



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

DATE OF MEETING: June 6, 2023
TO: Denman Island Local Trust Committee
FROM: Marlis McCargar, Island Planner
Northern Team
COPY: Renée Jamurat, Regional Planning Manager
SUBJECT: Denman Island Farming Regulations Review Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee Bylaw No. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be amended as presented in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.
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 Bylaw No. 229 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” be amended as follows:
 - a) In Part 1 - ADMINISTRATION, Section 1.1 add “where no permanent facilities are constructed or erected” after “Assessment Act” in the agri-tourism definition.
 - b) In Section 1.23 Table 2 (8) – Permitted Buildings and Structures delete “for a period of two (2) consecutive years”.
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 send notification to all property owners affected by the changes outlined in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.
6. That the Denman Island Local Trust Committee add a Land Use Bylaw Map Amendment Project to align the OCP land use designations with the LUB zoning regulations to the ‘Future Projects’ list .

REPORT SUMMARY

This staff report provides the Denman Island Local Trust Committee (LTC) with a follow up of bylaw referrals received to date and amendment considerations for Proposed Bylaw Nos. 228 and 229.

Staff are recommending the LTC amend Proposed Bylaw No. 228 Schedule C, Land Use Designations Map (Attachment 1) to correct a mapping error that occurred when converting Agricultural Land Reserve (ALR) land to an Agricultural designation. Staff are also recommending the LTC amend Proposed Bylaw No. 229, in response to the referral feedback from the Ministry of Agriculture and Food. The LTC is asked to consider second reading of Proposed Bylaw Nos. 228 and 229, as amended.

In addition, staff are recommending that the LTC send notification to all property owners with properties affected by the change in land use designation due to the mapping error.

The LTC may also want to consider amendments to the Land Use Bylaw Schedule B Zoning Map as a future minor project. There are under five properties that have an Agriculture designation in the OCP, are completely in the ALR, but are not zoned Agriculture (A).

BACKGROUND

The Denman Island Farming Regulations Review Project seeks to enhance and preserve farming activities on the island through updates to the Denman Island Official Community Plan policies and Land Use Bylaw regulations. The project is focused on implementing three recommendations from the Denman Farm Plan (recommendations 11, 13 and 14) and align with the Agricultural Land Commission (ALC) Act and Regulation.

Both Bylaw No's. 228 (OCP) and 229 (LUB) have been given 1st reading (May 2018) and were presented at a Community Information Meeting (August 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 no's. 228 and 229, in order to align with the provincial requirements and recent community feedback. The project was partially funded in part by Agriculture and Agri-Food Canada and the Government of British Columbia through programs delivered by the Investment Agriculture Foundation (IAF) of B.C.

Bylaws no's. 228 and 229 were presented as amended at the July 27, 2022 Special LTC Meeting. The LTC requested further information before making a decision. Staff conducted further analysis and returned to the September 27, 2022 Regular LTC Meeting with additional amendments to the Bylaws. At that meeting, due to the amount of time that had passed since 1st reading was given and for clarity, 1st reading was rescinded on both Bylaws no's. 228 and 229. Staff was given direction to further amend the bylaws and schedule a special business meeting in October 2022.

The Denman Local Trust Committee (LTC) passed the following resolutions at the regular business meeting held on October 6 and 14, 2022.

DE-2022-118

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018" be amended as follows:

In Sections 1.7 and 1.8 delete the current text in its entirety and replace with “30.0 metres for buildings and structures associated with agriculture, except for a fence.”

CARRIED

DE-2022-119

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” be amended as follows:

- In 1.4, adding, at the end of the second paragraph, after (Resource), a comma, and the words “and on properties in the Agricultural Land Reserve without a Temporary Use Permit.”;
- In 1.9, adding the words “, under Commercial,” after “by adding;
- In 1.17, Table 1, item 12, adding words “where permitted by a Temporary Use Permit.” after the word “Act” .;
- In 1.23, Table 2, item 8, changing the text after the word “(1 cabin” to “on a property over 4 HA and classified under the BC Assessment Act as “Farm.”, and then continuing with the following sentence beginning with “Should.”;
- In 1.24, Table 3, item 6, adding, in the second and third columns, the number one;
- In 1.24, Table 3, item 7, adding 410 m² in the second and third columns;
- In 1.24, Table 3, items 8 and 9, including the number “1” in each column;
- In 1.31, Objective, removing the words “and as permitted in the Agricultural Land Reserve Use Regulation”.

CARRIED

DE-2022-120

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-121

It was MOVED and SECONDED,

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 first time.

CARRIED

DE-2022-122

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-123

It was MOVED and SECONDED,

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.

CARRIED

DE-2022-124

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.

CARRIED

DE-2022-125

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a second time.

CARRIED

DE-2022-126

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer Bylaw Nos. 228 and 229 to the following agencies and First Nations for comment:

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

CARRIED

DE-2022-127

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw Nos. 228 (Official Community Plan) and 229 (Land Use Bylaw) after the referral response period is complete.

CARRIED

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

Policy/Regulatory

Islands Trust Policy Statement (ITPS):

Staff have previously provided an analysis of the proposed bylaws in the [staff report](#) dated October 6, 2022, and have determined Proposed Bylaw Nos. 228 and 229 are not contrary to or at variance with the ITPS.

Issues and Opportunities

Amendments to Proposed Bylaws:

At the July 27, September 27, October 6 and October 14, 2022 LTC meetings, the LTC considered several recommended amendments to Proposed Bylaw Nos. 228 and 229. The amended copies of Proposed Bylaw Nos. 228 and 229 are found in Attachments 1 and 3, and the LTC is asked to consider second reading of the bylaws, as amended.

Amendments to Proposed Bylaw No. 228 Schedule C Land Use Designation map included correcting a mapping error that left four parcels of ALR designated land as Rural (RU) and Sustainable Resource (SR) when they should have been designated as Agriculture (A) (changes are highlighted in red in Attachment 2).

