



File No.: 6500-20
(Denman Farm Regulations Review)

DATE OF MEETING: September 27, 2022
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
SUBJECT: Denman Island Farming Regulations Review Project

RECOMMENDATION

1. 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”, is not contrary to or at variance with the Islands Trust Policy Statement.
2. That the Denman Island Local Trust Committee Bylaw No. 228, cited as ‘Denman Island Official Community Plan, 2008, Amendment No. 1, 2018’, be read a second time as amended.
3. 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.
4. That the Denman Island Local Trust Committee Bylaw No. 229, cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008’, be read a second time as amended.
5. 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:

- Cowichan Tribes
- Halalt First Nation
- Lake Cowichan First Nation
- Lyackson First Nation
- Penelakut Tribe
- Snuneymuxw First Nation
- Snaw'Naw'As Nation
- Stz'uminus First Nation
- Te'Mexw Treaty Association
- Homalco First Nation (Xwemalhkwu)
- K'omoks First Nation
- Tla'amin Nation
- Nanwakolas Council
- Wei Wai Kum Nation
- We Wai Kai Nation
- Qualicum First Nation
- Comox Valley Regional District
- Denman Growers and Producers Alliance
- School District #71 (Comox Valley)
- Ministry of Agriculture and Food
- Agricultural Land Commission
- Hornby Island Local Trust Committee
- Denman Island Advisory Planning Commission

6. That the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Proposed Bylaw Nos. 228 (OCP) and 229 (LUB).

REPORT SUMMARY

- To introduce two draft bylaws, Draft Bylaw No. 228 to amend the Denman Island Official Community Plan (OCP) Bylaw No. 185 and Draft Bylaw No. 229 to amend the Denman Island Land Use Bylaw No. 186 (LUB).

BACKGROUND

Both Bylaw Nos. 228 (OCP) and 229 (LUB) 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 were received and incorporated into the proposed bylaws at that time. The project was then put on hold due to planning staff resources being redirected to other Denman Island projects and applications.

The project was revitalized in September 2021. However, during the time the project was on hold the Agriculture Land Commission (ALC) was actively reviewing and updating their provincial policies. It was determined that a small number of amendments were required for Proposed Bylaw nos. 228 and 289, in order to align with the provincial requirements and recent community feedback.

Bylaws nos. 228 and 229 were presented as amended at the July 27, 2022 Special LTC Meeting. The LTC requested further information before making a decision.

The LTC passed the following resolutions at the special business meeting held July 27, 2022.

DE-2022-090

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare revised draft bylaws for consideration of second reading at a subsequent meeting including the following:

- Limiting options for agri-tourism accommodation to no more than four tents or RV sites and no more than one cabin per property and including sufficient setbacks for those uses;
- Creating regulations to allow seasonal egg sales on R1 and R2 lots over 1ha not in the Agricultural Land Reserve, while prohibiting the keeping of roosters on these lots;
- Limiting the maximum size of a principal dwelling unit in Agricultural Land Reserve land to 410 metres² unless it contains a secondary suite in which case maximum size would be 500 metres²

DE-2022-091

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for satisfying requirements around septic and water for secondary dwellings and agri-tourism accommodations.

DE-2022-092

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options and analysis for minimizing the impact of agri-tourism accommodation.

For further background and previous staff reports, and public correspondence please refer to the Project webpage: <https://islandstrust.bc.ca/island-planning/denman/projects/>.

ANALYSIS

Islands Trust Policy Statement:

An ITPS Directives Only Checklist has been prepared for each of the bylaws (see Attachment 1 and 2). In staff's opinion, Bylaw Nos. 228 and 229 are not contrary to or at variance with the ITPS.

Issues and Opportunities

Agri-tourism Accommodation

At its July 27, 2022 LTC meeting, the LTC noted that it would like to consider more restrictive regulations and options to minimize the impacts of agri-tourism accommodation. Staff have reviewed examples of agri-tourism accommodation and found that other jurisdictions either prohibit it entirely or match Agricultural Land Commission (ALC) rules and regulations. However, Gabriola Island has taken a unique approach.

Agri-tourism accommodations in the Agricultural Land Reserve (ALR) can be regulated by Islands Trust, with some maximums set by the provincial government. These accommodations allow up to a maximum of 10 camp sites (tents or RVs) or up to 10 beds in cabins or cottages. The Islands Trust can choose to fully restrict tourist accommodations or allow something in-between. The ALC has no jurisdiction over agri-tourism accommodations outside the ALR. Currently, agri-tourism accommodations are totally restricted on Denman Island.

