



A Shared Community Vision

Electoral Area 'A' OCP Review,

Citizen's Committee Speaker Series

Agriculture

March 23, 2009

Introduction to the Agricultural Land Reserve

The Agricultural Land Reserve was established between 1974 to 1976 through cooperative efforts with regional districts and member municipalities in response to ever increasing loss of prime agricultural land. Local input on was gained through a public hearing process. The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is recognized as the priority use. Farming is encouraged and non-agricultural uses are controlled.

The Provincial Agricultural Land Commission (ALC), who is responsible for administering lands within the ALR is an independent Provincial agency. Their mandate is to *"Preserve agricultural land and encourage and enable farm businesses throughout British Columbia"*.

The purpose of the Commission is:

- to preserve agricultural land;
- to encourage farming in collaboration with other communities of interest; and
- to encourage local governments, First Nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

The Commission's vision is *"A provincial agricultural land reserve system that fosters economic, environmental and social sustainability"*. The Commission has four complimentary goals that will help it achieve its vision:

1. Preservation of agricultural land.
2. The encouragement and enabling of farm businesses.
3. A provincial land reserve system that considers community interests.
4. Sound governance and organizational excellence.

The [*Agricultural Land Commission Act*](#) sets the legislative framework for the establishment and administration of the agricultural land preservation program. This legislation and associated regulations, among other things, specify the roles and responsibilities of the Commission, define the types of uses that are considered appropriate on ALR land, lay out process by which to consider applications for exclusion, subdivision, and non-farm use, and public process.

In summary there are two basic categories of uses that can occur on ALR land. The first is Farm Uses. Farm uses are uses which may be regulated by a Local Government, but can not be prohibited, except through the requirements of a farm bylaw (The Regional District of Nanaimo does not have a farm bylaw). Some example farm uses include growing and rearing a product, farm sales, processing of farm products, and horse boarding. The second type of use is permitted uses. Permitted uses are uses which are allowed to occur on ALR land unless otherwise prohibited by a Local Government. Some examples of permitted uses include accommodation for agri-tourism, breeding of pets, park, a second dwelling on a property as long as it's a manufactured home, and temporary sawmill. There is a third category of uses that require approval from the ALC. These uses are called non-farm uses. Non-farm uses are uses which can be regulated and/or prohibited by a Local Government, but which are not listed by the regulation as either farm use or permitted use. In these special cases, approval by the ALC is required prior to construction . A common example is the construction of a second stick built home on an ALR property.

Introduction to the Agricultural Land Reserve Continued

On lands within the ALR, the *Agricultural Land Commission Act* takes precedence over, but does not replace other legislation and bylaws that may apply to the land. Local governments, as well as other provincial agencies, are expected to plan in accordance with the provincial policy of preserving agricultural land. This means that the Electoral Area 'A' OCP and zoning bylaw must be consistent with the Agricultural Land Commission Act and its regulation. In addition, as part of the Official Community Plan bylaw adoption process, the draft bylaw must be referred to the ALC after first reading to ensure that the Plan is consistent with the Act.

Notwithstanding the above, local government planning and zoning powers have never been removed or replaced through the designation of the ALR and associated legislation. As a result, both the Commission and Local Governments have legitimate regulatory authority over land in the reserves. This further emphasizes the need for on-going consultation between the Commission and local governments.

As mentioned on the previous page, farming is the primary use for ALR land. To ensure that ALR land is used in accordance with the applicable Acts and Regulations, the Agricultural Land Commission has an active role to play in planning and in certain types of development approvals. The following is a brief summary of how the ALC is involved in the protection of ALR land and community planning.

Community Planning and Collaboration

Although the ALC is responsible for the administration of ALR lands, Local Governments have an important role to play. Bylaws, Plans, and Policies adopted by Local Governments that support agriculture are complimentary components that help achieve the ALC's vision.

There are a number of opportunities for Local Governments and the Commission to collaborate on Community Planning including:

- Consultation provisions in the *Agricultural Land Commission Act* and the *Local Government Act* which require consultation and communication between Local Government and the ALC in community planning and when responding to an development proposal.
- The ALC can provide information about the ALR, its history, best practices, staff resources, various publications, and local expertise in managing ALR lands.

Development Applications: Include, exclude, subdivide, or non-farm use





If a property owner proposes do any of the above on land within the ALR, approval from the Agricultural Land Commission must be obtained. The process for each type of application is different, but in general, applications are accepted at the Regional District of Nanaimo Planning Department and are processed by Regional District of Nanaimo planning staff who prepare a report which outlines the requirements of the current zoning and the policies and guidelines of the Official Community Plan and Regional Growth Strategy. The Regional District of Nanaimo does not, as a matter of Board policy, provide comments of a technical nature with respect to the application nor does it take a position on the application. Staff then forward the application to the ALC for its decision.