Staff have included “track changes” copies of the proposed bylaws in Attachments 2 and 4. The “track changes” copies provide a reference of the proposed bylaws at second reading and highlight the amendments made due to the referral response from the Ministry of Agriculture and Food and the mapping error.

Community Information Meeting and Public Hearing

Under section 464 of the *Local Government Act* (LGA), a local government must hold a public hearing to adopt an official community plan bylaw and zoning bylaw, “...for the purpose of allowing the public to make representations to the local government respecting matters contained in the proposed bylaw.” Under section 465 (1) of the LGA, a public hearing must be held after first reading and before third reading of a proposed bylaw.

The purpose of the public hearing is to hear the view of community members regarding a proposed bylaw. A public hearing is preceded by a community information meeting (CIM), which is intended to introduce the proposed bylaws and respond to any questions community members may have prior to voicing their opinion at the public hearing.

Staff are recommending a CIM and public hearing be scheduled at this time. Scheduling options include holding the CIM and public hearing following the regular business portion of an LTC meeting, or holding the CIM and public hearing on a separate day (or night).

The LTC may consider potential dates and request staff to schedule the meetings accordingly. Staff will circulate notification of the public hearing in advance of the meeting date.

Consultation

Referrals:

Generally, referral periods for zoning amendments are 60 days to provide adequate response time for First Nations and agencies or local governments. Referrals were initially sent out after 1st reading was given in 2018; however, given the length of time that has passed and the proposed amendments, re-referrals to agencies and First Nations were required. Re-referrals were sent out on November 17, 2022 and the deadline for referral feedback was set for February 1, 2023.

Under LTC direction, bylaw referrals were sent to the following First Nations, agencies or local governments, and community groups:

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

Bylaw Referral Responses

At the time of this report, a referral response from Tla’amin Nation, Ts’uubaa-asatx Nation, Ministry of Agriculture and Food (Attachment 5) and the Denman Island Growers Alliance (Attachment 6) have been received. Referral

responses have also been posted to the Denman Island Farm Plan Implementation [project webpage](#) under “Community Consultation”.

A summary of the referral responses that have been received are provided in Table 1:

Table 1. Summary of Referral Responses

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
Tla'amin Nation	Area is outside of Tla'amin Nation's core territory.	None.
Ts'uubaa-asatx Nation	Defer to K'ómoks First Nation for decision making in this area.	None.
Ministry of Agriculture and Food (Attachment 5)	<p>Ministry staff are generally supportive of the updates to Proposed Bylaw Nos. 228 and 229.</p> <p>Concerns:</p> <p>Residential use setback requirements do not match Ministry of Agriculture, Food and Fisheries’ Guide for Bylaw Development in Farming Areas. The goal of the setbacks in the Guide are to locate the farm residential footprint as close to the street as possible to maximize agricultural potential. For example:</p> <ul style="list-style-type: none"> • Maximum setback of 60m from front lot line (except on lots narrower than 33m or lots greater than 60 ha) <p>Include an OCP Policy that states: further subdivision of agricultural lands to create new lots is not supported.</p>	<p>Proposed Bylaws Nos. 228 and 229 do not recommend any changes to the building setbacks for a principal dwelling. The setbacks in the Land Use Bylaw No. 186 are <i>minimum</i> setbacks and range depending on the zone.</p> <p>Policy 7 in Resource Section of Denman Island OCP No. 185 currently states:</p> <p><i>“The Local Trust Committee should only support an application for non-farm use or subdivision on land in the Agricultural Land Reserve if the proposed non-farm use or subdivision is consistent with zoning regulations and either:</i></p> <ul style="list-style-type: none"> • <i>allows an activity that supplements the farm income and does not decrease the</i>

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
	<p>As written, Policy 7 under Section 1.15 in Proposed Bylaw No. 228 is unclear as to what constitutes “a significant benefit for the greater community of Denman Island.”</p> <p>Amend definition of agri-tourism to include “where no permanent facilities are constructed or erected”.</p> <p>Amend the setbacks for agricultural structures from watercourses to delineate between structures that cause more risk (e.g. confined livestock area) and structures that are lower risk.</p> <p>As per the ALR Use Regulation, agri-tourism accommodation is not granted a ‘grace period’ when a property loses its farm tax classification.</p> <p>“Produce Stand” is not included as either a permitted or an accessory use in the Agriculture zone.</p>	<p><i>farming capability of the property; or</i></p> <ul style="list-style-type: none"> <i>protects the land for conservation purposes.”</i> <p>The LTC can choose to use their best judgement if and when there is an application for exclusion of land from the ALR.</p> <p>Staff recommend amending the definition in Proposed Bylaw No. 229 to align with the ALR Use Regulation.</p> <p>The LTC had extensive discussion about the setback requirements from watercourses that can be reviewed here.</p> <p>Staff recommend amending Proposed Bylaw No. 229, Section 1.23 Table 2 – Permitted Buildings and Structures to remove reference to grace period: “for a period of two (2) consecutive years”.</p> <p>“Buildings and structures to accommodate retail sale of farm products” are already included as a permitted use in the Denman Island LUB No. 186.</p>
Denman Island Growers Alliance (Attachment 6)	<p>Several concerns were outlined:</p> <p>Farm stand regulations appear restrictive</p>	<p>The Farm Stand regulations were added as a permitted accessory use to the R1/R2/R3 zones to allow residential lots to sell agricultural products. This regulation was added as a direct result of concerns raised around seasonal egg sales. More information available in</p>

