



## Minutes of the Denman Island Advisory Planning Commission

<b>Date of Meeting:</b>	<b>Tuesday, January 17, 2023</b>
<b>Location:</b>	<b>Denman Activity Centre 1111 Northwest Road, Denman Island, BC</b>
<b>APC Members Present:</b>	<b>George McRae, Member C Urquhart, Member Edi Johnston, Chair Anne deCosson, Member</b>
<b>Staff Present:</b>	<b>Marlis McCargar, Island Planner by Speakerphone Katherine Vogt, Recorder by Speakerphone</b>
<b>Others Present:</b>	<b>Sam Borthwick, Local Trustee David Graham, Local Trustee One (1) member from the public</b>

### 1. CALL TO ORDER AND WELCOME

Acting Chair McCargar called the meeting to order at 1:23 pm. She acknowledged that the meeting was being held on the unceded territory of the K'ómoks First Nation. She introduced herself and recorder and invited Advisory Planning Commission (APC) members and others to introduce themselves. She explained that she would be acting as Chair until elections were held later in the meeting, at which time the newly elected Chair would take over. She reviewed the history of the Denman Island Farming Regulations Review Project and proposed Bylaws 228 and 229, recently given second reading by the Local Trust Committee (LTC) and currently being referred to the APC, First Nations and other agencies for comment.

### 2. APPROVAL OF AGENDA

**By general consent**, the agenda was approved.

### 3. MINUTES

#### 3.1 Denman Island Advisory Planning Commission Draft Minutes dated June 14, 2022

Member McRae objected to the wording in item 3.1 of the June 14, 2022 minutes, an item that referred to the previous minutes of August 14, 2020. Specifically, the phrase in item 3.1 'perhaps motion DE-APC-2020-005, was not carried' was unnecessarily ambiguous given that Member McRae was actually very certain that the motion had not been carried.

Planner McCargar noted that there was a recording of the meeting which had been reviewed by the Planning Team Assistant, and that it was not clear that the motion had not been carried.

- Member McRae noted that the recorder had been a distance away from the members, so perhaps the correct information had not been captured in the recording.

**By general consent**, the minutes of June 14, 2022 were approved as presented.

#### **4. BUSINESS ITEMS ELECTION OF CHAIR, VICE-CHAIR AND SECRETARY**

Planner McCargar noted that terms for present APC members would be expiring in July 2023; and, that though elections for APC members were usually done at the start of the term, these had been deferred, but still needed to be conducted. She explained the roles of Chair, Vice-Chair, and Secretary.

By acclamation, Edi Johnston was elected Chair; George McCrae was elected Vice-Chair; and C Urquhart was elected Secretary.

Planner McCargar noted that recruitment for new APC members would most likely not occur until the end of the present term in July 2023; and, that current APC members would be invited to put in submissions for another term at that time. She added that the LTC reviews submissions and appoints for the APC at a closed meeting.

Planner McCargar passed Chair duties to newly elected Chair Johnston

#### **5. REFERRAL FROM DENMAN ISLAND LOCAL TRUST COMMITTEE**

Planner McCargar noted that the referral from the LTC was regarding the Denman Island Farming Regulations Review Project.

Chair Johnston reminded APC members that their job was to review the referral and provide comment and/or recommendations to the LTC; and, that the Islands Trust mandate was to preserve and protect the Trust area and its unique amenities and environment for the benefit of residents of the Trust area.

APC members noted the following regarding proposed Bylaw No. 228:

- The Denman Island Official Community Plan (OCP) Land Use Designations map with the Proposed Bylaw No. 228 referral package presents a block of land in and around two farms on East Road with Agriculture Land Reserve (ALR) zoned status without any designation. Should it not have an A for Agriculture designation?
  - Planner McCargar responded that there are two Denman Island land maps: a zoning map correlated to the Land Use Bylaw and its regulations, and a Land Use Designation map correlated to the OCP. While the two maps very often do align, sometimes they do not.
  - Planner McCargar noted that the map seemed to imply that the block of land in question was designated Sustainable Resource (SR); but, would seek further clarification as to why it was not labeled.
  - Planner McCargar noted that Policy 14 speaks to Sustainable Resource (SR) land on ALR land; that ALR zones were provincially regulated so would not be affected by an OCP designation.

- APC members discussed that the OCP Land Designation map in relation to the zoning map was confusing.
- Regarding Proposed Bylaw No. 228, Schedule 1, Item 1.8 'Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission,' is the local government giving up control over dwelling numbers to the Agricultural Land Commission (ALC)?
  - Planner McCargar responded that the Land Use Bylaw can be more restrictive but not less restrictive than the ALC regulations. Applications to the ALC are referred to the Islands Trust but ALC has the final decision making authority. It is uncommon, however, for agencies to disregard comments to applications given that the referral process is collaborative.
- The extra dwelling allowances on ALR land could be easily abused due to lack of monitoring.
  - Planner McCargar responded that she did not know if the ALC used a complaints-based system or another system for monitoring built into the extensive ALC applications process.
- Many farmers feel generally constrained by lengthy, time-consuming applications and regulatory processes and would not support local governments imposing further restrictive regulation layers above the ALC's existing restrictions on ALR land. Seasonal workers and places for them are needed on farms.
- Why does the Ministry of Agriculture say that local governments have final approval over residences?
  - Planner McCargar clarified that previously the ALC only allowed secondary dwellings for immediate family members, but that now they were allowing anyone in the second dwelling; however, local governments can impose more restrictive regulations in their Land Use Bylaw.
  - She further noted that on the Islands Trust website there is a Protocol Agreement and a Letter of Understanding between the ALC and Islands Trust.

**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**

APC members discussed proposed Bylaw No. 229 which amends the Denman Island Land Use Bylaw No. 186, 2008 to regulate dwellings in the ALR; agri-tourism and agri-tourism accommodation; and to update several definitions and setback regulations.

APC members noted the following regarding proposed Bylaw No. 229:

- It was previously determined that setbacks to watercourses for development permit areas was out of scope of the Farm Regulations Review Project but would be an important future project. Why was this not done first?
  - Planner McCargar clarified that the proposed changes in Bylaw No. 229 bring setbacks to watercourses regulations in line with ALC regulations, but setback regulations or the creation of new Development Permit Areas would need another extensive round of public engagement.
- There is currently a problem with small-scale livestock in a small subdivision property contaminating and shutting down a nearby shellfish tenure with E. coli.

- There is currently a problem with manure applied on a garden adjacent to a stream and well contaminating that well with E. coli such that the well owner has had to install extra filtration.
  - Planner McCargar noted that the BC Ministry of Environment enacted the Agricultural Environmental Management Code of Practice regulation in 2019 which lays out requirements for specific farm practices regarding livestock, manure and storage near watercourses.
- An APC member responded that these Ministry regulations were inadequate and did not account for the nature of runoff in various landscapes.
- Applications of manure on larger growing areas could contaminate whole watersheds and multiple wells.
- How many years could it take to fully address farm practices water contamination issues on Denman Island?
  - Planner McCargar responded that this would be at the direction of the LTC and their project priorities and could be recommended by the APC for the LTC to consider. She also clarified that amended setback regulations could apply to any property, not just farm properties.
- Upriver/downriver contamination issues could be addressed more quickly as a specific significant setback issue.

**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**

**6. NEXT MEETING**

A next meeting would await a new referral from the LTC.

**7. ADJOURNMENT**

**By general consent,** the meeting was adjourned at 2:39 pm.

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Edi Johnston, Chair

Certified Correct:

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Katherine Vogt, Recorder