

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA PLANNING COMMITTEE

TUESDAY, MARCH 8, 2016

6:00 PM

(RDN Board Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

2-3 Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, February 9, 2016.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

DEVELOPMENT PERMIT

4-9 Development Permit Application No. PL2016-003 – 410 and 418 Martindale Road, Electoral Area 'G'.

10-17 Development Permit Application No. PL2016-022 – 1704 Fry Road, Electoral Area 'A'.

DEVELOPMENT PERMIT WITH VARIANCE

18-25 Development Permit with Variance Application No. PL2016-002 – 3850 Island Highway West, Electoral Area 'G'.

26-37 Development Permit with Variance Application No. PL2015-085 – Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in Relation to 6371 Island Highway West, Electoral Area 'H'.

DEVELOPMENT VARIANCE PERMIT

38-46 Development Variance Permit Application No. PL2015-173 – 3478 Grilse Road, Electoral Area 'E'.

ZONING AMENDMENT

47-57 Zoning Amendment Application No. PL2009-153 – Bylaw No. 500.403 – 2248 and 2250 Maxey Road, Electoral Area 'C'.

58-101 Zoning Amendment Application No. PL2013-022 – Bylaw No. 1285.25 – 1720 Whibley Road, Electoral Area 'F' and Manufactured Home Park Bylaw No. 1738 – Electoral Area 'F'.

OTHER

102-203 Agriculture Bylaw and Policy Updates Project – Revisions to Bylaws No. 500.402 and 1285.26.

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, FEBRUARY 9, 2016 AT 6:30 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director M. Young	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director B. Veenhof	Electoral Area H

Also in Attendance:

D. Trudeau	Interim Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
J. Harrison	Director of Corporate Services
J. Hill	Mgr. Administrative Services
P. Thompson	Mgr. Long Range Planning
C. Golding	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

ELECTORAL AREA PLANNING COMMITTEE MINUTES

Minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, January 12, 2016.

MOVED Director McPherson, SECONDED Director Veenhof, that the minutes of the Regular Electoral Area Planning Committee meeting held Tuesday, January 12, 2016, be adopted.

CARRIED

DEVELOPMENT PERMIT

Development Permit Application No. PL2016-004 – Electoral Area ‘G’.

MOVED Director Veenhof, SECONDED Director Rogers, that Development Permit No. PL2016-004 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 to 4.

CARRIED

OTHER

Agriculture Bylaw and Policy Updates Project – Zoning Amendments 1st and 2nd Reading – Bylaws No. 500.402 and 1285.26.

MOVED Director Veenhof, SECONDED Director Young, that Agriculture Bylaw and Policy Updates Project – Zoning Amendments 1st and 2nd Reading – Bylaws No. 500.402 and 1285.26 be referred back to staff for refinement.

CARRIED

ADJOURNMENT

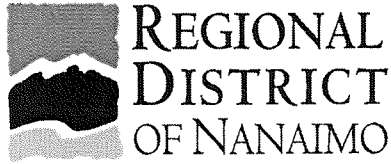
MOVED Director Veenhof, SECONDED Director Rogers, that this meeting be adjourned.

CARRIED

TIME: 6:33 PM

CHAIRPERSON

CORPORATE OFFICER



RDN REPORT		
CAO APPROVAL		
EAP	✓	
COW		
FEB 24 2016		
RHD		
BOARD		DATE:
		MEETING:

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

FROM: Kelsey Chandler
Planning Technician

SUBJECT: Development Permit Application No. PL2016-003
Lot 2, District Lot 42, Nanoose District, Plan 7536 Except Part in Plan 44199
410 and 418 Martindale Road
Electoral Area 'G'

DATE: February 22, 2016

MEETING: EAPC March 8, 2016

FILE: PL2016-003

RECOMMENDATION

That Development Permit No. PL2016-003 to permit the construction of a dwelling unit be approved subject to the conditions outlined in Attachments 2 and 3.

PURPOSE

To consider an application for a Development Permit to permit the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Christina and Fred Hodgson to permit the construction of a dwelling unit on the subject property. The subject property is approximately 3.0 ha in area and is zoned Rural 1 (RU1) Zone pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the east of Martindale Road and to the south of Parry's Park Road (see Attachment 1 – Subject Property Map). The subject property is surrounded by RU1 zoned properties to the east and south, a Commercial 8 (CM8) zoned property to the north, and a property within the boundary of the City of Parksville to the west. The subject property is predominantly flat and contains an existing mobile home and two outbuildings.

The proposed development is subject to the Hazard Lands Development Permit Area (DPA) per the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Proposed Development

The applicant proposes to construct one dwelling unit on the subject property as shown on Attachment 3 - Proposed Site Plan. A Development Permit approval is required for construction of the dwelling unit, as the subject property is designated in the Hazard Lands DPA due to flood risk associated with the Englishman River.

ALTERNATIVES

1. To approve Development Permit No. PL2016-003 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit No. PL2016-003.

LAND USE IMPLICATIONS

Development Implications

The applicant has provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated January 6, 2016, to satisfy the Hazard Lands DPA guidelines. The report notes that the subject property is within the mapped boundaries of the Englishman River floodplain, and that the site of the proposed dwelling unit at 10.2 metres geodetic elevation meets the minimum Flood Construction Level (FCL) required by the "Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006". However, the report recommends that a FCL of 10.6 metres geodetic be used for any new residential construction, which will provide relief from poor site drainage as well as a measure of protection in the event of flooding with consideration to climate change. The report concludes that the subject property is safe and suitable for the proposed development and that the proposal will not have a detrimental impact on the environment or adjacent properties, provided the recommendations in the report are followed. The geotechnical engineering report was prepared in accordance with the Association of Professional Engineers and Geoscientists of BC's Professional Practice Guidelines for Legislated Flood Assessments in a Changing Climate.

In accordance with the Hazard Lands DPA guidelines, staff recommend that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of potential flood hazard. Development of the property in accordance with the recommendations of this report is included in the Terms and Conditions of Permit set out in Attachment 2.

FINANCIAL IMPLICATIONS

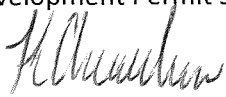
Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

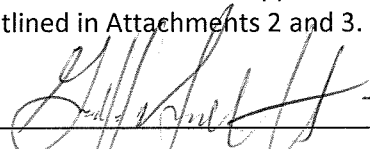
Staff have reviewed the application in consideration of the Board's 2013 – 2015 Strategic Plan and note that through addressing hazardous conditions, the proposal will contribute towards community resiliency.

SUMMARY/CONCLUSIONS

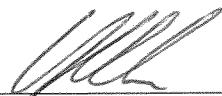
This is an application for a Development Permit to permit the siting of a dwelling unit within the Hazard Lands DPA. The applicant has provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated January 6, 2016, to satisfy the Hazard Lands DPA guidelines. Given that the Hazard Lands DPA guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommend that the Board approve the proposed Development Permit subject to the terms and conditions outlined in Attachments 2 and 3.



Report Writer



General Manager Concurrence

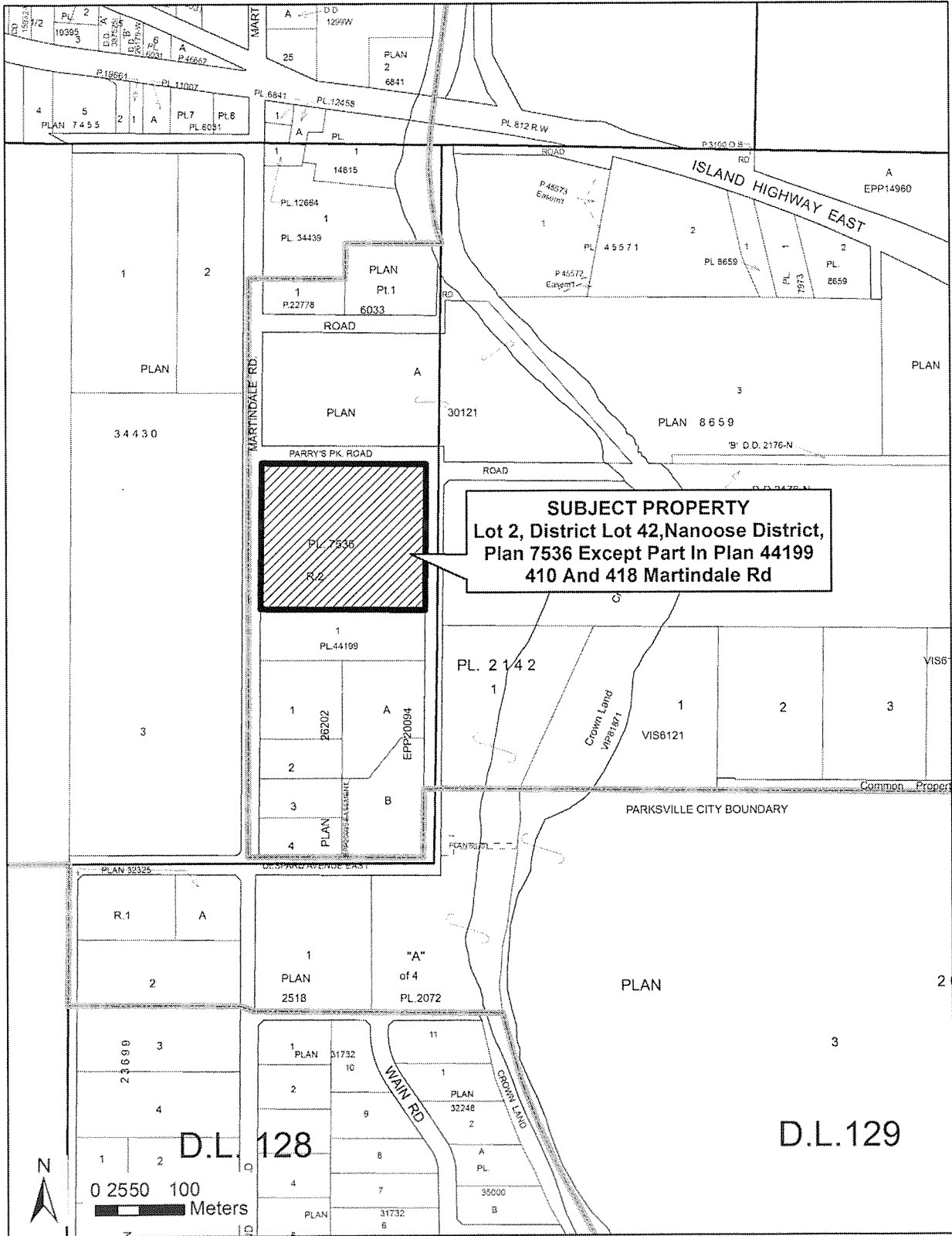


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



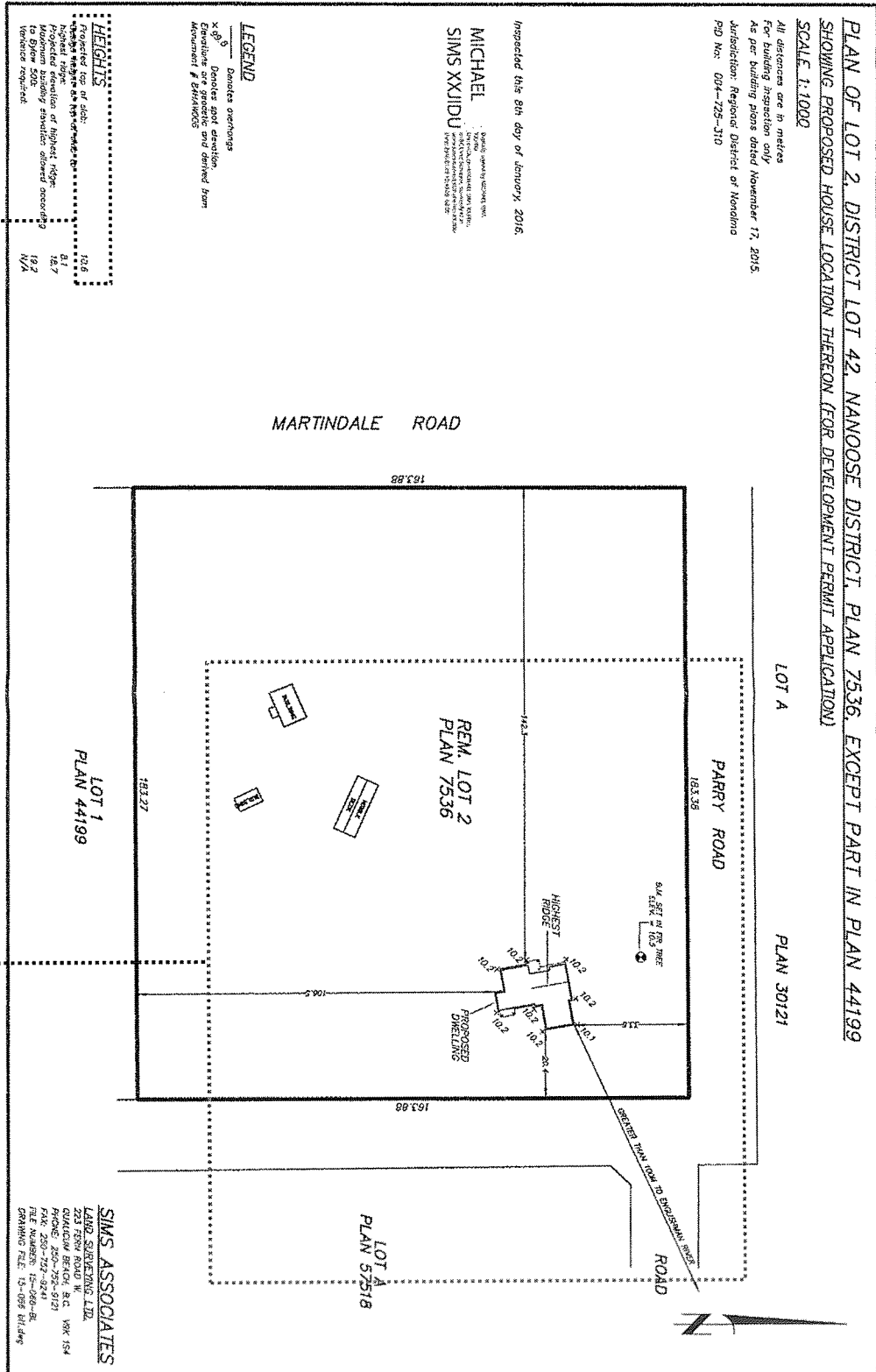
Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit No. PL2016-003:

Conditions of Approval

1. The site is developed in substantial compliance with the survey plan prepared by Sims Associates Land Surveying Ltd. and dated January 8, 2016.
2. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated January 6, 2016.
3. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated January 6, 2016, and includes a save harmless clause that releases the RDN from all losses and damages as a result of the potential hazard.
4. The property owner shall obtain the necessary permits for construction in accordance with RDN Building Regulations.

Attachment 3
Proposed Site Plan
Page 1 of 2



Inspected this 8th day of January, 2016.
MICHAEL SIMS XXJIDU
 Surveyor
 10750 KILPATRICK ROAD, SUITE 100
 VANCOUVER, BC V2V 1K2
 (604) 273-2222

LEGEND
 X-Ø-Ø Damages overhangs
 X-Ø-Ø-Ø Damages and elevation. Elevations are precise and derived from Monument # 04249005

HEIGHTS

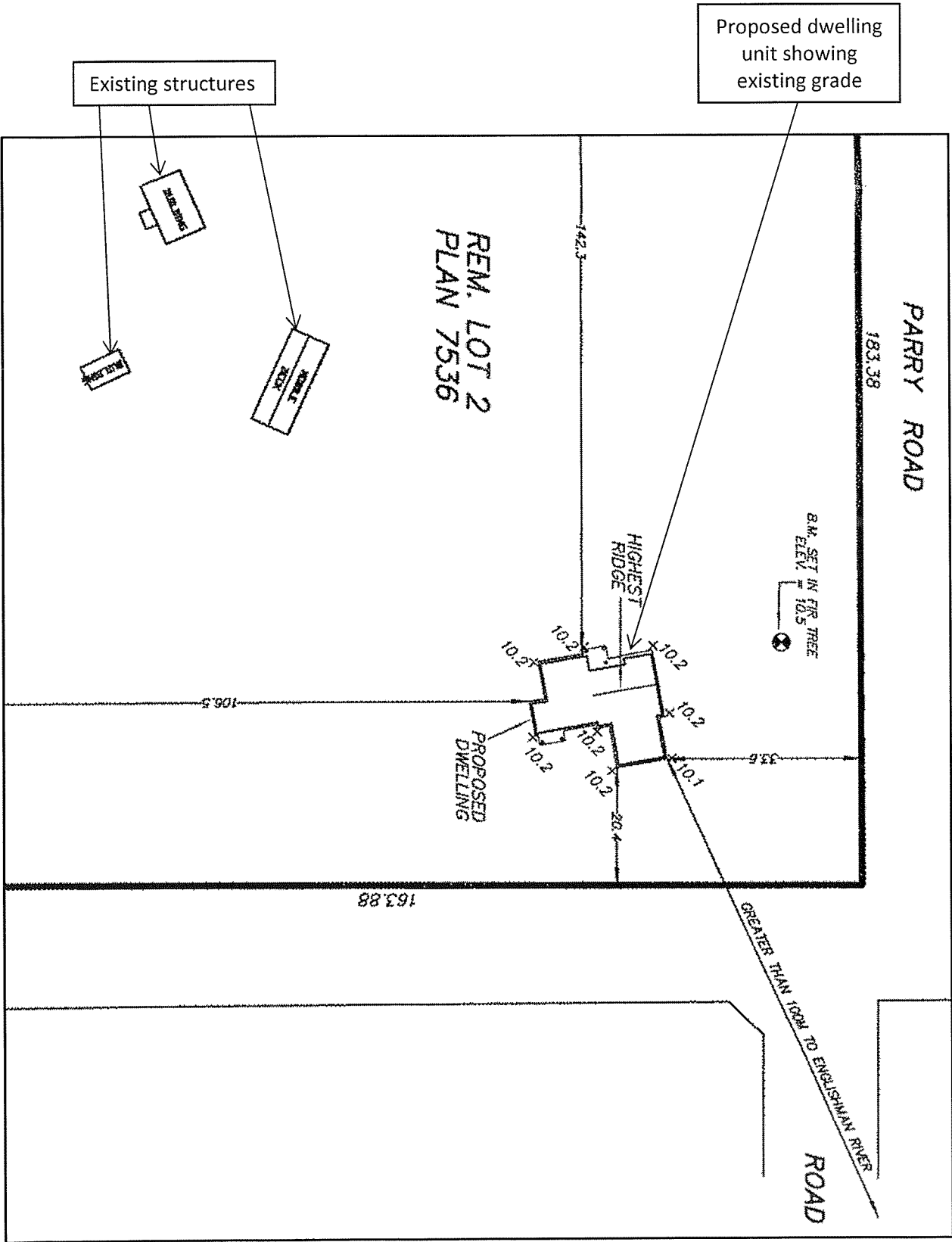
Height of slab	Height of roof
10.6	8.1
12.7	12.7
19.2	19.2
N/A	N/A

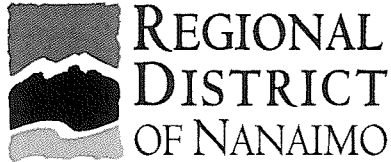
Projected Top of Slab of Proposed Dwelling Unit (10.6 m)

See Inset Next Page

SIMS ASSOCIATES
 LAND SURVEYING LTD.
 223 FEW ROAD W.
 QUAKWAM B.C. V8K 1S4
 TEL: 250-727-8221
 FAX: 250-727-8241
 FILE NUMBER: 15-056-BL
 DRAWING FILE: 15-056-BL.dwg

Attachment 3
Proposed Site Plan – Inset
Page 2 of 2





RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
FEB 24 2016	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: February 22, 2016

FROM: Kelsey Chandler
Planning Technician

MEETING: EAPC March 8, 2016

FILE: PL2016-022

SUBJECT: Development Permit Application No. PL2016-022
Lot 4, Section 6, Range 7, Cranberry District, Plan 10423 Except Part in Plan 3590RW
1704 Fry Road
Electoral Area 'A'

RECOMMENDATION

That Development Permit No. PL2016-022 to allow the completion of improvements to an existing dwelling unit that were under construction without a building permit be approved subject to the conditions outlined in Attachments 2 to 5.

PURPOSE

To consider an application for a Development Permit to allow the completion of improvements to an existing dwelling unit that were under construction without a building permit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Meredith Dean to allow the completion of improvements to an existing dwelling unit that were under construction without a building permit on the subject property. The subject property is approximately 1.95 ha in area, is within the Agricultural Land Reserve, and is zoned Rural 4 (RU4) Zone pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the east of the Trans-Canada Highway and to the north of Fry Road (see Attachment 1 – Subject Property Map). The property is surrounded by RU4 zoned properties to the north, east, and south, and by a South Wellington Comprehensive Development Zone 10 (CD10) zoned property to the west across the Trans-Canada Highway. In addition to the dwelling unit, existing buildings and structures on the property include a barn, a wood shed, and a shed. However, the siting of these structures will not be addressed by this Development Permit application.

The proposed development is subject to the Nanaimo River Floodplain Development Permit Area (DPA) per the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011", as the subject property is approximately 250 metres from the Nanaimo River and is within the Nanaimo River floodplain (see Attachment 4 – Nanaimo River Floodplain Mapping).

Proposed Development

The applicant proposes to complete the improvements to the existing dwelling unit that were commenced without a building permit on the subject property. These improvements consist of enclosing an existing carport (to create an uninsulated and unheated garage), constructing a small mudroom addition, and adding new decks to the east and west sides of the dwelling unit. A Development Permit approval is required to complete the improvements, as the subject property is within the Nanaimo River Floodplain DPA (see Attachment 3 – Site Plan).

ALTERNATIVES

1. To approve Development Permit No. PL2016-022 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Permit No. PL2016-022.

LAND USE IMPLICATIONS

Development Implications

The applicant has provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated February 11, 2016, to satisfy the Nanaimo River Floodplain DPA guidelines. The report concludes that the subject property is safe and suitable for the proposed development and that the proposal will not have a detrimental impact on the environment or adjacent properties, provided the recommendations in the report are followed. The geotechnical engineering report was prepared in accordance with the Association of Professional Engineers and Geoscientists of BC's Professional Practice Guidelines for Legislated Flood Assessments in a Changing Climate.

The geotechnical engineering report notes that the main floor elevation of the existing dwelling unit is 18.34 metres geodetic and that the basement floor elevation is 15.97 metres geodetic, neither of which satisfies the 200 year return period Flood Construction Level of the Nanaimo River floodplain (calculated at 19.75 metres geodetic at the building location). In the event of a 200 year design flood, the report notes the possibility that floodwaters from the Nanaimo River would inundate the property and that areas constructed below the recommended Flood Construction Level could be subject to flooding during less than 200 year design flood events. The report notes that the mudroom addition, enclosed garage, and new deck construction are exempted from the Flood Construction Level requirements of RDN Bylaw No. 1469 (Floodplain Bylaw), as the improvements will not result in an increase in the size of the building by more than 25% of the floor area that was existing prior to February 11, 1992.

To satisfy the Development Permit guidelines, the applicant is required to register a Section 219 Restrictive Covenant on the property title that includes the Geotechnical Hazard Assessment and a save harmless clause that releases the Regional District of Nanaimo from all losses and damages to life and property as a result of potential flood hazards (see Attachment 2 – Terms and Condition of Permit).

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

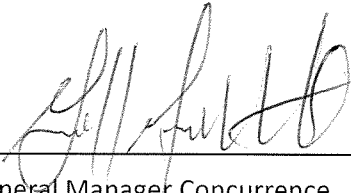
Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

SUMMARY/CONCLUSIONS

This is an application for a Development Permit to allow the completion of improvements to an existing dwelling unit that were under construction without a building permit within the Nanaimo River Floodplain DPA. The applicant has provided a Geotechnical Hazard Assessment, prepared by Lewkowich Engineering Associates Ltd. and dated February 11, 2016, to satisfy the Nanaimo River Floodplain DPA guidelines. Given that the Nanaimo River Floodplain DPA guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommend that the Board approve the proposed Development Permit subject to the terms and conditions outlined in Attachments 2 and 3.