First Nation/ Agency / Group	Summary Response to Bylaw Referral	Staff Comments
	<p>Septic requirements do not allow for composting toilets.</p> <p>Screening requirements for agri-tourism accommodations</p> <p>Proof of potable water for secondary dwellings</p> <p>Farmers exemption of Temporary Use Permit (TUP) fees on ALR land not zoned Agriculture (A).</p>	<p>previous staff report and LTC meeting minutes.</p> <p>A composting toilet is considered a type of sewerage system. An owner who wants to construct or use a composting toilet must hire an Authorized Person to file the necessary documentation to the Health Office and either supervise or construct the composting toilet on the property.</p> <p>There are no specific height requirements. Proposed bylaw No. 229 states “screened from view from an adjacent lot”.</p> <p>During community engagement, the majority of participants (CIM and survey respondents) emphasized the importance of ensuring that there is adequate potable water and septic capacity in place for secondary and agri-tourism accommodations.</p> <p>A TUP will not be required to build a secondary dwelling in the Agriculture zone on ALR lands. However, there are nine properties zoned Agriculture not in the ALR. The Denman Housing Review Project will give the opportunity to explore permitting secondary suites without a TUP.</p>
ALC	No response yet – still in review	

APC Meeting

On January 17, 2023 the Advisory Planning Commission (APC) met to discuss the proposed policy and zoning amendments and to provide comments and/or recommendations to the LTC. The APC indicated they are supportive of the bylaws moving forward to Public Hearing. The APC also discussed the importance of Development Permit Areas that protect watercourses and address setbacks. It was out of scope for this project; however, the APC feel it is a priority for the LTC to consider as a priority project in the future.

The APC passed the following resolutions at their January 17, 2023 meeting:

DE-APC-2023-001
It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 228.

CARRIED

DE-APC-2023-002

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends moving forward with proposed Bylaw No. 229.

CARRIED

DE-APC-2023-003

It was MOVED and SECONDED,

that the Denman Island Advisory Planning Commission recommends that the Local Trust Committee review issues of creating development permit areas for protection of watercourses as a priority.

CARRIED

Suggested Amendments

Proposed Bylaw No. 228 (OCP)

Amendments to Proposed Bylaw No. 228 Schedule C Land Use Designation map included correcting a mapping error that left four parcels of ALR designated land as Rural (RU) and Sustainable Resource (SR) when they should have been designated as Agriculture (A). The Schedule C Land Use Designations map has been corrected and the highlighted changes can be reviewed in Attachment 2.

Proposed Bylaw No. 229 (LUB)

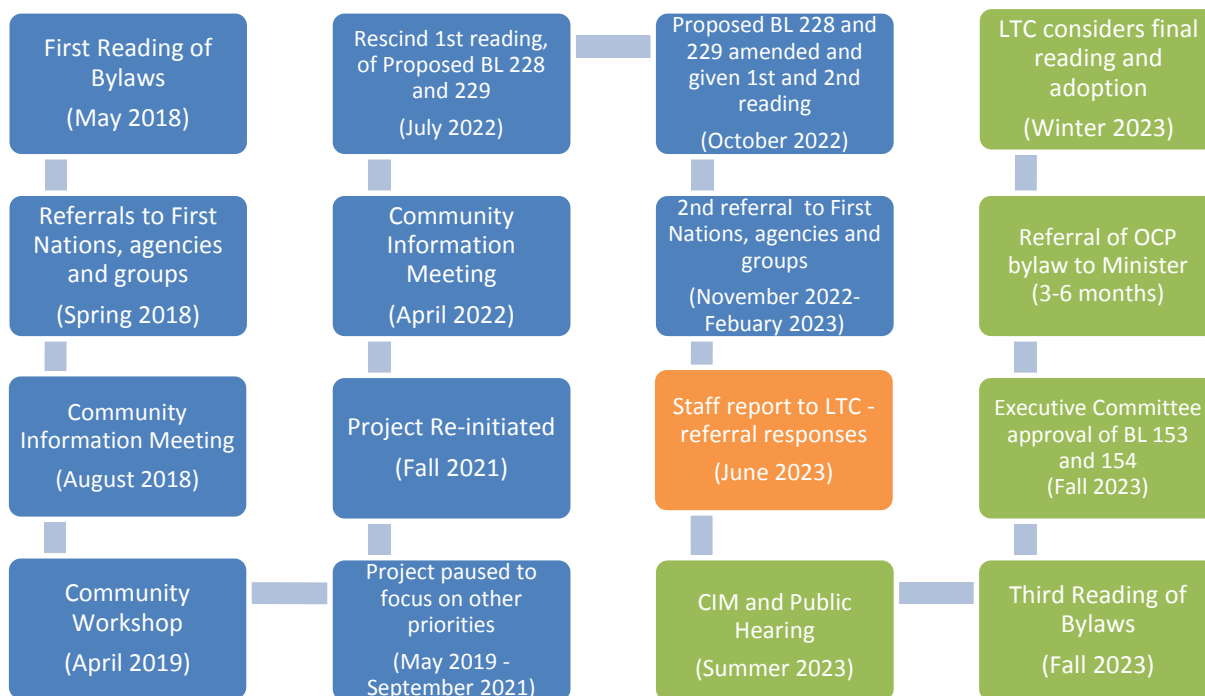
Staff are recommending two minor amendments to Proposed Bylaw No. 229 based on the referral response from Ministry of Agriculture and Food. Staff are suggesting amending the definition of agri-tourism to align with the ALR Use Regulation. The definition would be amended to clarify that agri-tourism means where no permanent facilities are constructed or erected.

In addition, as per the ALR Use Regulation, agri-tourism accommodation is not granted a 'grace period' when a property loses its farm tax classification. As such, staff recommend amending the zone regulation to remove reference to a grace period of "two (2) consecutive years" if farm tax status were to discontinue. Effectively, this would mean an agri-tourism accommodation would need to cease operation immediately if the property was no longer classified under the BC Assessment Act as a "Farm".

Timeline

The following timeline outlines the bylaw amendment process milestones to date along with next steps and approximate timing which may assist in managing community expectations in how an OCP and LUB amendment such as this, is processed.