Enforcement and Dispute Resolution

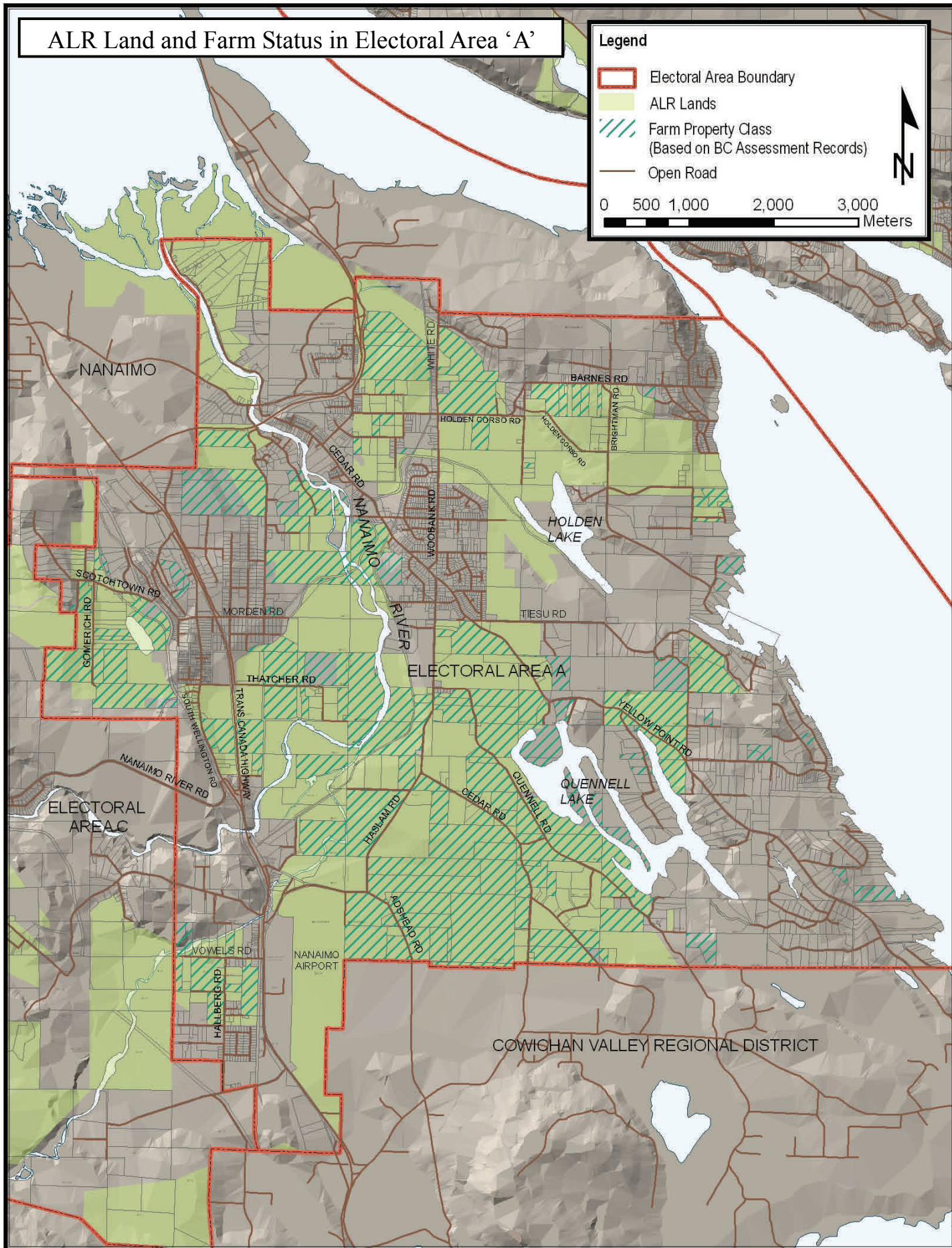
The ALC also plays an active role in the enforcement of the Act and in dispute resolution where a Local Government and community disagree over a community issue relative to ALR land.

ALR Land and Farm Status in Electoral Area 'A'

Legend

-  Electoral Area Boundary
-  ALR Lands
-  Farm Property Class
(Based on BC Assessment Records)
-  Open Road

0 500 1,000 2,000 3,000
Meters



ALR Lands in British Columbia, our Region, and Area 'A'

The following table provides an overview of the amount of ALR land for three Regional Districts including Cowichan Valley, Nanaimo, and Comox Valley. In all three cases, the amount of land excluded from the ALR since its formation exceeds the amount of land included in the ALR.

Regional District	Area at Designation (1974) (ha)	Inclusions (ha)	Exclusions by Application		Total Exclusions (ha)	Areas of March 31, 2008 (ha)
			Gov't (ha)	Private (ha)		
Cowichan Valley	21,984	415	3,628	1,052	4,680	17,719
Nanaimo	21,053	1,880	3,119	1,340	4,460	18,473
Comox Strathcona	43,725	5,258	6,544	1,814	8,357	40,626

Quick Facts About ALR Lands in Area 'A'

As shown on the map on the previous page, approximately half of the land in Area 'A' is in the ALR.

The map also shows which properties are currently being assessed as 'Farm Use' by BC Assessment.

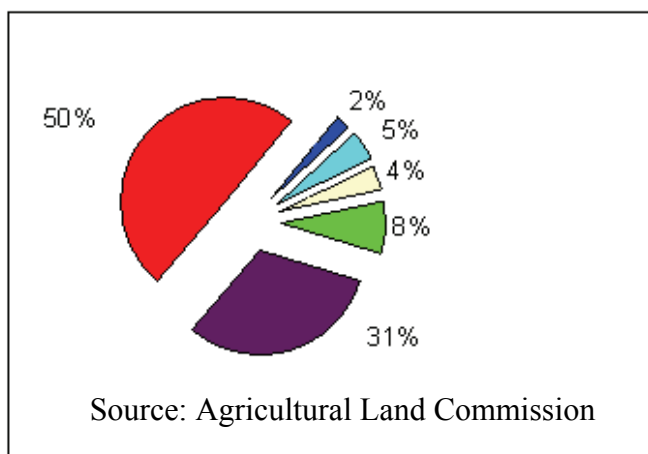
Most of the ALR land in Electoral Area 'A' is currently zoned for a 2.0 hectare minimum parcel size.

As shown on chart 1 to the right, Vancouver Island has the lowest proportion of ALR of any other region in the Province. Only 2% of the land base is included in the ALR.

Some Highlights from the 2006 Canadian Census of Agriculture

- Number of farm families living on unincorporated farms declined 9.5% between 2001 and 2006.
- Median income for farm families in 2005 is \$56,412 compared to \$63,843 for families in the general population.
- The number of farms decreased 7.1% during this census period.
- The number of large farms (reporting earnings of \$250K or more) has increased.
- The average age of farm operators increased from 49.9 to 52.0 in 2006.
- Over 15% of farms have their headquarters in large urban areas.
- In 2005 there were 210 farms in the Nanaimo Census Consolidated Subdivision (CCS), which included farms from Electoral Area 'A' north to Lantzville.
- The combined gross farm receipts in the Nanaimo CCS in 2005 was \$10,856,270.

