

**REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA PLANNING COMMITTEE**  
**TUESDAY, MAY 10, 2011**  
**6:30 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**DELEGATIONS**

**MINUTES**

- 2 - 5            Minutes of the regular Electoral Area Planning Committee meeting held April 12, 2011.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

**UNFINISHED BUSINESS**

**PLANNING**

***OTHER***

- 6 - 8            Bylaw 1259.07 – Proposes to Amend the Regional District of Nanaimo Planning Services Fees and Charges Bylaw.
- 9 - 18           Policy B1.8 - Subdivision and Non-farm Use Within the ALR.

**ADDENDUM**

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

**IN CAMERA**



**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, APRIL 12, 2011 AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G

**Also in Attendance:**

M. Pearse	Sr. Mgr., Corporate Administration
D. Lindsay	A/C Gen. Mgr., Development Services
N. Hewitt	Recording Secretary

**DELEGATIONS**

**Jim Crawford & Cynthia Hildebrand, Baynes Sound Investments Ltd., re Proposed Rezoning Application for Lands in Area 'H'.**

Ms. Hildebrand of Baynes Sound Investments Ltd. presented a visual and verbal overview of the proposed residential subdivision and RV resort.

**MINUTES**

MOVED Director Stanhope, SECONDED Director Holme, that the minutes of the regular Electoral Area Planning Committee meeting held March 8, 2011 be adopted.

CARRIED

**PLANNING**

***AMENDMENT APPLICATIONS***

**Bylaw No. 500.370 to Support Zoning Amendment Application No. PL2010-123 – Landeca Services Inc. – 2956 & 2962 Ridgeway Road – Area 'C'.**

MOVED Director Young, SECONDED Director Burnett, that Zoning Amendment Application No. PL2010-123 to rezone the subject property from Subdivision District 'D' to Subdivision District 'F' be approved subject to the conditions included in Schedule No. 1.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.370, 2011" be introduced and read two times.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.370, 2011" be delegated to Director Young or her alternate

CARRIED

**Bylaw No. 500.371 & Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land to Support Zoning Amendment Application No. PL2010-216 – Fern Road Consulting Ltd. – Wembley Road – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Holme, that the Summary of the Public information Meeting held on March 30, 2011, be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Zoning Amendment Application No. PL2010-216 to rezone the subject property from Rural 1 Subdivision District 'F' (RS IF) to Residential 1 Subdivision District 'Q' (RS IQ) be approved.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.371, 2011", be introduced and read two times.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.371, 2011", be delegated to Director Stanhope or his alternate.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the request to accept the dedication of park land, as outlined in Schedule No. 1, be accepted.

CARRIED

***DEVELOPMENT PERMIT APPLICATIONS***

**Development Permit Application No. PL2011-047 – Keith Brown & Associates Ltd. – 1922 - 1940 Schoolhouse Road – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that Development Permit Application No. PL2011-047 to permit the construction of an industrial warehouse building be approved subject to the conditions outlined in Schedules No. 1- 5.

CARRIED

***DEVELOPMENT PERMIT WITH VARIANCE APPLICATIONS***

**Development Permit with Variance & Request for Frontage Relaxation Application No. PL2010-145 – Parrish – 2075 & 2081 Lazy Susan Drive – Area ‘A’.**

MOVED Director Burnett, SECONDED Director Young, that staff be directed to complete the required notification.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that Development Permit with Variance Application No. PL2010-145, in conjunction with a two lot subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Burnett, SECONDED Director Young, that the request to relax the minimum 10% perimeter frontage requirement for the proposed new lot and for the remainder lot be approved.

CARRIED

**Reconsideration of Development Permit with Variance & Request for Frontage Relaxation Application No. PL2010-230 - Fern Road Consulting Ltd. - 6224, 6266, 6280 & 6290 Island Highway West - Area 'H'.**

MOVED Director Stanhope, SECONDED Director Holme, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit with Variance Application No. PL2010-230 in conjunction with a lot line adjustment subdivision be approved subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement for proposed Lots A and B, be approved.

CARRIED

**Development Permit with Variance Application No. PL2011-014 – Fern Road Consulting Ltd. – Island Highway & Linx Road – Area ‘H’.**

MOVED Director Stanhope, SECONDED Director Holme, that staff be directed to complete the required notification.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit with Variance Application No. PL2011-014 be approved subject to the conditions outlined in Schedules No. 1 - 2.