Public input may be received by the LTC at any point during the OCP and LUB amendment process up until the end of the public hearing. Under section 465(1) of the *Local Government Act*, a public hearing must be held after first reading and before third reading. No date has been set for a public hearing at this time.



Rationale for Recommendation

The amendments made to Proposed Bylaw Nos. 228 and 229 are recommended by staff in response to discussions with referral agencies and to correct a mapping error. Staff are also recommending that the LTC send notification to the four property owners with properties affected by the change in land use designation due to the mapping error. Notification will ensure that the property owners are aware of the changes being made to the land use designation and give them the opportunity to respond ahead of the public hearing.

In addition, staff recommend adding amendments to the Land Use Bylaw Schedule B Zoning Map to the future projects list. There are under five properties that have an Agriculture designation in the OCP, are in the ALR, but are not zoned Agriculture (A).

The staff recommendations are found on Page 1 of this report.

ALTERNATIVES

Offer feasible alternatives to the staff recommendation, noting any significant implications and recommended resolution wording. The LTC may consider the following alternatives to the staff recommendation:

1. Proceed without amendments

The LTC may consider no additional amendments to the proposed bylaws are warranted.

2. Further Amend Proposed Bylaw No. 228 and 229, give Second Reading

The LTC may further amend the proposed bylaws beyond what is detailed in this report and give second reading, as amended. If selecting this alternative, the LTC should include specific wording in the resolution wording based on the recommendations on page 1 of this report.

3. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to the LTC’s work plan timeline. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request the following information [list].

NEXT STEPS

Should the LTC concur with the staff recommendations, staff will update the Proposed Bylaws and schedule a public hearing for Proposed Bylaw Nos. 228 and 229. Once a date is decided, public notification of the public hearing will be coordinated.

Submitted By:	Marlis McCargar, Island Planner	May 16, 2023
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	May 18, 2023

ATTACHMENTS

1. Proposed Bylaw No. 228, amended (clean copy) – for consideration of 2nd reading, as amended
2. Proposed Bylaw No. 228, amended (track changes)
3. Proposed Bylaw No. 229, amended (clean copy) – for consideration of 2nd reading, as amended
4. Proposed Bylaw No. 229, amended (track changes)
5. February 7, 2023 referral response from Ministry of Agriculture and Food
6. February 1, 2023 referral response from Denman Island Growers Alliance

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 6TH DAY OF OCTOBER , 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER , 2022

PUBLIC HEARING HELD 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”.

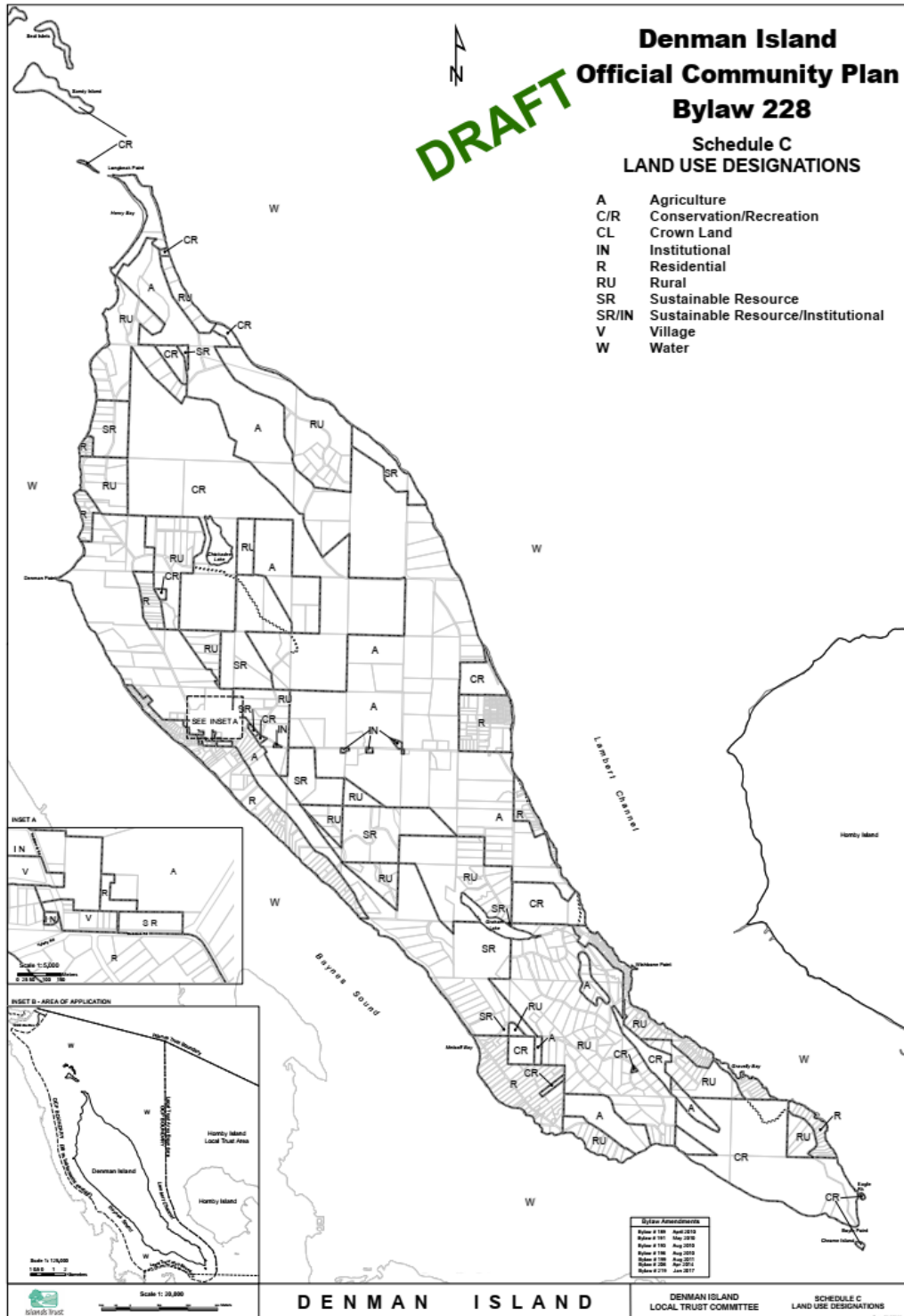
- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:
- “In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:
- One principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* and the *Denman Land Use Bylaw*; 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 as guided by 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.
- 1.8d 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.
- 1.8e 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.
- 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 Zoning regulations should permit agri-tourism 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 5 Zoning regulations should permit an amount of agri-tourism 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 6 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 7 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. 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 6TH DAY OF OCTOBER , 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER , 2022

PUBLIC HEARING HELD 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”.