Chart 1: Percentage of ALR by Region
January 1, 2008



Region	Colour
North	Red
Interior	Purple
Kootenay	Green
Okanagan	Light Blue
South Coast	Yellow
Island	Dark Blue

Other BC Agriculture Quick facts:

- 38% of BC farmers are over the age of 55
- 50% of farm sales average less than \$10k annually
- Most farmer operators rely on off-farm income (second job)
- 41% of farmland is leased or rented from other owners

How the Official Community Plan Supports Agriculture

Section 2 - Protecting Rural Integrity of the Electoral Area 'A' Official Community Plan designates the following three land use designations as shown on the map on the following page which are intended to protect and enhance the rural character of Area 'A':

Rural Residential includes lands historically developed into smaller lots in the neighbourhoods of South Wellington, Cedar, Cedar by the Sea, Yellow Point and Boat Harbour. This designation focuses on protecting rural character and reducing the conflicts between residential development and agriculture. However, other than supporting agriculture on parcels greater than 1.0 hectare, there are no objectives or policies contained within this designation in support of agriculture.

This designation supports a minimum parcel size of 1.0 hectare and a maximum density of 1 dwelling unit per hectare. Despite the minimum parcel size supported by this designation, the minimum parcel size supported by the zoning is 2000m² in some areas.

Rural is intended to apply to lands which are not located in the ALR and which have been historically subdivided in to a range of lot sizes. This section does not contain any objectives or policies with respect to the protection or encouragement of agriculture. Although the preamble to this designation indicates that the area covered by this designation is characterized by traditional rural uses such as intensive agriculture.

This designation supports a minimum parcel size of 2.0 hectares and a maximum density of 1 dwelling unit per hectare. In general, the minimum parcel size supported by this designation is consistent with the minimum parcel size supported by the zoning.

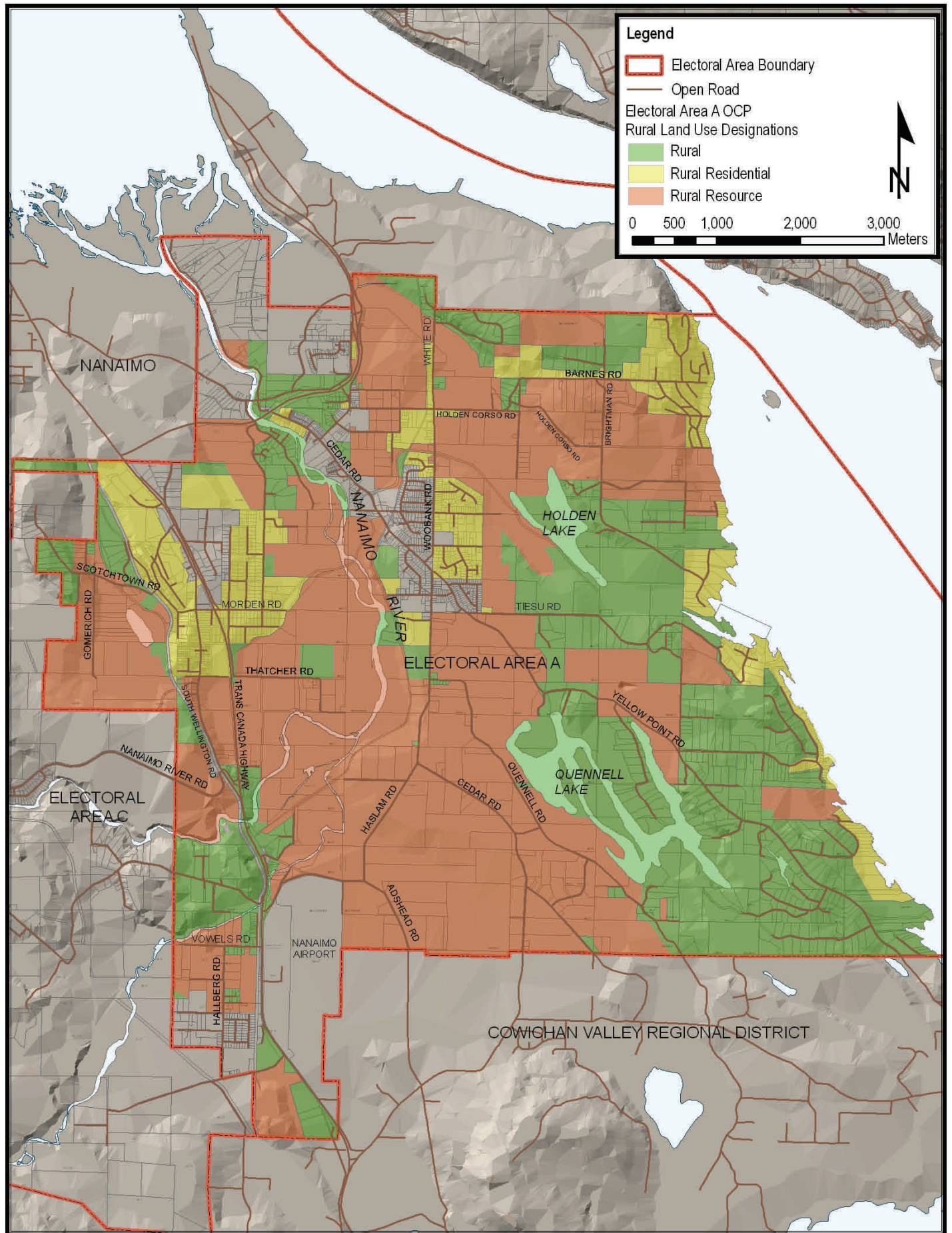
Rural Resource is intended to include lands located within the ALR that are valued for their resources such as agriculture, forestry, and natural resources. This designation makes up about one-half of the total land base of Electoral Area 'A'.