CARRIED

***DEVELOPMENT VARIANCE PERMIT APPLICATIONS***

**Development Variance Permit Application No. PL2011-036 – Stouffer – 1454 The Outrigger – Area ‘E’.**

MOVED Director Holme, SECONDED Director Stanhope, that staff be directed to complete the required notification.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. PL2011-036 to legalize the siting of an existing garage and carport with a variance to the setback from the front lot line be approved subject to the conditions outlined in Schedules No. 1- 3.

CARRIED

**OTHER**

**Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land & Request for Frontage Relaxation on Subdivision Application No. PL2010-169 – Glencar Consultants – 516 Wembley Road – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Holme, that the request to accept a combination of park land and cash-in-lieu of park as outlined in Schedule No. 1 in conjunction with Subdivision Application No. PL2010-169 be accepted.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the offer to provide 0.83% of the appraised value of the subject property for park land development works in Electoral Area 'G' be accepted as outlined in Schedule No. 1.

CARRIED

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirements for proposed Lots 16, 17, 18, 19, and 20 be approved.

CARRIED

**Consideration of Park Land Dedication and/or Cash-in-Lieu of Park Land on Subdivision Application No. PL2011-018 – Fern Road Consulting Ltd. – 864 Cavin Road – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Burnett, that the request to pay 5% cash-in-lieu of park land in conjunction with Subdivision Application No. PL2011-018, be accepted.

CARRIED

**Request for Frontage Relaxation on Subdivision Application No. PL2011-016 – Fern Road Consulting Ltd. – 403 Lowry’s Road – Area ‘G’.**

MOVED Director Stanhope, SECONDED Director Holme, that the request to relax the minimum 10% perimeter frontage requirement be approved.

CARRIED

**ADJOURNMENT**

MOVED Director Stanhope, SECONDED Director Young, that this meeting terminate.

CARRIED

TIME: 6:57 PM

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CHAIRPERSON



RDN REPORT	
CAO APPROVAL <i>(Signature)</i>	
EAP	
COW	
MAY - 4 2011	
RHD	
BOARD	

# MEMORANDUM

**TO:** Paul Thorkelsson  
General Manager, Development Services

**DATE:** May 4, 2011

**FROM:** Dale Lindsay  
Manager, Current Planning

**FILE:** 3900 20 1259.07

**SUBJECT:** Proposed Amendments to “Regional District of Nanaimo Planning Services Fees and Charges Bylaw 1259, 2002”

## PURPOSE

To consider changes to the Planning Fees and Charges Bylaw in order to provide a maximum fee for rezoning applications for institutional uses.

## BACKGROUND

The existing Planning Services Fees and Charges Bylaw, Bylaw 1259, establishes application fees, including fees for rezoning, official community plan amendments and development permits.

The existing fee schedule for rezoning applications calculates fees based on the proposed land use and the number of units or size of the property. For example, residential rezoning fees are \$800.00 plus \$100.00 per unit, up to twenty units and \$50.00 for every unit thereafter where commercial applications are \$800.00 plus \$100.00 per 1000 m<sup>2</sup> of site area. The existing bylaw has no cap for application fees and as such fees for very large commercial or residential projects could be in the thousands or even tens of thousands of dollars. Given the significant amount of resources and time that are involved in reviewing large scale commercial or residential projects the fee is appropriate.

Recently the Regional District of Nanaimo has received a rezoning application from the City of Nanaimo for an institutional use on a large (25 ha) parcel. The proposal is for a water treatment facility. At present the application fees for institutional rezoning are \$800.00 plus \$100.00 per 1000 m<sup>2</sup> (\$1,000.00 per ha). Based the fee schedule and the size of the proposed lot the application fees for this single use institutional use exceeds \$25,000.00

## ALTERNATIVES

1. To amend the “Regional District of Nanaimo Planning Services Fees and Charges Bylaw 1259, 2002” in order to provide a maximum application fee for institutional rezoning applications.
2. To not amend the “Regional District of Nanaimo Planning Services Fees and Charges Bylaw 1259, 2002”.

## FINANCIAL IMPLICATIONS

Application fees are intended to be established on a cost recovery basis and be reflective of the resources necessary to adequately review the application. The existing fees and charges bylaw, with its escalating scale depending on the size of the proposal, attempts to reflect this intent by charging base amounts for all

applications with higher fees for larger applications, which are typically more complicated requiring a higher level of review.