Gabriola Island Land Use Bylaw No.177 offers an example of more restrictive regulations:

- *four or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or short term use of bedrooms on a farm classified as a farm under the Assessment Act on lots 4.0 hectares (9.88 acres) or larger.*
- *the maximum combined lot coverage of agri-tourism and/or agri-tourism accommodation including buildings, access and parking is one (1) percent of the lot area."*

Following resolution DE-2022-090, staff have amended the Denman Island Draft Bylaw No. 229 to allow agri-tourism accommodation on lots larger than four (4) hectares which are zoned Agriculture without a TUP, as long as they are classified as a farm under the BC Assessment Act, and consistent with the Agricultural Land Reserve Use Regulation. On lots zoned Forestry and Resource, agri-tourism accommodation would be permitted with a Temporary Use Permit, if those lots were classified as a farm under the BC Assessment Act (eg. Farm Tax Status).

On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one cabin on a farm classified under the BC Assessment Act as "Farm" and on lots larger than four (4) hectares. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot. There are currently 33 properties on Denman Island that are over four (4) hectares and have Farm Tax Status.

Seasonal Egg Sales

Rather than create specific regulations to allow for seasonal eggs sales, staff has recommended that more generally, produce stands (not exceeding 4.6m² or 50ft² floor area) be allowed as an accessory use on residential lots. A produce stand means a structure used for the sale of agricultural products that is sited on a lot, or an adjacent lot owned by the same owner, on which the products have been grown or reared.

Staff have also amended the definition of intensive agriculture to “the use of land, buildings and structures on a farm classified under the BC Assessment Act as “Farm” for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots.” These farms are considered commercial enterprises because they are reporting a certain threshold of farm income, and these can be in or out of the ALR. There are currently five properties in the Residential (R1) zone and 11 properties in Rural Residential (R2) zone with Farm Tax status. If there are current intensive agriculture operations on those residential properties they would continue as legal non-conforming status.

Staff considered the option of prohibiting farm animals that can create disturbance (such as roosters or pigs) on small residential lots; however, this was not identified as an issue during community consultation. The Mayne Island Land Use Bylaw prohibits “cattle, sheep, goats, pigs, donkeys, llamas, ostriches, emus and more than one horse” on residential lots less than 2000m² (0.5 acres). If the Denman Island LTC would like to consider this option, it would be advised to return to the community or to refer to the Advisory Planning Commission and Growers and Producers Alliance to gain feedback.

Septic and Water Requirements for Secondary Dwellings and Agri-tourism Accommodation

Typically, Islands Trust uses the Temporary Use Permit (TUP) structure to make specific requirements such as proof of septic and water. The TUP was viewed as too cumbersome and costly for farmers who wish to add a secondary dwelling or create agri-tourism accommodation on their property.

Staff are suggesting the creation of a “condition of use” in the Agriculture zone that agri-tourism accommodation and secondary suites are only permitted when proof of adequate water and septic are submitted. This would be captured as part of the Siting and Use Permit process. In circumstances where an owner is proposing unserviced campsites (no hook ups to water or electricity) and no new structures (tent platforms, picnic shelter, bathroom/shower, etc.), a Siting and Use Permit nor proof of water or septic capacity would be required. Water licences and approvals are issued for water use purposes supporting agriculture and commercial and therefore, a water licence from the Province would be required for any agri-tourism commercial uses.

Size of Principal Dwellings

Proposed Bylaw No. 229 currently restricts the maximum gross floor area of a single family dwelling to 410m² and the size of a secondary dwelling to 90m², on land in the Agricultural Land Reserve (ALR). It does not regulate the maximum size of a principal dwelling on land outside of the ALR.

Setbacks for Agri-tourism Accommodation

To address concerns around minimum setbacks from adjacent properties and the road, it is proposed that a setback for buildings and structures associated with agri-tourism accommodation be set at 30m in agricultural zones and 8m in residential zones. The 30m setback in agricultural zones is based on the minimum setback for

intensive agriculture. The 8m setback in residential zones is based on the current minimum setback from all lot lines for pit privies, feeding troughs, manure piles and buildings and structures for housing animals for agriculture. Staff contacted a Land Use Planner with the Ministry of Agriculture and Food and confirmed that there is no best practice for agri-tourism accommodations as each area has its own unique factors to consider.