This designation contains objectives and policies in support of agriculture. A 50.0 hectare minimum parcel size is supported within this designation, except that a minimum parcel size of 8.0 hectares is supported for lands in the ALR. Residential development on ALR lands is limited to 2 dwelling units per parcel (the ALC Regulation says that one of these dwellings is limited to a manufactured home). This designation supports limiting the use of ALR land to those uses which are permitted by the ALC regulation. Removal of land from the ALR is not supported by this designation.

Despite the minimum parcel sizes supported by this designation, the minimum parcel size supported by the zoning is generally 2.0 hectares.

Section 5 - Creating A Vibrant and Sustainable Economy includes a section on Resource Activities. This section includes policies that support the ALC's mandate to protect agriculture, supports the *Farm Practices Protection Act*, and discourages residential development in farming areas. However, this section does not include any policies that encourage agriculture or require any specific actions to lessen the impacts of other uses on agriculture.

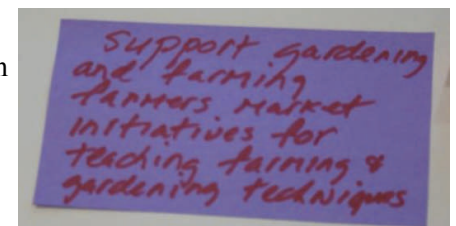
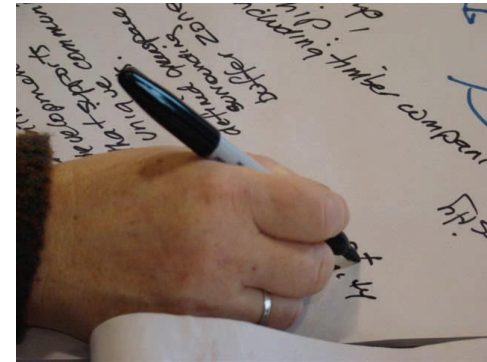
The Official Community Plan does not contain any policies or Development Permit Areas which require any type of farm protection and/or buffering.



A Summary Of What the Community Has Said About Agriculture

The following represents some of the ideas and suggestions provided by the community related to agriculture. (For a complete compilation of all community input please go to the project website at www.asharedcommunityvision.ca)

- Support the Cassidy Farmers Market year round.
- Support organic farms.
- Encourage more managed forests and small farms.
- Promote and support food production on agricultural land.
- Protect food production on agricultural land through incentives.
- Local market for area products – accessible and sheltered
- Have a year round farmers' market – Encourage people to grow their food
- Bureaucracy does not allow for 100-mile diet due to too many unreasonable rules and regulations, e.g. not allowed to butcher beef and stringent rules for farmer markets do not encourage eating locally.
- Support a community exchange network for local small producers.
- RDN to promote use of land fill site for greenhouse food production i.e. free use of land and methane collection.
- Support community gardens.
- Local food production vs. trucked in and out food.
- Make it easier for farmers to actually farm i.e. nowhere to take animals for butchering.
- RDN to reduce (eliminate bureaucracy for farmers markets – i.e. shady mile problems).
- Encourage agriculture, forestry and industry.
- Develop a meat processing facility.
- Provide more liveable space in areas that are not farmland.
- Protect farms.
- Ensure protection of farmland, including farms not presently in ALR.
- Protect ALR and agricultural capable lands.
- Encourage agricultural activities large and small.
- Make agriculture central to the RGS objective of community/village: work, shop, live, recreate.
- Support gardening and farming as well as farmers market initiatives for teaching farming and gardening techniques.
- everyone should be gardening some vegetable and/or planting fruit and nut trees
- Agriculture is a viable and important component of Area 'A'.
- Rural character is food production.
- Refine definition of agriculture and forestry to be more of a mixture i.e. agro-forestry.
- Provide policies that support food producing activities.
- Support a diversity of agricultural land uses (vineyards', berries, herbs, non-traditional livestock, stud farms, heritage species, conservation centres).
- Allow agricultural production to contribute heavily to 100 mile diet objective.
- Provide tax breaks, etc. to allow local agriculture to survive in a range of economic conditions.
- Support the creation of an Electoral Area 'A' agricultural management plan developed and enabled/supported same as Official Community Plan is.
- Support an expanded 4H club.
- Support a local agricultural fair.
- Develop a sustainable food production strategy as part of Area 'A' Growth Management Strategy (coop greenhouses).
- Encourage diverse and sustainable agricultural production in Area 'A'.
- Permit subdivision of farmland into 10-20 acre parcels.
- Support opportunities for increasing rural density on non-fertile portions of farmland to increase seasonal or year round farm help.
- Develop an agricultural plan to encourage local food production and local distribution on a sustainable and profitable scale for growers.
- Support alternate land tenure options on ALR land.
- Support local sustainable agriculture (provide marketing, local abattoir, encourage local food purchase, community gardens).



Policies Vs. Regulations - What's the difference?

Throughout the rest of this document you will see many different policy options for how the new Official Community Plan could support agriculture. But what is a policy and what affect does it have? Also how do policies translate into regulations? The following provides a general overview of policies, regulations, and implementation.

What is a Policy and what affect does it have in the Official Community Plan?

A policy is a written statement that communicates the communities preferences and intent and provides direction on future decisions based on the communities objectives, goals, and vision. Policies in the Official Community Plan also state the communities preference with respect to a number of topics included in the Official Community Plan such as land use, parks, environmental protection, agriculture, and transportation.

With respect to the current use of land, a policy is not enforceable like a zoning bylaw nor does current use have to comply with Official Community Plan policies. There are no means to force compliance with a policy. Policies simply state the community's preference on development, future uses, programs, bylaws, etc. Therefore, we must rely on other means to implement policies and achieve the community's goals outlined in the Official Community Plan.

How do policies translate into actions?