Unlike residential or commercial projects which can increase in complexity with the density or size of the proposal, the amount of resources required to review a institutional project does typically vary with the size of the lot. In addition it is highly unusual to have institutional projects on very large lots, with the most typical projects such as civic uses and places of worship being on smaller properties. Given the rarity of very large institutional rezonings, staff are of the opinion that such a project was never anticipated under the existing fee schedule.

In order to bring the institutional applications fees in line with the resources required to review an application of this nature staff are recommending that the fee calculation remain the same but that a maximum fee of \$3,000.00 be established. This cap would bring the Regional District's application fees for institutional applications in line with neighbouring Regional Districts which range from \$2,500.00 to \$3,000.00.

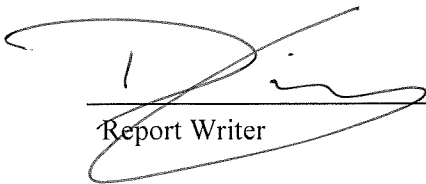
Given that large institutional rezonings are not common, and as the proposed fee is reflective of the resources necessary to review institutional rezonings, there are no financial implications as a result of the proposed amendment.

#### SUMMARY/CONCLUSIONS

As a result of a recent application from the City of Nanaimo for rezoning of a large (25 ha) parcel for an institutional use staff are proposing amendments to the Planning Fees and Charges Bylaw 1259, 2002. The proposed amendment bylaw, if adopted, will cap institutional rezoning application fees at \$3,000.00. The proposed fee is reflective of the resources required to review institutional applications.

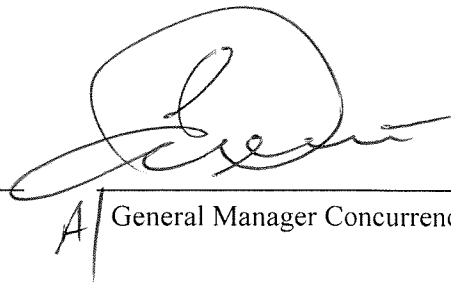
#### RECOMMENDATIONS

1. That "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.07, 2011" be introduced and read three times.
2. That "Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No. 1259.07, 2011" be adopted.



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Report Writer



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General Manager Concurrence



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CAO Concurrence



**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1259.07**

**A BYLAW TO AMEND PLANNING SERVICES  
FEES & CHARGES BYLAW**

The Board of the Regional District of Nanaimo, in open meeting assembled, enacts as follows:

- A. This Bylaw may be cited as “Regional District of Nanaimo Planning Services Fees and Charges Amendment Bylaw No 1259.07, 2011”
- B. “Regional District of Nanaimo Planning Services Fees and Charges Bylaw 1259, 2002”, is hereby amended as follows:
  1. By deleting subsection 1.a.vi and replacing it with the following:

“1.a.vi) for an institutional use, \$100.00 for each .1 hectare of site area or portion thereof of parcel area, to a maximum application fee of \$3000.00.”

Introduced and read two times this xx day of xx 201xx

Read a third time this this xx day of xx 201xx

Adopted this this xx day of xx 201xx

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Chairperson

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Sr. Mgr., Corporate Administration



RDN REPORT		
CAO APPROVAL <i>(Signature)</i>		
EAP	✓	May 10/11
COW		
MAY - 4 2011		
RHD		
BOARD		

# MEMORANDUM

**TO:** Paul Thorkelsson  
General Manager of Development Services

**DATE:** May 2, 2011

**FROM:** Dale Lindsay  
Manager of Community Planning

**FILE:** 6635 00

**SUBJECT:** Subdivision and Non-farm Use Within the ALR

## PURPOSE

To provide the Board with policy options with respect to applications for subdivision or non-farm use within the Agricultural Land Reserve (ALR).

## BACKGROUND

The Board at their regular meeting of April 26, 2011 received correspondence from Colin Fry, Executive Director, Provincial Agricultural Land Commission (Schedule A). The correspondence was in response to a recent subdivision application for land within the ALR. The application had been forwarded, along with a local government report by Regional District staff to the Agricultural Land Commission. As per standard practice and based on the Board’s policy of 2002 (Schedule B) the application was forwarded without comment. The correspondence from Mr. Fry correctly points out that the Board policy deals specifically the applications for exclusion of land from the ALR, and not with subdivision or non-farm use applications, and that as such a resolution is required before the application can be considered by the Agricultural Land Commission.

