



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

DATE OF MEETING: February 13, 2024  
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 – Bylaw Nos. 228 (OCP) and No. 229 (LUB) – Post Public Hearing

## 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 follows:
  - a. Schedule 1, Section 1.6, delete in its entirety and replace with: "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";
  - b. Schedule 1, Section 1.7, replace "4" with "5";
  - c. Schedule 1, Section 1.8a, replace "16" with "17" and replace "17" with "18";
  - d. Schedule 1, Section 1.8c, replace "27" with "28"; and
  - e. Schedule 1, Section 1.8d, replace "28" with "29".
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. 228, cited as 'Denman Island Official Community Plan, 2008, Amendment No. 1, 2018', be read a third time.
4. 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. Schedule 1, Section 1.3, replace produce stand definition with "Produce stand means a structure used for the sale of agricultural products where the products being offered for sale have been grown or reared on Denman Island.";
  - b. Schedule 1, Section 1.11, delete in its entirety;

- c. Schedule 1, Section 1.14, replace “6” with “7”;
  - d. Schedule 1, Section 1.15, replace “9” with “10 and replace “6” with “11”;
  - e. Schedule 1, Section 1.17, Table 1 – Permitted Uses, delete “10” in its entirety and start sequential numbering at 11;
  - f. Schedule 1, Section 1.17, Table 2 – Permitted Buildings and Structures, insert “One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area” after “12”;
  - g. Schedule 1, Section 1.18, replace “6” with “2”;
  - h. Schedule 1, Section 1.20, replace “7” with “9” after “Table” and insert “agri-tourism accommodation or” before “dwelling is connected”;
  - i. Schedule 1, Section 1.23, insert “renumbering accordingly and” before “deleting in its entirety”;
  - j. Schedule 1, Section 1.23, Table 1 – Permitted Buildings and Structures, insert “must be” before “classified under the BC Assessment” and delete in its entirety “Should farm tax classification discontinue, agri-tourism is no longer a permitted accessory use on the lot”;
  - k. Schedule 1, Section 1.29, Table 5 – Setbacks, insert “Minimum setback from any lot line for a produce stand with a gross floor area no greater than 10m<sup>2</sup>” and insert 0m in the A, F and RE columns; and
  - l. Schedule 1, Section 1.30, insert “agri-tourism accommodation or” before “dwelling is connected”.
5. 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
  6. 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 third time.
  7. That the Denman Island Local Trust Committee proposed Bylaw No. 228, cited as ‘Denman Island Official Community Plan, 2008, Amendment No. 1, 2018’ and proposed Bylaw No. 229 cited as ‘Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018’, be forwarded to the Secretary of the Islands Trust for Executive Committee approval.
  8. That the Denman Island Local Trust Committee proposed Bylaw No. 228, cited as ‘Denman Island Official Community Plan, 2008, Amendment No. 1, 2018’ be forwarded to the Minister of Municipal Affairs for approval.

## REPORT SUMMARY

This is a post public hearing report supporting next steps for proposed Bylaws No. 228 (OCP amendment) and Bylaw No.229 (LUB Amendment). These bylaws seek to enhance and preserve farming activities on the island.

Staff are recommending the LTC amend Proposed Bylaw Nos. 228 and 229 to correct numbering, small editing errors and reword the “produce stand” definition.

The recommendations above are supported as:

- All statutory requirements have been completed including the required notification and holding of a public hearing consistent with the *Local Government Act*;
- There have been no public, government agency or First Nation concerns raised with the proposed bylaws; and,
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption.

## BACKGROUND

The Denman Island Local Trust Committee (LTC) is considering Bylaw Nos. 228 and 229 that would amend the Official Community Plan (OCP) and Land Use Bylaw (LUB).

**Bylaw 228 (OCP Amendment)** - amending the OCP to re-designate all lands within the Agricultural Land Reserve (ALR) to a new 'Agriculture' designation and adding several new policies supporting agriculture uses consistent with the Agricultural Land Commission regulations and policies.

**Bylaw 229 (Land Use Bylaw Amendment)** – amending the LUB to regulate dwellings in the ALR, agritourism use and agritourism accommodation, and to update several definitions and setback regulations.

Both Bylaw Nos. 228 (OCP) and 229 (LUB) were given 1<sup>st</sup> 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 Nos. 228 and 229, in order to align with the provincial requirements and recent community feedback.

Community engagement including a mail out, a Community Information meetings (April 2022 and July 2022), APC meetings and a community questionnaire were conducted with the help of Upland Consulting. At the September 27, 2022 Regular LTC Meeting, due to the amount of time that had passed since 1<sup>st</sup> reading was given and for clarity, 1<sup>st</sup> reading was rescinded on both Bylaw Nos. 228 and 229. The bylaws received 1<sup>st</sup> reading on October 6, 2022.