Amendments to Proposed Bylaws:

The amended bylaws have been developed in accordance with LTC direction, OCP policies, the Agricultural Land Commission Act (ALCA) and the feedback obtained during engagement. The amended copies of Proposed Bylaw Nos. 228 and 229 are found in Attachments 3 and 4.

Staff have also included a “track changes” copy of the Proposed Bylaw No. 229 bylaw in Attachment 5. The “track changes” copy provides a reference of the proposed bylaw at first reading and highlights the amendments made.

Proposed Bylaw No. 228 (OCP)

Suggested amendments to draft Bylaw No. 228 since the May 1, 2018 regular business meeting are as follows:

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
Schedule 1.8	<p>“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:</p> <ul style="list-style-type: none"> • One dwelling per lot; • One secondary suite per lot consistent with the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i>; and • One temporary secondary dwelling per lot for immediate family consistent with <i>the Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i>; and 	<p>“In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:</p> <ul style="list-style-type: none"> • One principal dwelling per lot consistent with the <i>Agricultural Land Reserve Use Regulation</i>; and • One secondary suite within a principal dwelling per lot consistent with the <i>Agricultural Land Reserve Use Regulation</i> provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and • One secondary dwelling per lot consistent with <i>the Agricultural Land Reserve Use Regulation</i> provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners;
Schedule 1.8	n/a	1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
		“Information Note” located between Policy 16 and Policy 17.
Schedule 1.8	n/a	1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve in keeping with the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.
Schedule 1.8	n/a	1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.
Schedule 1.8	n/a	1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation – this includes a maximum of 3 (three) bedrooms within a principal dwelling to be used as a Bed and Breakfast.
Policy 3	Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots.	Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.
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.	Zoning regulations should permit agritourism use on land in the Agricultural Land Reserve when consistent with the Agricultural Land Reserve Use Regulation 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.	Zoning regulations should permit an amount of agritourism accommodation on land in the Agricultural Land Reserve that is more limited

Section	Previous Language in draft Bylaw No. 228	Amendments made to draft Bylaw No. 228 (shown in bold)
		than the criteria set forth in the <i>Agricultural Land Reserve Use Regulation</i>.

Proposed Bylaw No. 229 (LUB)

Amendments to Proposed Bylaw No. 229 since the May 1, 2018 regular business meeting are available to review in the “track changes” copy (Attachment 5). The following directions informed the amendments to Proposed Bylaw No. 229:

- Revise the definition of “agriculture” to make it more concise and align it with the same definition used on Hornby Island.
- The current definition of “horticulture” will suffice.
- Keep the current definition of Intensive Agriculture as a permitted use in the ALR with a minor amendment to better define “commercial enterprise or institution”.
- Consider criteria of lots size and livestock stocking density for Intensive Agriculture in R1 and R2 zones.
- Align principal dwelling size limitations to ALC Act and regulations.
- Align secondary dwelling allowances to ALC Act and regulations
- Ensure that all new secondary dwellings have adequate potable water and septic capacity (or equivalent).
- Align agri-tourism accommodation allowances with ALC Act and regulations.
- Ensure that all agri-tourism accommodations have adequate potable water and septic capacity (or equivalent).
- Retain status quo regulations with regards to B&Bs contained within a principal dwelling.

Consultation

Referrals were initially sent out after first reading in 2018; however, given the length of time that has passed and the proposed amendments, re-referrals to agencies and First Nations are required.

As the project involves proposed OCP amendments, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation with agencies or First Nations other than those identified below and direct staff accordingly. Following second reading, staff recommends Bylaw Nos. 228 and 229 be referred to the following First Nations and agencies:

- | | |
|------------------------------|---|
| • Cowichan Tribes | • Nanwakolas Council |
| • Halalt First Nation | • Wei Wai Kum Nation |
| • Lake Cowichan First Nation | • We Wai Kai Nation |
| • Lyackson First Nation | • Qualicum First Nation |
| • Penelakut Tribe | • Comox Valley Regional District |
| • Snuneymuxw First Nation | • Denman Growers and Producers Alliance |
| • Snaw'Naw'As Nation | • School District #71 (Comox Valley) |
| • Stz'uminus First Nation | • Ministry of Agriculture and Food |
| • Te'Mexw Treaty Association | |

- Homalco First Nation (Xwemalhkwa)
- K'omoks First Nation
- Tla'amin Nation
- Agricultural Land Commission
- Hornby Island Local Trust Committee
- Denman Island Advisory Planning Commission

A community information meeting and public hearing are included as part of community consultation, and may occur between first and second reading, or between second and third reading.