Report Writer



General Manager Concurrence

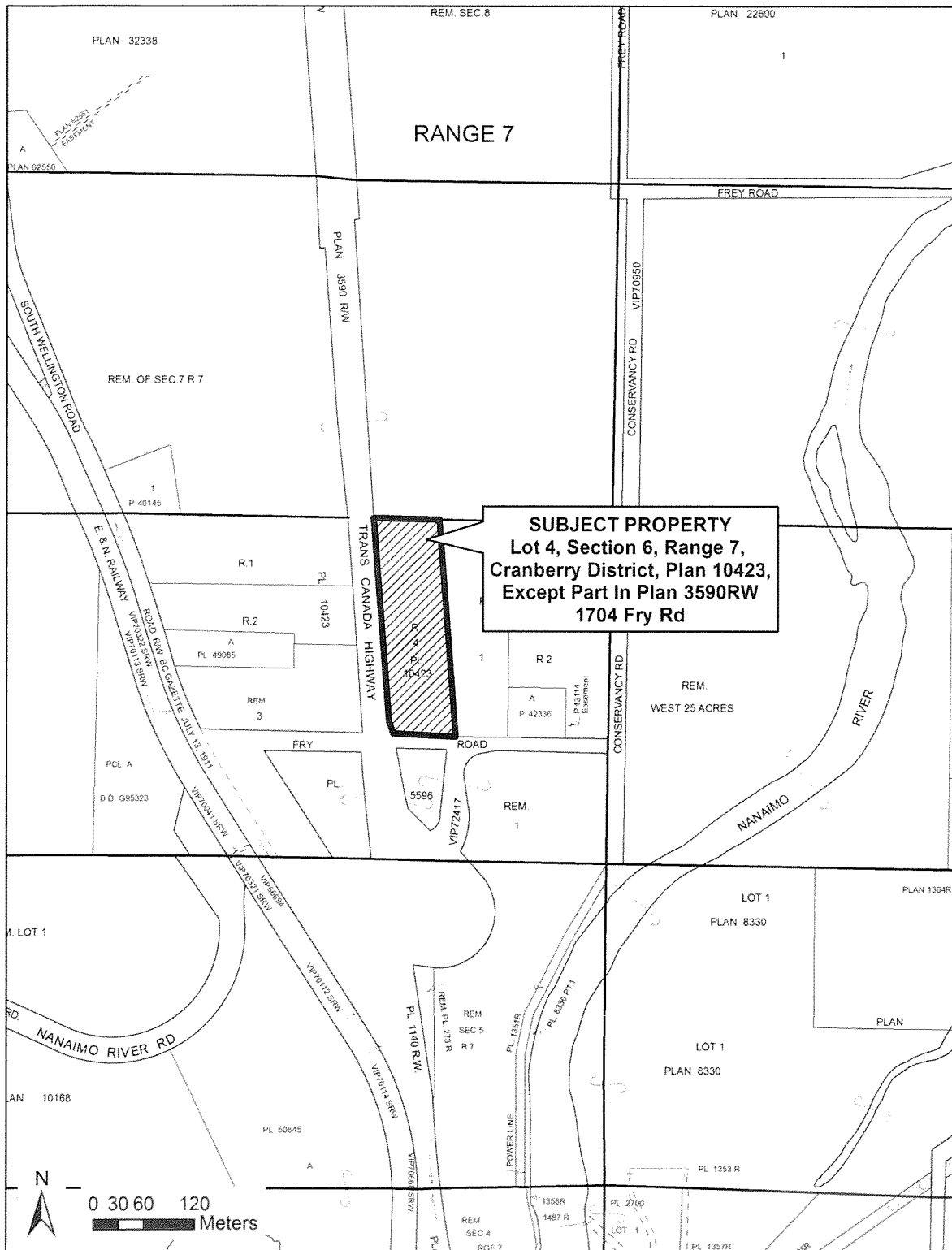


Manager Concurrence



A/ CAO Concurrence

Attachment 1 Subject Property Map



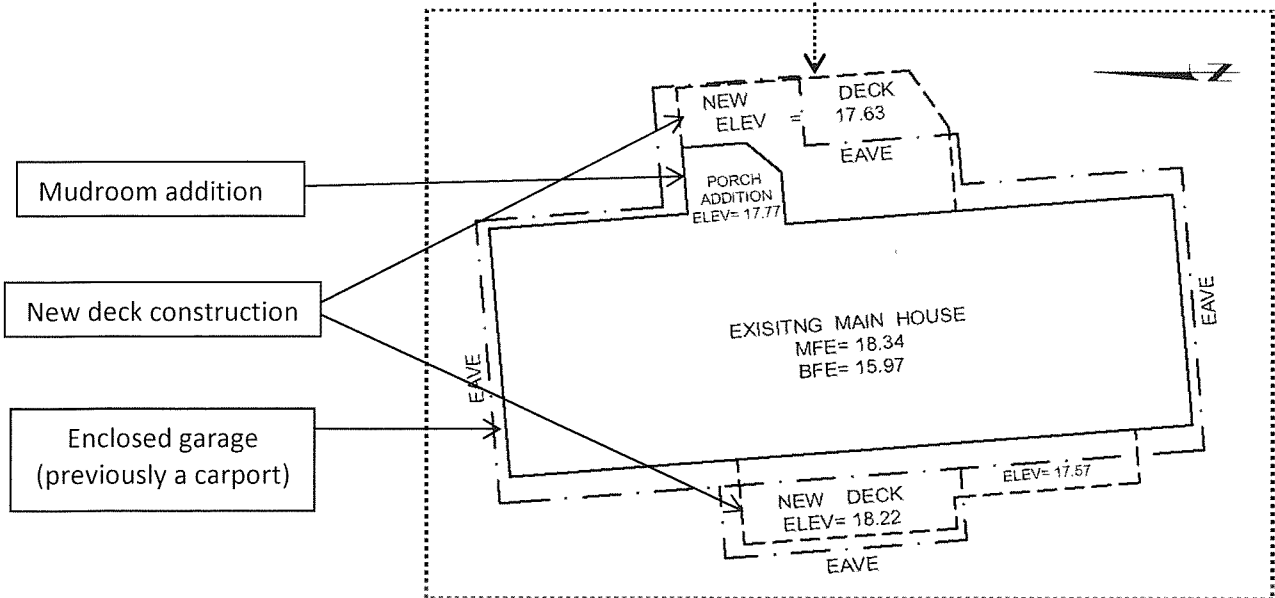
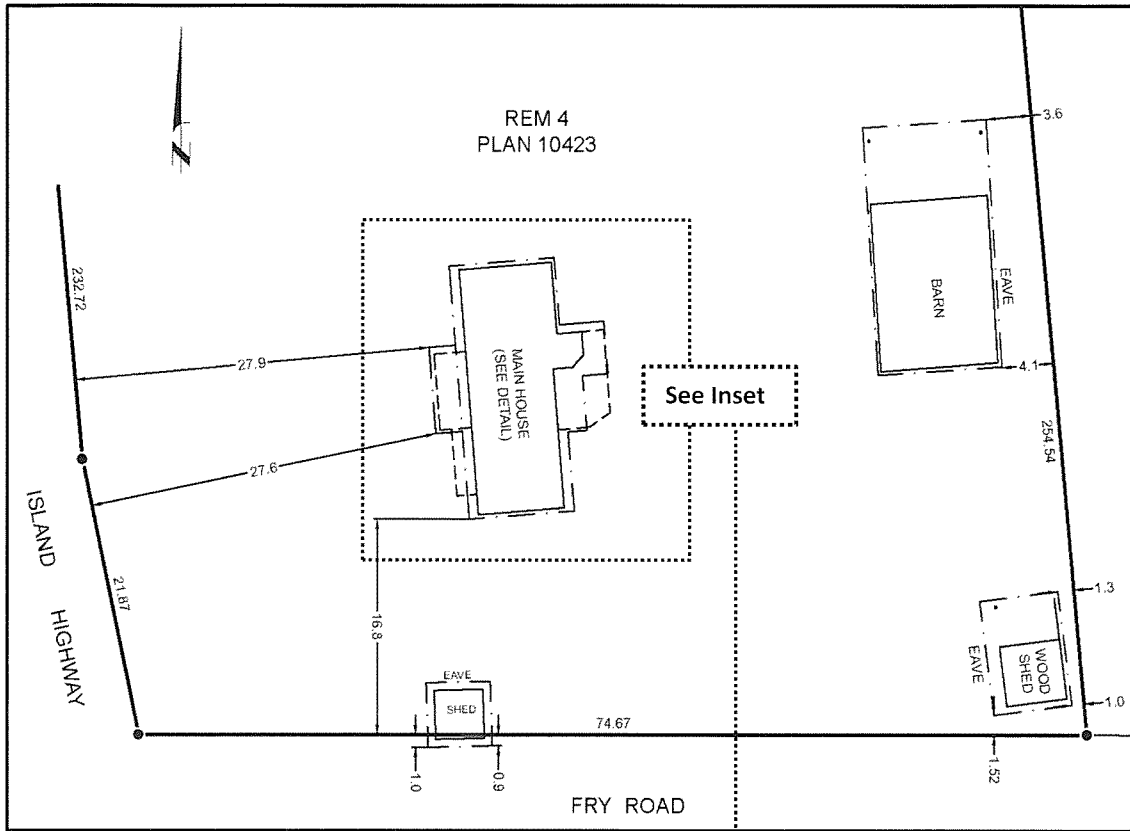
Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit No. PL2016-022:

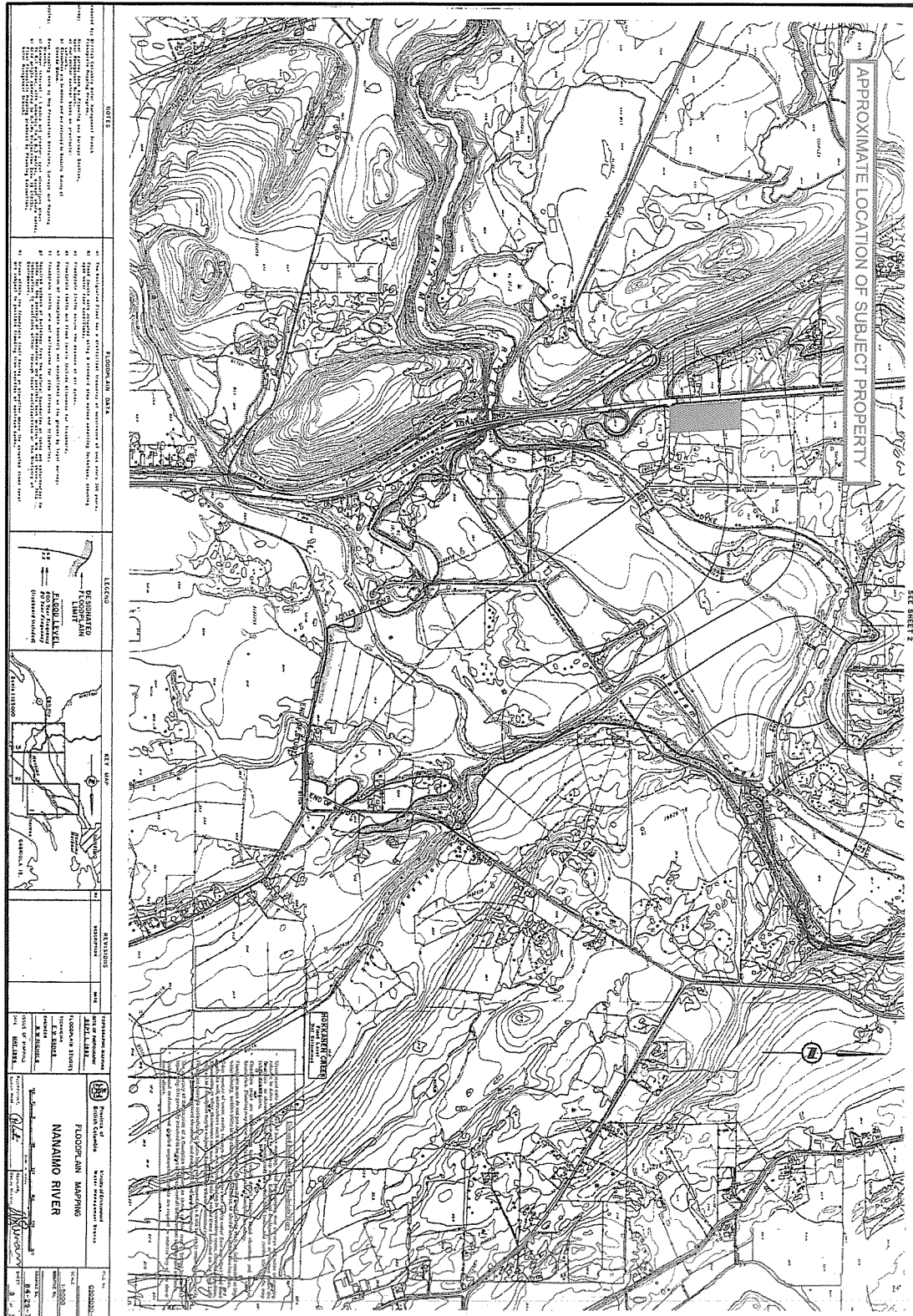
Conditions of Approval

1. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated February 11, 2016.
2. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated February 11, 2016, and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

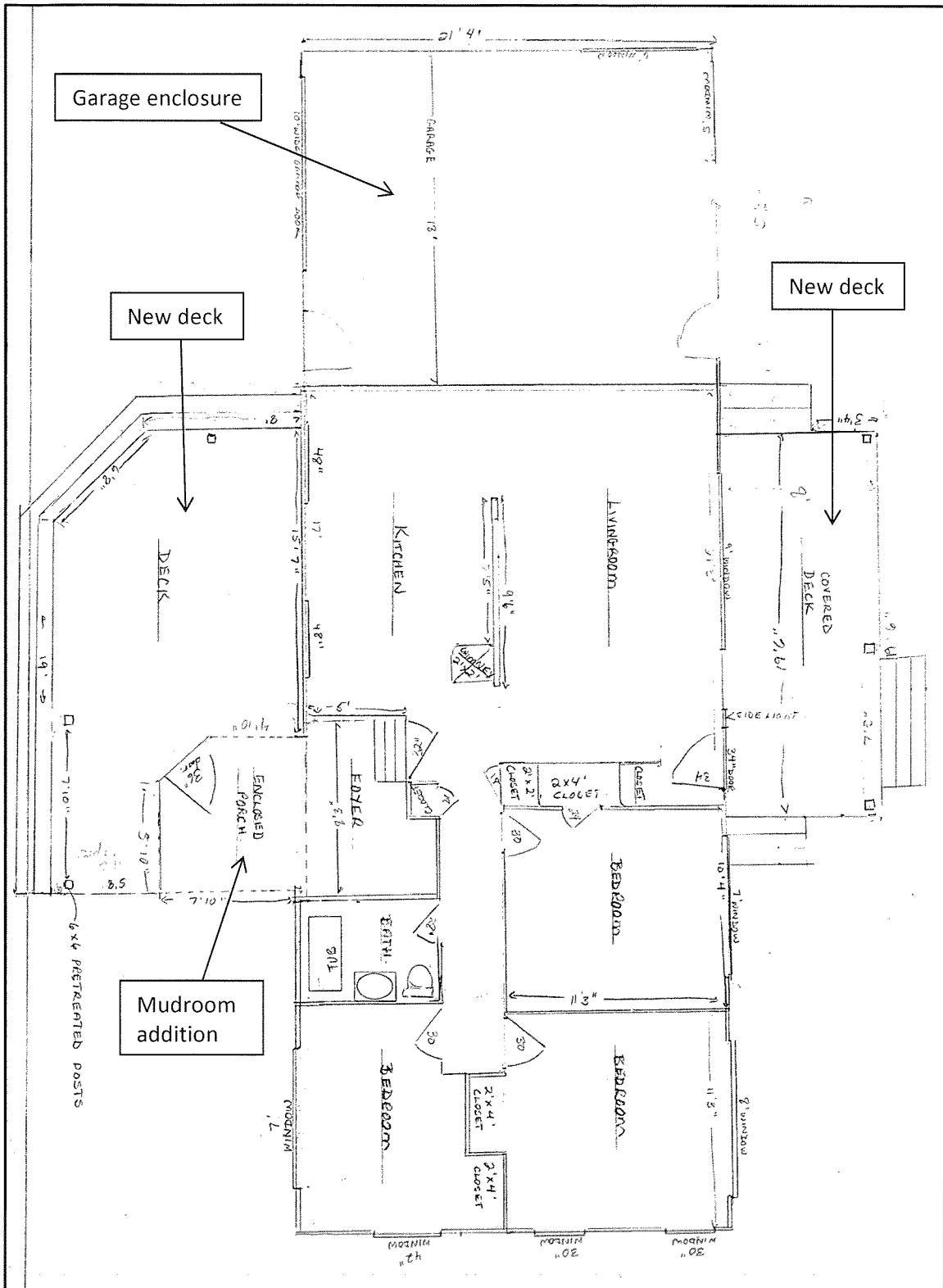
Attachment 3 Site Plan

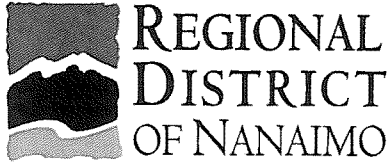


Attachment 4 Nanaimo River Floodplain Mapping



Attachment 5
Building Plans





RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	✓	
COW		
FEB 26 2016		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: February 24, 2016

FROM: Jamai Schile
Planner

MEETING: EAPC – March 8, 2016

FILE: PL2016-002

SUBJECT: Development Permit with Variance Application No. PL2016-002
That Part of Lot 1 in Block 4 of District Lot 11, Newcastle District, Plan 1223, Lying to the North of a Boundary Parallel to and Perpendicularly Distant 90 feet from the Southerly Boundary of Said Lot 1
3850 Island Highway West, Electoral Area ‘G’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2016-002 for a free-standing sign with a height variance from 4.0 m to 5.18 m be approved subject to the conditions outlined in Attachment 2.

PURPOSE

To consider an application for a Development Permit with Variance to increase the height of an existing commercial free-standing sign within the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Tristan Munro on behalf of DHR Enterprises Ltd. to permit a change in an existing sign for a gas bar on the subject property. The subject property is approximately 0.14 ha in area and is zoned Resort Commercial (RCM), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. It is currently occupied by a Chevron gas bar, and is bordered by residential properties to the east and south. The parcel is bound by the Island Highway to the north and Texada Road to the west, see Attachment 1 – Subject Property Map.

The proposed development is subject to Multi-residential, Intensive Residential, Industrial, and Commercial Form and Character Development Permit Areas per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”.

Proposed Development and Variance

The applicant is proposing a change to the height of the existing free-standing sign on the subject property. The proposed height increase is to overcome a visual impediment; the sign is partially obstructed by an existing fence located on the adjacent residential property, known as 3840 Island

Highway West. Due to the fence, a portion of the sign, showing the price of fuel, is blocked from the view of east-bound travelers, (see Attachment 4 - Sign Illustration).

The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Sign Bylaw No.993, 1995”:

Section 5(c) – is varied by increasing the height allowance for one free-standing sign from 4.0 m to 5.18 m on the subject property as shown on the Survey Plan prepared by JE Anderson and Associates, dated December 11, 2014.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2016-002 subject to the conditions outlined in Attachment 2.
2. To deny Development Permit with Variance No. PL2016-002.

LAND USE IMPLICATIONS

Development Implications

In 2014, the commercial business located on the subject property underwent a re-branding from the Tempo gas bar to the Chevron gas bar. Due to the re-branding time lines, the applicant made application for two separate Development Permits: PL2014-126 and PL2014-131 with variance in relation to front and other lot line setback requirements and the number of permitted signs per parcel. Prior to approval of the Permits, staff worked with the applicant to minimize the scale of the signage so as to be visually unobtrusive and to minimize the potential for glare on neighbouring properties in accordance with the Development Permit guidelines. The Permit was issued and the new Chevron free-standing sign and canopy was installed. Upon installation of the sign it became apparent that a key component of the sign, the digital display for the price of fuel, was partially blocked by the neighbour’s existing fence, (see Attachment 4 - Sign Illustration).

To address this oversight the applicant is proposing to replace the existing support pole and re-attach the existing double-sided free-standing sign at a higher height, which would result in the ground clearance changing from 0.18 m to 1.21 m and the overall height of the sign changing from 4.0 m to 5.18 m. This modification would result in the digital fuel price display being visible to east and west bound travelers, (see Attachment 4 - Sign Illustration). Considering that the sign is not to be modified in any other way and the proposed height increase is not considered obtrusive on the neighbouring properties, the proposed changes to the sign are considered consistent with the development permit guidelines.

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation”, provides guidance for the evaluation of Development Permit with Variance Applications, including guidance as to when a signage variance cannot be supported such as: a request can not contribute to “sign clutter”; cause a visual obstruction in relation to pedestrians and traffic; or create an unreasonable aesthetic impact of the adjacent property. Staff conducted a site visit on January 26, 2016, and based on the site visit and the illustrations provided staff are satisfied that the request to increase the height of the existing sign complies with Board Policy B1.5.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

The application was referred to the Ministry of Transportation and Infrastructure, who expressed no comment or concern with the proposed variance.

PUBLIC CONSULTATION IMPLICATIONS

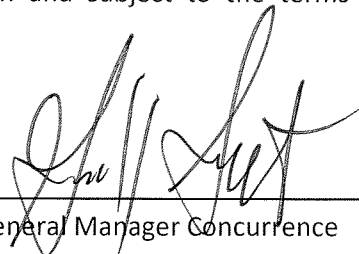
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 m radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

SUMMARY/CONCLUSIONS

The applicant is seeking a variance to increase the height of an existing free-standing commercial sign from 4.0 m to 5.18 m to enhance the visibility of the sign for both east and west-bound travelers along the Island Highway. Given that Board Policy B1.5 has been satisfied and no negative land use impacts are anticipated as a result of the proposed variance, staff recommend that the Board approve the variance pending the outcome of the public notification and subject to the terms and conditions outlined in Attachment 2.



Report Writer



General Manager Concurrence

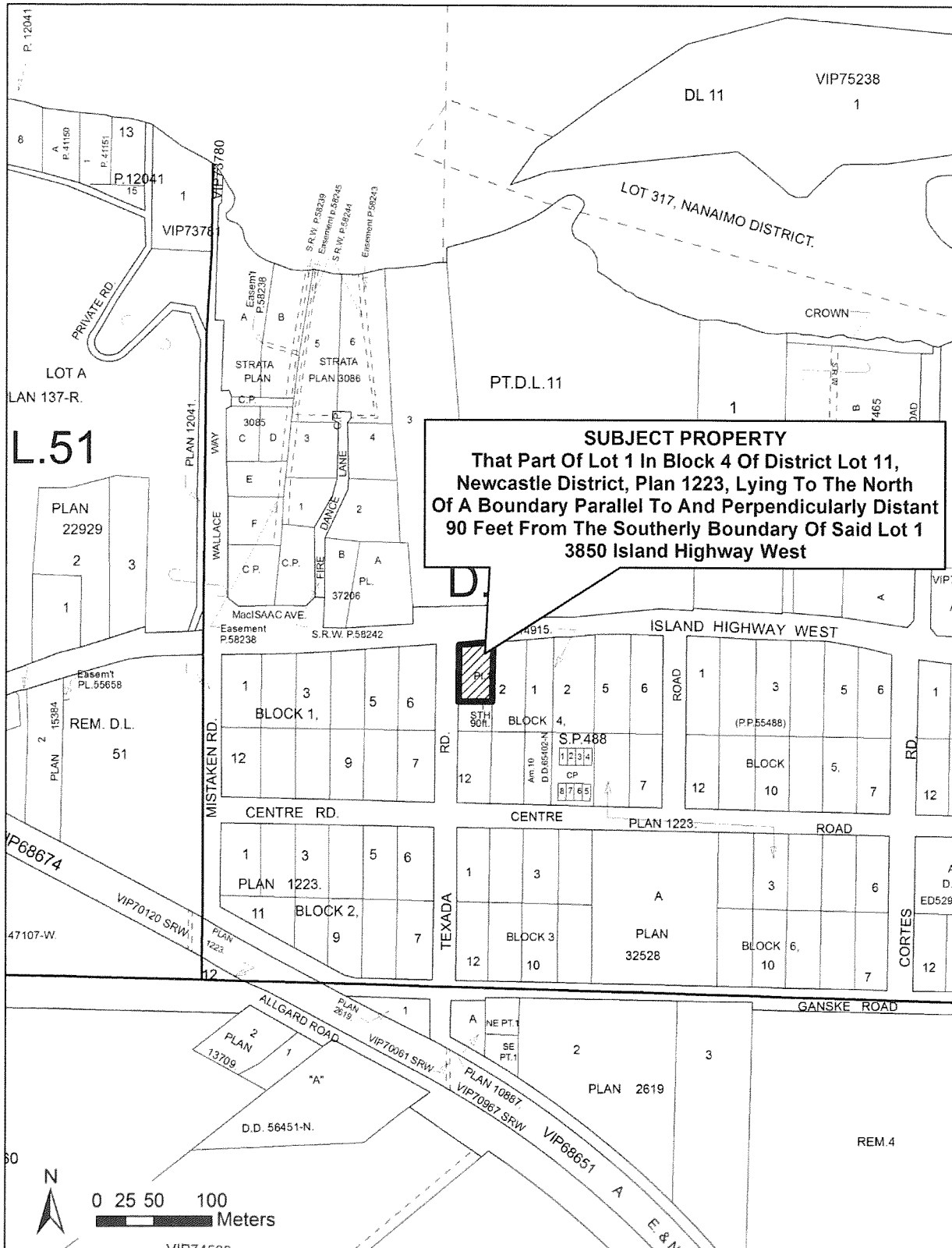


Manager Concurrence



CAO Concurrence

Attachment 1 Subject Property Map



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2016-002:

Bylaw No. 993, 1995 Variances

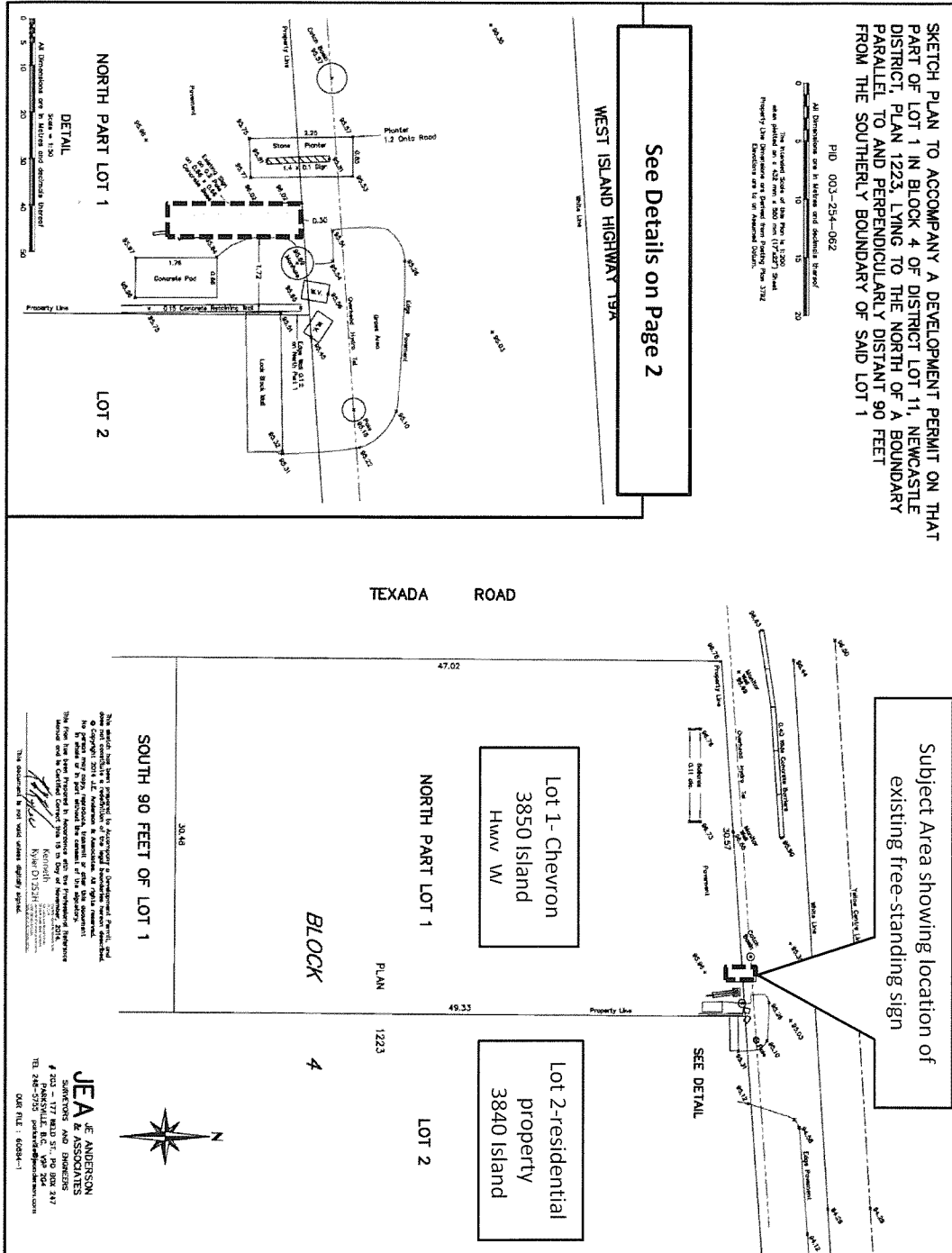
With respect to the lands, “Regional District of Nanaimo Sign Bylaw No. 993, 1995” is varied as follows:

Section 5(c) – is varied by increasing the height allowance for a sign from 4.0 m to 5.18 m on the subject property as shown on the Survey Plan prepared by JE Anderson and Associates, dated December 11, 2014, and attached as Attachment 3.

Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by JE Anderson and Associates, dated December 11, 2014, and attached as Attachment 3.
2. The proposed development is in general compliance with the site schematic illustrations and elevations prepared by Country Signs, dated January 11, 2016, and attached as Attachment 4.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Site Plan (Page 1 of 2)



SKETCH PLAN TO ACCOMPANY A DEVELOPMENT PERMIT ON THAT PART OF LOT 1 IN BLOCK 4 OF DISTRICT LOT 11, NEWCASTLE DISTRICT, PLAN 1223, LYING TO THE NORTH OF A BOUNDARY PARALLEL TO AND PERPENDICULARLY DISTANT 90 FEET FROM THE SOUTHERLY BOUNDARY OF SAID LOT 1

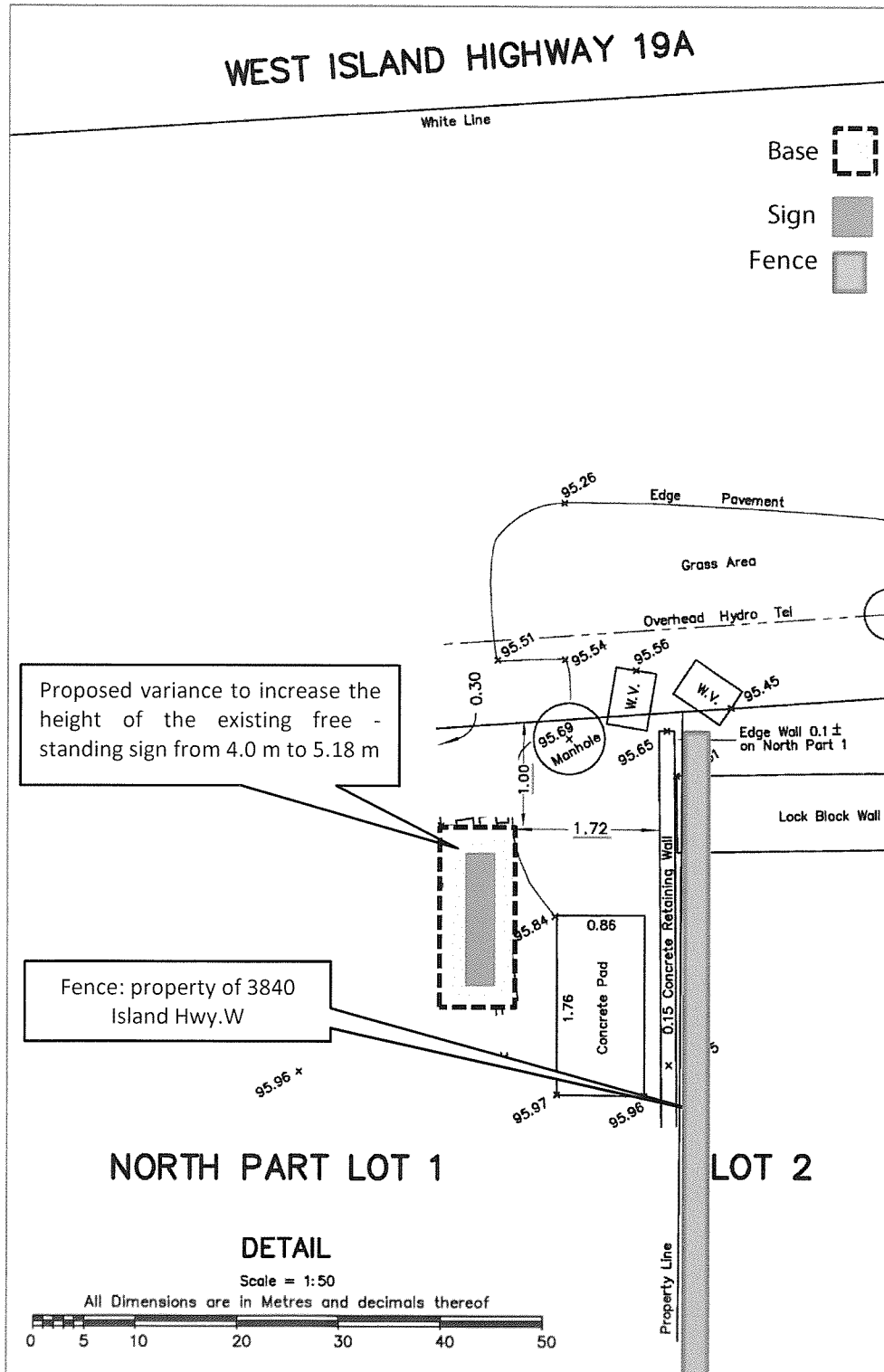
See Details on Page 2

Subject Area showing location of existing free-standing sign

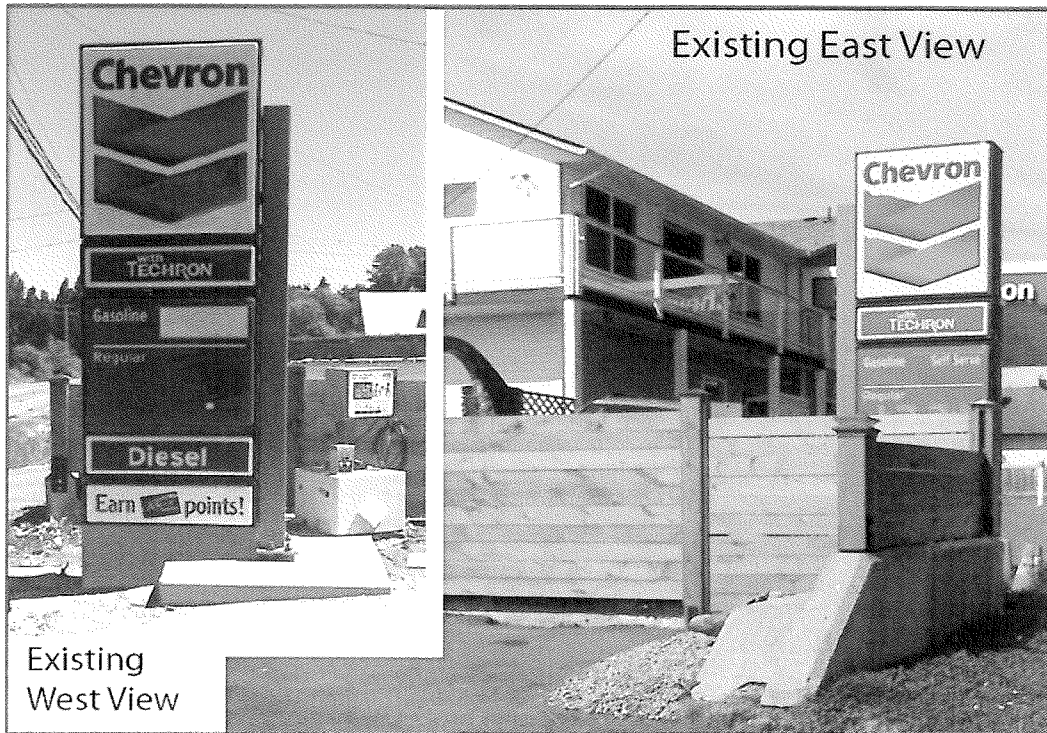
This sketch has been prepared by JEA & Associates in accordance with the provisions of the Planning Act, R.S.O. 1990, c. 30, and the Planning Act Regulation, R.R.O. 1997, c. 213. The client has been provided a copy of this sketch and is responsible for its use. No other use or reproduction of this sketch is permitted without the written consent of JEA & Associates. JEA & Associates Inc. 1177 Main St., PO Box 247, Scarborough, Ontario M1B 2K1. Tel: 298-5750. Fax: 298-5751. Email: jea@jea.com. OADR FILE # 60844-1

JEA & ASSOCIATES INC. 1177 MAIN ST., PO BOX 247, SCARBOROUGH, ONTARIO M1B 2K1. TEL: 298-5750. FAX: 298-5751. EMAIL: jea@jea.com. OADR FILE # 60844-1

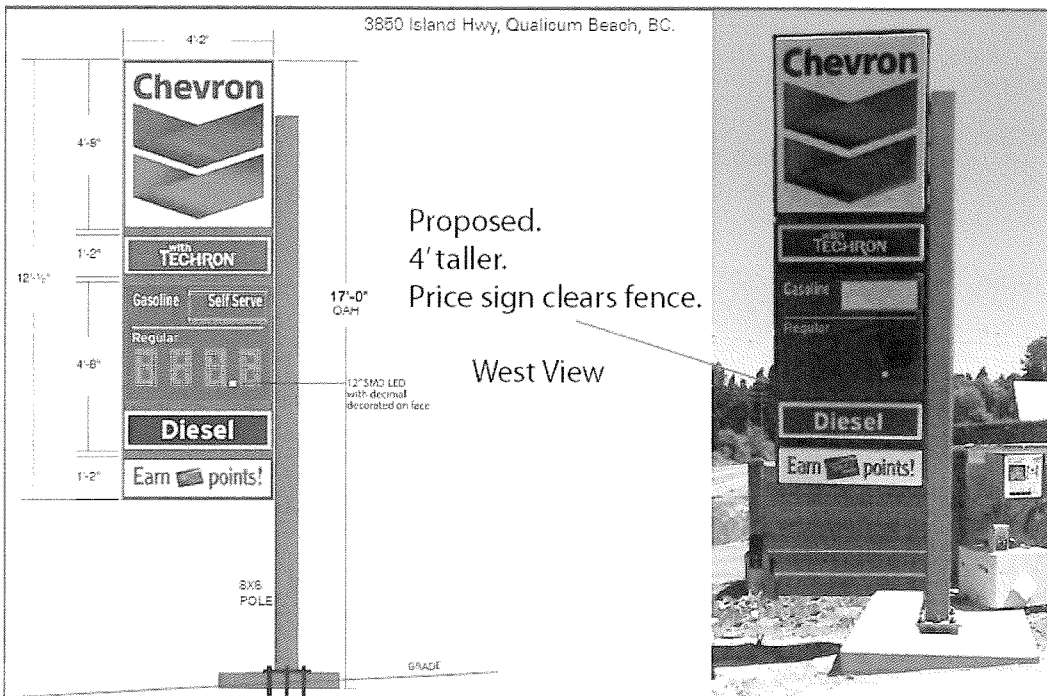
Attachment 3
Site Plan with Variance – Detail
(Page 2 of 2)



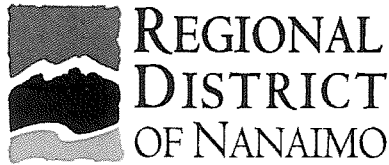
Attachment 4
Sign Illustration – Existing and Proposed



Prepared by Country Signs January 11, 2016



Prepared by Country Signs January 11, 2016



RDN REPORT	
CAO APPROVAL	
EAP	✓
COW	
FEB 26 2016	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: February 16, 2016

FROM: Stephen Boogaards
Planner

MEETING: EAPC – March 8, 2016

FILE: PL2015-046 & PL2015-085

SUBJECT: Development Permit Application with Variance Application No. PL2015-085
Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement
In Relation to Subdivision Application No. PL2015-046
Lot A, District Lot 22, Newcastle District, Plan EPP48076
6371 Island Highway West – Electoral Area ‘H’

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Permit with Variance No. PL2015-085 to increase the permitted parcel depth of Lots 1, 2 and 3, be approved subject to the conditions outlined in Attachments 2 to 4.
3. That the request to relax the minimum 10% perimeter frontage requirements for proposed Lots 1 and 3 in relation to Subdivision Application No. PL2015-046, be approved.

PURPOSE

To consider an application for a Development Permit with Variance to allow each proposed parcel within a three lot subdivision to have a parcel depth greater than 40% of the perimeter of the parcel and to consider a relaxation to the minimum 10% road frontage requirement for proposed Lots 1 & 3.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Richard and Arlene Goldney for a three lot subdivision (PL2015-046). In conjunction with the subdivision, the applicants have made an application to vary the parcel depth of Lots 1, 2 and 3, to be greater than 40% of the perimeter of the parcel and to relax the minimum 10% perimeter frontage requirement for proposed Lots 1 and 3. The subject property is approximately 0.80 ha in area and is zoned Residential 2 Zone (RS2), Subdivision District ‘M’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located along Island Highway West, and is adjacent to a commercially zoned property to the north, another residential property to the south, and the Strait of Georgia to the east (see Attachment 1 – Subject Property Map). The property currently contains a dwelling unit, which is proposed to be removed. The property is serviced with community water from Qualicum Bay – Horne Lake Waterworks District and onsite septic wastewater disposal.

The proposed development is subject to the Environmentally Sensitive Features Development Permit Area for Coastal Areas, per the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003”.

Proposed Development and Variance

The proposed subdivision is within the Environmentally Sensitive Features for Coastal Areas Development Permit Area that applies to development within 30.0 metres of the natural boundary of the sea.

The proposal will require a variance to the subdivision regulations to allow for a parcel depth greater than 40% of the perimeter of the parcel for each of Lots 1, 2 and 3. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 1 from 40% to 43% of the length of the perimeter of the parcel, Lot 2 from 40% to 42% of the length of the perimeter of the parcel, and Lot 3 from 40% to 43% of the length of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot No.	Perimeter	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
1	273.2 m	109 m	117 m	43%
2	281.7 m	113 m	118 m	42%
3	269.0 m	108 m	114 m	43%

Minimum 10% Perimeter Frontage Requirement

Proposed Lots 1 and 3 as shown on the submitted plan of subdivision do not meet the minimum 10% parcel frontage requirement pursuant to Section 512 of the *Local Government Act*. The applicant has requested approval of the RDN Board to reduce the frontage requirement as follows:

Proposed Lot No.	Perimeter	Required Frontage (m)	Proposed Frontage (m)	% of Perimeter
1	273.2 m	27.3 m	25.5 m	9.3%
3	269.0 m	26.9 m	25.5 m	9.5%

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2015-085, and the request for the relaxation of the minimum 10% road frontage requirement, subject to the terms and conditions outlined in Attachments 2 to 3.
2. To deny Development Permit with Variance No. PL2015-085 and the request for relaxation of the minimum 10% perimeter frontage requirement.

LAND USE IMPLICATIONS

Development Implications

The applicant proposes a three lot subdivision along the coastline of Electoral Area 'H'. The applicant's proposal will not comply with road frontage requirements of the *Local Government Act* and the parcel depth requirement of Bylaw 500. The purpose of these requirements is to ensure that each lot created has sufficient access, buildable area for the permitted uses and to ensure that parcels are not excessively deep relative to their width. Board Policy B1.4 *Frontage Requirements for Rural Lots* and Board Policy B1.5 *Development Variance Permit Application Evaluation* require demonstration of a land use justification or rationale to address why the new lots cannot comply with the regulations.

Although the proposed lots exceed the minimum parcel area requirements of the zone, the parent parcel has an elongated shape that cannot be uniformly subdivided into three parcels without a lot depth variance and frontage relaxation. The subject property could be subdivided into two lots without a frontage relaxation or parcel depth variance. If the applicant chose to subdivide the parcel in two, each new lot would have sufficient lot area to permit two dwelling units based on current zoning. Therefore, up to four dwelling units could be permitted through subdivision of the subject property without variances. The applicant has instead chosen to seek frontage relaxation and variance approval for a three lot subdivision where each new lot would be permitted to have one dwelling unit. In regards to Board Policy B1.4 *Frontage Requirements for Rural Lots* and Board Policy B1.5 *Development Variance Permit Application Evaluation*, the proposed lots cannot be uniformly subdivided according to the regulation. The applicant has also demonstrated that the proposed lots will have adequate building envelope and access for the future development of the lot.

Although the property is not within a Hazard Lands Development Permit Area, the property may be subject to flooding from the sea. As such, the applicant submitted a Geotechnical Assessment prepared by Lewkowich Engineering Associates Ltd., dated November 12, 2015, to evaluate if the proposed lots are safe and suitable for future residential use. The geotechnical report recommends a flood construction level of 4.99 metres Geodetic Survey of Canada (GSC) elevation, which includes anticipated sea level rise over the next 100 years. The report notes that the property could be inundated with floodwaters and the risk of flooding will increase with sea level rise. The report concludes that the site is safe for the intended use provided the Engineer's recommendations are followed, and that the subdivision and recommended works will not result in detrimental impacts on the subject property or adjoining parcels.

The geotechnical report recommends that shoreline revetment be installed as a condition of subdivision to prevent the regression of the natural boundary due to sea level rise and erosion through storms. The revetment will be constructed to a minimum elevation of 4.19 metres, which is the estimated elevation change in the natural boundary by the year 2100. The revetment will also be constructed according to

green shores principles to mimic natural shoreline processes and reduce the impact on the marine environment. The applicant has submitted a geotechnical memo for the Foreshore Revetment prepared by Lewkowich Engineering Associates Ltd., dated January 26, 2016, confirming that the revetment will consist of rip-rap (see Attachment 4 - Cross Section of Foreshore Revetment). The revetment is designed to prevent the regression of the natural boundary, and encourage the growth of native plant species in the spaces between the rocks.

As the revetment is a maximum of 1.0 metre in height and does not retain any earth, as proposed it would not be considered a structure and would not be subject to setbacks. The proposed revetment is also consistent with Board Policy B1.9 *Retaining Walls – Marine*; specifically it is above the natural boundary, and has been determined by the applicant's Engineer to be necessary for the subdivision, and will not negatively impact the environment or adjacent properties. The revetment is designed to protect the proposed lots from erosion, however the revetment is not designed to prevent flooding of the property. The applicant's Engineer has noted that the revetment may be augmented in the future if changing conditions warrant further protection. Any future alteration of the revetment would require an additional Development Permit Application and the guidance of a Geotechnical Engineer and a qualified environmental professional.

The spot elevations from the surveyor confirm that proposed lots and building envelopes are lower than the recommended 4.99 metres GSC flood construction level (FCL) by the year 2100. The applicant's Engineer has considered that future construction on the proposed lots may use fill or structural elevation outside of the floodplain setbacks to achieve the recommended FCL. However, the use of fill to achieve the FCL will restrict the height of buildings on the lot, as building height calculations are taken from natural grade which ranges from 3.7 metres to 4.6 metres GSC. The maximum allowable height for a dwelling unit permitted in the RS2 Zone is 8.0 metres from natural grade, so future dwellings may be limited to a single storey depending on the natural grade at the chosen building location.

Environmental Implications

The applicant has provided an Environmental Assessment Report prepared by Toth and Associates Environmental Services, dated January 21, 2016 to address the Coastal DPA guidelines. The report confirms that the property is used by wildlife; however, critical wildlife habitat was not found on the property. The report recommends that future construction and landscaping limit the use of impervious surfaces on the property; and that permanent fencing be installed along the Coastal DPA boundary. These recommendations are included as conditions of approval of this Development Permit with Variance and Frontage Relaxation as outlined in Attachment 2 – Terms and Conditions of Permit and will be registered as a Section 219 Covenant.

The Environmental Assessment Report prepared by Toth and Associates Environmental Services also addresses the construction of the foreshore revetment within the Coastal DPA. The report notes that the revetment has been designed to support the re-establishment of coastal vegetation and that the spaces within the proposed rip-rap will be filled with gravel or sand appropriate for native vegetation growth. The construction of the revetment will require a temporary road within the Development Permit Area, and may result in the destruction of vegetation. The report recommends that vegetation and driftwood within the footprint of the temporary road and revetment be salvaged and reinstated after construction.

Climate Change Implications

The Province of BC has prepared a draft amendment to its Flood Hazard Management Guidelines to reflect expected sea level rise due to climate change. The guidelines are intended to assist land use and subdivision decisions for lands exposed to coastal flooding hazards. The amendments to the provincial guidelines are still in draft form; however, the Lewkowich Geotechnical Assessment has followed the methodology in the guidelines for calculating sea level rise for the next 100 years on the property.

The lots proposed to be created through the subdivision will not meet the recommended 4.99 metre flood construction level at natural grade considering the impact of sea level rise to the year 2100. The Geotechnical Assessment submitted by the applicant recommends that foreshore revetment be constructed at the time of subdivision to ensure that the new lots are protected from the regression of natural boundary and erosion of building sites as sea level increases over time. The report also recommends that building sites be elevated to the recommended flood construction level at the time of construction on the new lots, and that future dwellings are designed to be raised as risk of flooding increases.

Given the complexity of coastal flood hazard assessments in a changing climate and limitations on staff's expertise on the matter, the RDN commissioned a third party review of the Lewkowich Geotechnical Assessment. Terra Tech EBA Inc. undertook the third party review to ensure that the Lewkowich Geotechnical Assessment level of effort was appropriate, and the design criteria, mitigative measures and expected performance were clear from a geotechnical perspective. Terra Tech EBA also confirmed that the Lewkowich Geotechnical Assessment considered the applicable professional practice guidelines relevant to coastal subdivision and flood hazard assessment in a changing climate. Terra Tech EBA recommended that the potential performance and need for future mitigative measures be clearly documented in plain language and be available to potential buyers and future owners of these properties. As a condition of the Development Permit with Variance, the applicant will register a Section 219 covenant on the property title with the Geotechnical Assessment, and a description of the flood risk and mitigation measures that will notify future property owners to the satisfaction of the RDN.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

The Ministry of Transportation and Infrastructure reviewed the subdivision application and issued Preliminary Layout Approval (PLA). The Ministry, as a condition of the PLA, requires a covenant and easement over the existing driveway for shared access between Lots 1 to 3, as direct access to Highway 19A will not be permitted for individual lots. The Ministry will waive the requirement for public water access under Section 75 of the *Land Title Act*. The Approving Officer granted relief from the requirements due to concerns for parking and safety along the Island Highway.

PUBLIC CONSULTATION IMPLICATIONS

Pending the Committee's recommendation and pursuant to the *Local Government Act* and the "Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005", property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the application.

SUMMARY/CONCLUSIONS

The applicant proposes a three lot subdivision located along the coast of Electoral Area 'H'. The applicant requests a relaxation of the 10% perimeter frontage requirement and a variance to increase the permitted parcel depth for the proposed lots. Each proposed lot will have adequate access and buildable area to allow for the permitted residential uses on the lot. Therefore staff recommends that the requested variance and frontage relaxation be approved.


While the property is not within a Hazard Lands DPA, the proposed building envelopes will be below the recommended flood construction level (FCL), which includes sea level rise to the year 2100, as identified by the November 12, 2015 Geotechnical Floodplain Hazard Assessment prepared by Lewkowich Engineering Associate Ltd. Should the Board approve the development permit with variance and frontage relaxation, the applicant will be required to construct a foreshore revetment prior to approval of the subdivision to protect the potential lots from erosion and regression of the natural boundary associated with sea level rise. Future construction on the proposed lots will also require the use of fill or structural elevation to achieve the recommended FCL. The report confirms that the proposed lots are safe for their intended use, and the subdivision or revetment will not have a detrimental impact on adjoining properties provided the Engineer's recommendations are followed.

The property is within the Environmentally Sensitive Features Development Permit Area for Coastal Areas. The applicant has submitted an Environmental Assessment Report prepared by Toth and Associates Environmental Services, dated January 21, 2016 to address the Coastal DPA guidelines. The report recommends that future construction limit impervious surfaces on the property; and permanent fencing be constructed along the 30.0 metre DPA boundary. Within the 30.0 metre Coastal DPA, only a foreshore revetment and temporary access road is permitted. The Environmental Assessment identifies that the revetment will consist of rip-rap with spaces to be filled with gravel or sand for the re-establishment of vegetation. The report also recommends that vegetation and driftwood within disturbed areas be salvaged and re-established following completion of the revetment.

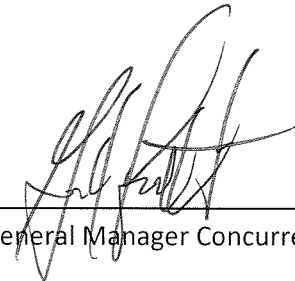
Provided that future construction on the lots is consistent with the permit conditions of approval, including the Geotechnical Assessment and the Environmental Assessment Report, another development permit will not be required under the current Coastal DPA for construction of a dwelling unit on each proposed lot. Any alterations not consistent with the conditions of approval, such as adding to the revetment or land alteration within the 30 metre Coastal DPA, will require a new development permit.

Given that the subdivision satisfies the DPA guidelines and the applicant's Engineer has provided recommendations to protect the proposed lots from erosion and to protect future residential use on the proposed lots from the risk of flooding with consideration to sea level rise, staff recommends that the

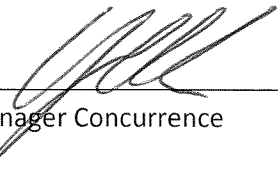
Board approve the requested frontage relaxation and parcel depth variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



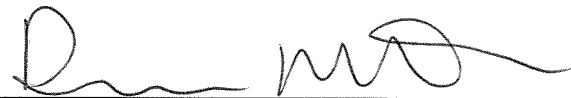
Report Writer



General Manager Concurrence

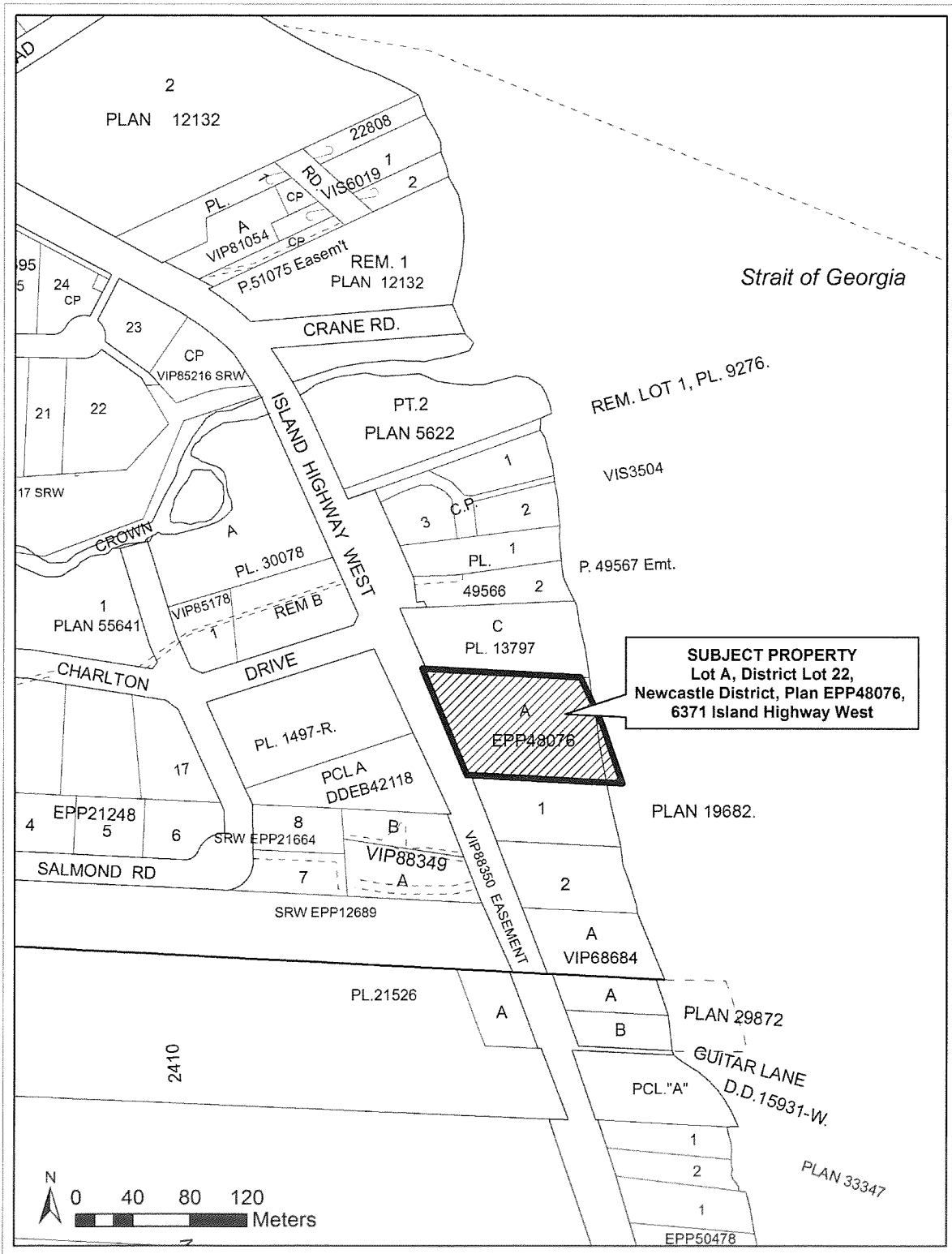


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2015-085:

Bylaw No. 500, 1987 Variances:

With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

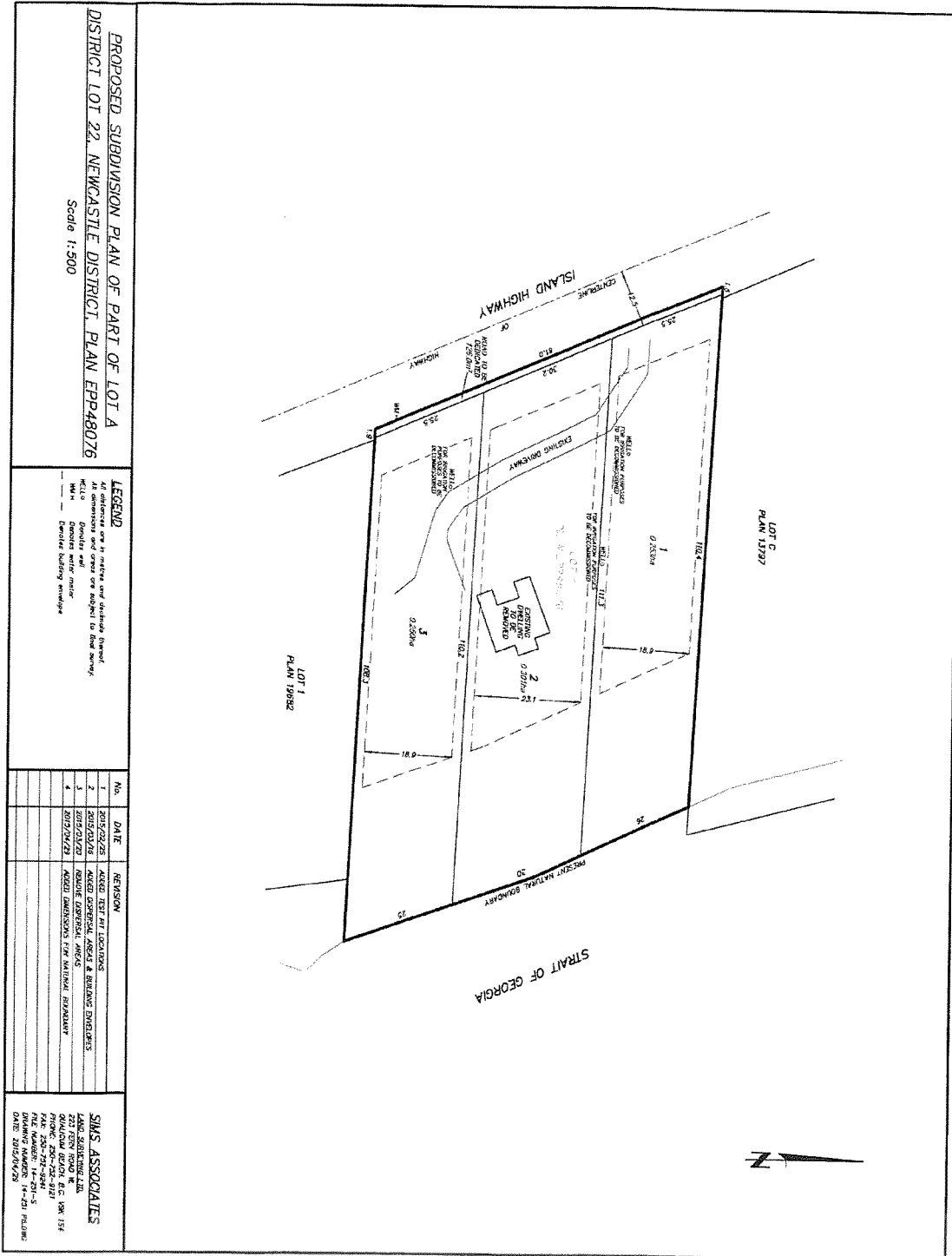
1. **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 1 from 40% to 43% of the length of the perimeter of the parcel; Lot 2 from 40% to 42% of the length of the perimeter of the parcel; and Lot 3 from 40% to 43% of the length of the perimeter of the parcel.