In response to the letter the Board, at their meeting of April 26, 2011, passed the following motion:

*“That the Board direct staff to prepare a report outlining options available to the Board when considering request to authorize the referral of Subdivision and Non-farm applications in the Agricultural Land Reserve, to the Agricultural Land Commission.”*

This report is in response to that motion.

As noted above, all of the Official Community Plans recognize the importance of agriculture and local food production and include associated objectives and policies supporting the preservation of lands within the ALR for agricultural use:

### Area A – OCP 1240, 2001

Objectives:

- Support the protection and enhancement of the Agricultural Land Reserve.
- Preserve existing farm lands and the distinctive rural character of the plan area by encouraging agricultural production.
- Protect the quality and quantity of groundwater supply for domestic uses and agriculture.

Policies:

- All subdivision and non-farm uses, within the ALR, shall comply with objectives and policies of this plan.

Area C - OCP 1055, 1997 (East Wellington/Pleasant Valley)

Objectives:

- Protect and maintain the agricultural land resources of the plan area for present and future food production.
- Ensure that the availability and quality of water supply is protected and seek ways and means of improving water availability for irrigation purposes.

Policies:

- The retention of large land holdings within the ALR shall be encouraged to maintain the option and feasibility of farm use.
- The Regional District shall support the ALCs mandate of preserving and encouraging the use of agricultural land for agriculture.

OCP 1148, 1999 (Arrowsmith Benson – Cranberry Bright)

Objectives:

- Protect agricultural land resources for present and future food production.
- Protect the needs and activities of agricultural operations when considering non-agricultural uses on or adjacent to agricultural lands.

Policies:

- The ALCs mandate of preserving and encouraging agricultural production will be supported
- The retention of large land holdings within the ALR will be encouraged to maintain the option and feasibility of farm use.

Area E – OCP 1400, 2005

Objectives:

- Protect the agricultural land resources for present and future food production.
- Recognize and protect the groundwater needs of agriculture.

Policies:

- Permitted uses on Resource Lands shall be compatible with existing agricultural and resource uses.
- The ALCs mandate of preserving and encouraging agricultural production shall be supported.
- The retention of large land holdings within the ALR shall be encouraged to maintain the option and feasibility of farm use.

Area F – OCP 1152, 1999

Objectives:

- Protect the agricultural land base for present and future food production or other agricultural uses.

Policies:

- Improve access to water for agriculture and to allow for adequate drainage of the land base.
- Future higher density and intensity land uses shall be directed to Village Centres and within the Rural Separation Boundaries to reduce development pressures on agricultural lands.

Area G – OCP 1540, 2008

Objectives:

- support and encourage agricultural activities in the plan area for present and future food production.
- ensure that appropriate levels of groundwater and surface water are available for agricultural needs.
- minimize conflicts between farm and non-farm uses.

Policies:

- The Provincial Agricultural Land Commission’s mandate of protecting farm land by the retention of larger land holdings is supported
- The ALC is encouraged to deny subdivision, within the ALR, to a parcel size less than 8.0 ha or non-farm uses where it would reduce the potential agricultural productivity of the land or where it would be contrary to the urban boundary and containment strategy of this Plan.

Area H – OCP 1335, 2003

Objectives:

- Protect the agricultural land resources of the plan area for present and future food production
- Recognize and protect the needs and activities of agricultural operations when considering residential uses on adjacent lands and vice versa.
- Ensure that the quantity and quality of the water supply is protected and seek ways and means of improving water availability for irrigation purposes.

Policies:

- The Regional District will encourage the retention of large land holdings within the ALR to maintain future opportunities for farm use.
- The Regional District shall discourage encroachment and fragmentation of farmland by non-farm related uses.

Summary of OCP policy regarding lot area for subdivision of ALR Lands

Electoral Area	OCP Designation	OCP Min. Lot Area	Relative excerpts from OCPs
EA A	Rural Resource	8.0 ha	Plan recognizes that there are existing parcels less than 8.0 ha in size.
EA C-OCP 1055	Rural	2.0 ha	Subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies of this plan.
EA C-OCP 1148	Resource	8.0 ha	
EA E	Resource	8.0 ha	
EA F	Resource	4.0 ha	Resource designation has a 50.0 ha minimum which is reduced to 4.0 ha for lands in the ALR.
EA G	Rural	8.0 ha	Plan recognizes that there are existing parcels that are less than 8.0 ha in area.
EA H	Resource	8.0 ha/2.0 ha	Lands within the ALR having a minimum permitted parcel size of less than 8.0 ha at the date of the adoption of this OCP shall retain that minimum permitted parcel size.