Rationale for Recommendation

The intent of the Denman Island Farm Plan is to enhance and preserve farming in the region and work towards increased farm production that is both sustainable and resilient. Amendments to the OCP and LUB are required to help formally protect Denman Island’s land base for agriculture. Staff recommend that Bylaw Nos. 228 and 229 be given second reading as per the recommendation on Page 1 of the staff report.

ALTERNATIVES

1. Make minor amendments to the draft bylaws and then proceed to second reading.

If the LTC wishes to make minor amendments to the draft bylaws, this can occur prior to consideration of second reading via the following resolution:

“That the Denman Island Local Trust Committee amend Bylaw No. (insert bylaw #), cited as “Denman Island (insert OCP or LUB), 2008, Amendment No. 1, 2018”, by (insert specific changes here).”

The LTC could then proceed with the resolutions noted on page 1 of the staff report.

2. Request staff prepare revised draft bylaws for consideration of second reading at a subsequent meeting

If significant changes to the bylaw are desired by the LTC, the LTC should request that staff prepare revised draft bylaws for LTC consideration at a subsequent meeting, via the following resolution:

“That the Denman Island Local Trust Committee request that staff revise draft Bylaw No. 228 and 229, prior to Local Trust Committee consideration of first reading, as follows: (insert requested changes).”

Staff would provide the LTC with revised draft bylaws at a subsequent LTC meeting.

3. Request staff to include additional bylaw referral recipients.

The LTC can request additional bylaw referral recipients to those recommended by staff. The LTC should specify the additional recipients as a part of the recommended referral resolution on page 1 of the staff report.

NEXT STEPS

Subject to LTC concurrence with the staff recommendations, referrals to First Nations and agencies would be sent and a CIM and Public Hearing would be scheduled.

Submitted By:	Marlis McCargar, Island Planner	September 20, 2022
Concurrence:	Heather Kauer, RPP, MCIP, AICP Regional Planning Manager	September 20, 2022

ATTACHMENTS

1. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 228
2. Islands Trust Policy Statement Directives Only Checklist – Bylaw No. 229
3. Proposed Bylaw No. 228, amended (clean copy)
4. Proposed Bylaw No. 229, amended (clean copy)
5. Proposed Bylaw No. 229 (track changes)



File No.: 6500-20

File Name: Farm Plan Implementation

Bylaw No. 229

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
✓	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>



File No.: 6500-20
File Name: Farm Plan Implementation
Bylaw No. 228

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council’s guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council’s position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
✓	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
✓	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.2.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
✓	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
✓	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

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 principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation*; and
 - One secondary suite within a principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - One secondary dwelling per lot consistent with *the Agricultural Land Reserve Use Regulation* provided that the land owner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners; and
 - Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.”
- 1.8a Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article Remove the “Information Note” located between Policy 16 and Policy 17.
- 1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - siting – an additional Policy is added after Policy 24: Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve in keeping with the Ministry of Agriculture and Food’s Guide to Bylaw Development in Farming Areas to protect the land’s agricultural viability.
- 1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 27: that the proposal is not located within the Agricultural Land Reserve.
- 1.8c Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - zoning – an additional provision is added to Policy 28: that the proposal is not located within the Agricultural Land Reserve.
- 1.8d Part E – FAMILIES AND INDIVIDUALS, Section E.2 – ECONOMIC ACTIVITIES, Subsection – Policies, Tourism – the following text is added to Policy 14 after the word “accommodation”. Tourist accommodation within the Agricultural Land Reserve must be consistent with the Agricultural Land Reserve Use Regulation and Denman Island bylaws – this includes a maximum of 3 (three) bedrooms within a principal dwelling to be used as a Bed and Breakfast.
- 1.9 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by changing the