Re-referrals were sent out to agencies and First Nations in November 2022 and the deadline for referral feedback was set for February 2023. The LTC considered the referral feedback in June 2023 and made some minor amendments based on the responses. Both Bylaw Nos. 228 and 229 received 2<sup>nd</sup> reading on June 6, 2023.

A Public Hearing date was set for November 2023; however, due to an error in referring to one of the First Nations, it was postponed. The Public Hearing has been rescheduled for February 13, 2024. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading, as amended (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaws to Executive Committee for approval.
4. Forwarding OCP amendment to Ministry of Municipal Affairs for approval.
5. Final LTC consideration and adoption.

Following the close of the public hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing. A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

#### **SUGGESTED AMENDMENTS TO BYLAW NO. 228 (OCP)**

Staff are proposing minor edits to correct an error in referencing the OCP policy numbers and a typographical error that are a result of amendments to the OCP since Bylaw 228 was originally drafted.

#### **SUGGESTED AMENDMENTS TO BYLAW NO. 229 (LUB)**

Staff are proposing minor edits to Proposed Bylaw No. 229 to correct numbering errors as well as edits to correct errors in the text and for clarity.

The edit to the "produce stand" definition is being suggested based on community concern that the definition was too restrictive and would limit the ability for farmers to share a produce stand. Staff are proposing the definition to read: "Produce stand means a structure used for the sale of agricultural products where the products being offered for sale have been grown or reared on Denman Island."

A General Setback Regulation for produce stands, in Section 1.11, has been deleted for clarity. The regulation regarding produce stands has been added specifically to the zones it applies to.

#### **ALTERNATIVES**

##### **1. Amend the Bylaw(s)**

*That the Denman Island Local Trust Committee proposed Bylaw No. 228, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2018' be amended as follows:...*

*That the Denman Island Local Trust Committee proposed Bylaw No. 229, cited as 'Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2008' be amended as follows:....*

**2. Defer third reading to a future LTC Meeting**

The Denman Island Local Trust Committee may choose to defer consideration of third reading to a future LTC meeting. If the LTC chooses this option, no resolution is needed and Bylaw Nos. 228 and 229 will be brought forward at a subsequent meeting.

**3. Proceed no further**

*That the Denman Island Local Trust Committee proceed no further with Bylaw Nos. 228 and 229.*

**NEXT STEPS**

If the recommendations are supported:

- Bylaw Nos. 228 and 229 will be forwarded to the Islands Trust Executive Committee for approvals;
- Bylaw 228 (OCP Amendment) will be forwarded to the Minister of Municipal Affairs for approval; and
- Bylaw Nos. 228 and 229 will be returned to the LTC for final adoption.

Submitted By:	Marlis McCargar, Island Planner	January 31, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	February 1, 2024

**ATTACHMENTS**

1. Bylaw 228 (OCP) - track changes copy
2. Bylaw 228 (OCP) – clean copy
3. Bylaw 229 (LUB) – track changes copy
4. Bylaw 229 (LUB) – clean copy

# PROPOSED

## DENMAN ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 228

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### A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN BYLAW, 2008

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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                      6<sup>TH</sup>                      DAY OF                      OCTOBER                      , 2022

READ A SECOND TIME THIS                      6<sup>TH</sup>                      DAY OF                      JUNE                      , 2023

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

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Chair

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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 ~~3-4~~ is amended by adding the words “~~in the~~ Agriculture designation and in the” before the word “Sustainable” ~~the size of new lots for agricultural~~”.

1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy ~~4-5~~ 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 ~~16-17~~ and Policy ~~1718~~.
- 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 ~~2728~~: 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 ~~2829~~: 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”.