Conditions of Approval:

1. The subdivision of Lands shall be in substantial compliance with the Plan of Subdivision prepared by Sims Associates Land Surveying Ltd., April 29, 2015, and attached as Attachment 3.
2. The subdivision of the proposed Lots 1, 2 and 3 shall be subject to the construction of a foreshore revetment, as shown in the Cross Section of Foreshore Revetment prepared by Lewkowich Engineering Associates Ltd., dated January 26, 2016, and attached as Attachment 4.
3. Future construction on proposed Lots 1, 2 and 3 shall be completed in substantial compliance with the recommendations contained in the Geotechnical Assessment dated November 12, 2015, and Foreshore Revetment Memo dated January 26, 2016, prepared by Lewkowich Engineering Associates Ltd.,
4. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Geotechnical Assessment dated November 12, 2015, and Foreshore Revetment Memo dated January 26, 2016, prepared by Lewkowich Engineering Associates Ltd., including a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard and a description of flood risk and mitigation measures that will notify future property owners to the satisfaction of the RDN.
5. Future construction on proposed Lots 1, 2 and 3 shall be completed in substantial compliance with the recommendations of the report titled Environmental Assessment of proposed subdivision and installation of a revetment on 6371 Island Highway West, dated January 21, 2016, prepared by Toth and Associates Environmental Services.
6. Permanent low form fencing (split-rail) along the Development Permit Area boundary must be installed prior to approval of subdivision compliance, consistent with the recommendation of the report titled Environmental Assessment of proposed subdivision and installation of a revetment on 6371 Island Highway West, dated January 21, 2016, prepared by Toth and Associates Environmental Services.

7. Staff shall withhold the issuance of this Permit until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the report titled Environmental Assessment of proposed subdivision and installation of a revetment on 6371 Island Highway West, dated January 21, 2016, prepared by Toth and Associates Environmental Services.
8. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3
Proposed Plan of Subdivision



PROPOSED SUBDIVISION PLAN OF PART OF LOT A
DISTRICT LOT 22, NEWCASTLE DISTRICT PLAN EPP48076

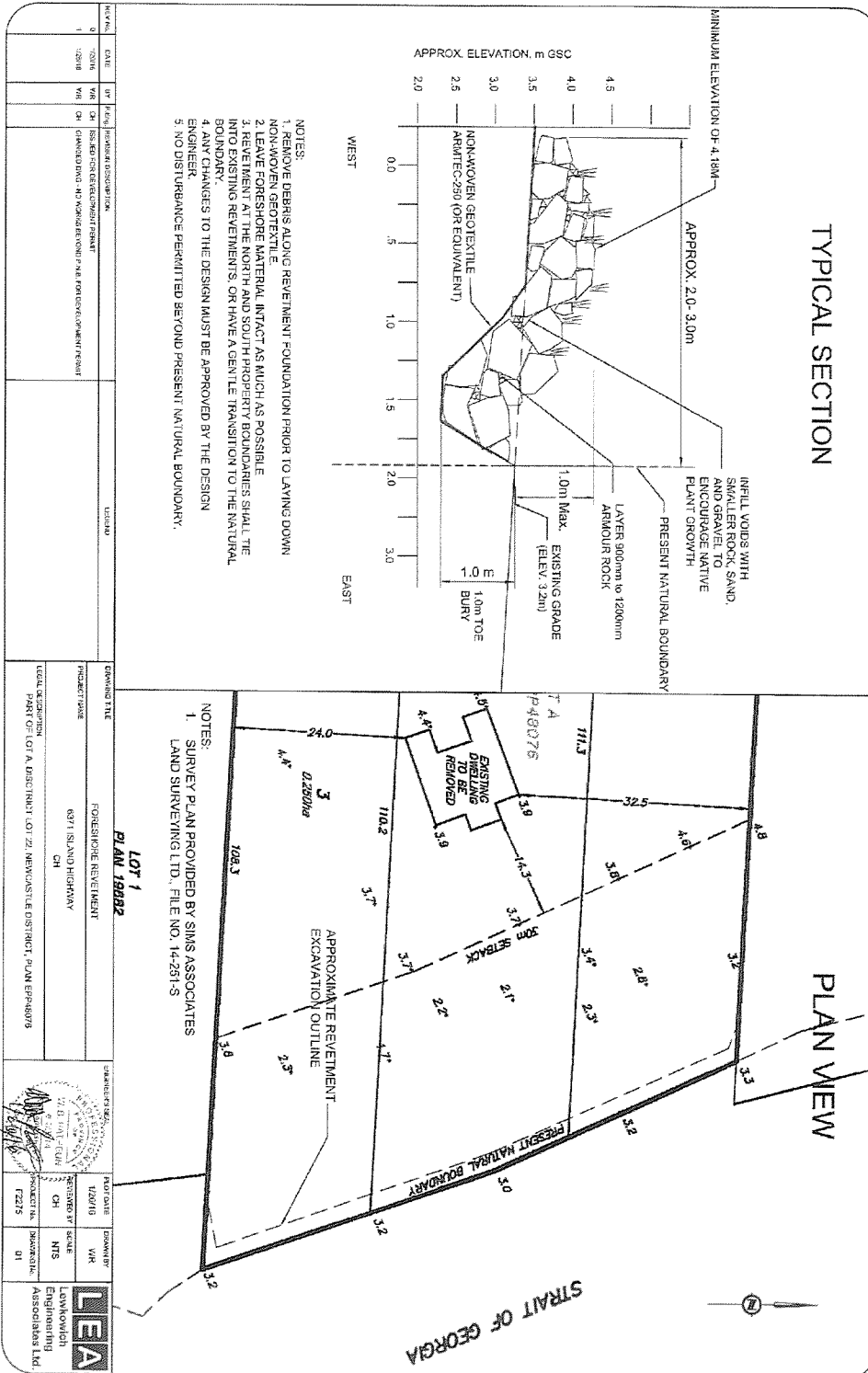
Scale 1:500

LEGEND
As indicated on it notes and details thereof.
All dimensions and areas are subject to final survey.
--- Drive way
--- Drive way
--- Drive way

No.	DATE	REVISION
1	2015/02/25	ADDED BEST FIT LOCATIONS
2	2015/03/16	REVISED DIMENSIONS AND BOUNDARY DIMENSIONS
3	2015/03/23	REVISED DIMENSIONS AND BOUNDARY DIMENSIONS
4	2015/04/23	ADDED DIMENSIONS FOR NATURAL BOUNDARY

SIMS ASSOCIATES
2500 SANDHURST DRIVE
SUITE 200
DOWNSVIEW, ONTARIO M3J 1K7
PHONE: 416-291-8181
FAX: 416-291-8181
DATE: 02/16/2016

Attachment 4
Cross Section of Foreshore Revetment





RDN REPORT		
CAO APPROVAL		<i>[Signature]</i>
EAP	✓	
COW		
FEB 25 2016		
RHD		
BOARD		

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: February 24, 2016

FROM: Kelsey Chandler
Planning Technician

MEETING: EAPC March 8, 2016

FILE: PL2015-173

SUBJECT: Development Variance Permit Application No. PL2015-173
Lot 69, District Lot 78, Nanoose District, Plan 15983
3478 Grilse Road – Electoral Area 'E'

RECOMMENDATIONS

1. That staff be directed to complete the required notification.
2. That Development Variance Permit No. PL2015-173 to increase the maximum dwelling unit height from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit be approved subject to the conditions outlined in Attachments 2 to 5.

PURPOSE

To consider an application for a Development Variance Permit to increase the maximum dwelling unit height from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo has received an application from Daniel and Brenda Juss to increase the maximum dwelling unit height by 1.25 metres from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit on the subject property. The property is approximately 0.25 ha in area and is zoned Residential 1 Zone (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property previously contained a dwelling unit, carport, and wood shed, however these were recently demolished following the issuance of Building Permit No. PR2015-648. The property is bordered by the Strait of Georgia to the south, Grilse Road to the north, and other RS1 zoned parcels to the east and west (see Attachment 1 – Subject Property Map). Previously, Development Permit No. 0242 was issued for the property in order to legalize the siting of an existing stairway and deck within 15 metres of the natural boundary of the sea.

Proposed Development and Variance

The proposed development includes the construction of a two-storey dwelling unit, and the applicants propose to vary the following regulation from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

Section 3.4.61 – Maximum Number and Size of Buildings and Structures – Dwelling Unit Height to increase the maximum dwelling unit height from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2015-173 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Variance Permit No. PL2015-173.

LAND USE IMPLICATIONS

Development Implications

Staff have reviewed the applicants' variance request to increase the maximum dwelling unit height from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit, and do not note any negative land-use implications that would be associated with the approval of Development Variance Permit No. PL2015-173.

The applicants have indicated in their letter of submission that they intend to excavate into the bedrock to accommodate the foundation of the proposed dwelling unit. However, they state that due to the slope and elevation of the lot and the high cost of excavation, they must limit their excavation to a depth of 1.3 metres (see Attachment 3 – Proposed Site Plan and Variance, Attachment 4 – Topographic Site Plan, and Attachment 5 – Building Elevations). The applicants have submitted a letter of support from the neighbour located at 3461 Blueback Drive whose dwelling unit is situated approximately 50 metres behind and 9.5 metres above the proposed development. The letter states that the neighbour has no concerns with the proposed development or variance being sought. The applicants have also submitted a letter of support from the neighbours located at 3471 Blueback Drive. The views of the neighbours located at 3482 Grilse Road and 3471 Blueback Drive on either side of the subject property are not anticipated to be impacted by the proposed increase to the dwelling unit height.

Previously, the applicants had sought a 2.25 metre variance to allow the proposed dwelling unit and had intended to excavate to a maximum depth of 1.0 metre. They have since revised their excavation and building plans to increase the depth of excavation and reduce the pitch of the roof lines in order to reduce the variance being requested to 1.25 metres. Given that the applicants have demonstrated significant effort to reduce the variance being requested and that the variance is unlikely to result in negative view implications for adjacent properties, it is staff opinion that the applicants have made reasonable efforts to address Board Policy B1.5 guidelines for evaluation of development variance permit applications.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

PUBLIC CONSULTATION IMPLICATIONS

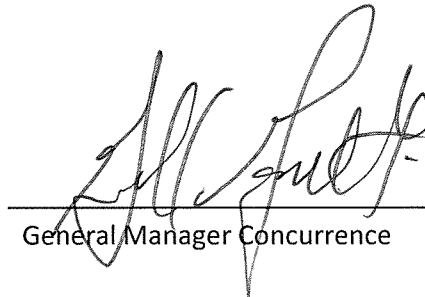
Pending the Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

SUMMARY/CONCLUSIONS

This is an application to consider a development variance permit to increase the maximum dwelling unit height by 1.25 metres from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit. Given the slope of the subject property, the applicants’ proposal to excavate into the bedrock to accommodate the foundation, and the fact that the variance is unlikely to result in negative view implications for adjacent properties, staff recommend the Board approve the requested variance, pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.




Report Writer



General Manager Concurrence

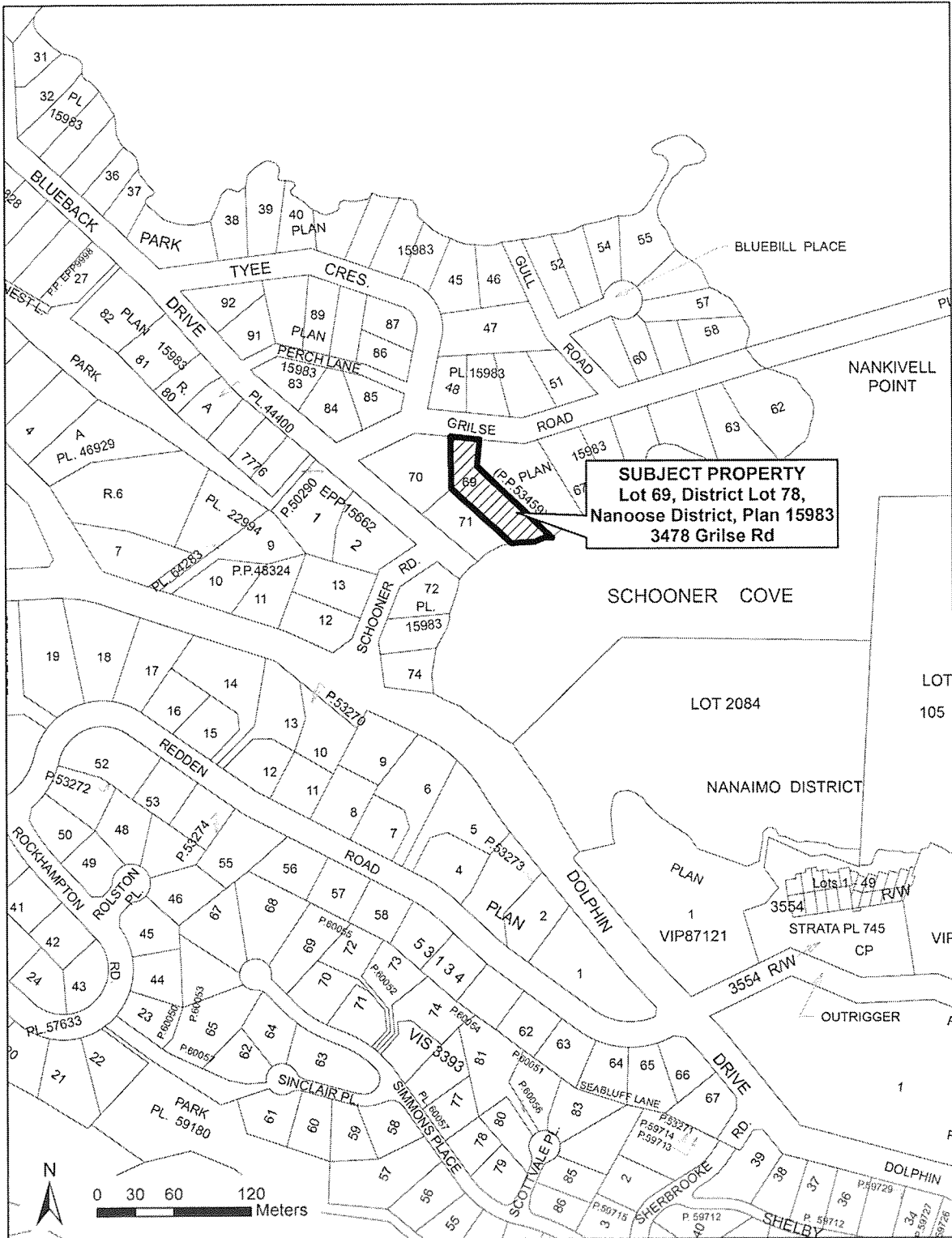


Manager Concurrence



A/ CAO Concurrence

**Attachment 1
Subject Property Map**



**Attachment 2
Terms and Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2015-173:

Bylaw No. 500, 1987 Variances:

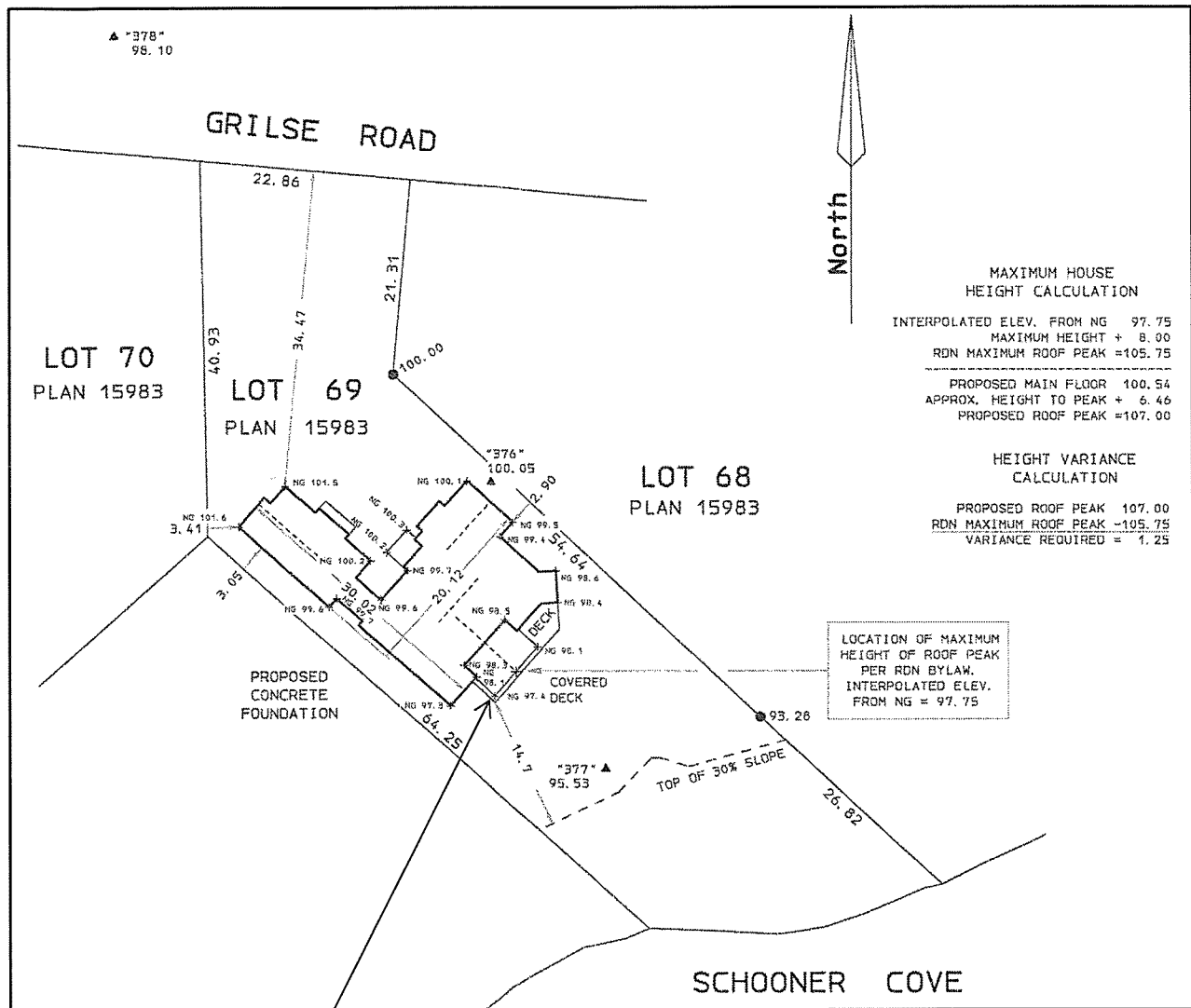
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

Section 3.4.61 – Maximum Number and Size of Buildings and Structures – Dwelling Unit Height to increase the maximum dwelling unit height by 1.25 metres from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit.

Conditions of Approval:

1. The site is developed in accordance with the site plan prepared by Williamson & Associates Professional Surveyors, dated December 22, 2015 and attached as Attachment 3.
2. The proposed development is in substantial compliance with the plans and elevations prepared by Concept Design Group and dated December 2015 and attached as Attachment 5.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

Attachment 3 Proposed Site Plan and Variance



MAXIMUM HOUSE HEIGHT CALCULATION
INTERPOLATED ELEV. FROM NG 97.75
MAXIMUM HEIGHT + 8.00
RDN MAXIMUM ROOF PEAK =105.75

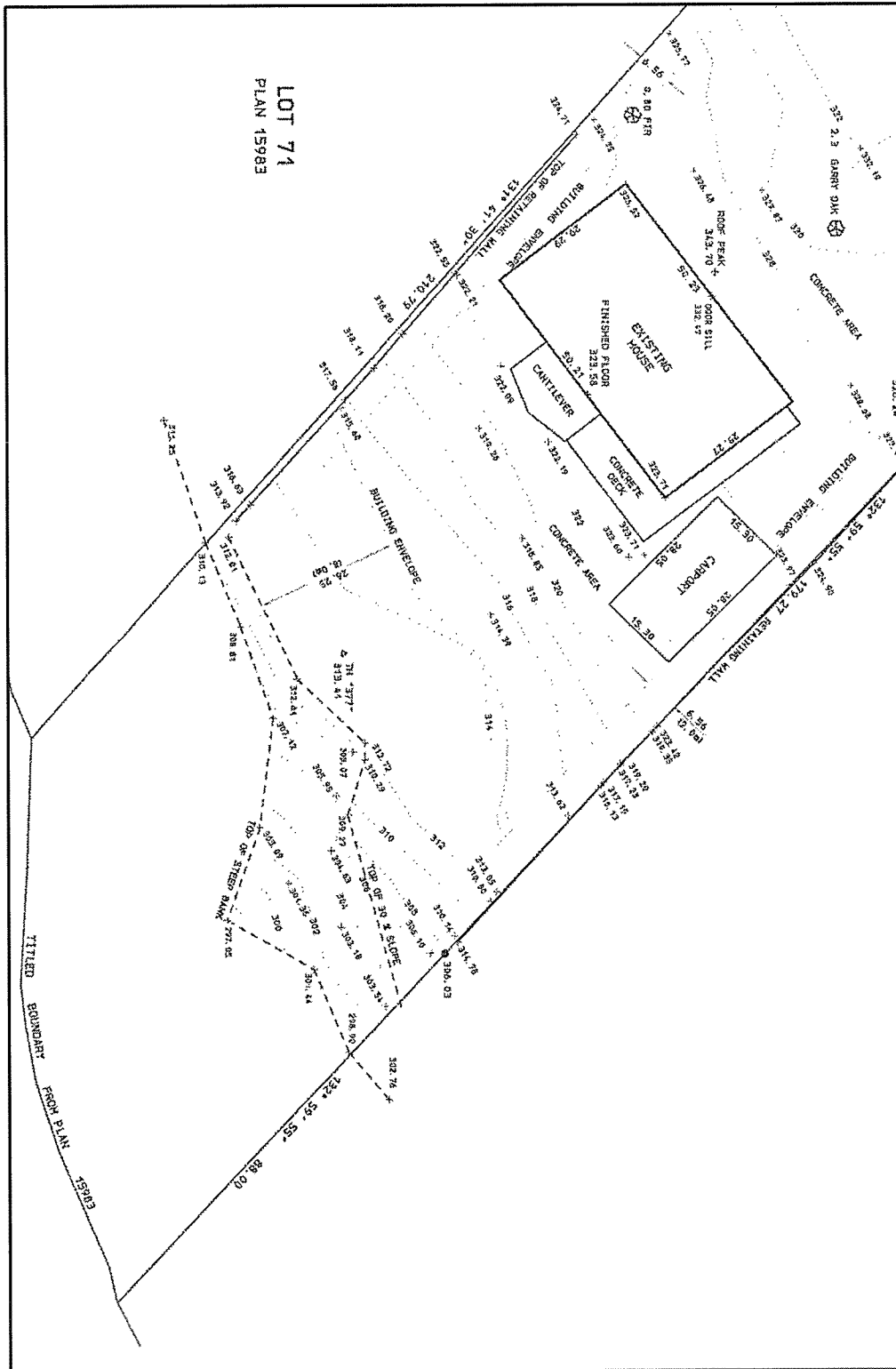
PROPOSED MAIN FLOOR 100.54
APPROX. HEIGHT TO PEAK + 6.46
PROPOSED ROOF PEAK =107.00

HEIGHT VARIANCE CALCULATION
PROPOSED ROOF PEAK 107.00
RDN MAXIMUM ROOF PEAK =105.75
VARIANCE REQUIRED = 1.25

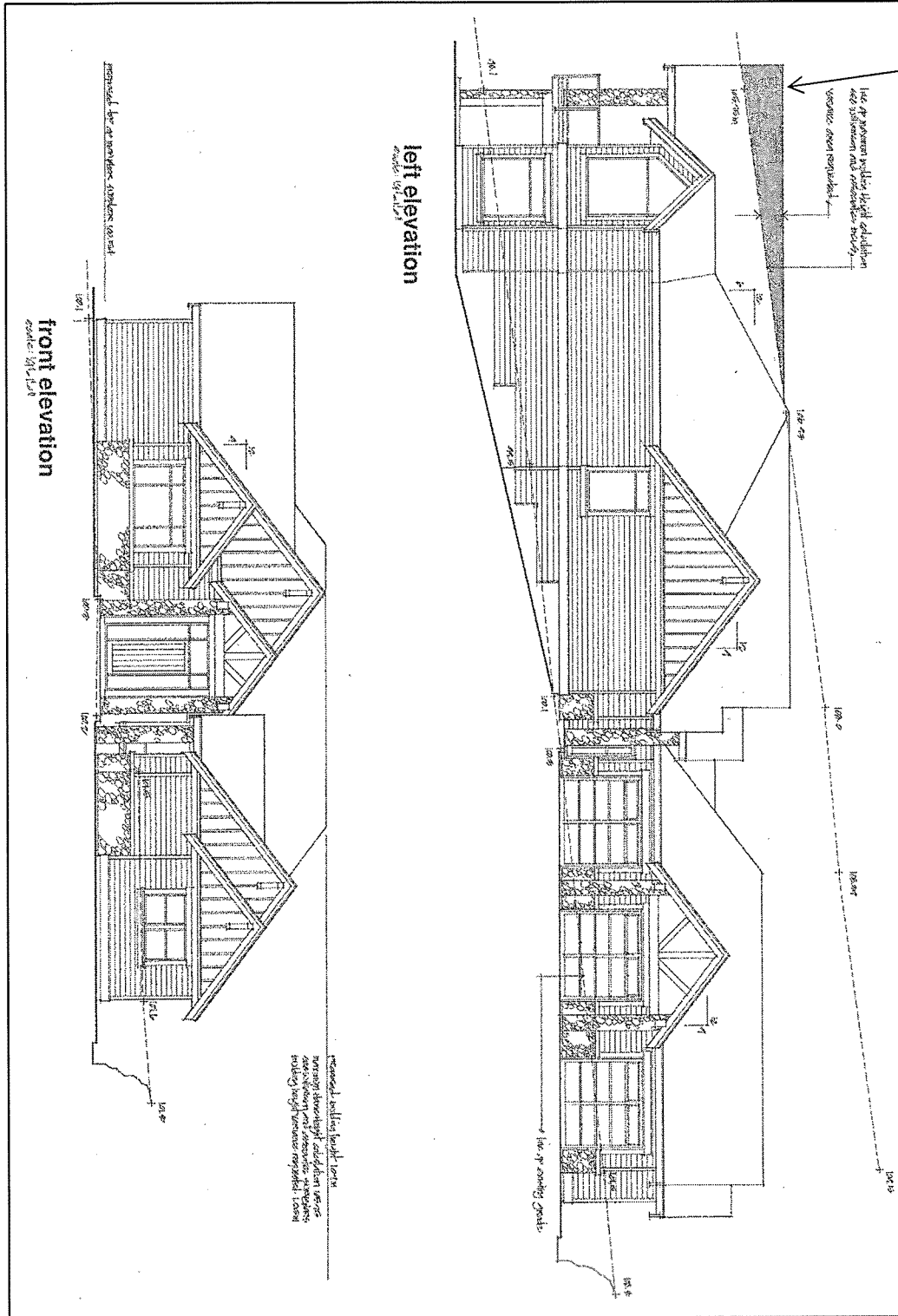
LOCATION OF MAXIMUM HEIGHT OF ROOF PEAK PER RDN BYLAW. INTERPOLATED ELEV. FROM NG = 97.75

