Use Permit)”	✓	✓	✓

1.11 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

1.12 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses, Subsection 3.4.12 is deleted in its entirety and replaced with the following:

Table 1 – Permitted Uses		A	F	RE
“12	Secondary suite	✓	✓	✓
13	On lots larger than 2 ha in the Agricultural Land Reserve, temporary secondary dwelling unit used only for the residential accommodation of the land owner’s immediate family	✓		
14	Secondary dwelling unit (requires approval by a Temporary Use Permit)	✓	✓	✓
15	Agri-tourism on a lot classified as a farm under the BC <i>Assessment Act</i>	✓	✓	✓
16	Agri-tourism accommodation (requires approval by a Temporary Use Permit)”	✓	✓	✓

1.13 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 2 – Permitted Buildings and Structures, Subsection 3.4.7 is amended by deleting in its entirety and replacing it with:

Table 2 – Permitted Buildings and Structures

		A	F	RE
7	“On land in the Agricultural Land Reserve, the gross floor area of a temporary secondary dwelling unit for the residential accommodation of the owner’s immediate family shall not exceed 1300 square feet.”	✓		

1.14 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures and the Information Note are deleted in their entirety and replaced with:

Table 3 - Density of Uses, Buildings and Structures

		A	F	RE
1.	Minimum lot area per principal single family dwelling unit on land outside the Agricultural Land Reserve	15.0ha	64.0 ha	15.0 ha
2.	Despite line 1 of this table, maximum number of single family dwelling units on lots less than the minimum area shown in line 1 of this table	1	1	1
3.	Subject to line 1 of this table, maximum number of dwelling units per lot	n/a	1	1
4.	Maximum lot coverage by buildings and structures			
	• excluding greenhouses	35%	5%	10%
	• including greenhouses	75%	5%	10%
5.	On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
6.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	n/a	n/a
7.	On land in the Agricultural Land Reserve, on a lot 2 hectares or larger, maximum number of temporary secondary dwelling units per lot.	1	n/a	n/a

1.15 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 3 is amended by adding the words “except for buildings and structures used solely as silos or grain bins, on land in the Agricultural Land Reserve” after the word “use”.

1.16 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 5 – Setbacks, is amended by adding a new subsection (7) as follows:

Table 5 - Setbacks

		A	F	RE
“7	Minimum setback from any lot line for feedlots	50.0 m	n/a	n/a”

1.17 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 7 – Subdivision, is amended by adding a new subsection (2) as follows:

“2 Land in the Agricultural Land Reserve shall not be subdivided into panhandle lots.

1.18 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended by adding the following new guideline after “Guideline 5”:

“Guideline 6 In addition to Guidelines 1-5, for land in the Agricultural Land Reserve, subsequent to the permitted dwellings in Section 3.4, Table 2, an additional dwelling can only be considered for approval by Temporary Use Permit if:

- The lot on which the principal and secondary dwelling is to be located on must be a minimum of 2 hectares in size and classified as a farm under the *BC Assessment Act*;
- The dwelling is necessary for farm use and the Local Trust Committee is provided evidence from the applicant that the ministry responsible for agriculture and/or the Agricultural Land Commission have determined that there is a legitimate need for an additional residence for farm help accommodation;
- The dwelling will be located within an existing building or in the form of a temporary secondary dwelling unit with a maximum floor area of 1300 square feet;
- The permit contains conditions addressing the removal of the dwelling should the farm use cease or the permit lapses.

1.19 Part 5 – TEMPORARY USE PERMITS is amended by adding the following new headings and Subsections after “Area 2”:

“Area 3

The Local Trust Committee may issue a Temporary Use Permit for agri-tourism accommodation on a lot classified as a farm under the *BC Assessment Act*.

Objective

To permit flexibility for the provision of small scale agri-tourism accommodation in conjunction with agricultural uses and farm activities that support seasonal economic opportunities for farmers. Agri-tourism accommodation in the form of home-based guest accommodation units in the principal dwelling do not require a Temporary Use Permit but are subject to Section 2.4.

Guidelines

Guideline 1 The agri-tourism accommodation is limited to a maximum of three sleeping units in total on the lot, either in the form of seasonal campsites, seasonal cabins and including existing home based guest accommodation units in the principal dwelling.

Guideline 2 The total developed area for buildings, landscaping, sewage disposal, parking and access for the accommodation must be less than 1% of the total area of the parcel;

Guideline 3 The accommodation should be sited and designed to address:

- Locating the accommodation on poorer agricultural capability soils and away from environmentally sensitive areas;

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- The provision of access to the accommodation that avoids conflict with agricultural uses on the farm and adjacent farms;
- The provision of accommodation which is temporary and located near existing farm buildings;
- Mitigating possible negative impacts using landscape buffers and screening;
- The provision of adequate potable water and sewage disposal. Where approvals are required from other agencies such as water licensing or septic approval, these should be obtained prior to the issuing of a Temporary Use Permit;
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.”