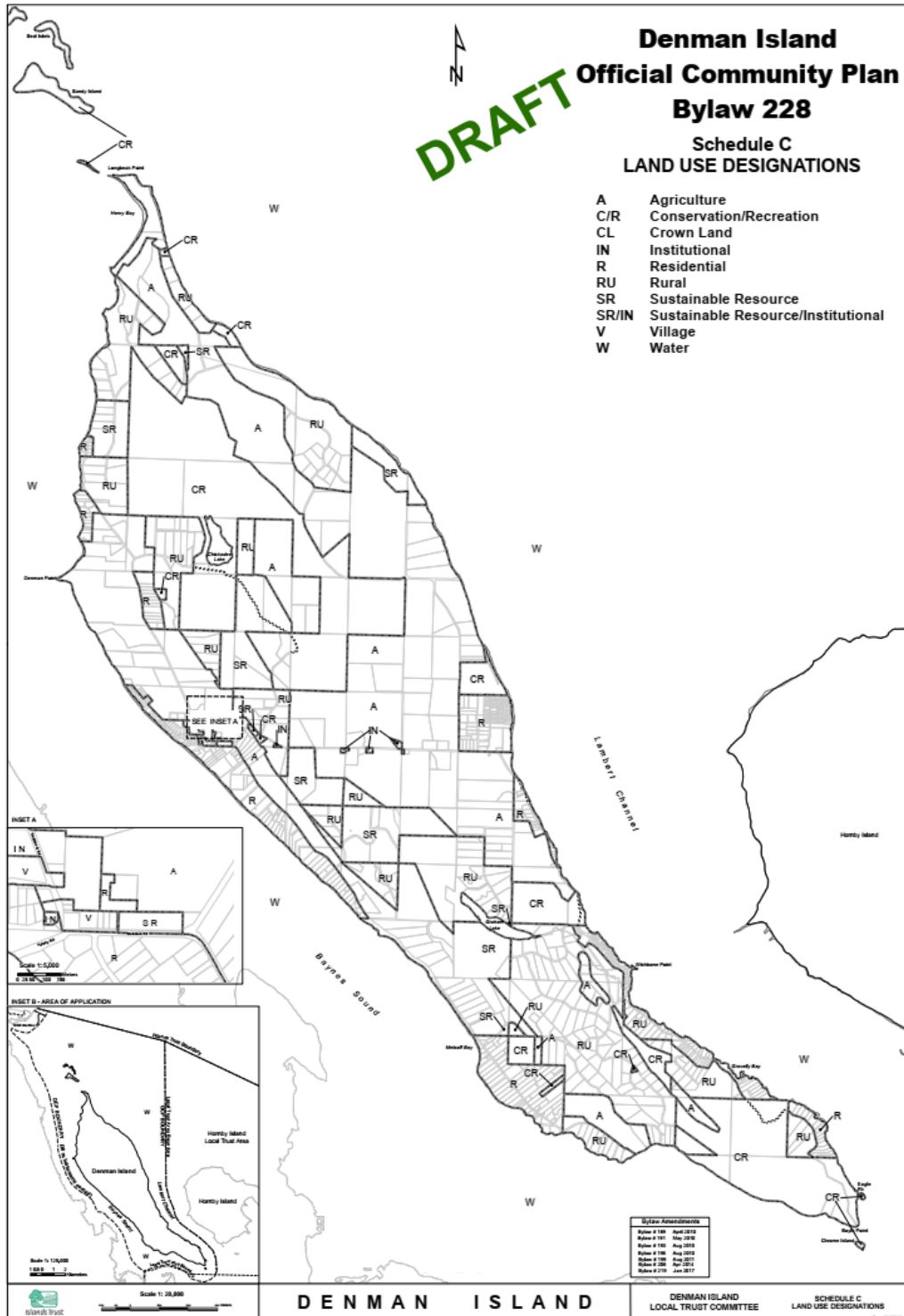


- 1.10 Part E – FAMILIES AND INDIVIDUALS, Section E.4 is amended by deleting the fourth paragraph in its entirety and replacing it with:
- “The Agriculture designation, which is shown on Schedule C, includes all land in the Agricultural Land Reserve. The principal use of land in this designation is agriculture.
- 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

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Chair

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Secretary

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

**Schedule 1**

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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”:

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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 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable” ”.