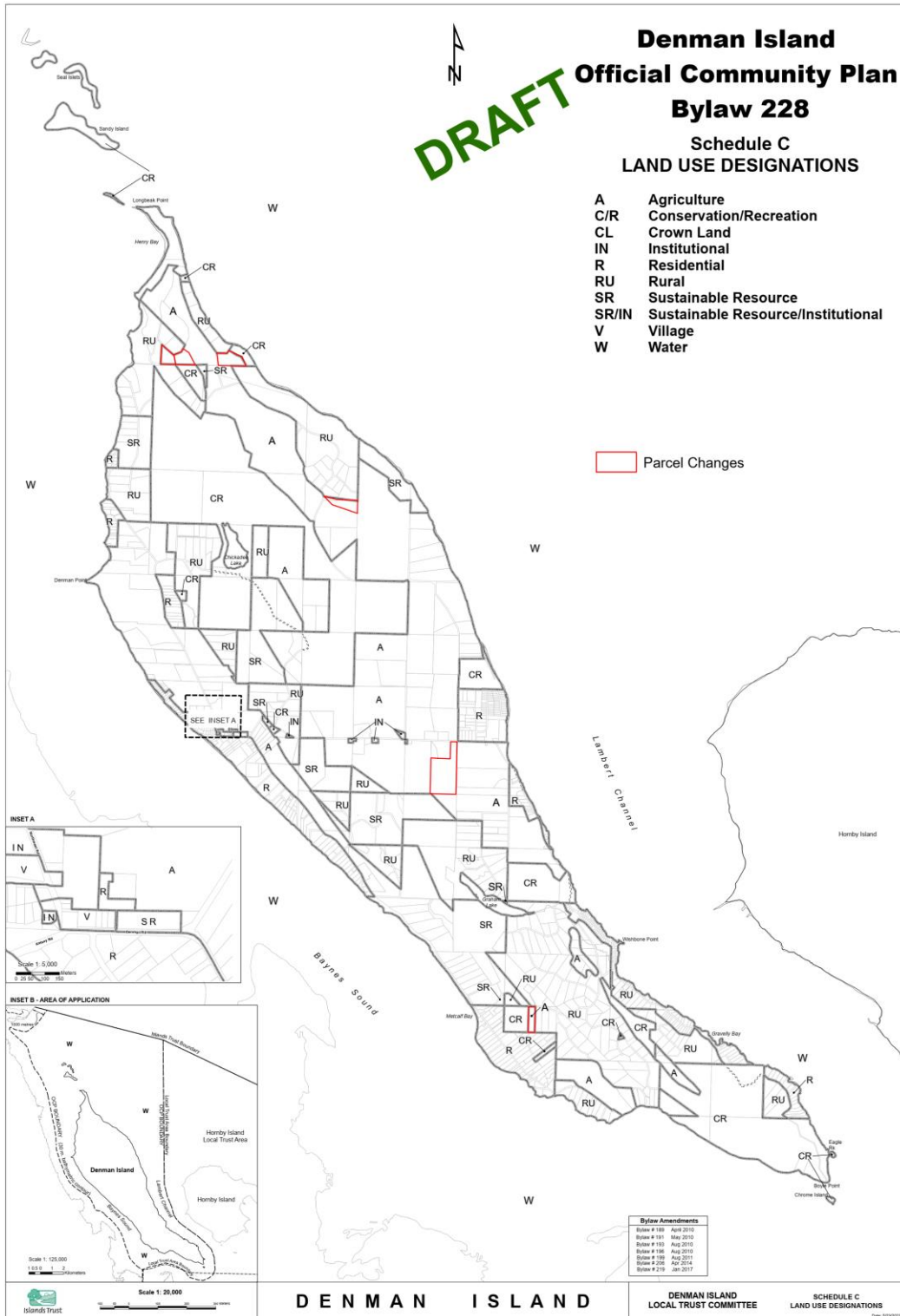
- 1.8 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Use and Density, Article - Policy 14 is amended by deleting the policy in its entirety and replacing it with:
- “In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:
- One principal dwelling per lot consistent with the *Agricultural Land Reserve Use Regulation* and the *Denman Land Use Bylaw*; 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 as guided by 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.
- 1.8d 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.
- 1.8e 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.
- 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 Zoning regulations should permit agri-tourism 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 5 Zoning regulations should permit an amount of agri-tourism 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 6 The Local Trust Committee should support agricultural processing uses and facilities on non-Agricultural Land Reserve land, subject to rezoning.
- Policy 7 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 6TH DAY OF OCTOBER , 2022

READ A SECOND TIME THIS 6TH DAY OF OCTOBER , 2022

PUBLIC HEARING HELD 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 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. "*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:

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* where no permanent facilities are constructed or erected and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use Regulation.

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*.

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.

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), and on properties in the Agricultural Land Reserve without a Temporary Use Permit.

