

From: Tim Maki and Rebecca Ewing

January 20, 2020

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Mayne Island, BC

Dear Mayne Island Local Trust Committee,

The CD3 multi family rental housing zone increases density of housing significantly and the proposed subdivision is adjacent to a farm property. We have submitted two previous letters to the Mayne Island LTC identifying our concerns with rezoning and subdividing the Rural zoned property. We continue to have concerns with the new CD3 zone as currently worded. A particular worry that we have is how the interface between this new zone and adjacent properties used for farming will be managed.

We reviewed the draft bylaws for the new CD3 zone and note that the under “Size and Siting” it states that the minimum setback for any building or structure is 3 metres (10 feet) from any interior side lot line. In situations where the CD3 zone is adjacent to agricultural land/farming activity, this setback is inadequate and will negatively impact current agricultural activity and limit what is possible.

The BC Ministry of Agriculture has in place guidelines for both the agriculture and subdivision sides of lot lines (i.e., Guide to Edge Planning, Guide for By-law development in Farming Areas.). In addition, we note that many communities in the Gulf Islands and the Discovery Islands have in place specific objectives and requirements that aim to limit conflict in these interface areas.

We have provided links to the BC Ministry of Agriculture’s guides for managing these interface areas and by-law development and we have included a table that provides OCP excerpts identifying provisions for managing interface areas.

We know that in the development of the CD3 zoning by-law and in the development of the 219 covenant, the setbacks and buffer requirements to manage interface between agriculture lands/farming and more intensive residential developments will be considered. From our perspective as farmers, it would be helpful if the wording in the CD3 regulation and/or the 219 covenant was developed prior to any public information session. Or, alternatively, we would like clarity around whether the LTC will conform to the BC Ministry of Agriculture’s guidance for by law development and edge planning.

LINKS:

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/planning-for-agriculture/823100-3_edge_guide_2015.pdf

https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards/840000-1_guide_for_bylaw_development_in_farming_areas.pdf

Sincerely, Tim Maki and Rebecca Ewing

Table 1: OCP By-law Provisions That Manage Potential Conflict along the Agriculture Non Agriculture Interface

OCP	OCP/By Law Policies or Requirements
Mayne Island	2.2.1.7 Zoning regulations shall ensure setbacks on properties adjacent to agricultural uses shall be sufficient to protect continuation of the agricultural operation.
Cortes Island	<p>Agriculture Policies</p> <p>i. Proposed development on non-agricultural lands adjacent to ALR or farm land shall be required to provide natural vegetation or buffering along property lines accordance with guidelines provided in “Guide to Edge Planning”, Ministry of Agriculture, 2009.</p>
Quadra Island	<p>(xi) Where development abuts the ALR, steps shall be taken to ensure that residential development does not result in negative impacts on existing and future agriculture, including, but not being confined to, the design and size of subdivisions, the set back of buildings and in the provision of vegetative screening and fencing at the interface. (xii) Setbacks and heights of buildings and structures shall be regulated to ensure a scale of construction that is appropriate for the Island as well as to minimize the potential for development to adversely impact on adjacent properties, agricultural areas, the foreshore, wetlands, streams, lakes, and other sensitive areas.</p> <p>(d) To reduce the potential for land use conflicts, new developments on nonagricultural lands adjacent to Agricultural Land Reserve lands shall be designed with appropriate subdivision sizes and dimensions, building setbacks and stormwater arrangements and with appropriate buffering along property lines in the form of berms, landscaped buffer areas, and/or fencing in accordance with the Agricultural Land Commission “Landscaped Buffer Specifications”.</p> <p><i>[Note: Landscaped Buffer Specifications have been superceded by the Guide to Edge Planning]</i></p>
Pender Island	<p>2.2.1 The "right to farm" shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.</p> <p>2.2.15 When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.</p> <p>2.2.16 When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.</p>

	<p>2.2.22 The Local Trust Committee may consider an amendment to this plan to designate land as a development permit area for the protection of farming with the intent of ensuring effective buffering and other measures between farming and other uses.</p> <p>2.2.37 The Local Trust Committee may request that the Subdivision Approving Officer consider the effect of any proposed subdivision on farming, and if the proposed subdivision is within or adjacent to agricultural land, and require the applicant to provide an examination and report on the proposed subdivision to address any potential conflict with farming.</p>
<p>Galliano Island</p>	<p>f) Zoning regulations shall ensure setbacks and permitted uses on properties adjacent to agricultural uses shall be appropriate for the protection and the continuation of the agricultural operation.</p> <p><i>[Note: Galliano Green affordable housing project required 15 metre tree retention zone and additional 15 metre buffer to minimize conflict with neighbouring agricultural activities]</i></p>
<p>Saltspring Island</p>	<p>Agriculture related objectives:</p> <p>B.2.3.1.1 To encourage future development to locate away from environmentally sensitive areas, agricultural and forestry lands, community water supply watersheds, lands with the potential for surface erosion or slope instability, public lands, tidal waterfront, areas with outstanding natural beauty and views, or archaeological and historic sites. To ensure buffers are retained on settlement lands where they adjoin agricultural lands.</p> <p>B.6.2.1.3 To incorporate the spirit and intent of the provincial Agricultural Land Commission Act, the Agricultural Land Reserve Use, Subdivision And Procedure Regulation, and the Farm Practices Protection ("Right to Farm") Act into local land use policies and bylaws.</p> <p>B.6.2.1.6 To reduce the potential for conflicts between agricultural areas and those areas that have been identified for higher density settlement.</p> <p>Agriculture Policies</p> <p>B.6.2.2.17 When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure the availability of water for farming would not be reduced because of a zoning change. If a rezoning application would result in an increase in water use, the Local Trust Committee will ask the Agricultural Advisory Committee for advice about the potential impacts on farming.</p> <p>B.6.2.2.18 The Local Trust Committee encourages subdivision layouts that reduce the potential for conflict with farming. When subdivisions are proposed for land that drains towards agricultural lands, the staff shall request that the Subdivision Approving Officer consider how changes to natural drainage patterns could affect agricultural activities. Such applications may be referred to the Agricultural Advisory Committee for advice and the Advisory Committee's suggestions for the protection of farming operations will be forwarded to the Subdivision Approving Officer for consideration.</p> <p>B.6.2.2.19 When it considers rezoning applications for land that borders or drains into agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming. For example,</p>

	<p>the Committee could require that a vegetation buffer be maintained on land that is being rezoned next to farm land, if the proposed use could result in conflicts with a farming operation. The Committee should also ensure that a zoning change would not result in detrimental changes to natural drainage or pollution of water supplies. The Agricultural Advisory Committee will be asked for advice about rezoning applications on land that borders or drains into agricultural land. BL488 (07/20)</p> <p>B.6.2.2.20 Zoning changes should not be made to allow large new multi-family, general employment, institutional or commercial developments in the Agriculture or Watershed-Agriculture Designation. An exception could be considered for community facilities or limited general employment zoning that would provide broad benefits to the community and are specifically mentioned in this Plan. BL488 (07/20)</p> <p>B.6.2.2.21 The Local Trust Committee will use the Development Permit process to ensure that development in higher density areas such as commercial, general employment and multifamily zones remains buffered from agricultural areas, is designed to reduce conflicts with agriculture, and does not result in detrimental impacts due to water pollution or changes in the drainage regime.</p> <p>B.6.2.2.22 The Local Trust Committee will consider impacts on local food security when making land use decisions.</p>
Saturna Island	D.2.6 Where buffers are needed between residential and adjacent farm operations, the obligation to provide the buffer is to be borne by the non-farm land use.