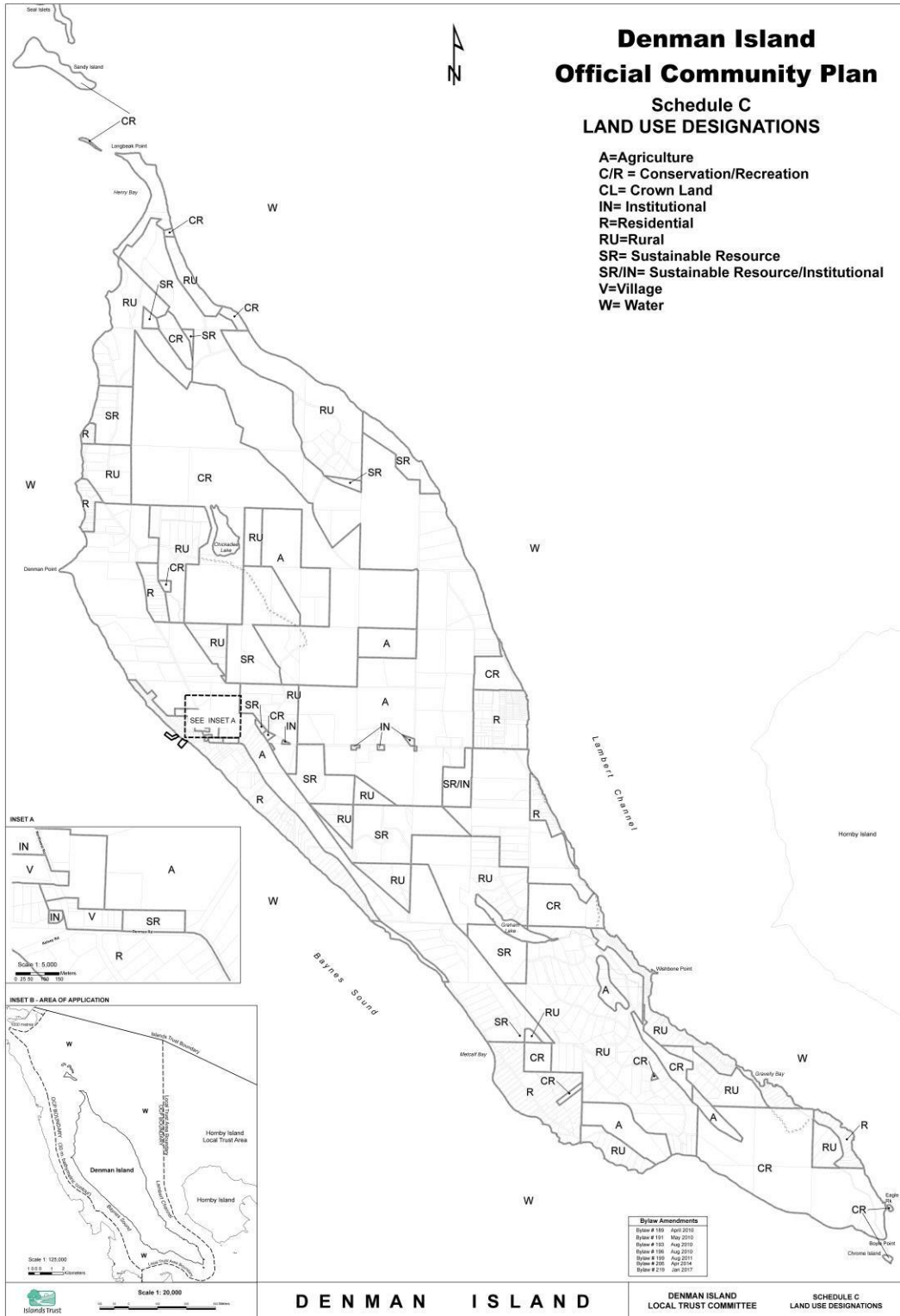
section title to “AGRICULTURE AND RESOURCES”.

- 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 avoid 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 when consistent with the *Agricultural Land Reserve Use Regulation* and on lots where agriculture or horticulture are a permitted use.
- Policy 6 Zoning regulations should permit an amount of agritourism accommodation on land in the Agricultural Land Reserve that is more limited than the criteria set forth in the *Agricultural Land Reserve Use Regulation*.
- 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 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. 229**

Schedule 1

1. Schedule “A” of Denman Island Land Use Bylaw, 2008, is amended as follows:
 - 1.1 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by deleting “*agriculture*” and “intensive agriculture” and replacing with:
 - i. “agriculture means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock.”
 - ii. “intensive agriculture means the use of land, buildings and structures on a farm classified under the BC Assessment Act as “Farm” for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlots;”
 - iii. “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 by deleting ““feedlot” in its entirety
 - 1.3 Part 1 - ADMINISTRATION, Section 1.1 – Definitions is amended by inserting the following new definitions in alphabetical order:
 - i. agri-tourism means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a ‘farm’ under the *Assessment Act* and includes all listed agri-tourism activities in Section 12.2 of the *Agricultural Land Reserve Use Regulation*.
 - ii. agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or recreational vehicle on an agri-tourism accommodation campground.as defined by the *Agricultural Land Reserve Use Regulation*.
 - iii. Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.
 - iv. Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.