1.7 Part E – FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article - Policy 5 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 17 and Policy 18.
- 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 28: 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 29: 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.
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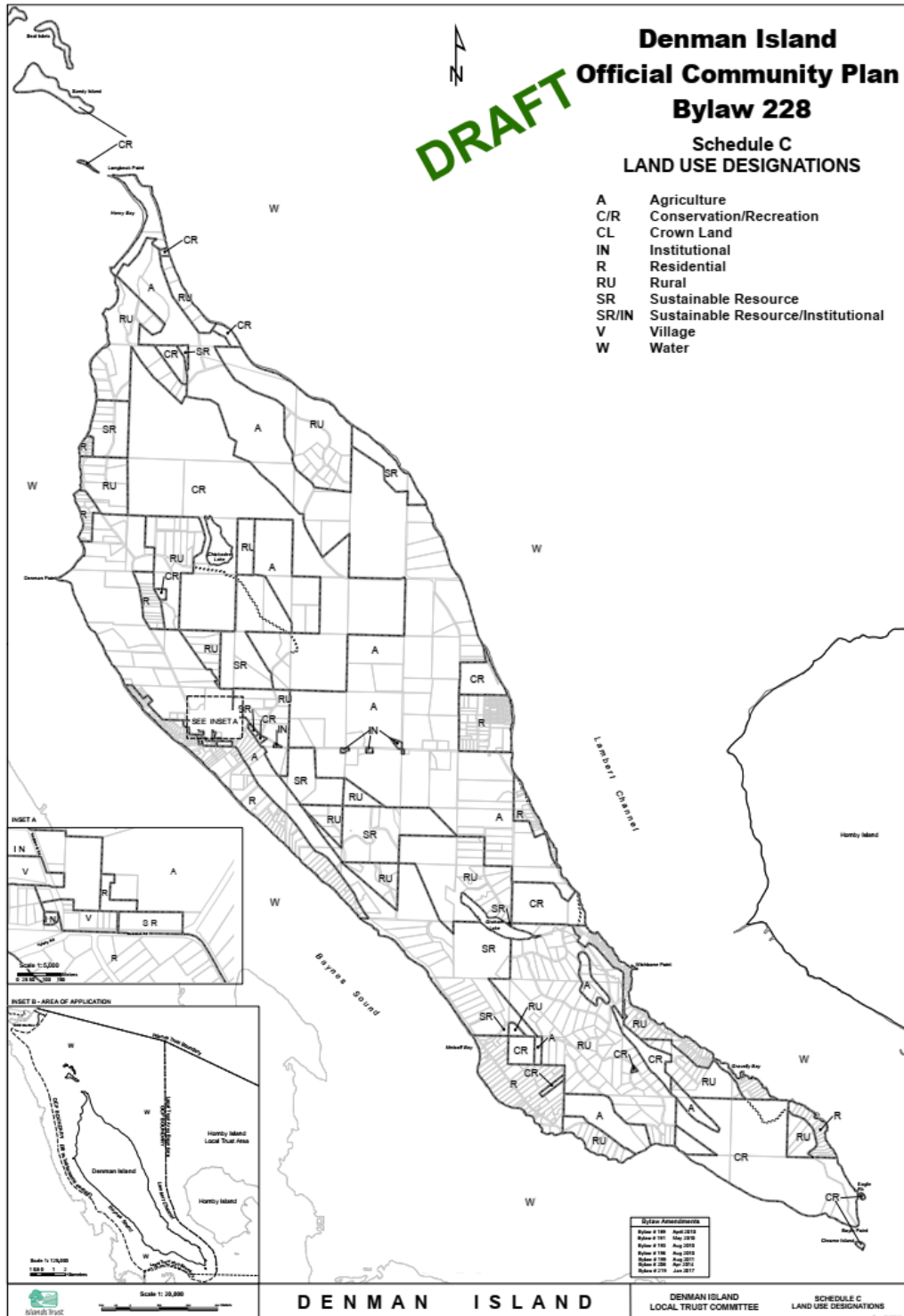
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- Policy 2      The Local Trust Committee supports the consolidation of parcels in the Agricultural Land Reserve.
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- Policy 4      Zoning regulations should permit agri-tourism use on land in the 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

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### A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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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                    6<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2022

READ A SECOND TIME THIS                    6<sup>TH</sup>                    DAY OF                    JUNE                    , 2023

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

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Chair

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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~~ where the products being offered for sale have been grown or reared on Denman Island.

*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~~ 1.11 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~~ 1.12 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~~ 1.13 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item ~~6-7~~ with:

- 7. Horticulture and agriculture, accessory to a principal residential use

~~1.15~~ 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number ~~9~~10:

- 11. Intensive agriculture on lots greater than 2.0 hectares.

~~1.16~~ 1.15 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

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

~~1.17~~ 1.16 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 1 – Permitted Uses, Subsection – Accessory Uses is amended by adding the following new subsections:

Table 1 – Permitted Uses	R1	R2	R3
<del>“10 One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) floor area</del>	<del>✓</del>	<del>✓</del>	<del>✓</del>
<del>“11</del> <u>12</u> Agri-tourism use on a lot classified as a farm under the BC Assessment Act”	✓	✓	✓

<del>13</del> 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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1.17 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 2 – Permitted Buildings and Structures

<u>Table 2 – Permitted Buildings and Structures</u>		<u>R1</u>	<u>R2</u>	<u>R3</u>
<u>13</u>	<u>One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area</u>	<u>✓</u>	<u>✓</u>	<u>✓</u>

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:

2. 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:

<b>Table 5 – Setbacks</b>		<b>R1</b>	<b>R2</b>	<b>R3</b>
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~~9 Conditions of Use, is added as follows:

<b>Table 9 – Conditions of Use</b>		<b>R1</b>	<b>R2</b>	<b>R3</b>
1.	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 <u>agri-tourism accommodation or dwelling</u> 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:

<b>Table 1 – Permitted Uses</b>		<b>A</b>	<b>F</b>	<b>RE</b>
“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 Assessment Act	✓	✓	✓
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>	✓	✓	✓

~~4617~~ 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 renumbering accordingly and 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 <u>must be</u> classified under the BC Assessment Act as “Farm”. <del>Should farm tax classification discontinue, agri-tourism accommodation is no longer a permitted accessory use on the lot”</del>	✓		

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"> <li>• excluding greenhouses</li> <li>• including greenhouses</li> </ul>	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 <sup>2</sup>	410m <sup>2</sup>	410m <sup>2</sup>
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 m<sup>2</sup>.
- 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 as follows:

<b>Table 5 - Setbacks</b>		<b>A</b>	<b>F</b>	<b>RE</b>
“7	Minimum setback from any lot line for agri-tourism accommodation”	30.0m	30.0m	30.0m”
8.	<u>Minimum setback from any lot line for a produce stand with a gross floor area no greater than 10m<sup>2</sup></u>	<u>0m</u>	<u>0m</u>	<u>0m</u>

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

<b>Table 9 – Conditions of Use</b>	<b>A</b>	<b>F</b>	<b>RE</b>
1. 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 <u>agri-tourism accommodation or</u> 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.

READ A FIRST TIME THIS                    6<sup>TH</sup>                    DAY OF                    OCTOBER                    , 2022

READ A SECOND TIME THIS                    6<sup>TH</sup>                    DAY OF                    JUNE                    , 2023

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

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Chair

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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 where the products being offered for sale have been grown or reared on Denman Island.

*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 2.7 – 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.
- 1.12 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”.
- 1.13 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by replacing item 7 with:
7. Horticulture and agriculture, accessory to a principal residential use
- 1.14 Part 3 – ZONE REGULATIONS, Section 3.3 – Table 1 – Permitted Uses – Accessory Uses is amended by adding the following item after number 10:
11. Intensive agriculture on lots greater than 2.0 hectares.
- 1.15 Part 3 – ZONE REGULATIONS is amended by removing the words “, excluding deer netting” from the following tables:

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

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

<b>Table 1 – Permitted Uses</b>		<b>R1</b>	<b>R2</b>	<b>R3</b>
“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	✓	✓	✓

- 1.17 Part 3 – ZONE REGULATIONS, Section 3.3 – Residential Zoning Tables, Table 2 – Permitted Buildings and Structures

<b>Table 2 – Permitted Buildings and Structures</b>		<b>R1</b>	<b>R2</b>	<b>R3</b>
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13	One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area	✓	✓	✓
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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:

2. 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 9 Conditions of Use, is added as follows:

Table 9 – Conditions of Use		R1	R2	R3
1.	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 agri-tourism accommodation or 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 <i>Assessment Act</i> and consistent with the <i>Agricultural Land Reserve Use Regulation</i>	✓	✓	✓
17	Agri-tourism accommodation on a lot classified as a farm under the BC <i>Assessment Act</i> (requires approval by a Temporary Use Permit)”		✓	✓

1.23 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 renumbering accordingly and deleting in its entirety and replacing it with:

<b>Table 2 – Permitted Buildings and Structures</b>		<b>A</b>	<b>F</b>	<b>RE</b>
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 must be classified under the BC Assessment Act as “Farm”.”	✓		

- 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:

<b>“Table 3 - Density of Uses, Buildings and Structures</b>		<b>A</b>	<b>F</b>	<b>RE</b>
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"> <li>• excluding greenhouses</li> <li>• including greenhouses</li> </ul>	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 <sup>2</sup>	410m <sup>2</sup>	410m <sup>2</sup>
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 m<sup>2</sup>.

- 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 as follows:

<b>Table 5 - Setbacks</b>		<b>A</b>	<b>F</b>	<b>RE</b>
“7	Minimum setback from any lot line for agri-tourism accommodation”	30.0m	30.0m	30.0m”
8.	Minimum setback from any lot line for a produce stand with a gross floor area no greater than 10m <sup>2</sup>	0m	0m	0m

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

<b>Table 9 – Conditions of Use</b>	<b>A</b>	<b>F</b>	<b>RE</b>
1. 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 agri-tourism accommodation or 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.”