Local governments have a limited number of tools that can be used to implement and/or translate policies in to action. Beyond, encouraging and cooperating with individual property owners and other agencies to undertake certain actions, the tools available for use in the Official Community Plan are: rezoning, amendments to the Zoning Bylaw, Development Permit Areas, and adoption of new bylaws and programs. These are the tools that enable the Regional District of Nanaimo to take action on the Official Community Plan policies and work towards achieving the Community Vision. Below is a brief description of each tool and how it is typically used to implement the Official Community Plan policies.

Rezoning: *Rezoning is the process of changing the zoning bylaw to permit a proposed development. The Area 'A' Official Community Plan is silent on rezoning. In addition to stating the uses supported, an Official Community Plan can contain specific conditions and requirements for rezoning such as the types of background studies required, type and amount of landscaping, height of buildings, rain water management requirements, access and parking requirements, as well as design features and community amenities. The requirements can be different for different areas and for different uses. All rezoning applications must satisfy these requirements to be considered for approval.*

Amending the Zoning Bylaw: *Policies in the Official Community Plan may support amendments to the zoning bylaw. This is the most direct and enforceable tool available to turn policies into regulations. For example the Official Community Plan may contain a policy that supports a minimum parcel size of 2.0 ha. Implementation of this policy would require changing the zoning on the affected properties to 2.0 ha. The Official Community Plan could also support other changes to the zoning bylaw such as setback requirements, landscaping, height, and use.*

Development Permit Areas: *The Official Community Plan may have policies in support of environmental protection, how a development looks, protecting farmland, or protecting development from hazardous conditions. Development Permit Areas are a tool for ensuring that development within designated areas is reviewed to ensure compliance with the Official Community Plan. Development Permit Areas are closest thing to regulations that the Official Community Plan contains. All development within a Development Permit Area must be consistent with the Development Permit Area guidelines.*

New Bylaws and Programs: *The Official Community Plan may contain policies in support of the creation of new programs and bylaws. These policies provide direction to the Regional Board in support of undertaking these projects. However, it should be noted that the Board is not obligated to proceed with an bylaw or program identified by the Official Community Plan.*

Tools and Options to help us achieve the Community Vision and the Community's ideas and suggestions

The Community Vision states the following with respect to agriculture in Area 'A':

“Electoral Area 'A' has become a leader in local food productionGrowth is directed into well-defined village and neighbourhood centres. Growth and development outside these centres has largely been avoided as agriculture, resource use, and conservation of biodiversity have become the top priority for these areas.”

In considering what approach to take to work towards becoming leaders in local food production, we need to ensure that our strategy is consistent with the direction provided by the Community Vision. Based on the input from the community, the following options have been identified that could be included in the new Official Community Plan in support of agriculture in Electoral Area 'A'. Each option is described on the following pages and please use the space provided to answer the questions and provide your thoughts and suggestions.

Formation of an Agricultural Advisory Committee

The Regional Board has appointed 10 members representing a broad range of agricultural interests to serve a two-year term on the Agricultural Advisory Committee. The purpose of the Committee is to:

- Provide comments and recommendations to the RDN Board as it relates to agriculture on items including, but not limited to, the Regional Growth Strategy, Official Community Plans, Local Area Plans, reviews of RDN Zoning Bylaws, Parks and Trails Master Plans, Drinking Water and Watershed Protection Plans, Liquid Waste Management Plans, Rainwater Management Plans, noxious weed/insect control referred to the Committee by the Board of the Regional District.
- Promote public awareness of agriculture, its role and economic importance in the community.
- Advocate on behalf of the agricultural community.

Option: Support for the development of an Agricultural Plan and/or Farm Bylaw for Area 'A'

A number of community members suggested that an agricultural plan be developed for Electoral Area 'A'. An agricultural plan is a non-binding planning policy document which includes a strategy for managing land use and encouraging agriculture. It is non-binding because there is no legislation that requires compliance with the plan once it is adopted. However, the recommendations of an agricultural plan can be included in an Official Community Plan, which is a statutory planning policy document.

The creation of an agricultural plan would involve an extensive planning process and public consultation as well as involvement with the Agricultural Advisory Committee, the Agricultural Land Commission, and the Ministry of Agriculture and Lands. The Official Community Plan could recommend that an agricultural plan be developed.

An agricultural plan could also recommend the creation of a farm bylaw. Section 917 of the *Local Government Act* allows for the adoption of a farm bylaw for the purpose of having regulations:

- i. respecting the conduct of farm operations as part of a farm business,
- ii. respecting types of buildings, structures, facilities, machinery and equipment that are prerequisite to conducting farm operations specified by the local government and that must be utilized by farmers conducting the specified farm operations,
- iii. respecting the siting of stored materials, waste facilities and stationary equipment, and
- iv. prohibiting specified farm operations.

The purpose of a farm bylaw is to allow greater flexibility in standards for farming areas for the purpose of encouraging agriculture. They are also a way to implement the recommendations of an agricultural plan. The Official Community Plan could recommend that a farm bylaw be developed in consultation with the community, the Agricultural Advisory Committee, the ALC, and the Ministry of Agriculture and Lands.

Option: Support for the development of an Agricultural Plan and/or Farm Bylaw for Area 'A'

If this option is supported by the Community, the result would be two policies included in the new Official Community Plan. The first would support the creation of an agricultural plan and second would support the creation of a farm bylaw. Both of these projects would involve an extensive process that goes beyond the scope of the Area A Official Community Plan review.

Do you agree with this option? If so why do you think it is important and how would this option help us achieve the Community Vision?

If so, do you support both an agricultural plan and a farm bylaw or only one of the two?

If you do not support this option, what are your concerns and how could they be addressed?

