



# MEMORANDUM

File No.: 6500-20  
(Farm Plan)

DATE OF MEETING: March 16, 2021

TO: Denman Island Local Trust Committee

FROM: Sonja Zupanec, Island Planner  
Northern Team

SUBJECT: Farm Plan Implementation Project Update

## PURPOSE

The purpose of this memorandum is to advise the LTC of the status of the Farm Plan Implementation Project. All relevant background information pertaining to this project is available on the Islands Trust website <http://www.islandstrust.bc.ca/islands/local-trust-areas/denman/projects-initiatives/denman-island-farm-plan-implementation/>. The project has been on hold since May 2019 due to planning staff resources being prioritized to process two Denman affordable housing rezoning applications. As one of those rezoning applications is now post public hearing, the LTC is being advised of the status of the farm plan implementation project.

## PROPOSED BYLAW Nos. 288 (OCP) and 289 (LUB)

Both bylaws have been given first reading (May 2018) and were presented at a Community Information Meeting (Aug 2, 2018) and a facilitated community workshop (April 24, 2019). Extensive referral responses from the Advisory Planning Commission and Growers and Producers Alliance have been received and incorporated into the proposed bylaws. Since May 2019, the Agriculture Land Commission (ALC) has been actively reviewing their provincial policy regarding the maximum size of and number of dwellings permitted in the Agricultural Land Reserve (ALR). Staff anticipate a small number of amendments will be required for Proposed Bylaw 289 (LUB) specific to size and density of housing, in order to align with the provincial requirements. An updated and revised project charter will need to be considered by the LTC as no budget currently exists for the completion of this project. A summary of all LTC resolutions pertaining to this project are outlined in Attachment 1.

## NEXT STEPS

As planner resources become available in 2021, a report recommending specific revisions to the project charter (Attachment 2) and proposed bylaws can be presented to the LTC.

Submitted By:	Sonja Zupanec, Island Planner, RPP, MCIP	March 8, 2021
Concurrence:	Heather Kauer, Regional Planning Manager, RPP, MCIP	March 8, 2021

## ATTACHMENTS

1. Table of LTC resolutions pertaining to the Farm Plan Implementation Project 2016-2019
2. Farm Plan Implementation Project Charter v4.3 (2019)

**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
12 Jan 2016	<p><b>2016-004</b> That the Denman Island Local Trust Committee move from the Projects List the item regarding the Farm Plan Implementation to the Top Priorities List and add to it as an Activity 'Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods' and remove from the Top Priorities List Item 5 regarding Medical Marihuana.</p>
15 March 2016	<p><b>2016-018</b> that the Denman Island Local Trust Committee direct staff to prepare a Project Charter for consideration of the Local Trust Committee which prioritizes implementation of Recommendations 13 and 14 and those sections of Recommendation 11 that pertain to the Official Community Plan and Land Use Bylaw of the Denman Island Farm Plan and outlines a corresponding public consultation process.</p>
17 May 2016	<p><b>2016-035</b> that the Denman Island Local Trust Committee request staff to advertise for expressions of interest in a Steering Committee for Farm Plan Implementation.</p>
20 Sept 2016	<p><b>2016-061</b> that the Denman Island Local Trust Committee request staff to prepare a staff report on Farm Plan Implementation presenting options for process given that we do not have a steering committee, and providing comments on which items in Farm Plan sections 11, 13 and 14 could be prioritized.</p>
15 Nov 2016	<p><b>2016-083</b> that the Denman Island Local Trust Committee adopt the revised Project Charter for the Denman Island Farm Plan Implementation with the exception that within the section 'Out of Scope' the words 'OCP or LUB amendments concerning minimum lot sizes or removal of agriculture as a permitted use on small lots' be deleted and change the budget to \$3,500.</p>
	<p><b>2016-084</b> that the Denman Island Local Trust Committee refer the list of proposed Official Community Plan and Land Use Bylaw amendments to the Advisory Planning Commission for comment, such referral to include the comments made by the Local Trust Committee at the November 15, 2016 meeting.</p>

**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
15 Nov 2016	<p><b>2016-085</b> that the Denman Island Local Trust Committee refer the Farm Plan Implementation Staff Report including updates based on the November 15, 2016 Local Trust Committee meeting discussion to the Denman Growers &amp; Producers Alliance for its comments.</p>
7 Mar 2017	<p><b>2017-025</b> that a letter be sent to the Growers &amp; Producers Alliance, signed by the Chair, thanking them for their comments on the Farm Plan Implementation project.</p>
6 June 2017	<p><b>2017-047</b> That 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.</p>
1 Aug 2017	<p><b>2017-064</b> 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.</p>
14 Nov 2017	<p><b>2017-086</b> that the Denman Island Local Trust Committee direct staff to investigate and report on the following matters: 1.Alternative definitions for intensive agriculture and/or a definition of intensive horticulture. 2.Possible amendments to permitted residential uses that could limit intensive horticultural uses. 3.Information about setbacks from streams, lakes and wetlands and the natural boundaries of the sea in relation to fences allowed up to their margins such that livestock may encroach upon these sensitive areas. 4.Information on alternative land tenure agreements. 5.A rationale for proposed policy 8 regarding panhandle lots.</p>
	<p><b>2017-087</b> that the Denman Island Local Trust Committee confirms the following regarding staff recommendations for Farm Plan Implementation: 1.That Temporary Use Permit areas for agri-tourism accommodation also be considered for bona fide farms outside of the Agriculture Land Reserve. 2.That Temporary Use Permit guidelines regarding clustering of dwellings (proposed regulation 17.1) include the word 'encourage' rather than 'require' clustering.</p>