Proposed variance to increase the maximum dwelling unit height from 8.0 metres to 9.25 metres to allow the construction of a single family dwelling unit

Attachment 4 Topographic Site Plan

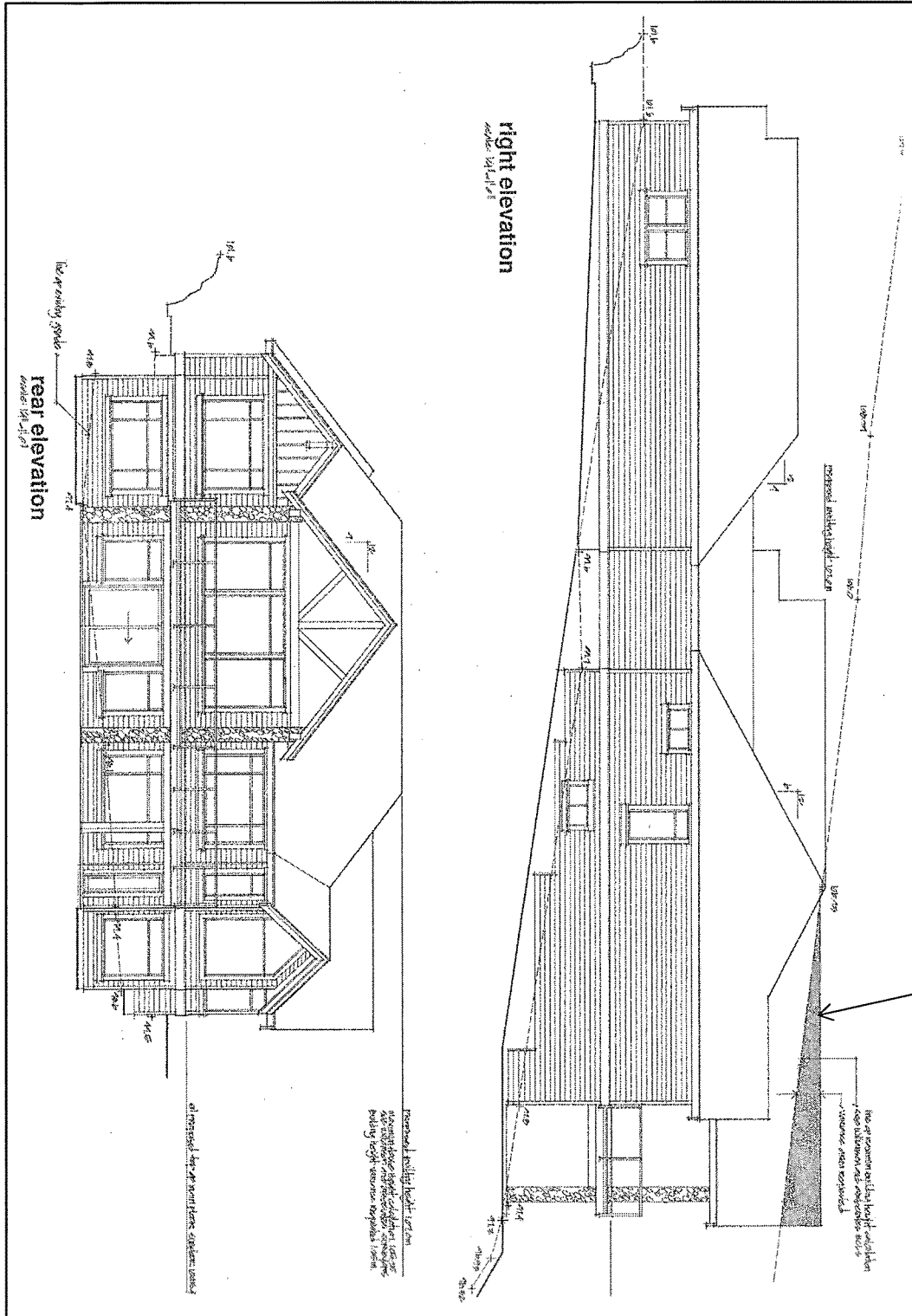


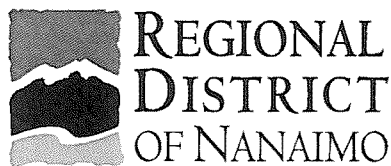
Attachment 5
Building Elevations
Page 1 of 2



Proposed variance area

Attachment 5
Building Elevations
Page 2 of 2





RDN REPORT	
CAO APPROVAL DN	
EAP	✓
COW	
FEB 26 2016	
RHD	
BOARD	

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: February 26, 2016

FROM: Jamai Schile
Planner

MEETING: EAPC – March 8, 2016

FILE: PL2009-153

SUBJECT: Zoning Amendment Application No. PL2009-153
Lot 2, Section 15 and 16, Range 6, Mountain District, Plan 13823, Except Parts in Plans 14964, VIP54994 and VIP58442
2248 and 2250 Maxey Rd– Electoral Area ‘C’
Amendment Bylaw 500.403, 2016 Introduced – 1st and 2nd Reading

RECOMMENDATIONS

1. That the Summary of the Public Information Meeting held on February 25, 2016, be received.
2. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.403, 2016” be introduced and read two times.
3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.403, 2016”, be chaired by Director Young or her alternate.

PURPOSE

To consider a Zoning Amendment Application to rezone the subject property from Rural 1 Zone (RU1), Subdivision District ‘D’ to Rural 1 Zone (RU1), Subdivision District ‘F’ in order to reduce the minimum parcel size from 2.0 ha to 1.0 ha to facilitate the subdivision of the subject property into two lots.

BACKGROUND

The Regional District of Nanaimo has received an application from David and Laura Walkosky to rezone the subject property from Rural 1 Zone (RU1), Subdivision District ‘D’ to Rural 1 Zone (RU1), Subdivision District ‘F’, pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. If approved, the minimum parcel size required for subdivision would be amended from 2.0 ha to 1.0 ha, which would enable the owners to apply to have the subject property subdivided into two lots.

The subject property is approximately 2.28 ha in area and contains two existing residential dwellings and three accessory buildings. The property is bound by Maxey Road to the south and the Nanaimo Parkway to the north-west and is surrounded by other Rural 1 zoned properties. The topography of the property is unique in that the main residences and accessory buildings are located on a raised bench that backs

onto an escarpment that transects the property, (see Attachment 1 – Subject Property Map and Attachment 2 – Proposed Subdivision Plan).

Proposed Development

The applicant proposes to rezone the subject property from Rural 1 Zone (RU1), Subdivision District 'D' (2.0 ha minimum parcel size) to Rural 1 Zone (RU1), Subdivision District 'F' (1.0 ha minimum parcel size). The requested amendment would permit a proposed two lot subdivision, pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The proposed lots would be 1.14 ha in area and would be limited to one dwelling unit per parcel, (see Attachment 2 – Proposed Subdivision Plan).

The property is within the Fish Habitat Development Permit Area per the "Regional District of Nanaimo Electoral Area 'C' East Wellington Pleasant Valley Official Community Plan Bylaw No. 1055, 1997". A development permit application will be required as part of the subdivision process. Additionally, an existing barn adjacent to the proposed property line would be removed as a condition of subdivision.

The current residences are serviced by separate existing dug wells. The residence at 2250 Maxey Rd is on city sewer and 2248 Maxey Rd has an on-site septic system. Access to and from the subject property is via existing separate driveway access points off of Maxey Road, (see Attachment 2 – Proposed Subdivision Plan and Attachment 3 - Site Photos).

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2009-153, consider first and second reading of the "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.403, 2016", and proceed to public hearing.
2. To not proceed with the "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.403, 2016", readings and public hearing.

Official Community Plan Implications

The subject property is designated Rural Residential, pursuant to the "Regional District of Nanaimo Electoral Area 'C' East Wellington Pleasant Valley Official Community Plan Bylaw No. 1055, 1997". This land designation supports the subdivision of a parcel that existed prior to the adoption of the Official Community Plan to a parcel size less than 2.0 ha, but not less than 1.0 ha in area. The proposed plan of subdivision would create two parcels slightly greater than 1.0 ha in size and not more than one dwelling unit per parcel would be permitted; therefore, the proposed amendment is consistent with the Official Community Plan policies.

Development Implications

The existing Rural residential (RU-1) zoning of the subject property allows "Agriculture", "Aquaculture", "Home Based Business", "Produce Stand", "Silviculture", "Secondary Suite" and "Residential Use" with two dwellings currently permitted on the parcel which exceeds 2.0 ha in area. The property has sufficient site area to subdivide into two 1.14 ha parcels with a single dwelling per parcel permitted. The

applicant's proposal will not result in an increase in overall residential density or a change of land-use permissions.

The applicant submitted a preliminary hydrogeological assessment report prepared by Gilles Wendling of GW Solutions Inc. dated January 10, 2011, and more recent well testing reports. The engineer's findings concluded that the yield of the wells will be sufficient to meet the needs of the residences. However, the shallow depth of the water at this location places the wells at risk of exposure to bacteriological contamination. To address this, the engineer has recommended measures to treat and prevent the presences of pathogens in the water. The applicants have since implemented the engineer's recommended improvements to the wells with the assistance of the Regional District of Nanaimo's Well Smart program. Staff have confirmed that the upgrades for both wells (2248 and 2250 Maxey Rd) have been completed by a qualified professional as of January 16, 2016; therefore satisfying the requirements of the B1.21 policy for groundwater for rezoning of un-serviced lands.

Given that the proposal is consistent with the relevant OCP policies, and satisfies the potable water and sewer system needs for the proposed lots, staff recommend approval of the zoning amendment application.

Environmental Implications

The applicant has submitted a preliminary hydrogeological assessment prepared by Gilles Wendling of GW, and dated January 10, 2011, which indicated that the two existing wells on the subject property should have no adverse impact on surrounding wells.

Given this information the proposed development is anticipated to have no negative environmental impacts.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications for the 2013 – 2015 Board Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

The application was referred to Ministry of Transportation and Infrastructure, who have no objections to the rezoning proposal, subject to: 1) no access to the Nanaimo Parkway will be permitted at any time for these properties; 2) approval of the rezoning application is not to be construed as approval of the subdivision.

PUBLIC CONSULTATION IMPLICATIONS

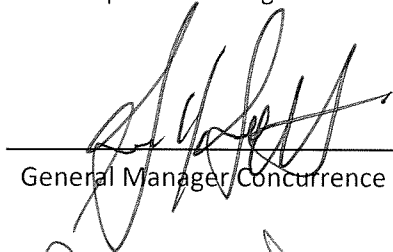
A Public Information Meeting (PIM) was held on February 25, 2016 no members of the public attended and no written submissions were received prior to the meeting (see Attachment 4 – Summary of Minutes of the Public Information Meeting).

SUMMARY/CONCLUSION

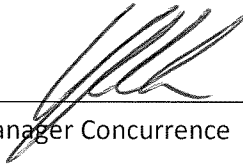
The applicant proposes to rezone the subject property from Rural 1 Zone (RU1), Subdivision District 'D' to Rural 1 Zone (RU1), Subdivision District 'F' in order to reduce the minimum parcel size from 2.0 ha to 1.0 ha to facilitate the subdivision of the subject property into two lots. The proposal is consistent with the Electoral 'C' Official Community Plan policies and the proposed lot size will provide adequate site area for the intended residential use and subdivision. Given that the proposed amendment is consistent with the OCP policies, and the applicant has submitted a preliminary hydrogeological assessment and has completed well upgrades, staff recommend that the proposed Zoning Amendment Bylaw No. 500.403, 2016 receive first and second reading, and proceed to public hearing.



Report Writer



General Manager Concurrence

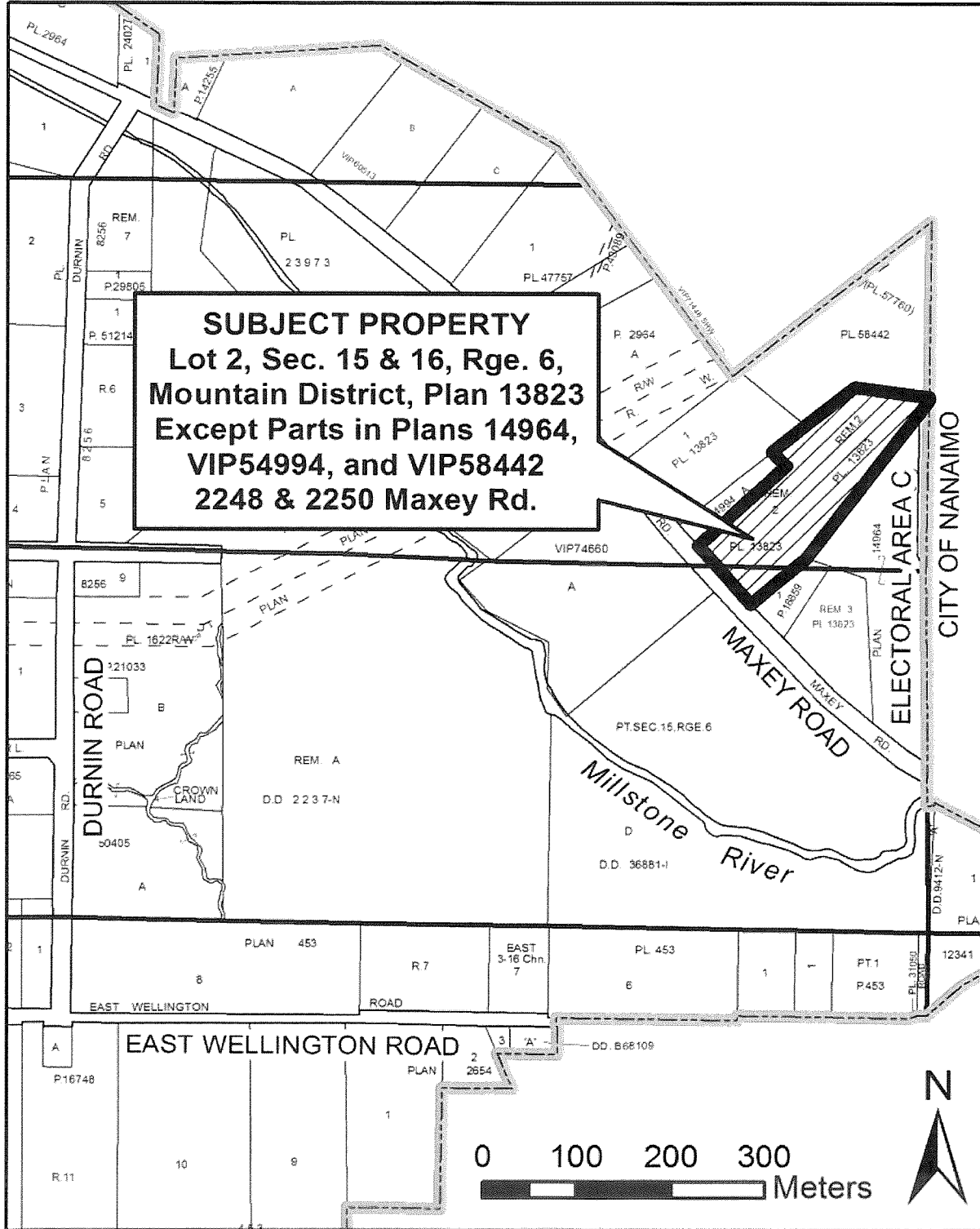


Manager Concurrence



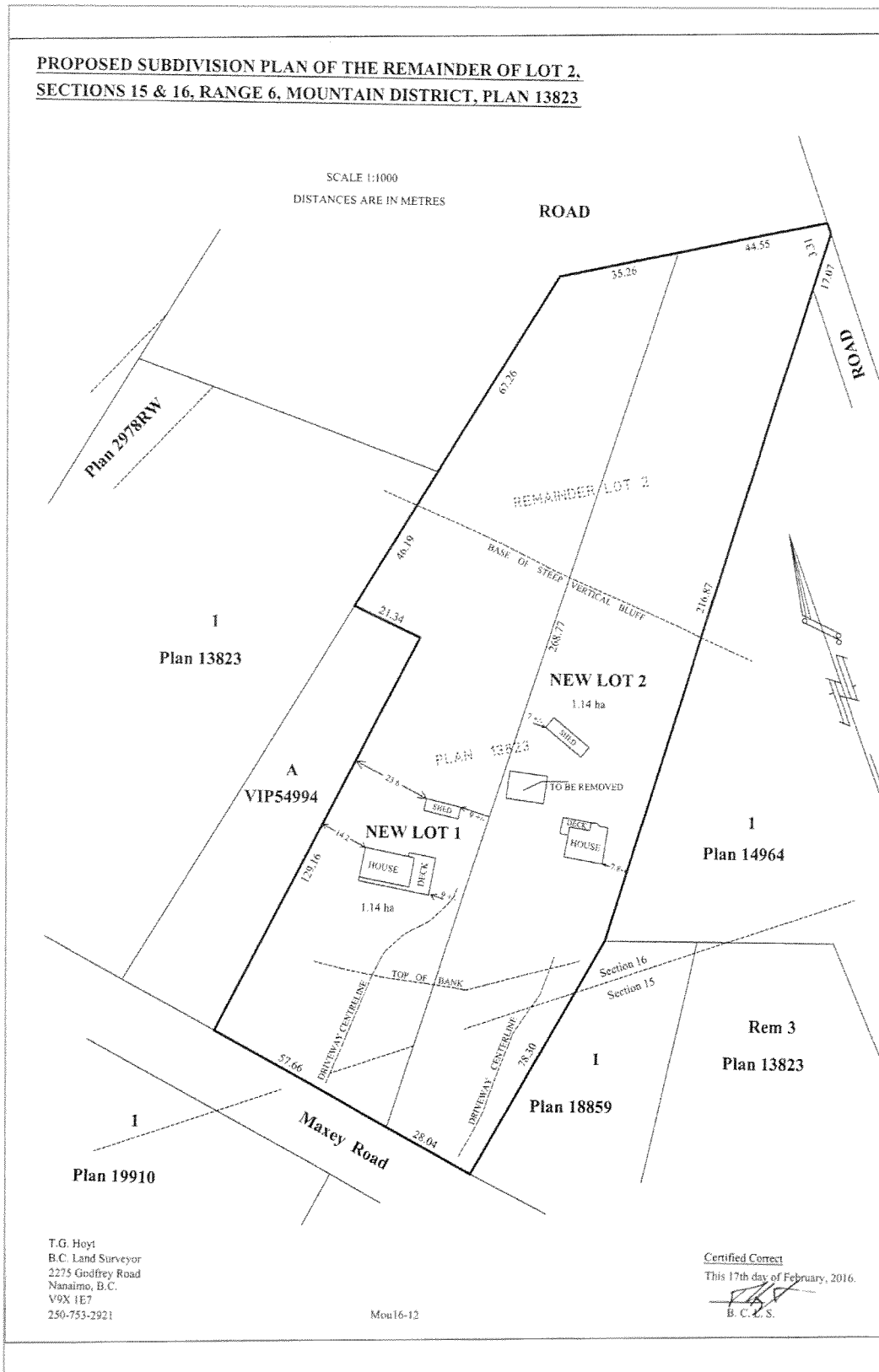
CAO Concurrence

Attachment 1
Subject Property Map



**Attachment 2
Proposed Subdivision Plan**

**PROPOSED SUBDIVISION PLAN OF THE REMAINDER OF LOT 2,
SECTIONS 15 & 16, RANGE 6, MOUNTAIN DISTRICT, PLAN 13823**



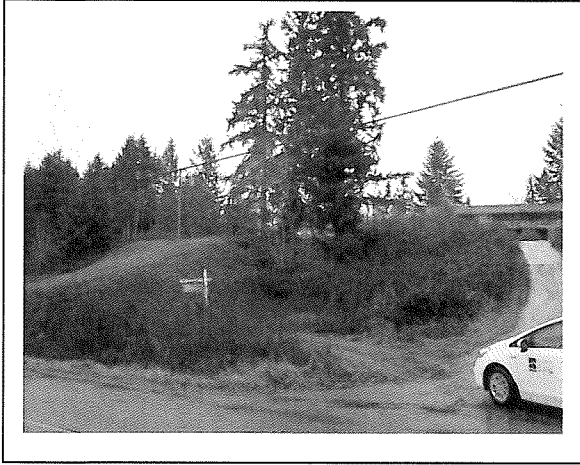
T.G. Hoyt
B.C. Land Surveyor
2275 Godfrey Road
Nanaimo, B.C.
V9X 1E7
250-753-2921

Mou16-12

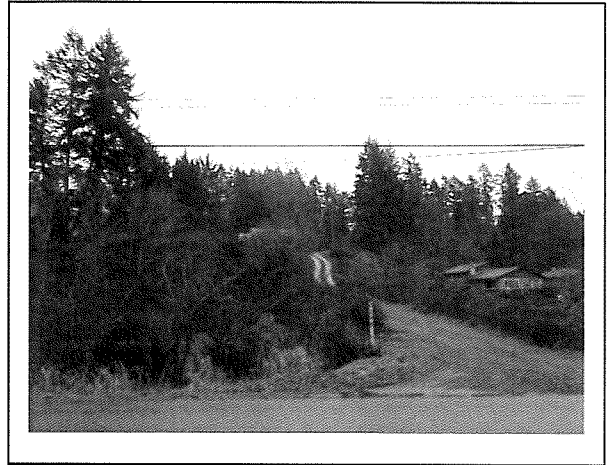
Certified Correct
This 17th day of February, 2016.

B. C. L. S.

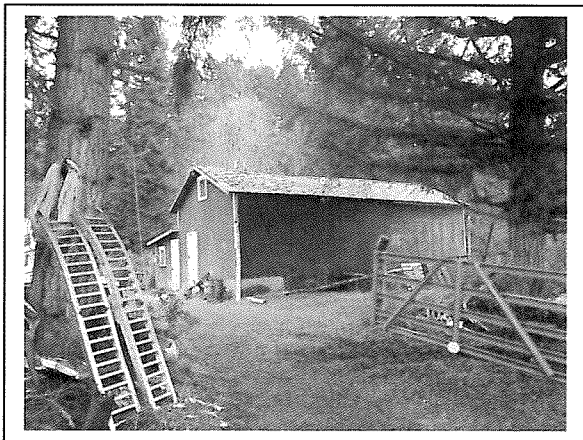
**Attachment 3
Site Visit Photos**



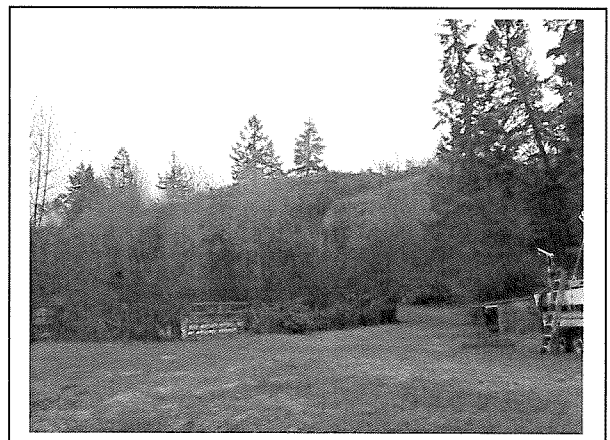
a. Existing residence located at 2250 Maxey Rd



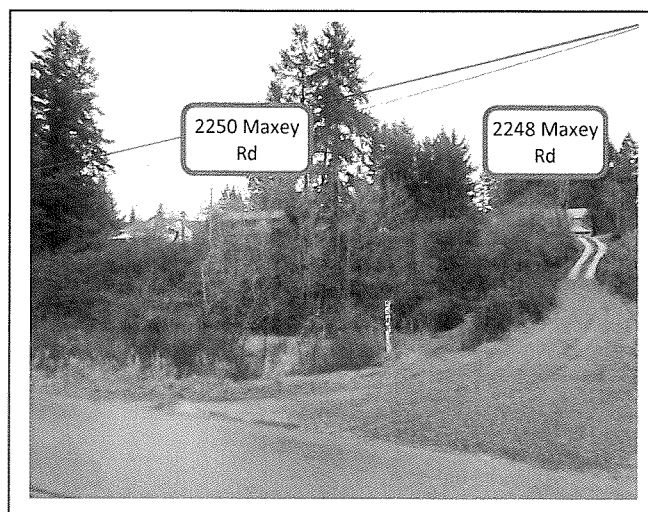
b. Existing residence located at 2248 Maxey Rd



c. Barn adjacent to proposed property line



d. Escarpment located behind existing residences



e. Street view of subject area along Maxey Rd showing top of bank and bench land with existing residences.

Attachment 4
Summary of Minutes of a Public Information Meeting
Held at Mountain View Elementary School
2480 East Wellington Road
February 26, 2016 at 6:00 PM
Amendment Bylaw No. 500.403,2016

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There were 5 members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo (RDN):

Director Maureen Young, Electoral Area 'C' (the Chair)
Jamai Schile, Planner
Greg Keller, Senior Planner

Present for the Applicant:

The Chair opened the meeting at 6:00 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant(s) in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Jamie Schile, provided a brief summary of the proposed Zoning Amendment including the supporting documents provided by the applicant, and the application process.

The Chair invited

The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 6:04 pm.



Jamai Schile
Recording Secretary

Attachment 5
Proposed Amendment Bylaw No. 500.403, 2016

(See next page)

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.403, 2016**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

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 Land Use and Subdivision Amendment Bylaw No. 500.403, 2016”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

By rezoning the lands shown on the attached Schedule ‘1’ and legally described as

Lot 2, Section 15 and 16, Range 6, Mountain District, Plan 13823, Except Parts in Plans 14964, VIP54994 and VIP58442

from Rural 1 Zone (RU1), Subdivision District ‘D’ to Rural 1 Zone (RU1), Subdivision District ‘F’

Introduced and read two times this 22nd day of March 2016.

Public Hearing held this ___ day of _____ 20__.

Read a third time this ___ day of _____ 20__.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20__.

Adopted this ___ day of _____ 20__.