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; 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, associated with agriculture, except for a fence;
- 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, under Commercial, 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 – General Regulations, is amended by adding the following item after 4:
 - 5. All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen, a berm, or fencing.
- 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 by replacing item 6 with:
 - 6. Horticulture and agriculture, accessory to a principal residential use
- 1.15 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 9:
 - 6. Intensive agriculture on lots greater than 2.0 hectares.
- 1.16 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)
- 1.17 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 Assessment Act”	✓	✓	✓

12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act where permitted by a Temporary Use Permit	✓	✓	✓
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1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2 after pit privies:

6. agri-tourism accommodation

1.19 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following item following number 3:

Table 5 – Setbacks		R1	R2	R3
4	Minimum setback for produce stands from the front lot line	4.5m	4.5m	4.5m

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

Table 9 – 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.	✓	✓	✓

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

1.22 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 Assessment Act 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 Assessment Act (requires approval by a Temporary Use Permit)”		✓	✓

1.23 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	✓		

- 1.24 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.	15.0ha	64.0 ha	15.0 ha
2.	1	1	1
3.	n/a	1	1
4.			
• excluding greenhouses	35%	5%	10%
• including greenhouses	75%	5%	10%
5.	✓	n/a	n/a
6.	1	1	1
7.	410m ²	410m ²	410m ²
8.	1	1	1
9.	1	1	1

- 1.25 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.

- 1.26 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.

- 1.27 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”.
- 1.28 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”.
- 1.29 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	30.0m	30.0m”

- 1.30 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	✓	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit

- 1.31 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.

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.

- 1.32 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 Temporary Use Permits for agri-tourism accommodation on lands zoned as “R1” (Residential), “R2” (Rural Residential), “R3” (Co-housing), “F” (Forestry) and “RE” (Resource) on a farm classified under the BC Assessment Act as “Farm” over 4 hectares in size. For clarity, Temporary Use Permits are not required for agri-tourism accommodation within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

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 are subject to Section 2.4.

Guidelines

- Guideline 1 Agri-tourism accommodation is limited to four (4) or fewer sleeping units in the form of either seasonal campsites and/or a maximum of

one (1) cabin.

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;
- Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
- The provision of adequate potable water and sewage disposal;
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.”

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.

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_____ 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 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. "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:

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* where no permanent facilities are constructed or erected and includes all listed agri-tourism activities in Section 12.2 of the *Agricultural Land Reserve Use Regulation*.

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*.

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.

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), and on properties in the Agricultural Land Reserve without a Temporary Use Permit.

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; 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, associated with agriculture, except for a fence;
- 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, under Commercial, 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 – General Regulations, is amended by adding the following item after 4:
 - 5. All agri-tourism accommodation must be screened from view from an adjacent lot by a landscape screen, a berm, or fencing.
- 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 by replacing item 6 with:
 - 6. Horticulture and agriculture, accessory to a principal residential use
- 1.15 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 9:
 - 6. Intensive agriculture on lots greater than 2.0 hectares.
- 1.16 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)

- 1.17 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 Assessment Act”	✓	✓	✓

12	Agri-tourism accommodation on lots larger than 4.0 ha and classified as a farm under the BC Assessment Act where permitted by a Temporary Use Permit	✓	✓	✓
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1.18 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following to line 2 after pit privies:

6. agri-tourism accommodation

1.19 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 5 – Setbacks, is amended by adding the following item following number 3:

Table 5 – Setbacks		R1	R2	R3
4	Minimum setback for produce stands from the front lot line	4.5m	4.5m	4.5m

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

Table 9 – 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.	✓	✓	✓

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

1.22 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 Assessment Act 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 Assessment Act (requires approval by a Temporary Use Permit)”		✓	✓

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

Table 2 – Permitted Buildings and Structures

		A	F	RE
7	“On land in the Agricultural Land Reserve, a secondary dwelling unit in accordance with the <i>Agricultural Land Reserve Use Regulation</i> ”	✓	✓	✓
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 property over 4 ha and classified under the BC Assessment Act as “Farm”. 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”	✓		

- 1.24 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 <ul style="list-style-type: none"> • excluding greenhouses • including greenhouses 	35% 75%	5% 5%	10% 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	1	1
7.	On land in the Agricultural Land Reserve, maximum gross floor area of a single family dwelling unit	410m ²	410m ²	410m ²
8.	On land in the Agricultural Land Reserve, maximum number of secondary suites per lot (subject to 2.1.(4) and 2.1(5))	1	1	1
9.	On land in the Agricultural Land Reserve maximum number of secondary dwelling units per lot”	1	1	1

- 1.25 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.

- 1.26 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.

- 1.27 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”.
- 1.28 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”.
- 1.29 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	30.0m	30.0m”

- 1.30 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	✓	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit	✓ *Agri-tourism accommodation must be approved through a Temporary Use Permit

- 1.31 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.

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.

- 1.32 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 Temporary Use Permits for agri-tourism accommodation on lands zoned as “R1” (Residential), “R2” (Rural Residential), “R3” (Co-housing), “F” (Forestry) and “RE” (Resource) on a farm classified under the BC Assessment Act as “Farm” over 4 hectares in size. For clarity, Temporary Use Permits are not required for agri-tourism accommodation within the “A” (Agriculture) zone if the parcel is within the Agricultural Land Reserve.

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 are subject to Section 2.4.

Guidelines

- Guideline 1 Agri-tourism accommodation is limited to four (4) or fewer sleeping units in the form of either seasonal campsites and/or a maximum of

one (1) cabin.

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;
- Mitigating possible negative impacts using landscape buffers and screening subject to Section 2.7;
- The provision of adequate potable water and sewage disposal;
- The provision of adequate off-road parking; and
- Other requirements deemed necessary by the Local Trust Committee.”