**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
14 Nov 2017	<p><b>2017-088</b> that the Denman Island Local Trust Committee direct staff to amend the Denman Island Farm Plan Charter by adding to the Deliverable/Milestone section (where it says Preparation of community information materials): 'including a plain language guide to the draft amendments.'</p>
6 Mar 2018	<p><b>2018-028</b> that the Denman Island Local Trust Committee proceed no further with Denman Island Local Trust Committee Bylaw No. 223, cited as 'Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2016'.</p>
	<p><b>2018-029</b> that the Denman Island Local Trust Committee endorse the revised draft Project Charter v 4.2, dated March 6, 2018.</p>
	<p><b>2018-030</b> that the Denman Island Local Trust Committee request staff to prepare draft bylaws to amend the Official Community Plan and Land Use Bylaw in accordance with the Denman Island Farm Plan Project Charter, and Local Trust Committee direction on each of the potential amendments outlined in Attachments 1 and 2 of the Staff Report dated March 6, 2018.</p>
1 May 2018	<p><b>2018-032</b> that the Denman Island Local Trust Committee amend draft Bylaw No. 228 by replacing the current Policy 14 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; -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.</p>
	<p><b>2018-033</b> that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 228, cited as 'Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018,' as amended, is not contrary to or at variance with the Islands Trust Policy Statement.</p>

**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
	<p><b>2018-034</b> that the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018', be read a first time.</p>
1 May 2018	<p><b>2018-035</b> that the draft Bylaw No. 229 be amended by: in the definition for temporary secondary dwelling, removing the words 'concrete or other'.</p>
	<p><b>2018-036</b> that the draft Bylaw No. 229 be amended by: in Schedule 1, 1.1 Part 1 ii. 'feedlot', adding the word 'wholly' before the word 'sustained'.</p>
	<p><b>2018-037</b> that the Denman Island Local Trust Committee amend draft Bylaw No. 229 by inserting table headings above the checkmarks in sections 1.10, 1.12 and 1.13.</p>
	<p><b>2018-038</b> that the Denman Island Local Trust Committee request staff to bring back options for exemption of incidental sales and trades of agricultural products from the definition of 'intensive agriculture', and consider providing a definition of 'domestic purposes'.</p>
	<p><b>2018-039</b> that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018', is not contrary to or at variance with the Islands Trust Policy Statement.</p>
	<p><b>2018-040</b> that the Denman Island Local Trust Committee Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018', be read a first time.</p>
	<p><b>2018-041</b> that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the following agencies and First Nations for comment: -Halalt First Nation - Wei Wai Kum First Nation -K'omoks First Nation - Snaw'Naw'As</p>

**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
	Nation -Lake Cowichan First Nation - Te'Mexw Treaty Association -Nanwakolas First Nation - We Wai Kai Nation -Qualicum First Nation - Denman Growers and Producers Alliance -Stz'uminus First Nation - Comox Valley Regional District -Tla'amin Nation - School District #71 (Comox Valley) -Cowichan Tribes - Ministry of Agriculture -Homalco First Nation (Xwemalhkwu) - Agricultural Land Commission -Laich-kwil-tach Treaty Society - Ministry of Municipal Affairs & Housing -Lyackson First Nation - Hornby Island Local Trust Committee -Penelakut Tribe - Ballenas-Winchelsea Islands Local Trust Committee (Executive Committee).
1 May 2018	<b>2018-042</b> that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the Denman Island Advisory Planning Commission for comments, and that staff and at least one Trustee attend the meeting(s).
	<b>2018-043</b> that the Advisory Planning Commission and the Denman Growers and Producers Association be asked to provide their analysis about the advisability of removing horticulture and agriculture as permitted uses in the R1 and/or R2 zone(s).
	<b>2018-044</b> that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting in accordance with the Denman Farm Plan Implementation Project Charter v. 4.2.
26 June 2018	<b>2018-063</b> that the following information be provided to the Advisory Planning Commission and Growers and Producers of Denman and Hornby Islands: Clarification of request to the Denman APC to provide analysis of prohibiting horticulture and agriculture on R1 and R2 lots: The LTC is aware that current definitions of horticulture and agriculture allow substantial operations to lawfully take place in relatively high-density small lot neighbourhoods. Over the years, community members have expressed concerns about this, and there are plenty of examples of difficult situations from other places. Before deciding whether to address this issue as part of the Farm Plan project, or as its own discrete project, the LTC is interested to hear community feedback in the form of comments from the APC and the Growers and Producers Association. The LTC is not considering prohibiting gardens, orchards or other personal-use growing anywhere on Denman. The LTC is asking the question, 'Is there reason to consider limits on the scale and type of agricultural and horticultural activities on some residential lots, and if so, do you have any recommendations about criteria (zoning, lot size, setbacks, type of activity, number of animals, types of crops, or other issues)?'