- 1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as “R2” (Rural Residential), “A” (Agriculture), “F” (Forestry) and “RE” (Resource).

Secondary suites are generally permitted within a principal dwelling within these zoning designations.

- 1.5 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.”

- 1.6 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”.

- 1.7 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 agriculture, except for a fence, 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 agriculture or used to accommodate domesticated animals other than household pets.”

- 1.8 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, including fencing, associated with agriculture, except for a fence, 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.”

- 1.9 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding the following bullet:
- One per sleeping unit of agri-tourism accommodation
- 1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:
- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest
- 1.11 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.”
- 1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations, is amended by adding the following bullet:
- All agri-tourism accommodation must be screened from view from an adjacent lot or highway by a landscape screen.
- 1.13 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”.
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended as follows:
6. Horticulture and agriculture, accessory to a principal residential use
 7. Intensive agriculture on lots greater than 2.0 hectares.
- 1.15 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:
- Section 3.3 – Residential Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.4 – Resource Zoning Tables, Table 4 – Height, Subsection (4)
 Section 3.5 – Commercial and Light Industrial Zoning Tables, Table 4 – Height, Subsection (3)
 Section 3.6 – Community Zoning Tables, Table 4 – Height, Subsection (2)
- 1.16 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	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area	?	?	?
“11	Agri-tourism use on a lot classified as a farm under the BC <i>Assessment Act</i> ”	?	?	?
12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC <i>Assessment Act</i> and consistent with the <i>Agricultural Land Reserve Use Regulation</i> .	?	?	?

- 1.17 Part 3 –ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2:
- and agri-tourism accommodation

- 1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 7 – Conditions of Use	R1	R2	R3
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	✓	✓

- 1.19 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.
- 1.20 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	Secondary dwelling unit consistent with <i>the Agricultural Land Reserve Use Regulation</i>	?		
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 on lots larger than 4.0 ha and classified as a farm under the BC <i>Assessment Act</i> and consistent with the <i>Agricultural Land Reserve Use Regulation</i> .	?	?	?
16	Agri-tourism accommodation on a lot classified as a farm under the BC <i>Assessment Act</i> (requires approval by a Temporary Use Permit)”		?	?

- 1.21 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		✓	✓
	☐		

- 8 “On land in the Agricultural Land Reserve, four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a farm classified under the BC Assessment Act as “Farm” and on lots larger than 4 ha. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot.”

☐

- 1.22 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, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourim accommodation must be less than 1% of the total area of the parcel	☐	n/a	n/a
6. On land in the Agricultural Land Reserve, maximum number of single family dwellings per lot	1	n/a	n/a
7. On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	n/a	n/a
8. On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))			
9. On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot.	1	n/a	n/a

- 1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².

- 1.24 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – the Information Note at the bottom of Table 3 is removed.

- 1.25 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”.
- 1.26 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for “A” Agriculture and replacing with “N/A”.
- 1.27 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 agri-tourism accommodation”	30.0m.0 m	30.0m	30.0m”

- 1.28 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	A	F	RE
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	n/a	n/a

- 1.29 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended

Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource). For clarity, Temporary Use Permits are not required for secondary dwellings within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the *Agricultural Land Reserve Use Regulation*.

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan and as permitted in the Agricultural Land Reserve Use Regulation.

Guidelines

- Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.

- Guideline 2 Compliance with the requirements of the “Secondary Suites and Accessory Dwellings” regulations of Part 2, “General Regulations”, is a condition of approval.
- Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.
- Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.
- Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:
- a) Adequate off-road parking should be provided;
 - b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
 - c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
 - d) Other requirements that the Local Trust Committee may consider appropriate.

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 1ST 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*" and "*intensive 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;"~~ "*agriculture*" means the use of land, buildings, or structures for the growing, rearing, harvesting, processing, marketing or production of agricultural plants, crops, or livestock."