Option: Provide policies that support agriculture

As indicated on page 5, other than supporting larger minimum parcel sizes and retention of lands in the ALR, the Official Community Plan does not contain any policies that encourage agriculture, nor protect it from the impacts of adjacent development. Throughout the Official Community Plan review process it has been suggested by a number of community members that we should include policies that encourage agriculture including incentives. It was also clear that the community wants to protect the ability to farm in Electoral Area 'A' as well as make farming more viable.

In response, a number of different options are presented and explained below.

Policy Option: Provide incentives that encourage agriculture

The new Official Community Plan could support a number of different incentives that encourage agriculture including:

1. Support for the waiving of development and building application fees related to agricultural improvements, while significantly increasing the fees for non-agricultural uses.
2. Fast tracking of building permit applications and rezoning applications.
3. The Official Community Plan could support preservation of environmentally sensitive features through conservation covenants, which may result in tax relief.
4. The Official Community Plan could support property owner initiated down zoning, which may result in tax relief.
5. The Official Community Plan could support collaboration, cooperation, and flexibility with agricultural operations looking at investing in agriculture and/or attempting to resolve issues which would be directly beneficial to agriculture in Area 'A'.
6. The Official Community Plan could support ongoing consultation with the Agricultural Advisory Committee, the Agricultural Land Commission, and the Ministry of Agriculture to find ways to encourage agriculture and make it more viable.
7. The Official Community Plan could encourage the Provincial and Federal Governments to consider financial incentives to preserve farmland and encourage young families to get in to farming.
8. The Official Community Plan could contain policies that support agricultural growth and investment in agriculture.
9. The Official Community Plan could clearly articulate that farming is the priority use in designated areas and could strongly protect the right to farm.
10. The Official Community Plan could support a feasibility study looking at using conservation covenants to preserve farmland.

Do you support the options presented above? If so, which options do you agree with and which options do you disagree with and why? Are there other incentives that should be included in the Official Community Plan?

Option: Provide policies that support agriculture cont...

Policy Option: Support maximum setbacks and maximum floor areas:

The placement of residential development on arable land can have long lasting affects on the ability to farm that land in the future. In addition to being beneficial in urban areas, where maximum setbacks can make the community more pedestrian friendly, maximum setbacks in agricultural areas can ensure that the impacts of non-farm uses on agricultural operations are minimized.

Instead of having minimum setbacks for residential development that specify how far a dwelling must be from a property line this option would specify a maximum distance a dwelling could be from a property line. This would minimize the impact of residential development on agricultural operations.

In addition, the Official Community Plan could support the establishment of a maximum dwelling unit floor area on lands in the ALR and/or lands under cultivation to discourage large estate dwelling units that require large amounts of land where agriculture is not the intended use.

Policy Option: Encourage value-added agricultural uses

The Official Community Plan could support a wider range of uses that compliment agriculture and may make it more viable. The *Agricultural Land Reserve, Subdivision and Procedure Regulation*, the rules that apply to ALR land allow for a broader range of uses than what is currently permitted by the zoning. Therefore, the Official Community Plan could support these uses as well as other value-added uses on non-ALR land such as:

- Agro-tourism
- Accommodation for agri-tourism
- Farm retail sales (farmers market)
- BC winery
- Ancillary food and beverage service lounge not exceeding 300m²
- Operation of a temporary sawmill
- Passive Recreation
- Breeding of Pets or operating a kennel
- Education and research up to a maximum of 100m² of buildings for education per ALR parcel.
- Production of compost
- Renewable energy production in conjunction with agriculture (i.e wind, solar, geothermal, cogeneration)

This policy could be implemented in one of two ways. The first would be for the Official Community Plan to support a rezoning. The result being that individual property owners could apply for a rezoning to gain access to the uses supported by the Plan. The other way is an Regional District of Nanaimo lead initiative to change the Zoning Bylaw to allow the additional uses. It may be preferable to the community if the implementation of this option was to be driven by individual rezoning applications. This would give the community the ability to resolve site-specific issues such as environmental protection, noise, and odour more effectively as well as to obtain desirable community amenities.

Policy Option: Explore alternate land tenure options

The Official Community Plan could support a study looking at opportunities to address the aging farming community including options for alternate land tenure to encourage the next generation of farmers. Should the community wish to pursue the preparation of an agricultural plan, there may be an opportunity to address this topic through that process.

Option: Provide policies that support agriculture cont...

Please use the space provided to tell us if you support the options described on the previous page and your reasons for your position. If you do not support the options, then please tell us what your concerns are and how they could be addressed. Please feel free to provide any other comments you may have related to the options below or any additional options not identified.

Policy Option: Support maximum setbacks and floor area:

Policy Option: Encourage value-added agricultural uses

Policy Option: Explore alternate land tenure options

Option: Provide policies that support agriculture cont...

Policy Option: Support the Retention of ALR Land

The current Official Community Plan contains a policy that supports the retention of lands located in the ALR. The new Official Community Plan could maintain this policy as well as encourage the ALC to deny applications for exclusion, subdivision, and non-farm use of ALR lands where the proposal would not be beneficial to agriculture.

Policy Option: Discourage development of arable land

This option supports minimizing non-farm development on the most arable portions of lands within Electoral Area 'A'.

This would require a detailed soil assessment looking at the suitability of the soils and landscapes for agriculture throughout Electoral Area 'A'. The Official Community Plan could support this assessment as part of an Agricultural Plan, but could also support this assessment on a site-specific basis as a requirement for development.

Implementation could be done in a number of different ways including the following:

- The Official Community Plan could encourage the ALC to deny applications for exclusion, non-farm use, and subdivision where the proposal would result in a reduction in agricultural potential. This policy could also encourage the ALC to place restrictions on approvals to ensure that non-farm use only occurs on areas that would have the least impact on farming.
- The Official Community Plan could require applications for rezoning of all land outside the UCB to allow a non-farm use to provide a report from a professional Agrologist or other qualified person to determine the impact on agriculture and provide recommendations to mitigate the impacts, which could become conditions of approval. For this option to be viable, the Official Community Plan would have to support some form of a change in use that requires a rezoning.
- There could be a Development Permit Area established for the protection of farmland, where subdivision and certain types of non-farm use would be required to obtain a Development Permit to identify and mitigate the impacts of non-agricultural development. The Development Permit Area would specify the guidelines for development including the requirement for a site specific soil assessment. The Development Permit Area could require non-farm development to be in compliance with the recommendations of a professional agrologist or other person qualified to provide comments on the impacts of development on agricultural operations.