## ALTERNATIVES

1. To expand the existing Board policy from 2002 to include applications for subdivision or non-farm use on ALR lands.
2. To adopt a policy specific to applications for subdivision or non-farm use of ALR lands.

## FINANCIAL IMPLICATIONS

There are no significant financial implications as the result of revising or adopting new policy with respect to applications for subdivision or non-farm use within the ALR. As per the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, application fees are \$600. The regulation allows for \$300 of the fee to be retained by the local government and the balance forwarded to the ALC. If an application is not authorized by local government to proceed to the ALC the balance of the application fee is returned to the applicant. The Regional District receives on average approximately 15 ALC applications a year including exclusions and subdivisions.

### *Sustainability Implications*

The importance of the protection of agricultural lands in support of a vibrant and productive agricultural economy is echoed in both the Board Strategic Plan “Integrated Solutions for a Sustainable Future” and the Regional Growth Strategy. In addition, each of the Electoral Area Official Community Plans include policy in support of the protection of agricultural lands and the preservation of rural character.

Unlike applications for removal of land from the ALC where land may ultimately be found to not be conducive for agriculture, applications for subdivision are on lands that will remain within the ALR. As such, it is presumed that the lands are, or have capacity to be, of agricultural value. There are sustainability implications when subdividing ALR lands, with the primary concern being that the subdivision will fragment the lands to the point that agriculture is no longer viable. Subdivision has the potential to result in the introduction of incompatible uses such as increased residential densities that may result in a conflict with existing or future agricultural use. As each newly created parcel in the ALR will be unserved, each newly created lot will place further demands on groundwater resources in order to service one and possibly two dwelling units on each new parcel. This additional demand created by new lots will impact groundwater availability and compete with agricultural for groundwater resources.

### *Policy Implications*

Staff have identified two primary policy options for consideration by the Board. The first option is to expand the 2002 Board policy of ‘no comment’ on ALR exclusions to formally include applications for subdivision and non-farm use. The second option is for the Board to review individual applications for subdivision and non-farm use in ALR and determine if the application should be authorized to proceed to the ALC.

#### *Option 1*

By expanding the Board’s 2002 policy to include ALR applications for subdivision and non-farm use, all applications will be forwarded to the ALC without comment from the Board. All applications will include a Local Government Report (Schedule C), completed by staff which outlines existing zoning, including minimum lot area, OCP policy and identifies if amendments are required to either bylaw. This option would be considered status quo as although the 2002 policy did not specifically include reference to subdivision and non-farm applications, it was interpreted as such and all ALC applications, including subdivision and non-farm use, have been forwarded to the ALC without Board comment.

Since January 2009 the Regional District has received 24 applications for subdivision of ALR lands. Of the twenty-four applications, twenty have now been considered by the ALC with four (20%) approved and sixteen (80%) denied.

Under this option all applications will be forwarded to the ALC without comment from the Board. This includes applications which may require rezoning, or amendments to the relative Official Community Plan or Regional Growth Strategy before the proposed subdivision or non-farm use can occur. If the ALC approves a subdivision application that complies with existing zoning, the applicant is eligible to proceed with the required subdivision application to the Provincial Approving Officer. This may include applications which are contrary to existing OCP policy.

#### *Option 2*

As with all applications in the ALR, The Board could elect to review subdivision and non-farm applications to determine if forwarding the application to the ALC was appropriate. If the Board were to review an application and not authorize it to proceed, the associated file is closed, and the application is not forwarded to the ALC. If the application was in association with a subdivision, this would mean that the subdivision could not proceed. Given the specific policy direction with respect to subdivision and non-farm use in all of the OCPs, review and consideration of individual applications is, in staff's opinion, certainly appropriate. If the Board wishes to proceed with the review and authorization of individual applications staff recommend that the Board adopt policy to assist in the review of these applications.

