



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

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**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)

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**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)