Option: Provide policies that support agriculture cont...

Please use the space provided to tell us if you support the options described on the previous page and your reasons for your position. If you do not support the options, then please tell us what your concerns are and how they could be addressed. Please feel free to provide any other comments you may have related to the options below or any additional options not identified.

Policy Option: Support retention of ALR land:

Policy Option: Discourage non-farm development of arable land

Option: Provide policies that support agriculture cont...

Policy Option: Support the concept of Transfer of Development Credits as a way to preserve farmland, environmentally sensitive features, and other lands valued by the community

A big concern of many property owners is the impact of increasing the minimum parcel size to be consistent with the parcel size supported by the Official Community Plan. This is evident in all of the Regional District of Nanaimo Electoral Areas as seen by the fact that in general, the Official Community Plans support larger minimum parcel sizes on lands outside the Urban Containment Boundaries than the zoning bylaws currently allow.

In Canada, property rights are not included in the Canadian Constitution, meaning that property owners are not granted inherent rights to develop, subdivide, or profit from land. However, a portion of the community believe they have a right to develop their land and generally oppose any changes to regulations that reduce development potential. This can have a significant affect on the implementation of community plans that call for limiting development in rural areas to preserve farmland and resources uses. As a result, the goals of Official Community Plans are often compromised in order to retain property owners perceived rights.

This plays an increasingly important role in land use planning and growth. The result being a reluctance of the Regional Board to increase minimum parcel sizes in accordance with the Official Community Plans to reduce subdivision potential in rural areas.

Elsewhere in North America, primarily in the United States, a tool called “*Transfer of Development Credits*” has been used as a way of responding to the financial impacts of reduced development potential. While there are a number of successful examples in the United States, Transfer of Development Credits (TDC) is a relatively new concept in Canada with few examples to draw upon. The objective of a TDC program is to preserve land valued for its resource use, environmental value, agricultural potential, and/or other uses valued by the community by providing financial incentives that reduce the pressure to develop these lands. This allows landowners to benefit financially without the whole community being subjected to the negative economic, environmental, and societal impacts of development in these areas.

In its most basic form, a TDC program assigns development credits to all properties which are located in the area valued for conservation. The number of credits assigned to each property depends on the program, but is generally associated with the amount of development that could occur on each property at the onset of the program. TDC programs then provide for the sale of these credits on the open market for use on other properties located in growth receiving areas.

The owners of the purchased credits are then entitled to build a predefined additional amount of units and/or density on top of what the current regulations permit within growth receiving areas. The amount of additional units and/or density is directly proportional to the amount of additional credits purchased. The idea is that the credits held by the property owners in the areas valued for conservation have value as a result of the developer’s ability to derive more profit from a development having more units and/or higher density than otherwise would be permitted without purchasing additional development credits. This creates an opportunity for property owners in the areas valued for conservation to extract profit from their lands without the need to develop or subdivide.

As credits are sold, a mechanism is used to eliminate development potential in the conservation areas in proportion to the number of credits being sold. As a result, there is less pressure to subdivide and develop lands in areas valued for conservation as the sale of credits provides an alternate form of income for property owners who may have been considering subdividing or developing their land. In addition, the overall amount of development remains the same, however, the location of development shifts from the rural areas valued for their current use towards a focus on creating more compact communities within defined areas.

Notwithstanding the above, the implementation of a TDC program goes well beyond the scope of this Official Community Plan review. Further research is needed. In addition, a feasibility study as well as public consultation are required to determine if a TDC program is appropriate for Electoral Area ‘A’. There are a number of limitations that must first be identified and addressed.

Therefore, if the community supports this option, the Official Community Plan would include a policy in support of undertaking a feasibility study looking at implementing a TDC program for Area ‘A’. The Official Community Plan could also support the concept of TDC as a means of preserving farmland, environmentally sensitive features, and other lands valued by the community.

Option: Provide policies that support agriculture cont...

Please use the space provided to tell us if you support the option described on the previous page and your reasons for your position. If you do not support the option, then please tell us what your concerns are and how they could be addressed. Please feel free to provide any other comments you may have related to the option below or any additional options not identified.

Policy Option: Support the concept of Transfer of Development Credits as a way to preserve farmland, environmentally sensitive features, and other lands valued by the community

Option: Provide policies that support agriculture cont...

Policy Options: Provide an agricultural focus for new rural development

The Official Community Plan could contain a number of policies that ensure that any new development occurring outside the UCB are compatible with and contribute towards making agriculture more viable. The following could be included in the new Official Community Plan:

- To reduce the expectations of further fragmentation of ALR land, the Official Community Plan could discourage road endings pointed towards ALR and could also discourage roads being designated on ALR land.
- Agricultural assessments for any major non-farm development regardless of its proximity to existing agricultural operations could be required where a rezoning is required.
- Buffering could be required between agricultural operations and new rural residential non-farm subdivisions.
- The Official Community Plan could support a limit on the number of dwellings on farmland (ALR land) to 1 permanent residence per legal parcel unless additional dwellings are legitimately needed for farm help.
- The Official Community Plan could discourage excessively large non-farm housing in the ALR.
- The Official Community Plan could discourage the subdivision of land outside the UCB, except where it can be shown that a proposed subdivision does not negatively impact agriculture.
- The Official Community Plan could encourage parcel consolidation to create larger parcels more conducive to agriculture.
- The Official Community Plan could encourage agricultural use of all existing parcels in the ALR regardless of their size.
- The Official Community Plan could encourage organic, green house, specialty crops, and other high-yield products through intensive small-lot agricultural operations.