#### Proposed Policy

1. ALR subdivision applications will only be forwarded to the ALC if:
  - a. The proposed parcel size complies with the OCP with respect to minimum lot size in the ALR, and;
  - b. Where the proposed subdivision will result in lots less than 8.0 ha in area the applicants have provided a preliminary hydrogeological assessment completed by a qualified professional (P. Eng or P. Geo registered in BC) confirming that in the opinion of the qualified professional, a minimum year-round potable water supply of 3.5m<sup>3</sup> (3500 l) per day can be provided for each parcel being proposed, and that the proposed well(s) will have no adverse impacts on surrounding wells or groundwater resources for existing or potential agricultural uses.

or

  - c. The application is subdivision for a family member under Section 946 of the *Local Government Act*.
2. ALR non-farm applications will only be forwarded to the ALC if the proposed non-farm use complies with the RDN Bylaws.

Under the proposed policy an application that was not in compliance with the minimum lot area policy of an OCP would not be forwarded to the ALC regardless of the existing zoning on the property. An exemption to this would be an application made under Section 946 of the *Local Government Act* where the subdivision is intended for a family member. As all of the OCPs recognize that the availability and quality of water supply is key to the preservation and expansion of agriculture staff recommend that the potential impact of subdivision for lots less than 8.0 ha in area and the associated increase in residential densities on groundwater resources be considered when evaluating applications for subdivision in the ALR. If the Board were to select Option 2 and adopt the proposed policy, staff would review all applications under the adopted policy and forward individual reports to the Board for consideration with each subdivision or non-farm use application.

It is important to note that even with an authorization from the Board to forward the application to the ALC the final decision on the application rest with the ALC, and as such an application authorized to proceed may still be turned down by the Commission.

### SUMMARY/CONCLUSIONS


Prior to an application being forwarded to the ALC, a resolution authorizing the application is required from Local Government. In 2002 the Board adopted policy which states that "All ALR exclusion and/or inclusion applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors." Since 2002 all ALR applications including exclusions, subdivision and non-farm use have been forwarded to the ALC along with the required Local Government Report but without a further resolution or comment by the Board. As recently noted by the ALC, the Board's existing policy with respect to ALR applications for exclusions does not apply to ALR applications for subdivision or non-farm use. As such, Board direction is now required.

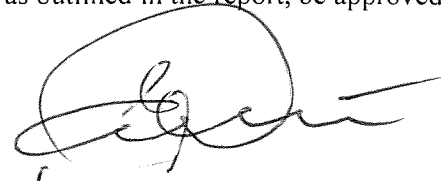
Staff have identified two principle options for the Board's consideration. The first option is to amend the 2002 Board policy to include all ALR applications regardless of type. In this manner all applications would continue to be forwarded without comment. The second option is for the Board to review individual applications for subdivision and non-farm use before considering a resolution to authorize the application to proceed to the ALC. Staff recommend that if the Board proceed with individual review of applications, that policy be adopted to assist in the review and evaluation of each application.

### RECOMMENDATION

1. That all applications for subdivision and non-farm use in the ALR be referred to the Board for consideration of authorization, and
2. That Policy B1.8, "Review of Provincial Agricultural Land Reserve Applications" to include the review of subdivision and non-farm applications as outlined in the report, be approved.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
CAO Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

**Schedule A  
Subdivision and Non-Farm Use Within the ALR**



April 1, 2011

**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

ALC File: 52218  
Your File: PL2011-032

Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

**Attention: Elaine Leung, Planner**

Dear Ms. Leung:

**Re: Local Government Forwarding Resolution – Agricultural Land Reserve  
Subdivision and Non-Farm Use Applications**

It has come to the attention of the Agricultural Land Commission (Commission) that the standard forwarding resolution of the Regional Board of Nanaimo is not applicable to subdivision and non-farm use applications. In this regard I refer to the Regional District's Special Board Minutes dated November 26, 2002. More specifically:

***Agricultural Land Reserve Exclusion and Inclusion Applications – All  
Electoral Areas***

*MOVED Director Stanhope, SECONDED Director Westbroek, that the Board  
allocate all decision making regarding whether land should be in the Agricultural  
Land Reserve and Forest Land Reserve to the Agricultural Land Commission.*

The application in question does not propose to exclude land from or include land to the Agricultural Land Reserve (ALR). The application involves a proposal to subdivide a 17.39 ha parcel into one 5.14 ha lot, one 5.24 ha lot and one 7.0 ha lot.