Chairperson

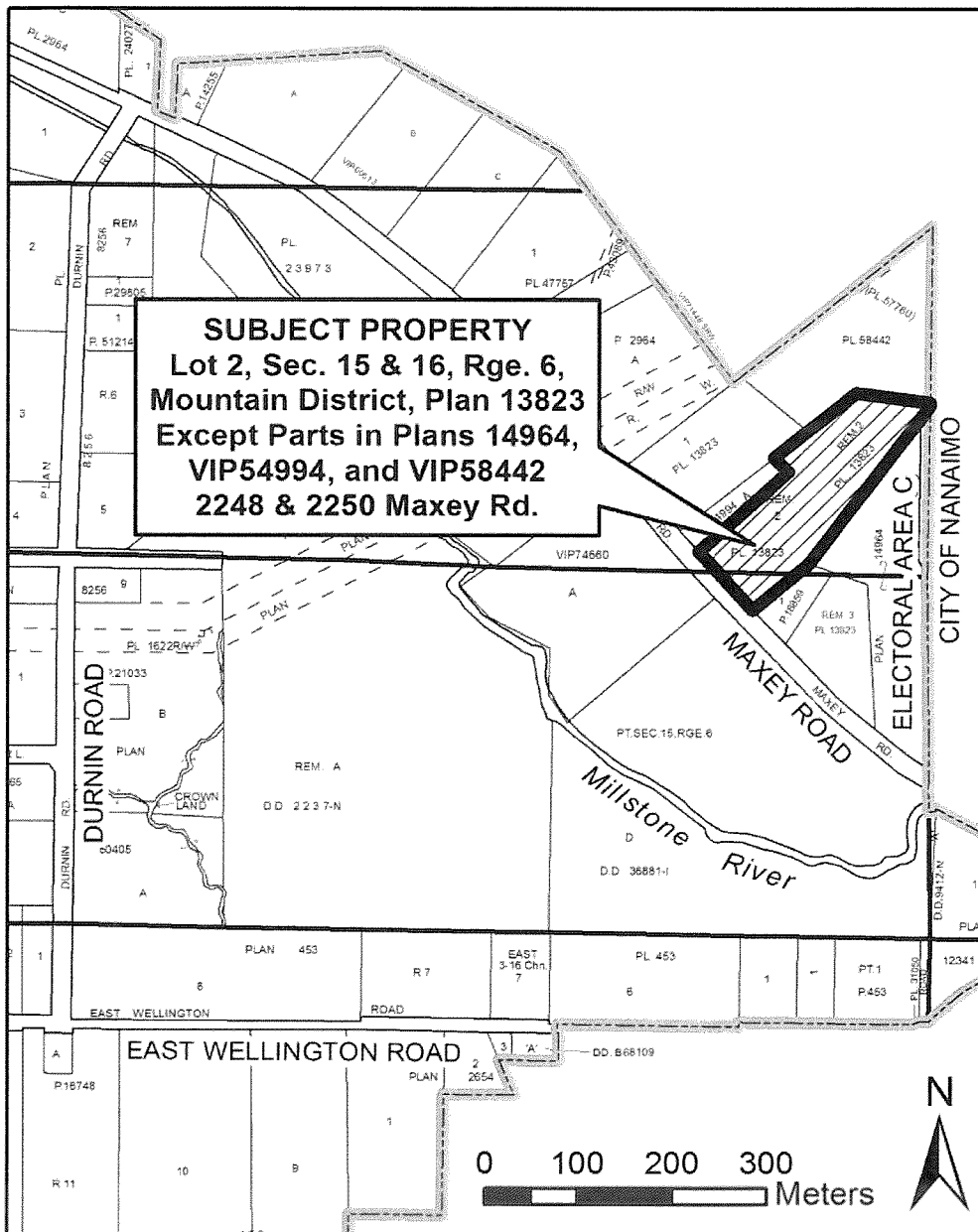
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.403, 2016".

Chairperson

Corporate Officer

Schedule '1'





RDN REPORT	
CAO APPROVAL <input checked="" type="checkbox"/>	
EAP	<input checked="" type="checkbox"/>
COW	<input type="checkbox"/>
MAR 01 2016	
RHD	<input type="checkbox"/>
BOARD	<input type="checkbox"/>

STAFF REPORT

TO: Jeremy Holm
Manager, Current Planning

DATE: February 26, 2016

FROM: Greg Keller
Senior Planner

MEETING: EAPC - March 8, 2016

FILE: PL2013-022

SUBJECT: Zoning Amendment Application No. PL2013-022
Lot B, DL 148, Nanoose District, Plan VIP68930 – 1720 Whibley Road
Electoral Area ‘F’
Amendment Bylaw 1285.25 – 1st and 2nd Reading
Manufactured Home Park Bylaw 1738, 2016 – Three Readings

RECOMMENDATIONS

1. That the Summary of the Public Information Meetings held on May 25, 2015 and January 21, 2016, be received.
2. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.25, 2016”, be introduced and read two times.
3. That the Public Hearing on “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.25, 2016”, be chaired by Director Fell or his alternate.
4. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 1285.25 being considered for adoption.
5. That "Electoral Area F Manufactured Home Park Regulations Bylaw No. 1738, 2016" be introduced and read three times.
6. That the Board direct staff to prepare a report on an amendment to the RDN Building Regulations Fees and Charges Bylaw No 1595, 2010” and “Regional District of Nanaimo Building Regulations Bylaw No. 1250, 2010” to establish fees and regulations for issuing Manufactured Home Park Permits.
7. That the Board direct staff to prepare a report and recommendation on potential amendments to the Electoral Area ‘F’ Official Community Plan to provide clarification on OCP policies within the Commercial/Industrial Land Use Designation.

PURPOSE

To consider a Zoning Amendment Application to rezone the subject property to permit the development of a 20 unit Manufactured Home Park, to introduce a Manufactured Home Park bylaw, and to consider potential future amendments to the Electoral Area ‘F’ Official Community Plan (OCP).

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Ralph Christianson on behalf of Gabriel Pires to rezone the subject property in order to permit 20 manufactured homes within a manufactured home park. The subject property is approximately 1.29 ha in area and currently contains two manufactured homes and a number of existing accessory buildings (see Attachment 4 – Proposed Site Plan). Prior to submitting this amendment application, the applicant installed a wastewater treatment system, a water supply system, a paved access road and parking areas, and in ground service connections to service the proposed manufactured home park. The applicant also roughed in the spaces for a 20 unit manufactured home park.

The property is located south of Whibley Road and is surrounded by existing manufactured home parks to the west and north, a large parcel of land in the Agricultural Land Reserve (ALR) to the east, and a rural acreage to the south. (see Attachment 1 – Subject Property Map and Attachment 3 – Current Zoning Map).

Proposed Development

The applicant proposes to rezone the subject property from Manufactured Home Park 1.14 (MHP-1.14) to a new zone Manufactured Home Park 2 (MHP-2) to allow 20 manufactured homes to be located on the subject property. An amendment application is required in order to increase the density of manufactured homes permitted on the parcel.

The development is proposed to be serviced by a water supply system which has received a permit to operate from Island Health and an on-site wastewater treatment system (see Attachment 4 – Proposed Site Plan). Access to and from the subject property is provided by an existing access easement off of Bowlby Road which runs through the adjacent two manufactured home parks which are also owned by Mr. Pires. An emergency secondary gated access, accessible by the Fire Department, will also be provided off of Whibley Road.

ALTERNATIVES

1. To consider first and second reading of the Amendment Bylaw No. 1285.25, 2016 and proceed to public hearing, give three readings to proposed Manufactured Home Park Regulations Bylaw 1738, 2016, and direct staff to prepare Building Bylaw and Fee related amendments and potential amendments to the Electoral Area F OCP.
2. To not proceed with the Amendment Bylaw readings, the public hearing, Manufactured Home Park Regulations, or staff reports on other potential related amendments.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated Commercial/Industrial Mixed Use and is located within the Bellevue-Church Road Rural Separation Boundary pursuant to the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999” (OCP). Although Map 2 – Land Use Designations of the OCP designates the subject property Commercial/Industrial Mixed Use, the OCP does not currently contain policy corresponding to this land use designation. Notwithstanding the above, the general OCP

policies that apply to lands within the Bellevue-Church Road Rural Separation Boundaries encourage a mix of compatible uses. Therefore, the proposed manufactured home park is consistent with the spirit and intent of the OCP.

As there are currently no policies that apply specifically to lands located within the Commercial/Industrial Mixed Use Land Use Designation to provide guidance to future amendment application, staff recommends that the Board direct staff to prepare a report and draft OCP amendments for the purpose of providing clarification and direction on OCP policies specific to the Commercial/Industrial Mixed Use Land Use Designation.

Development Implications

The existing MHP-1.14 zone allows a maximum of two manufactured homes on the subject parcel. The proposed MHP-2 Zone allow a maximum of one manufactured home per 500 m² of lot area (see Attachment 8 – Proposed Amendment Bylaw 1285.25, 2016). The draft zone also allows Manufactured Home and Manufactured Home Park as Permitted Principal Uses and allows Dwelling Unit, Accessory Office, and Accessory Buildings and Structures as Permitted Accessory Uses. It should be noted that although the proposal is to have a maximum of 20 manufactured homes on the subject property, the proposed MHP-2 zone would permit up to 25 manufactured homes on the subject property with consideration to the parcel area which, is 1.29 ha.

In support of the application, the applicant has the following professional reports:

- *A Pump test and analysis* prepared by H₂O Environmental dated August 7, 2014, which indicates that the well can adequately supply the proposed development with potable water.
- *A Landscaping Plan* prepared by The Landscape Consultants dated February 12, 2016 which proposes a 3.0 m wide buffer of native evergreen trees and shrubs be planted along the length of the eastern property line and a 1.8-metre-high fence be installed adjacent to the lands located in the ALR. Staff recommend that the applicant be required to install or secure the proposed landscaping in accordance with the landscaping plan prior to the adoption of the bylaw.
- *A Hydrogeological Assessment* prepared by H₂O Environmental dated February 17, 2014 - assesses the suitability of the subject property for wastewater disposal. The report indicates that the previously installed wastewater treatment system is a Type 3 system with the capacity to treat 18,000 litres per day. The report found that the proposed development represents a very low risk to neighbouring properties and the receiving environment.
- *A Drainage Study* prepared by Timberlake-Jones Engineering dated October 2015 - a stormwater detention pond located in the south west corner of the subject property designed to discharge runoff at the predevelopment discharge rate for the 2 year and 100 year storm events is proposed. In addition, the Ministry of Transportation and Infrastructure (MOTI) have reviewed the proposed drainage plan and have indicated that it meets Ministry requirements.

In recognition of the increased development potential that would be achieved through rezoning the subject property, the applicant is offering a community amenity contribution in the form of a cash contribution of \$5,000 to be used for local park improvements in the area. (see Attachment 2 – Conditions of Approval).

Concerns were raised by the community with respect to the unsightliness of the property relating to various uncovered debris and the condition of an existing accessory building located on the north east of the subject property. In response the applicant has agreed to do a general cleanup of all material which is not located within a building or structure. In addition, the applicant has agreed to remove the existing accessory building located on the north east side of the subject property as it is in a state of disrepair (See Attachment 7). Staff recommends that these items be complete prior to adoption of the bylaw.

Based on the information provided by the applicant in support of this application, the proposed development is not anticipated to have a negative impact on the environment and measures are proposed to reduce the impact on the adjacent properties. In addition, the proposal would contribute towards Goal 6 – Facilitate the Provision of Affordable Housing of the Regional Growth Strategy. As such, staff recommend that the Board grant 1st and 2nd reading to Bylaw 1285.25, 2016 and proceed to Public Hearing.

Proposed Manufactured Home Park Regulations Bylaw

In order to provide for direction, consistency, and minimum standards for the development of new manufactured home parks within the proposed MHP-2 zone, staff recommend that the Board consider the adoption of a Manufactured Home Park Regulations Bylaw (MHP Bylaw). The draft MHP Bylaw as proposed would only apply to properties that are zoned MHP-2. Currently, only the subject property is being contemplated for MHP-2 zoning and there are no properties that are zoned MHP-2. The draft MHP Bylaw as proposed would only apply to additional manufactured home parks where the property owner has chosen to rezone to the new MHP-2 zone, which would be subject to Board approval.

The authority to adopt a MHP Bylaw comes from Section 298(j) of *The Local Government Act*. The purpose of the draft MHP Bylaw (see Attachment 9) would be to regulate the construction and layout of manufactured home parks and require the provisions of adequate facilities to serve the needs of the manufactured home park tenants. Schedule 3D of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) includes Residential Mobile Home Park Regulations and Standards similar to what is being proposed which are applicable to manufactured home parks in areas covered by Bylaw 500. These standards were based on a document published by the Ministry of Municipal Affairs in 1980 that was a widely-adopted template for local governments in the creation of manufactured home park bylaws.

If the MHP Bylaw is approved, a manufactured home park permit would be required prior to the establishment or expansion of a manufactured home park. The RDN Building Inspection Services Department would issue a permit for the establishment of a manufactured home park zoned MHP-2. Individual building permits would continue to be required to locate each manufactured home within a manufactured home space.

The draft MHP Bylaw would be adopted in accordance with Section 298(j) of *The Local Government Act* and as such does not require a Public Hearing. Staff recommend the Board give three readings to the draft MHP Bylaw in accordance with Section 135 of the *Community Charter*.

In addition, if the Board grants three readings to the draft MHP Bylaw, staff recommends that the Board direct staff to prepare a report on an amendment to the RDN Building Regulations Fees and Charges Bylaw No 1595, 2010 and RDN Building Regulations Bylaw No. 1250, 2010” to establish fees and regulations for issuing Manufactured Home Park Permits.

FINANCIAL IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal has no implications related to the Board 2015 – 2019 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal will contribute towards increasing affordable housing to support all members of a community in keeping with the 2013 – 2015 Board Strategic Plan.

INTER-GOVERNMENTAL IMPLICATIONS

The application was referred to the Ministry of Agriculture, Island Health, the Ministry of Transportation and Infrastructure (MOTI), K'omox First Nation, Qualicum First Nation, Nanoose First Nation, Snuneymuxw First Nation, City of Parksville, Agricultural Land Commission, and the local Fire Department for review and comment. As of the date of this report, with the exception of the MOTI and the Ministry of Agriculture, no concerns were identified.

The Ministry of Transportation and Infrastructure indicated that an access permit was required as well as a stop sign was to be installed where the access road joins on to Bowlby Road. The Ministry also expressed concerns with respect to off-site drainage and has indicated that the lock-block barricade must be removed from the Whibley Road right-of-way. In addition, MOTI indicated that an access road is to be preserved to secure access off of Whibley Road if it is needed in the future. In response, the applicant has obtained an access permit and is proposing to install a stop sign, remove the lock-block barricade, and secure an emergency access to Whibley Road by registered right-of-way. Staff have included these items as conditions to be completed prior to consideration of adoption. With respect to drainage, MOTI has undertaken significant local drainage improvements downstream of the subject property and has reviewed and is in concurrence with the proposed drainage plan for the subject property. As the subject property is located within 800 metres of a controlled access highway, MOTI approval is required prior to adoption of the amendment bylaw.

The applicant is proposing, in response to a request from the Fire Chief, to provide access to a 45,460 litre water tank on the subject property for firefighting purposes. The applicant has agreed to enter into an agreement with the local fire department to have access to and use of the water tank. The applicant has agreed to install a fitting on the tank that would allow the fire department to access the water. Staff recommends that the applicant be required to complete the installation of the water tank and fitting and provide proof that the applicant has entered into an agreement with the fire department for access to and use of the water tank to the satisfaction of the Fire Chief prior to adoption.

In its initial comments, the Ministry of Agriculture expressed concern with the limited width of the proposed 3.0 m vegetated buffer adjacent to the ALR. The Ministry also indicated that it had concerns with lack of fencing details in the landscape plan and the potential impact of trespass, litter, crop damage, livestock harassment from dogs, etc. as a result of not having adequate separation distance between land in the ALR and the proposed manufactured home park. The Ministry also identified a concern over the potential impact of drainage from the subject property on the adjacent ALR land. Lastly, the Ministry has requested that the applicant be required to register a buffer maintenance plan and nuisance covenant as a means of placing future owners on notice of the potential impacts of

agricultural activities on the adjacent ALR land and to ensure that the proposed buffer is adequately maintained.

The applicant has provided a drainage study which ensures that the adjacent ALR land will not be impacted by offsite drainage which originates from the subject property. However, given the long and narrow dimensions of the subject property, it is not practical to provide a buffer that is consistent with the Ministry of Agriculture's Guide to Edge Planning which suggests a buffer width of 15 metres and a minimum setback requirement of 30 metres be applied to residential development adjacent to the ALR.

In staff's assessment, the applicant is proposing the widest possible buffer given the property dimensions and proposed manufactured home park layout. The total buffer proposed includes a 1.8 metre fence, 1.5 metres to accommodate a ditch, and a 3.0 metre vegetative buffer. A wider buffer would likely result in approximately nine fewer manufactured homes, or an approximate reduction of 50% of the number of manufactured homes. Under most circumstances, on lands adjacent to the ALR, staff would recommend the establishment or maintenance of a buffer that is consistent with the Ministry's Guidelines. given the dimensions of the parcel, the fact that there is broad support for the proposed development in the OCP, and the fact that the current zoning and historic development patterns on adjacent properties contemplate a manufactured home park on the subject property, staff do not recommend that the applicant be required to provide a buffer that meets the Ministry's Guide to Edge Planning for lands adjacent to the ALR.

In response to the Ministry of Agriculture's concerns, staff is recommending that the applicant be required register a buffer maintenance plan and a disclosure statement as a Section 219 covenant to prohibit the removal of the fence and buffer to establish a buffer maintenance plan, and to inform prospective land buyers that the property is close to an agricultural area where acceptable farm practices may result in noise, dust, odour, and other impacts during certain times of year as requested by the Ministry.

PUBLIC CONSULTATION IMPLICATIONS

Public Information Meetings (PIM) were held on May 25, 2015 and January 21, 2106. A total of approximately 31 members of the public attended the meetings (see Attachment 5 and 6 – Summary of Minutes of the Public Information Meetings). A number of concerns were raised as outlined in the meeting minutes. The applicant is proposing to address a number of the concerns raised by the community including the installation of a fence along the access road where it connects to Bowlby, a general clean up of the property, and addressing concerns related to drainage and secondary access.

SUMMARY/CONCLUSION

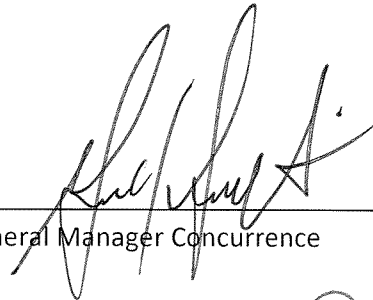
The applicant proposes to rezone the subject property to increase the maximum manufactured home density from two manufactured homes per parcel to one manufactured home per 500 m² to permit 20 manufactured homes to be located on the subject property. As part of this application staff is proposing that the Board consider granting three readings to a draft MHP Bylaw that would only apply to properties zoned MHP-2 for the purpose of providing direction, consistency, and minimum standards for how manufactured home parks are developed. In addition, staff is requesting that the Board direct staff to prepare a report on potential amendments to the RDN Building Regulations Fees and Charges Bylaw and Building Regulations Bylaw, and to prepare a report on potential OCP amendments for the purpose

of providing clarification and direction with respect to OCP policies within the Commercial/Industrial Mixed Use Land Use Designation.

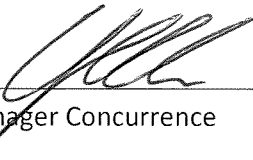
The applicant has satisfied the concerns raised by the MOTI and is proposing a number of efforts to address the concerns raised by the Ministry of Agriculture and the community. In staff's assessment, the applicant has demonstrated that the proposal will not result in negative impacts to groundwater resources or off-site drainage. In response to the concerns raised by the community and the Ministry of Agriculture, comments received from MOTI, and recommendations contained in the various professional reports, staff are recommending that the requirements set out in the Conditions of Approval are to be completed by the applicant prior to the Board's consideration of the Bylaw for adoption (see Attachment 2). Therefore, staff recommends that Amendment Bylaw No. 1285.25, 2016 be granted first and second reading, that Electoral Area F Manufactured Home Park Regulations Bylaw No. 1738, 2016" be introduced and read three times, and that staff be directed to prepare the reports as identified herein.



Report Writer



General Manager Concurrence

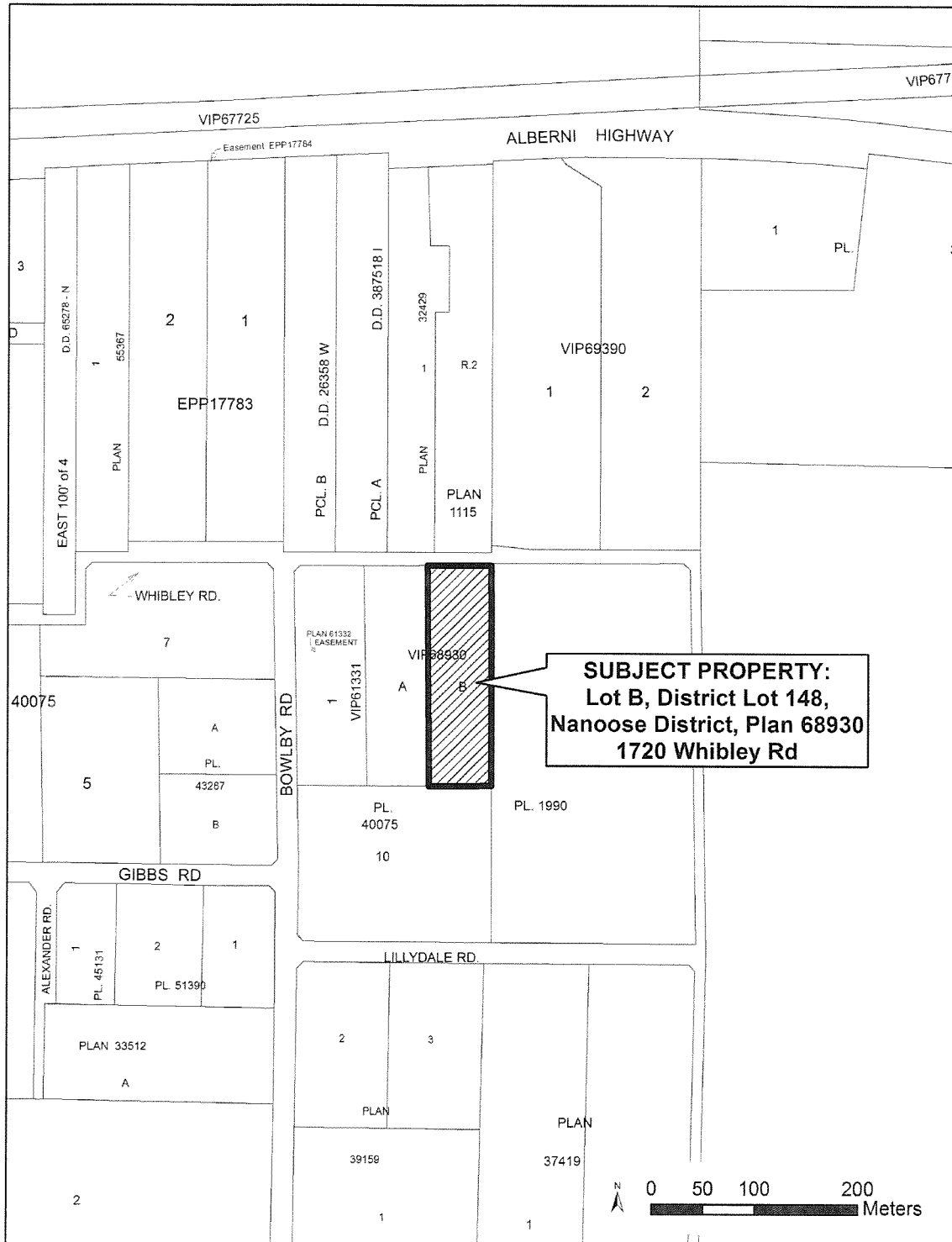


Manager Concurrence



CAO Concurrence

Attachment 1
Subject Property Map



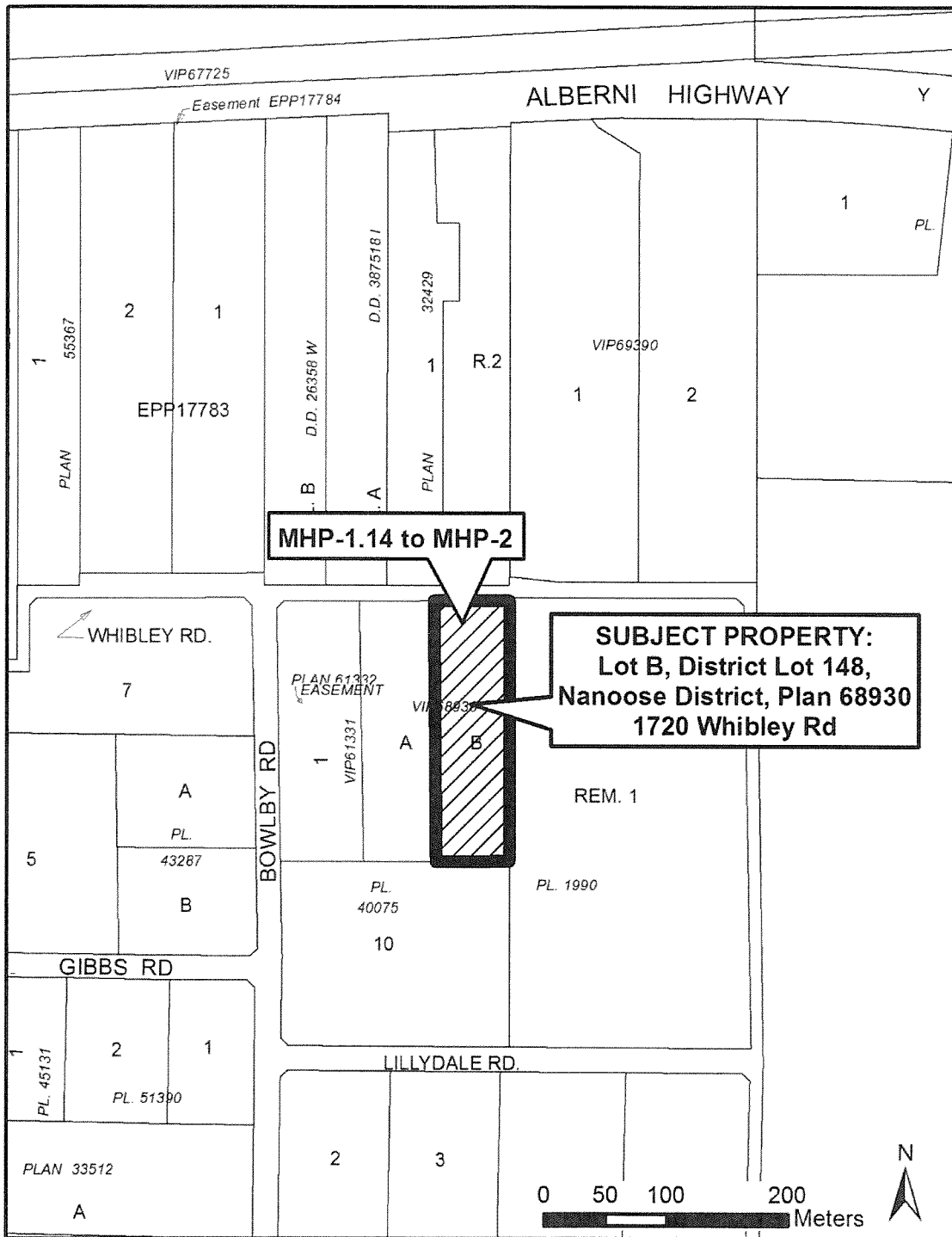
Attachment 2
Conditions of Approval

Conditions of Approval:

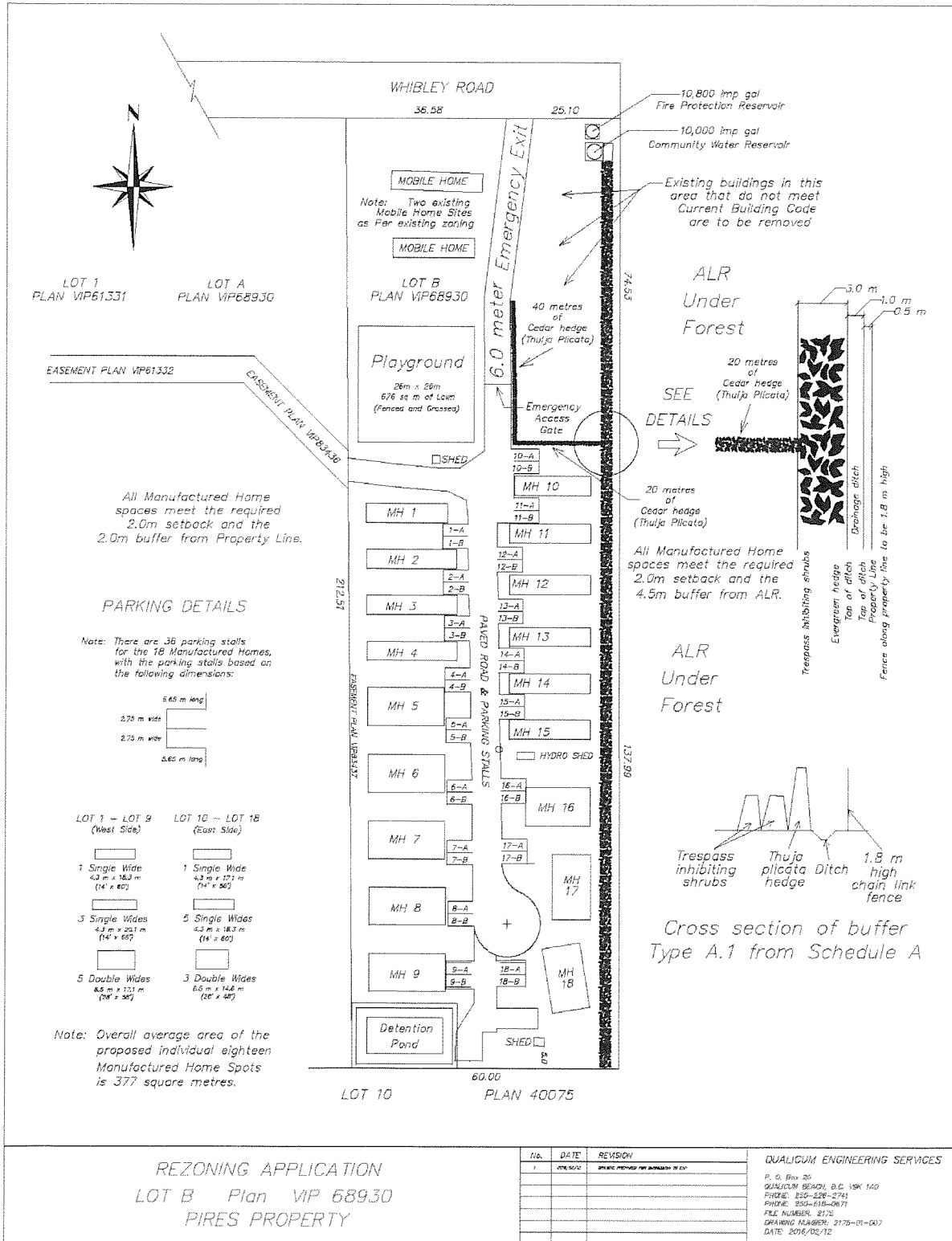
The following is required prior to the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2016" being considered for adoption:

1. Removal of all accessory buildings and structures located on the north east corner of the parcel as shown in the photos included as Attachment 7.
2. A landscaping security deposit in the amount \$52,059.00 as per the landscaping cost estimate provided by The Landscape Consultants dated February 12, 2016 shall be provided in the form of cash, cheque, or irrevocable letter of credit with an automatic extension clause or alternatively the installation of the landscaping.
3. Registration of a Section 219 covenant which requires the site to be developed in accordance with the Drainage Plan prepared by Timberlake-Jones Engineering Dated October 2015 and developed in substantial compliance with the site plan prepared by Qualicum Engineering dated February 12, 2016.
4. Registration of a Section 219 covenant that establishes a maintenance plan for the buffer, and prohibits the removal of the proposed landscaping and fencing along the ALR boundary and to include a disclosure statement to inform prospective land buyers that the property is close to an agricultural area where acceptable farm practices may result in noise, dust, odour, and other impacts during certain times of year.
5. Removal of all discarded and disused material, including derelict vehicles, derelict manufactured home, automobile parts and assorted debris as well as a general cleanup of all items that are outdoors and not located within a building. All remaining materials shall be stored in a building or structure or in an uncovered area which is screened from all sides with fencing and/or landscaping to the satisfaction of the RDN.
6. Secondary emergency access to Whibley Road is to be secured through a registered right-of-way on the title of the subject property to the satisfaction of RDN and MOTI.
7. The applicant shall provide written confirmation that a water tank with a minimum capacity of 45,460 litres has been installed for firefighting purposes with a fitting attached to facilitate connection of a firetruck and/or pumper truck for the purpose of fire protection to the satisfaction of the Local Fire Chief and Island Health.
8. The Applicant shall provide proof of an agreement between the property owner and the local fire department to provide access to and use of the water tank to the satisfaction of the Fire Chief.
9. Removal of the obstruction across Whibley Road Right of Way and the installation of a Stop sign at the access point to the subject property from Bowlby Road to the satisfaction of MOTI.
10. The applicant shall provide a community amenity contribution in the amount of \$5,000.00 to be used towards local park improvements in the area.