February 7, 2023

Marlis McCargar
Island Planner
Islands Trust

Sent by email

Dear Marlis:

Re: Denman Island Official Community Plan (Bylaw 228) and Zoning Bylaw (Bylaw 229) Update (collectively, the Denman Farm Plan)

Thank you for providing the opportunity for Ministry of Agriculture and Food (Ministry) staff to comment on the Denman Island Official Community Plan and Zoning Bylaw Update (the Denman Farm Plan). Ministry staff note that preliminary comments on the Denman Farm Plan were sent to Islands Trust in February 2018 and that a formal referral letter dated July 11, 2018 was completed by Ministry staff. From an agricultural planning perspective, Ministry staff offer the following comments.

Support for Agriculture

Overall, Ministry staff appreciate the effort that the Denman Island Local Trust Committee (LTC) has invested into updating the Denman Farm Plan, which seeks to preserve agricultural land and encourage farming on land in the Agricultural Land Reserve (ALR). Further, Ministry staff are pleased to see that portions of the Ministry's Guide for Bylaw Development in Farming Areas (the Guide) appears to have been utilized/referenced for some of the proposed changes to the Denman Farm Plan.

Bylaw 228 (Official Community Plan)

Single Zone for Agriculture: Initially supported by Ministry staff in the July 11, 2018 referral response letter, Ministry staff are pleased to see that a single zone for agriculture is proposed. Having a single agricultural zone for all ALR land provides consistency and reflects an understanding that agriculture is the priority use for these parcels.

1.8b Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING

Zoning regulations should establish maximum setbacks from lot lines for residential use within the Agricultural Land Reserve as guided by the Ministry of Agriculture and Food's Guide to Bylaw Development in Farming Areas to protect the land's agricultural viability.

Ministry staff are pleased to see that the LTC has recognized the importance and value of siting residential uses on properties in the ALR. Ministry staff note however, that the updates to Bylaw 229 (Land Use Bylaw), do not actually include the above noted maximum setbacks from lot lines for residential use within the ALR. Please see section 2.4.6.5 of the Guide for additional information pertaining to maximum setbacks from lot lines for residential use.

1.8c & 1.8d 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 & 28: that the proposal is not located within the Agricultural Land Reserve

Ministry staff appreciate LTC directing zoning amendment applications for both seniors housing and affordable housing projects to properties not located in the ALR.

1.15 Part E – FAMILIES AND INDIVIDUALS, Section E.4 - AGRICULTURE AND RESOURCES

Policy 3: Subdivision regulations for parcels in the Agricultural Land Reserve should avoid the creation of panhandle lots.

To further discourage subdivision of land in the ALR, the LTC may wish to amend Policy 3 or create a new policy in this section that states:

Further subdivision of agricultural lands to create new lots is not supported.

Policy 7: 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."

As written, it is unclear what constitutes 'a significant benefit for the greater community of Denman Island.' Ministry staff are concerned that this ambiguous statement may embolden private landowners to attempt to have their property excluded from the ALR for uses that they perceive to be of importance to the community of Denman Island. As such, Ministry staff suggest strengthening this policy by specifically defining what constitutes 'a significant benefit for the greater community of Denman Island'.

Bylaw 229 (Land Use Bylaw)

1.3 Part 1 - ADMINISTRATION, Section 1.1

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

To both ensure consistency with the ALR Use Regulation and for clarity to the reader of the Denman Farm Plan, the LTC may wish to amend the definition of agri-tourism as follows:

*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, **where no permanent facilities are constructed or erected**, and includes all listed agri-tourism activities in Section 12.2 of the Agricultural Land Reserve Use Regulation*

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”.

Ministry staff are pleased to see that, as described in the Guide, deer fencing, netting supports and trellises are all omitted from height restrictions.

1.7 Part 2 – GENERAL REGULATIONS, Section 2.3 – General Setback Regulations
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 buildings and structures associated with agriculture, except for a fence**

Section 2.4.8.4. of the Guide contains an extensive analysis of setbacks for agricultural structures from watercourses. Specifically, setback standards are divided into four categories with category 1 representing agricultural structures that are considered to pose a high risk for causing pollution (e.g. a confined livestock area). Accordingly, the Guide recommends a 30 metre setback from watercourses for these structures. Agricultural structures that pose less of a risk for causing pollution are categorized as category 2, 3 and 4 and generally, it is recommended that these structures are setback 15 metres from watercourses.

Ministry staff note that this section of Bylaw 229 does not differentiate between types of agricultural structures and that a 30 metre setback from watercourses is required for all agricultural structures. Ministry staff have reviewed the Definition section of both Bylaw 229 and the existing Denman Island Land Use Bylaw No. 186, 2008, and note that the definitions of *Feedlot* and *Intensive Livestock* would both fall into a category 1 structure as defined in the Guide. To differentiate between different types of agricultural structures, Ministry staff suggest amending this section of Bylaw 229 as follows:

*30.0 metres for buildings and structures associated with **a feedlot or intensive livestock** agriculture, except for a fence*

*~~30.0~~ **15.0** metres for **all other** buildings and structures associated with agriculture, except for a fence*

1.23 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”
“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 property over 4 ha and classified under the BC Assessment Act as “Farm”. 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”

Be advised that, as per the ALR Use Regulation, agri-tourism accommodation is only permitted on a parcel in the ALR if that parcel is classified as a farm under the Assessment Act and that there is no ‘grace period’ when a property loses its farm tax classification. As such, Ministry staff recommend amending this section as follows:

“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 property over 4 ha and classified under the BC Assessment Act as “Farm”. 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”

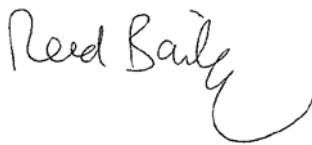
1.22 Part 3 – ZONE REGULATIONS, Section 3.4 – “Agriculture and Resource Zoning Tables”, Table 1 – Permitted Uses

Ministry staff note that “Produce Stand”, which is a new definition in Bylaw 229, is not included as either a permitted or an accessory use in the Agriculture zone.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural planning perspective with respect to this file.