Section 25(3) of the *Agricultural Land Commission Act* stipulates the following for subdivision and non-farm use applications:

- 25(3) An application referred to in subsection (1), except such an application from a first nation government, may not proceed unless authorized by a resolution of the local government if, on the date the application is made, the application
- (a) applies to land that is zoned by bylaw to permit agricultural or farm use, or
  - (b) requires, in order to proceed, an amendment to an official settlement plan, an official community plan, an official development plan or a zoning bylaw.

According to the *Local Government Report* prepared by the Regional District, the land under application is designated as "Resource Lands" in the Electoral Area "H" Official Community Plan, Bylaw No. 1335 (2003). Furthermore, the land is zoned Rural 1 (RU1) in the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500 (1987). Section 3.4.81 of the Regional District's zoning bylaw provides that agricultural use is permitted in the Rural 1 (RU1) zone.



Based on the foregoing, the Commission has concluded as follows:


1. The land under application is zoned by bylaw to permit agricultural or farm use;
2. The application may not proceed (to the Commission) unless authorized by a resolution of the Regional Board as the land under application is zoned by bylaw to permit agricultural or farm use as of the date the application was made;
3. The resolution in the Regional District's Special Board Minutes dated November 26, 2002 does not apply to subdivision and non-farm use applications;
4. That if the Regional Board opts to forward the application to the Commission it must do so by way of an applicable forwarding resolution; and
5. That Application #52218 will be held in abeyance pending receipt of an applicable forwarding resolution from the Regional Board.

Finally, the Regional Board may also wish to update the November 26, 2002 resolution as forwarding resolutions are not required for inclusion applications and the Forest Land Reserve legislation that was administered by the Commission has been repealed.

Should you wish to discuss this matter please do not hesitate to contact the Commission.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Colin Fry, Executive Director

cc: Heather Vallance, Sakari Rautiainen, Tiimi Rautiainen and Paul Sarginson  
2450 Whistler Road West, Qualicum Beach, BC V9K 2A6

Schedule B  
Subdivision and Non-Farm Use Within the ALR

**REGIONAL DISTRICT OF NANAIMO**  
**P O L I C Y**

SUBJECT: <i>Review of Provincial Agricultural Land Reserve Applications</i>	POLICY NO: B1.8
	CROSS REF.:
EFFECTIVE DATE: November 26, 2002	APPROVED BY: Board
REVISION DATE:	PAGE: 1 of 1

**PURPOSE:**

To establish the process in the review of ALR applications for the inclusion and/or exclusion of lands from the Provincial Agricultural Land Reserve.

**POLICY:**

**1. *Applications for the Exclusion and/or Inclusion of Lands Within the Provincial Agricultural Land Reserve (ALR).***

All ALR exclusion and/or inclusion applications are to be forwarded to the Provincial Agricultural Land Commission (ALC) with no resolution of support or opposition from the Regional Board of Directors.

All decision-making regarding whether land should be in the Agriculture Land Reserve (ALR) shall be allocated to the Agricultural Land Commission.

**2. *RDN Land Use Regulations on Lands Which are Excluded from the Agricultural Land Reserve***

Should the Provincial Agricultural Land Commission exclude land from the ALR, the Regional District will determine the appropriate use of the land through its official community plan and zoning processes.



Local Government Report under the Agricultural Land Reserve Use, Subdivision and Procedure Regulation

Box containing: R.D./Mun. File No., Fee Receipt No., Fee Amount, ALR Base Map No., ALR Constituent Map No., Air Photo No.

Information supplied by:

Local Government

In respect of the application of:

Name of Applicant

PLANS and BYLAWS (Attach relevant sections of bylaws)

Community Plan or Rural Land Use Bylaw name and designation:

Zoning Bylaw name and designation:

Minimum Lot Size:

Uses permitted:

Are amendments to Plans or Bylaws required for the proposal to proceed?

Plan [ ] Yes [ ] No Bylaw [ ] Yes [ ] No

Is authorization under Sec. 25 (3) or 30 (4) of the Agricultural Land Commission Act required?

[ ] Yes (If yes, please attach resolution or documentation) [ ] No

COMMENTS AND RECOMMENDATIONS (Include copies of resolutions)

Board or Council:

Advisory Planning Commission:

Agriculture Advisory Committee:

Planning staff:

Others:

Signature of Responsible Local Government Officer

Date