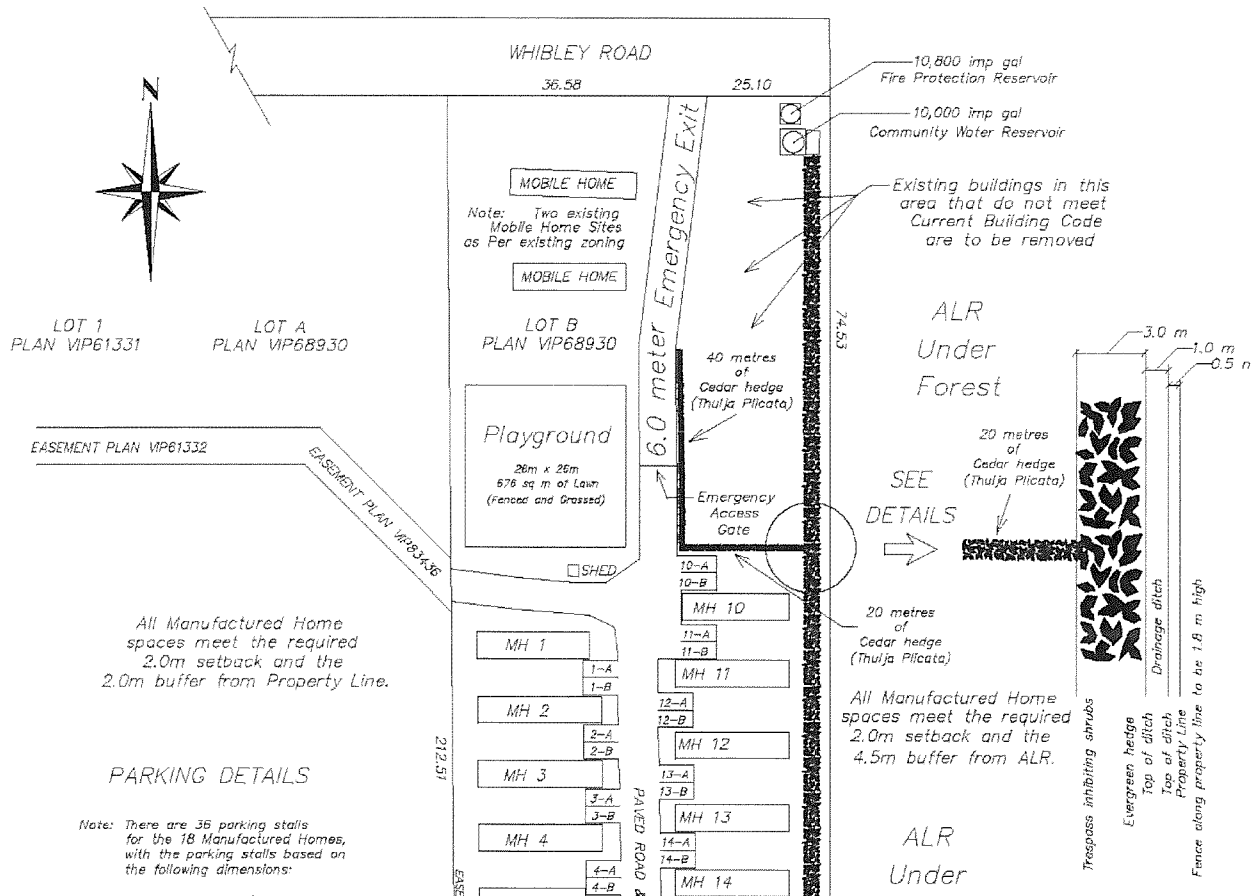
Attachment 3
Current Zoning Map



Attachment 4 (page 1 of 4)
Proposed Site Plan

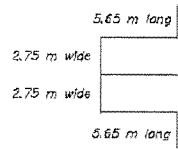


Attachment 4 (page 2 of 4)
Proposed Site Plan (Enlarged for Convenience)



Attachment 4 (page 3 of 4)
Proposed Site Plan (Enlarged for Convenience)

the following dimensions:



LOT 1 - LOT 9
(West Side)

1 Single Wide
4.3 m x 18.3 m
(14' x 60')

3 Single Wides
4.3 m x 20.1 m
(14' x 66')

5 Double Wides
8.6 m x 17.1 m
(28' x 56')

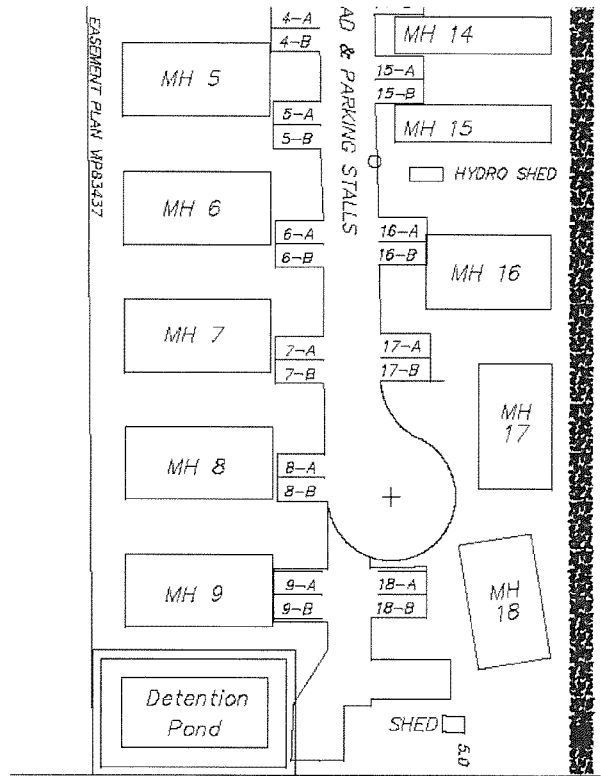
LOT 10 - LOT 18
(East Side)

1 Single Wide
4.3 m x 17.1 m
(14' x 56')

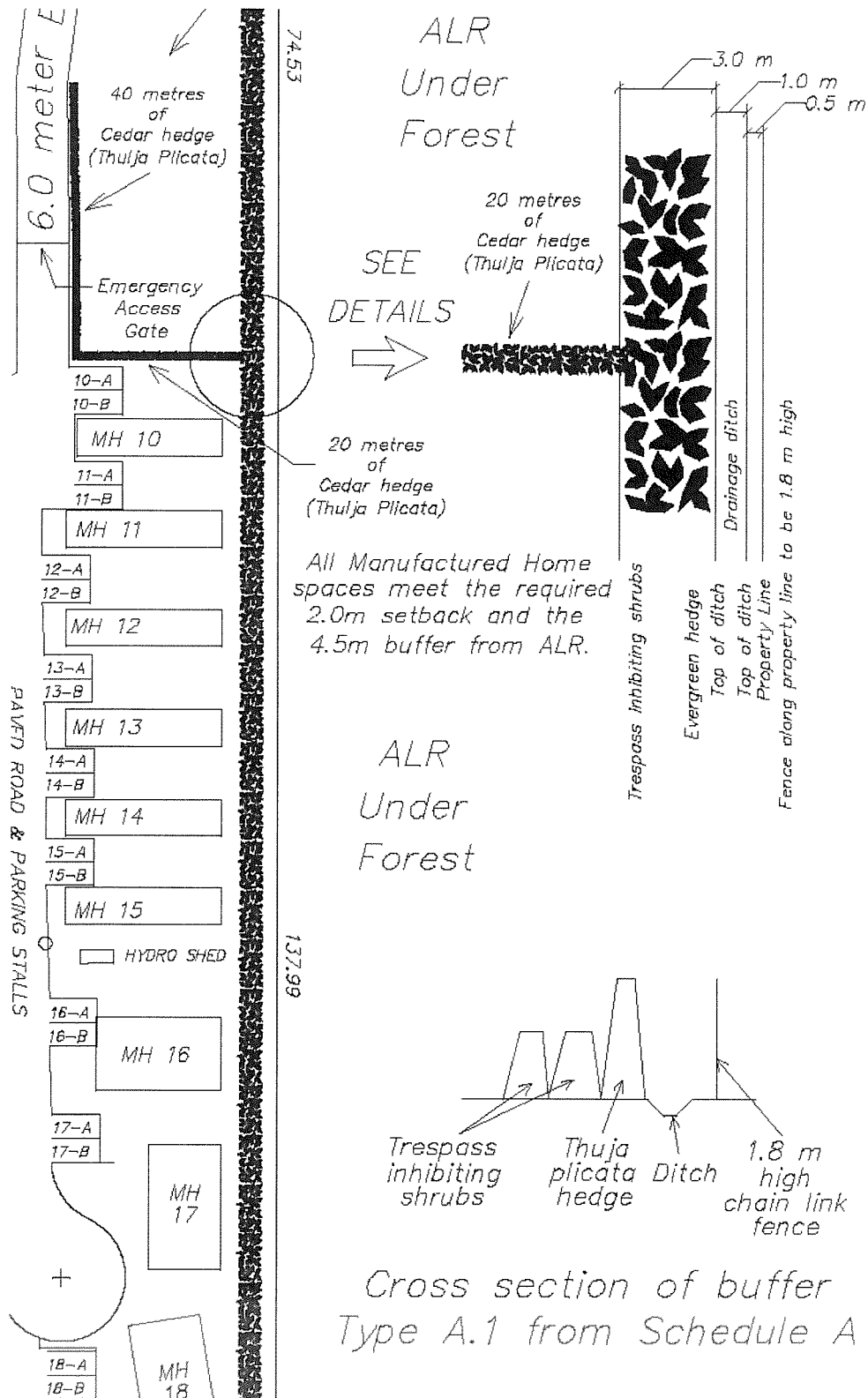
5 Single Wides
4.3 m x 18.3 m
(14' x 60')

3 Double Wides
8.6 m x 14.6 m
(28' x 48')

Note: Overall average area of the proposed individual eighteen Manufactured Home Spots is 377 square metres.



Attachment 4 (page 4 of 4)
Proposed Site Plan (Enlarged for Convenience)



Attachment 5
Summary of Minutes of a Public Information Meeting
Held at Bradley Centre
975 Shearmer Road, Coombs, BC, Electoral Area 'F'
Monday, May 25, 2015, 6:30 pm
Amendment Bylaw No. 1285.24

There were 20 members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo (RDN):

Director Julian Fell, Electoral Area 'F' (the Chair)
Jeremy Holm, Manager of Current Planning
Angela Buick, Planner

Present for the Applicant:

Ralph Christianson, Agent
Robert Roenicke, Agent and Project Engineer
Luke Downs, Landscape Consultant
Tony Pires, 1050 Bowlby Road, Subject Property Owners Son

The Chair opened the meeting at 6:30 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant(s) in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Angela Buick, provided a brief summary of the proposed OCP and Zoning Amendment including the supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Ralph Christianson, Agent, presented an overview of the proposal.

Luke Downs, Landscape Consultant, presented an overview of the proposed landscape plan.

Following the presentation, the Chair invited questions and comments from the audience.

Mike Biickett, #28-1714 Alberni Hwy, will a landscaped buffer be required along Whibley road?

Ralph Christianson, responded stating; not at present.

Paul Whyllie, #4-1040 Whibley Road, asked if there are there any assurances that drainage will not be impact surrounding properties. Drainage runs west to east.

Ralph Christianson and Luke Downs, explained the drainage flow on the site and that it would not have an increased effect on properties to the west.

Laura Greig, 1890 Gibbs Road, inquired if the increased in water consumption will effect on our water, has the water been assessed?

Luke Downs, Yes there has been report provided.

Laura Greig, 1890 Gibbs Road, asked if there has been a traffic assessment? There will be an increased amount of traffic and there is a daycare and a dance studio for children closely. There are no sidewalks and no street lights.

Chairperson Julian Fell, Ministry of Transportation and Infrastructure (MOTI) is responsible for all the roads in the within the RDN.

Angela Buick, explained that there was a referral to MOTI and they did not request a traffic study, although an assessment can be requested from the RDN.

Ramon Trembley, #4-1714 Alberni Highway, states that there are no lights or sidewalks.

Bev Smith, #11-1050 Bowlbey Road, stated that when it rains the ditches over flow. Where does the drainage go? (There are current problems with the drainage across the road-culvert).

Ralph Christianson, explained that there is a dam across the road on private property. He explained the culverts are not the issue it is the dams that seem to be causing the problem. Property grades are also adding to the problem.

Joanne Shewchuck, 1790 Alberni Highway, stated that the ponds that overflow are over a foot deep. Asked why would drainage not be directed to Alberni Highway?

Carolyn Smith #20-1015 Bowlby Road, spoke to her concerns with regard to water drainage, and with the unsightliness of Mr. Pires' Residence located on the subject property.

Chairperson Julian Fell, MOTI completed a leveling study on Grafton Road. Explained currently there is no bylaw in Area 'F' for unsightly premises.

Sally Whibley, 1735 Lilydale Road, indicated that she has a large dug pond to contain water but does over flow and new development will affect it even more and effect use of her property. Concerned with unsightliness of Mr. Pires residence and unsafe materials left open for children to hurt themselves.

Paul Wylie, #4-1050 Bowlbey Road, raised concerns regarding the additional water infiltration to being into the ground due to the paved area on the site, the result has affected drainage.

Jeremy Holm, we can revisit the drainage issue.

Paul Wylie, #4-1050 Bowlbey Road, stated that Forest Lands and Natural Resource Operations (FLNRO) should be contacted for addressing alteration of the stream.

Mike Bickett, #28-1714 Alberni Highway, raised concerns with access (proposed a short cut from subject property through 1714 Alberni Highway property). What is to stop people from accessing off Alberni Highway?

Ralph Christianson, MOTI will not allow access to Alberni Highway and will require a gate.

Tony Pires, 1050 Bowlby Road, an EMCON employee stated the placement of a barricade along Whibley Road is allowed but barriers will need to be replaced with a gate to permit Fire Department access.

Shauna Borlien, 1750 Whibley Road, recently purchased her property. Asked if it is her property causing the flooding problem? Stated that MOTI/EMCON indicated they will be improving the ditches in the area.

Ralph Christianson, we cannot go onto private property to investigate the full extent of the drainage pattern. A larger study is required to determine broader issues. EMCON came by because they are re-doing the ditches.

Bill Robinson, 12A Bowlbey Road, concerned with extra traffic due to access through our site. Why can't access go through Whibley Road?

Tony Pires, 1050 Bowlby Road, we were informed that the access off 1730 Bowlbey is the best point of access because to access through to Whibley Road, the driveway would be over adjacent parcel to the subject property and would be too close to the septic field.

John Wilson, #2-1050 Bowlbey Road, stated concerns with impact of increased traffic. He noted that he counted 50 cars between the hours of 10am-2pm and 10-15 close calls at the access point.

Diana Goetjon, #14-1050 Bowlby Road, these are family parks. The more traffic, the more dangerous it is for pedestrians and kids.

Sally Whibley, 1735 Lilydale Road, stated that her kids grew up here and they have been almost hit by vehicles many times. This development needs a safer access point. Stop sign at Bowlby? Somehow the traffic needs to slow down.

Ramon Trembley, #4-1714 Alberni Highway, asked if infrastructure has been set up to handle additional water supply?

Ralph Christianson, there will be an independent water supply system (drilled well with very good water quality that will be up to standard) to 1420 Whibley Road. It will be capable of handling more than needed. Water should be improved. System could supply water access to adjacent parks.

Bill Robins, #12A-1050 Bowlby Road, inquired if additional water will help with reduction of fire insurance per trailer?

Tony Pires, 1050 Bowlby Road, explained the area is semi-protected, putting trunks in won't reduce insurance rates.

Chairperson Julian Fell, explained how insurance works for groundwater vs hydrants.

Rick Tremaine, 1819 Gibbs Road, asked for clarification; does traffic have nothing to do with the RDN? We are concerned with traffic speed enforcement. Aquifer is of concern, what are the commercial uses proposed?

Ralph Christianson, none, just accessory storage and shop.

Bev Smith, #11-1050 Bowlby, stated that property owner on Grafton filled in her ditch which is causing flooding problems.

Bart Whibley, 1735 Whibley Road, questioned where will the extra water go when adding 68 bedrooms?

Bob Roenicke, there is a type 3 system installed – explained system.

Ralph Christianson, explained that H2O Environmental Consulting conducted a report to assess the capacity of the system and the land for the additional residents. Field is separated from aquifer.

Paul Wylie, #4-1050 Bowlby Road, access to park by a single route is not adequate. Prior to further growth, further assessment needs to be done.

Carolyn Smith, #20-1015 Bowlby Road, concerned about commercial or industrial uses.

Angela Buick, new policies will recognize existing MHP zoned lots in the Bellevue/Church Road Rural Separation Area.

Joanne Shewchuck, 1790 Alberni Highway, questioned if Mr. Pires can apply for additional density on other MHP parcels he owns?

Angela Buick, yes, subject to a hydrogeological assessment and satisfying various other criteria as part of the amendment application process.

Sally Whibley, 1735 Lilydale Road, why can't access to this site go through 1714 Alberni Highway?

Mike Biickett, #28-1714 Alberni Highway, stated that the property located at 1714 Alberni Highway does not conform to any zoning or setbacks.

Tony Pires, 1050 Bowlby Road, 1720 Whibley Road, explained that additional traffic as a result of the proposed development will not be going through 1714 Alberni highway.

Bev Smith, #11-1050 Bowlby Road, stated that the lack of sufficient power is an issue. If you plug two things in the breaker will blow. Questioned where the extra power will be coming from for this development?

Tony Pires, 1050 Bowlby Road, responded that each lot (MHP development) has their own transformer for their own power.

Sally Whibley, 1735 Lilydale Road, (presented pictures of safety concerns). Asked for clarification as to what the items were in the photos as they looked unsafe. (Open wires in buckets of water).

Sandra Wylie, #4-1050 Bowlby Road, asked if there will be any landscaping required.

Luke Downs, responded that there will be a grassed area over the existing septic field and will be installing landscape buffering in response to the Ministry of Agriculture referral response.

Unknown, stated that there is an unsightly mess at Mr. G. Pires residents. Something has to be done.

Gary Whibley, 1735 Whibley Road, asked if there be a license to take care of the septic system.

Bob Roenicke, Yes, there is a maintenance schedule.

Tony Pires, 1050 Bowlby Road, the Manufactured Home Park at 1050 Bowlby Road is currently zoned for 19 homes and Gabriel would like re-zone to allow 20 homes.

Jeremy Holm, explained MHP standards will be part of all new development applications.

Shauna Borolien, 1780 Whibley Road, questioned that, if all present at this meeting object to this development, then what can we do about it?

Chairperson Julian Fell, explained that during the application process there is opportunity to raise concerns and if there are aspects that are unfavorable, then these are addressed.

Jeremy Holm, explained process for public comment and the how the Board votes. The minutes are presented before the Board makes a decision on the proposed amendment.

Joanne Shewchuck, 1790 Alberni Highway, expressed that that she is not happy about the residential density increase and the resulting increased traffic.

Jeremy Holm, clarified the zoning and land use designation of the subject property.

Dale Shewchuck, 1790 Alberni Highway, stated that the ditches are the beginning of morning star Creek. Suggested this needs to be a consideration for the extra water flow. The existing pipes cannot handle this flow; the drainage needs to be addressed.

Gary Whibley, 1735 Whibley Road, stated that the Ministry had Engineers out from Vancouver to look at the ditches and the flooding issue. There is a clay layer and the water just moves over top of it straight rather than filtering in.

The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 8:24 pm.



Angela Buick
Recording Secretary

Attachment 6
Summary of Minutes of a Public Information Meeting
Held at Bradley Centre
975 Shearmer Road, Coombs, BC, Electoral Area 'F'
Thursday, January 21, 2016, 7:00 pm
Amendment Bylaw No. 1285.25

Note: This summary of the meeting is not a verbatim recording of the proceedings, but is intended to summarize the comments and questions of those in attendance at the Public Information Meeting.

There were 11 members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo (RDN):

Director Julian Fell, Electoral Area 'F' (the Chair)
Jeremy Holm, Manager of Current Planning
Greg Keller, Senior Planner

Present for the Applicant:

Ralph Christianson, Agent
Robert Roenicke, Agent and Project Engineer
Luke Downs, Landscape Consultant
Tony Pires, 1050 Bowlby Road, Subject Property Owners Son

The Chair opened the meeting at 7:00 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant(s) in attendance. The Chair then stated the purpose of the Public Information Meeting and asked RDN staff to provide background information concerning the development application.

Greg Keller, provided a brief summary of the proposed Zoning Amendment including the supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to give a presentation of the development proposal.

Ralph Christianson, Agent, presented an overview of the proposal.

Bev Smith, #11-1050 Bowlby Road, asked for clarification about detention pond.

Robert Roenicke explained that detention pond is to retain excessive rainfall and release it at a rate that the roadside ditches can handle. Mr. Roenicke explained that the design has been accepted by MOTI.

Paul Whyllie, #4 – 1040 Whibley Road, commented to clarify his understanding of the detention pond function.

Ralph Christianson, clarified that the water in the stormwater detention pond would naturally infiltrate into the groundwater.

Ralph Christianson explained that there will be an interceptor ditch to ensure that rainfall stays on site.

Ralph Christianson outlined the proposed secondary emergency access.

Angel 1714 Alberni Hwy, asked about where the gates would be installed and which properties would be affected.

Ralph Christianson, explained that there would be a gate installed across the proposed emergency access that could be opened in the event of an emergency.

John Wilson, #2 - 1050 Whibley Road, asked why the main traffic access isn't coming off of Whibley? Mr. Wilson spoke to his concern about traffic speed and volume coming out of service road.

Ralph Christianson, explained that the proposed access has been approved by MOTI.

Bev Smith, #11 – 1050 Bowlby Road, asked how the amount of traffic has anything to do with the location of the access? Ms. Smith suggested access should be off of Whibley Road.

Paul Wylie, #4 – 1040 Whibley Road, asked if the applicant could ask MOTI to have primary access off of Whibley Road.

Tony Pires explained that MOTI has already approved proposed access.

Paul Wylie, #4 – 1040 Whibley Road, spoke to his concern about increased traffic flow. Mr. Wylie requested that the applicant consider secondary access to be open to the public. Mr. Wylie also spoke to his concern regarding emergency secondary access.

Dale Shewchuk, 1790 Alberni Highway, spoke to his concern about the distance the Fire Department has to travel to access the subject property. Mr. Shewchuck suggested that the emergency access should be used for Fire Department access to shorten the distance that the Fire Department must travel to access the property.

The Chair, explained that the Fire Department can access over private property within their authority.

Ralph Christianson, that the emergency access is located on private property. Mr. Christianson explained that the gate can be opened to allow the fire department through.

Bev Smith, #11 – 1050 Bowlby Road, asked for clarification on MOTI responsibility regarding access.

Greg Keller, explained that MOTI approves access. Mr. Keller also explained that the Fire Chief has received a referral and provided comments regarding the proposal.

Ralph Christianson, indicated that the Fire Chief is happy with the proposed access and water tank improvements. Mr. Christianson indicated that he will discuss changing the access in response to concerns raised at the meeting with his client.

Sue Wilson, #2 – 1050 Bowlby Road, asked who is removing uncovered debris from the subject property.

Ralph Christianson, responded that the applicant will be working with the RDN to address the uncovered materials and the existing accessory building. Mr. Christianson explained that improvements will be made to the hydro building, pump house, and storage building.

David Harris, 1799 Gibbs Road, spoke to his concern over ground water protection and what the average unit uses per day.

Ralph Christianson, responded by explaining that a 48-hour pump test was conducted that showed that the well produced above what the province required. Mr. Christianson, also explained that the pump

test was done during the dry season and the quantity was excellent. Mr. Christianson, added that H₂O environmental did the well test and reviewed the site to determine if there would be any impacts on the aquifer. Mr. Christianson, explained that the report determined that the wastewater treatment system would have no influence on the aquifer as there are several layers of impermeable clay.

David Harris, 1799 Gibbs Road, asked what type of treatment system is proposed.

Robert Roenicke, explained that the proposed wastewater system is a type 3 system. Mr. Roenicke provided an overview of the wastewater treatment system.

David Karras, 1799 Gibbs Road, asked about the impact of traffic on to Alberni Highway and Shearme Road and the possibility of enhancing the intersection at Sherme and the Alberni Highway.

Jeremy Holm, explained that the suggested roadway improvements go beyond the scope of this project and road network planning falls under MOTI jurisdiction.

Paul Wylie, #4 – 1040 Whibley Road, asked about parking requirements.

Ralph Christianson, indicated that 27 parking spaces are required and 40 are being proposed.