Option: Provide policies that support agriculture cont...

Please use the space provided to tell us if you support the options described on the previous page and your reasons for your position. If you do not support the options, then please tell us what your concerns are and how they could be addressed. Please feel free to provide any other comments you may have.

Policy Option: Provide an agricultural focus for new rural development

Option: Provide policies that support agriculture cont...

Policy Options: Designate a Farmland Protection Development Permit Area

Farmland Protection Development Permit Areas are used in other Electoral Areas and could be used in Area 'A' to protect agricultural operations from the impacts of adjacent non-farm uses. Lands included in the Development Permit Area would be all land in Electoral Area 'A' that is adjacent to land located in the ALR. Adjacent in other Official Community Plans also includes land across the road from a parcel in the ALR.

The Development Permit Area Guidelines could require the maintenance and or establishment of a vegetated buffer between agricultural operations and non-farm uses. This Development Permit Area could also be expanded to contain guidelines to minimize non-farm development on arable land as mentioned on page 14.

It is important to note, that agricultural operations would be exempt from the requirements of the Development Permit Area as the intent is to protect and encourage agriculture not hinder it.

What is a Development Permit Area?

A Development Permit Area (DPA) is perhaps the most important tool used by Local Governments to ensure that the potential impacts of development are identified and addressed. In addition, DPAs ensure that development within a specified area is conducted in a responsible manner. This is especially important in areas that are environmentally sensitive and/or subject to hazardous conditions.

DPAs also ensure that property owners and developers are required to follow the same rules for development. This provides clarity to all parties involved with respect to what is required in order to develop and/or alter a property within a Development Permit Area.

Development applications within DPAs are reviewed to ensure that the proposal is consistent with the DPA Guidelines. In some cases, a report from a professional biologist, engineer, or other professional may be required to assist staff in evaluating an application. The OCP specifies the information required in order to submit a Development Permit application.

Development Permit approval is based on compliance with the Development Permit Area guidelines. Where a proposed development is consistent with the Development Permit Area guidelines and requirements of the Zoning Bylaw, approval of a Development Permit is **not discretionary**, meaning that the Development Permit Area must be approved. If a proposed development is not consistent with the Development Permit Area guidelines, it may be denied, but the more likely scenario is that the applicant would be required to amend the proposal to be in compliance with the Development Permit Area guidelines. Approval of Development Permit applications which include a request to vary a provision of the Zoning Bylaw such as a minimum setback, height, or landscaping provisions, is **discretionary**, meaning that a Development Permit could be denied.

A common misconception about DPAs is that they are setbacks or "no-go" buffer zones. ***This is incorrect.*** Development may occur within a DPA provided the proposal satisfies the DPA Guidelines. In addition, certain types of development activities may be permitted within a Development Permit Area without a Development Permit. The Development Permit Area guidelines specify the types of development that can occur **without** a Development Permit which typically include activities such as minor additions to existing buildings, internal renovations, habitat restoration and enhancement, work required to address an immediate threat to life or property, and second storey additions to existing buildings.

Option: Provide policies that support agriculture cont...

Please use the space provided to tell us if you support the option described on the previous page and your reasons for your position. If you do not support the option, then please tell us what your concerns are and how they could be addressed. Please feel free to provide any other comments you may have.

Policy Option: Designate a Farmland Protection Development Permit Area

Sources of Additional Information

A wealth of additional information on how to plan for agriculture and protect, encourage, and support it are available. There are many different documents that could be used to provide guidance in the formation of policies for the new Official Community Plan. The following provides some additional sources of information:

The following provides a number of different links to a number of different sources of information.

<http://www.al.gov.bc.ca/resmgmt/sf/Publications.htm>

The following link provides a link to a number of different documents published by the Agricultural Land Commission:

<http://www.alc.gov.bc.ca/publications/publications.htm>

The following link provides a link to a number of different documents and information published by Smart Growth BC:

<http://www.smartgrowth.bc.ca/AboutUs/Issues/AgriculturalLand/tabid/111/Default.aspx>

The following website contains a wealth of information on agriculture from an American perspective:

<http://www.farmland.org/default.asp>

Electoral Area 'A' OCP Review Citizen's Committee Temporary Revised Meeting Schedule

All meetings start at 6:30 pm at the North Cedar Improvement District Fire Hall located at 2100 Yellow Point Road. **Please note, the meeting dates and topics may need to change depending on availability of guest speakers.**

Month	Date	Year	Topic	Guest Speakers
March	9	2009	Regional Growth Strategy (RGS review, purpose of the RGS, village centres)	Paul Thompson, Manager Long Range Planning, Regional District of Nanaimo Lynnia Clark, North Cedar Improvement District Administrator: Community Water Servicing
March	23	2009	Agriculture	Roger Cheetham - Agricultural Land Commission Wayne Haddow – Ministry of Agriculture and Lands
April	6	2009	Transit and Parks and Recreation	Laura Kiteley, Manager of Transit Projects and Planning Regional District of Nanaimo Joan Michel, Regional District of Nanaimo Parks and Trails Coordinator Greg Keller, Regional District of Nanaimo Senior Planner
April	20	2009	Environmental Protection, Sustainability, and Community Sewer	Maggie Henigman – Ministry of Environment Jack Anderson – Official Community Plan Review Citizen's Committee Sean Depol, Regional District of Nanaimo Manager of Liquid Waste Lindsay Dalton, Regional District of Nanaimo Liquid Waste Coordinator Greg Keller, Regional District of Nanaimo Senior Planner
May	4	2009	Community Diversity and Affordability	Chris Midgley, Regional District of Nanaimo Sustainability Coordinator



It's for you to decide.

Possible changes to our Regional Growth Strategy have been identified, and we need your comments.

Visit the website to learn about the issues and complete a survey.

Prizes available too!



www.shapingourfuture.ca