Sincerely,



Reed Bailey
Land Use Planner
778-698-3455
Reed.Bailey@gov.bc.ca

Cc: Agricultural Land Commission – ALC.Referrals@gov.bc.ca



Islands Trust

BYLAW REFERRAL FORM

Island: Denman Island Local Trust Area Bylaw Nos.: 228 and 229 Date: December 20, 2022

You are requested to comment on the attached Bylaws for potential effect on your agency's/organization's interests. We would appreciate your response by January 6, 2023. If no response is received by that date, it will be assumed that your agency's/organization's interests are unaffected.

APPLICANTS NAME / ADDRESS:

DENMAN ISLAND LOCAL TRUST COMMITTEE

PURPOSE OF BYLAWS:

Amendments to the OCP and LUB are part of the Denman Island Farming Regulations Review Project to formally protect Denman Island's land base for agriculture.

The intent of **Bylaw No. 228**, if adopted, would be to amend the Denman Official Community Plan Bylaw No. 185, 2008 (OCP) to re-designate all lands within the Agricultural Land Reserve (ALR) to a new 'Agriculture' designation and include several new policies supporting agriculture uses consistent with the Agricultural Land Commission regulations and policies.

The intent of **Bylaw 229**, if adopted, would be to amend the Denman Island Land Use Bylaw No. 186, 2008 (LUB), to regulate dwellings in the ALR; agritourism; use agritourism accommodation, and to update several definitions and setback regulations.

GENERAL LOCATION:

Denman Island, BC

OTHER INFORMATION: N/A

Please direct any communications regarding this referral to Becky McErlean, Legislative Clerk, at (250) 247-2206 or by email to northinfo@islandstrust.bc.ca.

Please fill out the *Response Summary* attached to this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Marlis McCargar

(Signature)

Marlis McCargar

Name:

Title

Island Planner

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Agriculture and Food
Agricultural Land Commission

Non-Agency Referrals

Denman Advisory Planning Commission
Denman Growers and Producers Alliance

Regional Agencies

Comox Valley Regional District
School District #71 (Comox Valley)

Adjacent Local Trust Committees and Municipalities

Hornby Local Trust Committee

First Nations

- K'ómoks First Nation
- Cowichan Tribes
- Hul'qumi'num Treaty Group
- Ts'uu baa-asatx First Nation (Lake Cowichan)
- Lyackson First Nation
- Penelakut Tribe
- Halalt First Nation
- Snuneymuxw First Nation
- Stz'uminus First Nation
- Qualicum First Nation
- Snaw'Naw'As First Nation
- Nanwakolas Council
- We Wai Kai Nation
- Wei Wai Kum Nation
- Homalco First Nation (Xwemalhkwu)
- Te'Mexw Treaty Association
- Tla'amin First Nation

PLEASE TURN OVER →

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Island Trust 2050 – Fact Sheet for Agriculture states “For communities in the Islands Trust, thriving local agriculture is a key component of rural island culture and supports local food security, economies, community health and climate action.” We see various aspects of the proposed regulations as concerning because they appear to make it harder to produce and sell food for no good reason.

The Denman Growers and Producers Alliance believe several of proposed policies to be restrictive: Farm Stands is first issue: why is there an issue to regulate? We suggest that there should be no restrictions and the use, location and dimensions of a produce stand should be open to interpretation. If Islands Trust must zone, then we have the following specific complaints: The proposed size is restrictive. The two current farm stands on Denman would not meet proposed farm stands sizes putting them in a non-conforming position. Also, why 4.5 metre setback for a farm stand? In some cases this is not practical due to trees and then there is the possibility of using -up valuable farmland. Another issue is why regulate and say they can only sell produce from there farm. It would make more sense for produce stands to be able to sell local products from other producers. Last; buildings are valuable commodities, when not in use they should be allowed to store farm equipment and not just be limited to use as a farm stand.

Septic requirements: Apparently BC Code allows greywater Septic Beds and Jenkins Style composting toilets (Part 9 of the BC building Code). While this option may not be for everyone it should at least have consideration if there is an interest in conserving water. There is no reason why Islands Trust regulations for farmers should be more restrictive than the building code.

Screening of buildings: this should not be necessary in all cases and wonder why farmer is being penalized. Should be reviewed on a site by site basis. Also wondering how tall said screening needs to be?

Proving potable water for secondary dwellings: proposed wording is open to a lot of interpretation, expensive for the farmer, and will delay any building by at least a year. If water has been historically available in the area or an existing well could be used, then there should be an exception to this requirement.

The Alliance acknowledges Island Trust wish to regulate land use. However, a number of farmers farm on non-ALR land and would have to pay fees for TUP’s if they want secondary buildings. We suggest that “Bona fide Farmers” based on the proof of sales over \$1,000 a year in farm, orchard or related land-based products be exempt from said fees.

“The Denman Island Farm Plan “and LTC Staff recommended amending the OCP to support alternative land tenure agreements. At this moment we see a very rigid set of bylaws that allow no flexibility in regards to past practices, succession planning for retiring farmers, shared ownership or long-term leases. All of which could bring unused farmland into production. It should be noted that the ALR have a process for granting exceptions to their housing standards but are less likely to do so without local government support. We ask that the Islands Trust enact and publicize a general policy whereby if the ALR grant exceptions to their zoning that the Islands Trust will also grant any necessary exemptions to Island Trust policy.

Denman Island Local Trust Area – Denman

Island

(Island)

Doug Wright

(Signature)

Feb 1, 2023

(Date)

Bylaw No. 228 (OCP Amendment)

(Bylaw Number)

Past President

(Title)

Denman Island Growers Association

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

**Denman Island Local Trust Area – Denman
Island**

(Island)

Doug Wright

(Signature)

Feb 1, 2023

(Date)

Bylaw No. 229 (LUB Amendment)

(Bylaw Number)

Past President

(Title)

Denman Island Growers Association

(Agency)