**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
7 August 2018	<p><b>2018-76</b> that the Denman Island Local Trust Committee request staff to bring back a staff report on the Farm Plan Implementation Project responding to information received to date and that this include alternative definitions of feedlot and comments on the following questions: General questions: 1.If 'intensive agriculture' is not allowed on R1, 2 and 3, but 'agriculture' is, however agriculture is defined by Farm Practices Protection Act as a business, and intensive agriculture includes anything where products are grown or raised for sale, what exactly is allowed on R1, 2 and 3? 2. Is subsistence farming in any way limited (compared to current regulatory situation) by these proposed changes? 3. Why do we need a definition of feedlot? Just for setbacks? 4.What is in place currently to ensure that potential housing units will have adequate sewage facilities and will not overtax the groundwater? 5. Will a cistern for rainwater catchment be required for secondary dwellings? (We require this for secondary dwellings generally.) Questions and follow-up based on Growers &amp; Producers Alliance (GPA) referral: 1. GPA says 'agriculture' and 'farming' are used interchangeably in the bylaws. Can staff review the bylaws for consistency in this regard? 2. Answer to GPA question, 'How will the definitions of 'farming,' 'agriculture,' 'horticulture', and 'bona fide farm use' impact certain activities being allowed in R1 and R2?' (compared to current regulations). Also, how will nurseries (or small farms) in R1 or R2, not in Agricultural Land Reserve (ALR), be affected? 3. For E1, Policy 14-would this make any current dwellings legal non-conforming? 4. What are the implications of allowing some Agri-Tourism and housing options on bona fide farms not in the ALR? 5. Agri-Tourism does not mention wineries or activities and facilities associated with them. Where are those regulations? How can we on Denman Island know what is allowed for wineries? 6. GPA notes that definition of Agri-Tourism does not seem to include possibilities for permanent structures (i.e. farm classroom, wine tasting room, etc.); is this true and if so what are implications of considering allowing these? 7. Would animal husbandry (i.e. chickens) not for sale have any setbacks? (see bottom of first page, appendix a) Is this an issue that these proposed amendments would change?</p>
	<p><b>2019-77</b> that the Denman Island Local Trust Committee request staff to set up a telephone participation of a staff member from the Ministry of Agriculture at the next Local Trust Committee meeting to discuss definitions and concepts related to the Farm Plan Implementation Project.</p>
9 Oct 2018	<p><b>2019-89</b> 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.</p>
	<p><b>2019-90</b> that the Farm Plan Project be placed on the next Local Trust Committee agenda with staff suggestions for a participatory public meeting format.</p>

**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
	<p><b>2019-91</b> 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.</p>
February 7, 2019	<p><b>2019-06</b> 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.'</p>
	<p><b>2019-07</b> 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)Reduce the lot line setback for feedlots from 50 metres to 30 metres; c)Remove the term, 'feedlot'; d)Add a new defined term, 'confined livestock area'; e)Remove 'agriculture' as an accessory use in the R1 zone, while retaining 'horticulture' as an accessory use in that zone; f)Remove the term 'intensive agriculture'; g)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; h)Permit the 'keeping of animals for personal use' as an accessory use in the R1, R2, R3 zones.</p>
	<p><b>2019-08</b> 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)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; b)Remove 'horticulture' as a permitted use in the A, F, and RE zones, while retaining 'agriculture' as a principal permitted use in these zones.</p>



**Denman Farm Plan Implementation Project  
LTC Resolutions 2016 - 2019**

Date	LTC Resolution #
	<p><b>2019-10</b> 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 revised 229 (LUB), to be scheduled as early as March 7, 2019.</p>
	<p><b>2019-11</b> that the Denman Island Local Trust Committee revise the Denman Island Farm Plan Implementation Project Charter v.4.3, dated January 29, 2019 by adding to the 'Out of Scope' column: 'Cannabis regulations'. Chair Busheikin spoke to the motion, noting that over time and through gathering more information she has been convinced that the best way forward to addressing cannabis regulations is to separate it from the Farm Plan and to keep the momentum moving forward on that project. CARRIED Trustee Critchley Opposed</p>

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

Date: February 7 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.*

**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
- Cannabis regulations

## 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-2019-011

Date: 7 February 2019

## 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
	<b>Total</b>	\$4,600 <sup>121</sup>