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 structures on a farm classified under the BC Assessment Act as "Farm" for the confinement of poultry, livestock or fur bearing animals, or the growing of mushrooms, except for forest fungi, and excludes feedlotsthe 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. ~~iii.~~ "*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 by deleting "*feedlot*" in its entirety

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

i. "*agri-tourism* means a tourist activity, service or facility accessory to the agricultural use of the land that is classified as a 'farm' under the Assessment Actmeans ~~agri-tourism as defined in the~~and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation.

ii. agri-tourism accommodation means a) a bedroom or other area used as a bedroom within an agri-tourism accommodation cabin or b) a tent or

~~recreational vehicle on an agri-tourism accommodation campground.~~ means accommodation provided for and used only by the clients, customers, guests or patrons, but not the employees, of an agri-tourism activity as defined by the Agricultural Land Reserve Use Regulation.

- iii. ~~Produce stand means a structure used for the sale of agricultural products that is sited on the lot, or an adjacent lot owned by the same owner, on which the products being offered for sale have been grown or reared.~~
- ii.iv. ~~Sleeping unit means a) a bedroom in a dwelling or b) a tent or recreational vehicle on a campsite used for agri-tourism accommodation.~~

~~immediate family means, with respect to an owner, the owner's (a) parents, grandparents and great-grandparents,~~

1.4 Part 2 – GENERAL REGULATIONS, Section 2.1 – Uses, Buildings and Structures, Subsection 4 is amended by deleting the paragraph in its entirety and replacing with:

Secondary dwelling units may be permitted, subject to conditions, by Temporary Use Permit on lands zoned as "R2" (Rural Residential), "A" (Agriculture), "F" (Forestry) and "RE" (Resource). ~~Secondary-Temporary Use Permits are not required for secondary dwellings within the Agricultural Land Reserve as long as the secondary dwellings are consistent with the Agricultural Land Reserve Use Regulation.~~

Secondary suites are generally permitted within the principal dwelling within these zoning designations. ~~without the need for a Temporary Use Permit.~~

- ~~(b) spouse, parents of spouse and stepparents of spouse,~~
- ~~(c) brothers and sisters, and~~
- ~~(d) children or stepchildren, grandchildren and great grandchildren"~~

- iii. ~~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."~~

1.31.5 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.”

1.41.6 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”.

1.51.7 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~~ agriculture or used to accommodate domesticated animals other than household pets.”

1.61.8 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 agriculture, except for a fence, 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.”

1.9 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.16 is amended by adding the following bullet:

- One per sleeping unit of agri-tourism accommodation

1.10 Part 2 – GENERAL REGULATIONS, Section 2.5 – Parking Regulations, Subsection 2.5.17 is amended by adding the following bullet:

- Four, or one per sleeping unit of agri-tourism accommodation, whichever is greatest

1.71.11 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.”

1.12 Part 2 – GENERAL REGULATIONS, Section 2.7 – Screening Regulations, is amended by adding the following bullet:

- All agri-tourism accommodation must be screened from view from an adjacent lot or highway by a landscape screen.

1.81.13 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”.

1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended as follows:

- 6. Horticulture and agriculture, accessory to a principal residential use
- 7. Intensive agriculture on lots greater than 2.0 hectares.

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

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

1.101.16 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	<u>One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area</u>	✓	✓	✓
4011	<u>Agri-tourism use on a lot classified as a farm under the BC Assessment Act”</u>	✓	✓	✓
124	<u>Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the Agricultural Land Reserve Use Regulation.</u>	✓	✓	✓

1.17 Part 3 –ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2:

- and agri-tourism accommodation

1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 7 Conditions of Use, is added as follows:

Table 7 – Conditions of Use	R1	R2	R3
<u>On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation</u>	✓	✓	✓

<u>use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.</u>			
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1.111.19 Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables is amended by replacing “Resource Zoning Tables” with “Agriculture and Resource Zoning Tables”.

