



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"

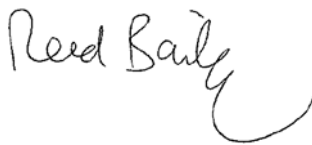
1.22 Part 3 – ZONE REGULATIONS, Section 3.4 – "Agriculture and Resource Zoning Tables", Table 1 – Permitted Uses

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