1.121.20 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 Secondary dwelling unit consistent with <i>the Agricultural Land Reserve Use Regulation</i>	✓		
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>	✓	✓	✓
<u>16</u>	<u>Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act and consistent with the <i>Agricultural Land Reserve Use Regulation</i>.</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>
16	Agri-tourism accommodation <u>on a lot classified as a farm under the BC Assessment Act</u> (requires approval by a Temporary Use Permit)”	✗	✓	✓

1.131.21 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
<u>7</u> “On land in the Agricultural Land Reserve, a secondary dwelling unit in accordance with the <i>Agricultural Land Reserve Use Regulation</i> .”	✓	✓	✓
87 “On land in the Agricultural Land Reserve, <u>four (4) or fewer sleeping units for agri-tourism accommodation in the form of either seasonal campsites and/or a maximum of one (1) cabin on a farm classified under the BC Assessment Act as “Farm” and on lots larger than 4 ha. Should farm tax classification discontinue for a period of two (2) consecutive years, agri-tourism accommodation is no longer a permitted accessory use on the lot.</u> ” 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. ”	✓		

1.141.22 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, the total developed area for buildings, landscaping, sewage disposal, parking and access for agri-tourism accommodation must be less than 1% of the total area of the parcel	✓	n/a	n/a
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 gross floor area of a single family dwelling unit	1410m²	n/a	n/a
7. On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))			
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

1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – Density of Uses, Buildings and Structures – add a note that: the cumulative footprint of all dwellings (principal dwellings including any secondary suite and secondary dwelling) must not exceed 500 m².

1.24 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 3 – the Information Note at the bottom of Table 3 is removed.

1.25 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”.

1.26 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 4 – Height, Subsection 4 is amended by removing the fence height restriction for “A” Agriculture and replacing with “N/A”.

1.27 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	E	RE
<u>“7</u> Minimum setback from any lot line for <u>feedlots</u> <u>agri-tourism accommodation</u>	<u>30.0m</u> <u>0 m</u>	<u>n/a</u> <u>30.0m</u>	<u>30.0m</u> <u>a”</u>

~~1.15~~ 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”

~~1.16~~ 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 discouraged from being subdivided into panhandle lots.~~

1.28 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 9 – Conditions of Use, is added as follows:

Table 9 – Conditions of Use	A	F	RE
On Agricultural Land Reserve lots where a secondary dwelling or agri-tourism accommodation use is to be created, there must be an adequate supply of water, and sewage disposal capacity, for the use, and for this purpose the rules for proving water for a subdivision in Section 2.8 and proof from a qualified professional that the dwelling is connected to an approved sewerage system apply.	✓	n/a	n/a

1.29 Part 5 – TEMPORARY USE PERMITS, “Area 2”, Subsection – Guidelines, is amended ~~1.17~~

Area 2

The Local Trust Committee may issue Temporary Use Permits for secondary dwelling units on lands zoned as “R2” (Rural Residential), ~~“A” (Agriculture),~~ “F” (Forestry) and “RE” (Resource). For clarity, TempTemporary Use Permits are not required for secondary dwellings within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve so long as they are consistent with the Agricultural Land Reserve Use Regulation.:- and- that the landowner provides the Local Trust Committee with proof that adequate water supply and septic (or equivalent) is available for each dwelling unit without endangering the water supply of adjacent land owners.

Objective

To permit secondary dwelling units where considered appropriate to address housing objectives as defined in the Official Community Plan and as permitted in the Agricultural Land Reserve Use Regulation.

Guidelines

Guideline 1 Upon application, Temporary Use Permits may be considered for all parcels of land zoned as “R2” (Rural Residential), ~~“A” (Agriculture),~~ “F” (Forestry) and “RE” (Resource) by the Denman Island Land Use Bylaw.

Guideline 2 Compliance with the requirements of the “Secondary Suites and Accessory Dwellings” regulations of Part 2, “General Regulations”, is a condition of approval.

Guideline 3 Applications for Temporary Use Permits may be referred to the Advisory Planning Commission, which may be requested to provide an opportunity for public input to be received and considered in preparing its recommendations.

Guideline 4 Where approvals are required from other agencies, these should be obtained prior to the issuing of a Temporary Use Permit.

Guideline 5 The general conditions for issuing a Temporary Use Permit are as follows:

- a) Adequate off-road parking should be provided;
- b) There should be adequate provision for approved waste disposal before consideration is given by the Local Trust Committee;
- c) Water supply should be addressed so as to not create negative impacts upon existing common water sources; and
- d) Other requirements that the Local Trust Committee may consider appropriate.

~~1.18 — 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 a Agri-tourism accommodation may be permitted on a lot classified as a farm under the *BC Assessment Act*. If the parcel is in the Agricultural Land Reserve then it must also be consistent with agri-tourism accommodation criteria set forth in the *Agricultural Land Reserve Use Regulation*.~~

~~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 10 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. A maximum of 3 of the 10 sleeping units are permitted as home based guest accommodation units within 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;~~

~~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.”**~~