The Chair asked if there were any further questions or comments.

Being none, the Chairperson thanked those in attendance and announced that the Public Information Meeting was closed.

The meeting was concluded at 8:22 pm.



Greg Keller
Recording Secretary

Attachment 7 (Page 1 of 2)
Accessory Buildings to be Removed prior to adoption



Attachment 7 (Page 2 of 2)
Accessory Buildings to be Removed prior to adoption



Attachment 8
Proposed Amendment Bylaw No. 1285.25, 2016

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.25**

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

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 Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2016".

B. "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:

1. Under **SECTION 4 – ZONES**, by adding the following zoning classification and corresponding short title after Section 4.11, MHP-1 Manufactured Home Park-1:

Section 4.11A, MHP-2 Manufactured Home Park-2

as shown on Schedule '1' which is attached to and forms part of this Bylaw.

2. By amending **Schedule "B" – ZONING MAPS** to rezone the lands legally described as

Lot B, District Lot 148, Nanoose District, Plan 68930

from Manufactured Home Park 1.14 (MHP-1.14) to Manufactured Home Park 2 (MHP-2) as shown on Schedule '2' which is attached to and forms part of this Bylaw.

3. Under **SECTION 4.23 – SITE SPECIFIC ZONING REGULATIONS - ADDITIONAL MHP ZONES**, by deleting MHP-1.14.

4. Under **Section 2.14 – Table 2.1 – Sign Regulations**, by adding MHP-2 to row a below MHP-1.

5. Under **Table of Contents** insert MHP-2 Manufactured Home Park 2 after MHP-1.

Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

Chairperson

Corporate Officer

Chairperson

Corporate Officer

Schedule '1'

MHP-2 Manufactured Home Park 2

Section 4.11A

4.11A.1 Permitted Principal Uses

- a) Manufactured Home
- b) Manufactured Home Park

4.11A.2 Permitted Accessory Uses

- a) Dwelling Unit
- b) Accessory Office
- c) Accessory Buildings and Structures

4. 11A.3 Regulations Table

Categories	Requirements
a) Permitted Manufactured Home and Dwelling Unit Density	<ul style="list-style-type: none"> i. A maximum of one (1) manufactured home per 500 m² of site area, and ii. One (1) dwelling unit per lot provided the dwelling unit is included in the density calculation in 4.11A.3a(i) above.
b) Minimum Lot Size	1.0 ha
c) Minimum Manufactured Home Space Area	<ul style="list-style-type: none"> i. 330 m² for manufactured homes which are greater than or equal to 4.3 m in width and less than 8.3 metres in width. ii. 370 m² for manufactured homes which are 8.3 m or greater in width.
d) Minimum Lot Frontage	30 metres
e) Maximum Lot Coverage	35 %
f) Maximum Building and Structure Height	
i. Manufactured Home	7.5 metres
ii. Dwelling Unit	10.0 Metres
iii. Alterations to a Manufactured Home (Deck, Carport, Patio)	6.0 metres
iv. Buildings not located on a Manufactured Home Space	10.0 metres

v.	Accessory Building or structure located on a Manufactured Home Space	3.0 metres
g) Maximum Building and Structure Floor Area		
i.	Accessory Buildings not located on a Manufactured Home Space	Maximum combined building floor area of 400 m ² per lot may be constructed.
ii.	Accessory Building located on a Manufactured Home Space	A maximum of one (1) accessory building up to 10 m ² in floor area may be constructed on each manufactured home space.
iii.	Porches, Decks, and Carports	<p>a. No buildings or structures other than a manufactured home shall be constructed, erected, or located on a Manufactured Home Space except as follows:</p> <p>I. One or more of the following may be constructed on each Manufactured Home Space not exceeding a maximum combined floor area of 20 m²:</p> <ol style="list-style-type: none"> a. Porch b. Deck c. Carport <p>II. The following are permitted on each manufactured home:</p> <ol style="list-style-type: none"> a. Wheel chair ramps b. One (1) entrance stairway for a secondary access not exceeding a floor area of two (2) m².
iv.	Accessory Office	One (1) accessory office building not exceeding a maximum floor area of 50 m ² .
h) Minimum Setback Requirements		
i. Setbacks that apply to lot lines, common parking areas, and Internal Access Roads		
a.	Front Lot Line and Exterior Side Lot Lines	4.5 metres
b.	All Other Lot Lines	2.0 metres
c.	Internal access road or common parking area	2.0 metres
ii. Setbacks and Minimum Separation Distances that apply to Manufactured Home Spaces and Between Buildings		
a.	Minimum separation between Manufactured Homes or additions thereto	6.0 metres
b.	Minimum setback from all manufactured home space boundaries	2.0 metres

<p>c. With the exception of decks, carports, or porches, the minimum separation distance between a manufactured home and all accessory buildings shall not be less than:</p>	<p>i. 2.0 metres for buildings with a floor area of 6.0 m² or less.</p> <p>ii 6.0 metres for buildings with a floor area greater than 6.0 m².</p>
<p>d. Minimum separation distance between any portion of a deck, porch, or carport and an adjacent Manufactured Home Space.</p>	<p>1.5 metres</p>
<p>iii. Setbacks that apply to Watercourses</p>	
<p>a. Minimum Setback from Watercourses</p>	<p>As outlined in Section 2.10</p>
<p>i) Minimum Parking Requirements</p>	
<p>i. Minimum parking requirements</p>	<p>One (1) parking space to be located on each Manufacture Home Space.</p>
<p>ii. Additional parking requirements</p>	<p>a. All required parking which is in addition to one (1) parking space per manufactured home (dwelling unit) shall be located within the internal access road right-of-way or in grouped parking areas of no larger than 20 parking spaces.</p> <p>b. All parking must be provided and maintained with a hard durable surface that does not produce dust and is designed in accordance with Section 2.5 – Runoff Control Standards.</p>
<p>j) Runoff Control Standards</p>	
<p>Runoff Control Standards</p>	<p>As outlined in Section 2.5</p>
<p>k) Definitions</p>	
<p>Carport means a roofed wall-less structure abutting or projecting from a manufactured home typically used to provide shelter to an automobile.</p>	
<p>Deck means a structure abutting or projecting from a mobile home with no roof or walls except for visual partitions and railings and is constructed on piers or a foundation above grade.</p>	
<p>Porch means a structure abutting or projecting from a mobile home, having a roof but with walls that are open and unenclosed to the extent of at least 50% thereof and is constructed on piers or a foundation above grade.</p>	

Schedule '2' to accompany "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.25, 2016"

Chairperson

Corporate Officer

Schedule '2'



Attachment 9

Proposed Electoral Area F Manufactured Home Park Regulations Bylaw No. 1738, 2016

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1738**

A Bylaw to Establish Manufactured Home Park Regulations

WHEREAS the *Local Government Act* enables a Regional District to regulate the construction and layout of trailer courts, manufactured home parks and camping grounds and require that those courts, parks and grounds provide facilities.

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

1. Citation

This Bylaw may be cited for all purposes as "Regional District of Nanaimo Electoral Area 'F' Manufactured Home Park Regulations Bylaw No. 1738, 2016".

2. Manufactured Home Park Regulations

Electoral Area 'F' Manufactured Home Park Regulations Bylaw No. 1738, 2016 hereby establishes manufactured home park regulations as set out in Schedule 'A' of this Bylaw.

3. Application

Electoral Area 'F' Manufactured Home Park Regulations Bylaw No. 1738, 2016 applies to the construction and layout of manufactured home parks in the following zone designated by "Regional District of Nanaimo Electoral Area F Zoning and Subdivision Bylaw No. 1285, 2002":

- a. MHP-2 Manufactured Home Park 2

Introduced and read three times this day of , 2016.

Adopted this _____ day of _____, 201x.

Chairperson

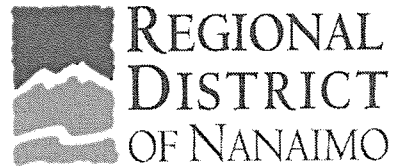
Corporate Officer

Schedule 'A' to accompany "Regional District of Nanaimo Electoral Area 'F' Manufactured Home Park Regulations Bylaw No. 1738, 2016".

Chairperson

Corporate Officer

Schedule A



Electoral Area 'F' Manufactured Home Park Regulations Bylaw



Regional District of Nanaimo Bylaw No. 1738, 2016

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1. DEFINITIONS

Buffer means an area of preserved natural vegetation, introduced vegetation, a planted berm, or any combination thereof.

Building Inspector means a person employed by the Regional District with the responsibility to administer and enforce the Building Bylaw.

Chief Building Inspector means the person holding the office of Manager of Inspection and Enforcement of the Regional District of Nanaimo.

Community Sewage System is a communal method of providing wastewater management which has been designed and installed under the direction of a professional who is registered with the Association of Professional Engineers and Geoscientists of British Columbia (APEG) in accordance with all applicable enactments.

Community Water System is a communal method of providing potable water which has been designed by a professional who is registered with the Association of Professional Engineers and Geoscientists of British Columbia (APEG) and has received a valid permit to operate under the *Drinking Water Protection Act* (British Columbia).

Construction includes installation of onsite services and other infrastructure, reconstruction, relocation, installation, repair, alteration, demolition, moving and the installation of other improvements required by this bylaw.

Highway has the same meaning as in the *Transportation Act*.

Internal Access Road means a road, lane, driveway or other route not vested in a public authority and used or intended to be used to provide vehicle access to a Manufactured Home Space in a Manufactured Home Park.

Introduced Vegetation means vegetation, other than Invasive or Noxious Species, planted on a parcel to act as a Buffer.

Invasive or Noxious Species means a species listed in the Schedule to the Weed Control Regulations, B.C. Reg. 143 or any other plant that is not native to Vancouver Island and has been identified as an invasive species by the Invasive Species Council of British Columbia.

Landscaping Plan means drawings and specifications, as required by this bylaw, showing the details of a proposed Buffer.

Lot means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or *Strata Property Act*.

Lot Line means the boundary of a lot, and;

- a) **Front Lot Line** means the lot line that is common to the lot and an abutting a highway or access route in a bare land strata plan, and where there are two or more such lot lines, the shortest is deemed to be the front lot line, and in the case of a panhandle lot means the line separating the body of the lot from the panhandle;
- b) **Rear Lot Line** means the lot line opposite to the front lot line in the case of a lot having four sides, or the lot line most distant from the front lot line and not abutting a highway or other lots having more or less than four sides, or where a rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection;
- c) **Exterior Side Lot Line** means a lot line that is not a front or rear lot line and that is common to the lot and abutting a highway or access route in a bare land strata plan or railway;
- d) **Other Lot Line** means a lot line that is not a front, rear or exterior side lot line.

Manufactured Home means a dwelling unit that is:

- a) greater than 37 m²;
- b) factory built, including mobile homes or modular homes;
- c) is intended to be occupied in a place other than its manufacture; and
- d) meets or exceeds the CSA Z240 or CSA A277 certified standard; and specifically excludes recreational vehicles.

Manufactured Home Pad means an area within a Manufactured Home Space designated, designed and prepared for the support of a Manufactured Home.

Manufactured Home Park means a parcel of land used or occupied by any person for the purposes of providing spaces for the accommodation of three or more Manufactured Homes and for imposing a charge or rental for the use of such space.

Manufactured Home Park Permit means a permit issued by the Regional District of Nanaimo to permit the establishment, construction, upgradation, expansion, alteration or subdivision of a manufactured home park on a lot where manufactured home park is a permitted use.

Manufactured Home Space means an area of land within a Manufactured Home Park for installation of one Manufactured Home.

Steep Slope means land with a slope of 20% or greater for a minimum of 9.0 meters horizontally.

Zoning Bylaw means Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002.

2. PURPOSE OF BYLAW

This bylaw is enacted for the purpose of regulating the construction and layout of Manufactured Home Parks and for establishing standards for the construction and facilities to be installed within Manufactured Home Parks. The purpose of the bylaw does not extend:

- a) to the protection of persons constructing or operating Manufactured Home Parks, or the park's residents, from economic loss;
- b) to the assumption by the Regional District of any responsibility for ensuring compliance by any owner, operator or resident of a Manufactured Home Park or an architect or engineer or any other person with this bylaw or any other enactment applicable to the operation of a Manufactured Home Park, the supply of potable water, the supply of water for firefighting purposes, or the disposal of sewage.

3. GENERAL REQUIREMENTS

- a) No person shall establish, construct, upgrade, expand, alter or subdivide a Manufactured Home Park until a complete application has been received, and a Manufactured Home Park Permit is issued by the Building Inspector.
- b) A Manufactured Home Park Permit shall permit the establishment, upgrading, and/or expansion of a Manufactured Home Park on the land concerned only in compliance with the Manufactured Home Park plan as approved and for which a permit has been issued.
- c) Nothing contained in this bylaw shall relieve any person from obtaining the necessary building permits and approvals for buildings and structures constructed, located or relocated in a Manufactured Home Park.

4. EXCLUSIONS

- a) Notwithstanding subsection 2a), the provisions of this bylaw do not apply to the continued use of a Manufactured Home Park or any part of a Manufactured Home Park that was in existence prior to the date that this bylaw came into force, but will apply to any part of the Manufactured Home Park expanded or altered after the date this bylaw comes into force.
- b) No person is required to upgrade an existing Manufactured Home Park to the standards set out in this bylaw, but any alteration to a Manufactured Home Park carried out after the date of this bylaw comes into effect shall not increase non-compliance with this bylaw and all expansion, reconfiguration, and the introduction of additional Manufactured Homes shall meet the bylaw standards contained herein.
- c) This bylaw does not apply to the Construction and layout of a Manufactured Home Park on strata lots created by subdivision under the Bare Land Strata Regulation, B.C. Reg 556/82.

5. AUTHORITY OF THE CHIEF BUILDING INSPECTOR

- a) The Chief Building Inspector is authorized to:
 - I. administer this bylaw;
 - II. enter, at all reasonable times, upon the land subject to the regulations of this bylaw, to ascertain whether such regulations are being obeyed; and
 - III. exercise the right of entry for inspection in accordance with Section 16 of the Community Charter.
- b) order the correction of any Construction which is being or has been done in contravention of this bylaw.
- c) to order the immediate cessation or suspension of Construction ('Stop Work') that is proceeding in contravention of this bylaw or is being constructed without a Manufactured Home Park Permit by placing a Notice on the Construction and/or delivering such notice to the owner of the real property on which the construction is taking place, or at the owner's address.

6. ADMINISTRATION

If any section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by decision of any court of competent jurisdiction, the invalid portion may be severed without affecting the validity of the remaining portions of this bylaw.

7. MANUFACTURED HOME PARK APPLICATION, FEE, APPROVAL AND PERMIT

7.1 Application

All applications for approval of plans and specifications shall be made in writing to the Building Inspector and shall include two full sets of working drawings to scale showing:

- I. the name and address of the applicant;
- II. the legal description of all lots on which the proposed Manufactured Home Park is to be established, constructed, altered or extended;
- III. a north arrow and notations of scales used;
- IV. the lot dimensions;
- V. the location and dimensions of the setback area required under the Zoning Bylaw;
- VI. the number, location, dimensions and designation of all Manufactured Home Spaces;
- VII. the location, dimensions and grade of all Internal Access Roads and their relationship to existing Highways;
- VIII. the location and dimensions of all recreation or common areas;
- IX. the location and dimensions of the owner's or manager's dwelling unit and all other accessory buildings;

- X. the location and details of the source of potable water supply, treatment plants, distribution lines and outlets;
- XI. the location and details of all connections to the sewer, sewer lines, septic tank and subsurface disposal fields;
- XII. the location and details of all on-site solid waste, recycling, and organic waste collection containers;
- XIII. the location and details of all parking areas;
- XIV. the location and details of all buffer areas;
- XV. all watercourses or water frontage within or adjacent to the Manufactured Home Park;
- XVI. all steep slopes within or adjacent to the land concerned; and
- XVII. any other information that the Regional District may deem necessary.

7.2 Permit Application Fee

The applicant for a permit under this bylaw must pay fees in accordance with the applicable Regional District of Nanaimo Building Fees and Charges bylaw at the time of application or at such later time, prior to the issuance of a permit, as permitted by the Regional District.

7.3 Issuing Permit

- a) Where:
 - i. an application has been made;
 - ii. the proposed work set out in the application complies with this bylaw and all other applicable bylaws and enactments; and,
 - iii. the applicant for a Manufactured Home Park Permit has paid to the Regional District of Nanaimo the applicable fees,

the Building Inspector shall issue the Manufactured Home Park Permit for which the application was made.
- b) A Manufactured Home Park Permit shall not be issued until the necessary permits and approvals have been granted by the other authorities also having jurisdiction.
- c) Subsequent to examination of an application, the Regional District shall notify the applicant in writing within 60 days that either a Manufactured Home Park Permit is issued or that it is refused and the reasons therefore.
- d) In the event that after the issuance of a Manufactured Home Park Permit, the construction authorized thereunder is not commenced within 180 days from the date of issuance, then such permit shall lapse and be void, and the work shall not be commenced until a new permit has been issued and the applicable fee is paid.

- e) A copy of the Manufactured Home Park Permit must be posted in the Manufactured Home Park office for the reference of Manufactured Home Park occupiers.

8. MANUFACTURED HOME PARK STANDARDS

8.1 Standards for Manufactured Home Spaces

- a) Every Manufactured Home Space shall:
 - i. be properly drained, free of stagnant pools, and be graded for rapid drainage of precipitation;
 - ii. be clearly numbered; and
 - iii. provide a clearly discernible Manufactured Home Pad.
- b) Gradients of a Manufactured Home Space must be less than:
 - i. 6% longitudinal gradient; and
 - ii. 15% cross or crown gradient;
- c) No Manufactured Home shall be located in a Manufactured Home Park other than on a manufactured home pad; and
- d) not more than one (1) Manufactured Home shall be located within a Manufactured Home Space.

8.2 Manufactured Home Standards

- a) Every Manufactured Home located on a Manufactured Home Space shall be supported on a foundation system approved by the Building Inspector and comply with the British Columbia Building Code.
- b) Every Manufactured Home must meet or exceed the CSA Z240 or CSA A277 certified standard.
- c) Skirting shall be installed within 60 days of installation of a Manufactured Home on a Manufactured Home Pad and shall:
 - i. be factory prefabricated or of equivalent quality;
 - ii. painted and finished so that the design and structure complements the manufactured home; and
 - iii. skirting shall also include ventilation in accordance with the British Columbia Building Code.
- d) In a Manufactured Home:
 - i. the installation of all woodstoves and chimneys;
 - ii. the installation and maintenance of all oil burners and oil-burning equipment and appliances using inflammable liquids as fuel;
 - iii. the storage and disposal of inflammable liquids and oils;

- iv. the installation, maintenance, carriage and use of compressed gas systems;
- v. the plumbing and electrical installation; and,
- vi. the connections to services;

shall be in accordance with the regulations of the authority having jurisdiction.

8.3 Access

- a) No Manufactured Home Park shall be established nor extended, nor shall the number of Manufactured Home Spaces increase unless Highway access to the Manufactured Home Park is approved by the Ministry of Transportation and Infrastructure.
- b) A second access from a Highway, separated by at least 60.0 m from the first access, shall be required for a Manufactured Home Park containing 50 or more Manufactured Home Spaces.
- c) With the exception of a) and b) above, the layout of a Manufactured Home Park shall be designed to ensure that access to all parts of a Manufactured Home Park is by way of Internal Access Roads.
- d) No part of a Manufactured Home Park shall have direct access from a Highway except as permitted by the bylaw.

8.4 Frontage

The minimum frontage of each Manufactured Home Space on an Internal Access Road shall be 12.0 m, except where a Manufactured Home Space abuts a cul-de-sac in which case the minimum frontage shall be 6.0 m.

8.5 Internal Access Roads

- a) All Internal Access Roads within a Manufactured Home Park shall be:
 - i. of a hard durable surface so as not to produce dust;
 - ii. well drained;
 - iii. maintained; and
 - iv. adapted to the topography.
- b) The maximum grade of all internal access roads shall be 7%.
- c) The minimum Internal Access Road width requirements shall be as follows:
 - i. access roads from a Manufactured Home Park to a Highway shall have a minimum surfaced width of 6.5 m and no parking shall be allowed on such Internal Access Roads.
 - ii. all other Internal Access Roads:

- a) with parking on both sides shall have a minimum surfaced width of 11.0 m;
 - b) with parking on one side shall have a minimum surfaced width of 8.5 m;
 - c) with no parking shall have a minimum surfaced width of 5.0 m.
- d) No dead-end Internal Access Road or cul-de-sac shall be more than 100 m in length.
- e) Dead-end Internal Access Roads and cul-de-sacs shall have a turning circle right-of-way at the terminus with a radius of at least 12.0 m and must be approved by the Fire Chief of the fire department that would provide fire protection to the Manufactured Home Park.

8.6 Buffer Strip

- a) Every Manufactured Home Park shall have a Buffer adjacent to all lot lines that form the external boundary of a Manufactured Home Park except where crossed by Internal Access Roads as permitted in section 7.7(e).
- b) The width of the Buffer required by Section 7.7 (a) above shall be a minimum of:
 - i. 4.5 metres from Front and Exterior Side Lot Lines and
 - ii. 2.0 metres from all Other Lot Lines.
- c) The layout of a Manufactured Home Park shall be designed to ensure that a Buffer is kept clear of the following:
 - i. required recreation or amenity areas, except for waterfront recreation or amenity areas;
 - ii. buildings or structures, except permitted signs and fences;
 - iii. garbage, recycling, or organics waste disposal areas;
 - iv. private sewage disposal systems and other infrastructure, other than the underground components of such systems; and,
 - v. vehicle parking area(s).
- d) Except where Invasive or Noxious Species are being removed or a hazard has been identified by a qualified professional arborist or other horticulturist, no plant material may be removed nor may any substance of which land is composed be deposited or removed from a Buffer area except as part of an approved landscaping plan.
- e) The only roads permitted in a Buffer area are those which cross the Buffer directly to connect with the road system contained within the remainder of the Manufactured Home Park.
- f) No internal access or other road shall traverse a Buffer area and give direct access from a Highway to a Manufactured Home Park.
- g) Notwithstanding the above, if the Regional Board approves a Development Variance Permit to allow the minimum setback requirements of the applicable Zoning Bylaw to be relaxed, the

Buffer strip may be reduced in the area immediately adjacent to the building or structure subject of the Development Variance Permit to the extent that relaxation is consistent with the approved Development Variance Permit.

8.7 Recreation Area

- a) At least 5% of the gross site area of the Manufactured Home Park shall be set aside exclusively for recreational use by the residents of the Manufactured Home Park.
- b) For the purpose of calculating recreational space requirements, any indoor recreational space provided shall be counted as double its actual floor area.
- c) The recreation areas shall not include buffer strips, areas within the minimum required setback, parking areas, common accessory buildings, Internal Access Roads and Manufactured Home Spaces.
- d) In Manufactured Home Parks where more than 1000 m² of recreation space is required, two (2) or more recreation areas may be provided.
- e) Recreation areas in the Manufactured Home Park, except indoor recreation facilities, shall be of grass, asphaltic surface or other alternative permanent surface suitable to the proposed primary recreational activity approved by the Building Inspector, and shall be landscaped in a manner that is appropriate to the proposed activity.

8.8 Solid Waste Management

- a) No person residing in a Manufactured Home Park shall dispose of refuse or any sort of waste except in accordance with the arrangements made by the owner or manager of the Manufactured Home Park, and approved by the authority having jurisdiction.
- b) Except where curbside collection is provided, the owner or manager of a Manufactured Home Park shall provide at least one (1) container in a location accessible by a suitably graded and surfaced footpath for the deposit of:
 - i. solid waste;
 - ii. recyclables; and
 - iii. organic waste;for use by the tenants of the Manufactured Home Park.
- c) Such containers must be durable, bear-proof, insect-tight, water-tight and rodent-proof.
- d) With the exception of containers used for curbside collection, all solid waste, recycling, and organic waste receptacles shall be completely screened from the view of adjacent Manufactured Home Spaces with evergreen shrubs, trees, or solid fencing.

8.9 Water System

- a) All Manufactured Home Parks with a density greater than one (1) Manufactured Home per hectare must be serviced by a Community Water System approved and operated in accordance with Ministry of Health and Canadian Drinking Water Standards.
- b) Proof of a valid permit to operate a water supply system shall be required.
- c) All community water systems must be designed by a qualified professional registered with the Association of Professional Engineers and Geoscientists of British Columbia (APEG).
- d) Waterworks systems shall be designed, fabricated and installed in accordance with good engineering practice to the satisfaction of the Regional District.
- e) The Water Supply System shall provide a constant supply of potable water at a minimum working pressure of 200 kPa to a maximum working pressure of 350 kPa for all outlets.
- f) Potable water shall be distributed to:
 - i. each Manufactured Home Space;
 - ii. accessory buildings, if required;
 - iii. recreational areas, if required;
 - iv. hydrants;
 - v. hose bibs; and,
 - vi. standpipes or hydrants, if required.

8.10 Community Sewage Treatment and Disposal Systems

- a) The owner of a Manufactured Home Park shall provide for the disposal of all wastewater effluent that is generated within the Manufactured Home Park by providing a Community Sewage System connected to all plumbing fixtures and sewage laterals in the Manufactured Home Park.
- b) The Community Sewage System design must be prepared under the direction of a qualified professional who is registered with the Association of Professional Engineers and Geoscientists of British Columbia (APEG).
- c) Community Sewage Systems shall be designed, fabricated and installed in accordance with the guidelines established by the Association of Professional Engineers and Geoscientists of British Columbia (APEG). The design and installation of a private Community Sewage System shall be subject to the approval of the applicable Provincial agencies.
- d) Each Manufactured Home Space shall have lateral sewer terminus that is gas-tight, protected from experiencing mechanical damage and is protected from storm water infiltration.

- e) For the purpose of determining pipe sizes, each Manufactured Home Space shall be considered as having a hydraulic load according to requirements of the BC Plumbing Code.
- f) In the event that the number of Manufactured Homes per Manufactured Home Park does not require a Community Sewer System, then each Manufactured Home shall be served by a septic disposal system constructed to the standards of the authority having jurisdiction.

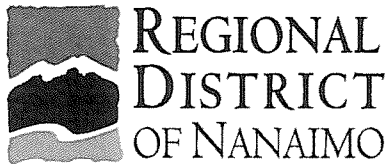
8.11 Fire Hydrants

- a) Fire hydrants meeting the requirements of the Regional District shall be installed and connected to the internal water supply of a Manufactured Home Park.
- b) No Manufactured Home Space shall be located further than 120.0 m from a fire hydrant as measured along the Internal Access Road or along a Highway.
- c) 7.12(a) does not apply where the Fire Chief of the fire department that would provide fire protection to the Manufactured Home Park considers an alternative system adequate for fire protection.

8.12 Street Lighting

Street lighting shall be installed and maintained to adequately illuminate the traveled portion of the Internal Access Roads at the following locations:

- I. the intersection of Internal Access Roads and a Highway;
- II. all internal intersections;
- III. the turning circle or cul-de-sacs;
- IV. any point where an Internal Access Road changes direction 30 degrees or more.



RDN REPORT		
CAO APPROVAL		<input checked="" type="checkbox"/>
EAP	<input checked="" type="checkbox"/>	
COW	<input type="checkbox"/>	
FEB 26 2016		
RHD	<input type="checkbox"/>	
BOARD	<input type="checkbox"/>	

STAFF REPORT

TO: Paul Thompson
 Manager, Long Range Planning

DATE: February 26, 2016

FROM: Kristy Marks
 Senior Planner

MEETING: EAPC – March 8, 2016

FILE: 0360 20 AAPAP

SUBJECT: Agriculture Bylaw and Policy Updates Project – Revisions to Bylaw 500.402 and Bylaw 1285.26

RECOMMENDATIONS

1. That the Community Engagement Results attached as Attachment 1, be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016" be introduced and read two times.
3. That "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285.26, 2016" be introduced and read two times.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016" be chaired by Director Veenhof or his alternate.
5. That the Public Hearing on "Regional District of Nanaimo Zoning and Subdivision Bylaw No. 1285.26, 2016" be chaired by Director Fell or his alternate.

PURPOSE

To consider comments from Electoral Area (EA) Directors and potential changes to Bylaw 500.402, 2016 and Bylaw 1285.26, 2016 first presented to the Electoral Area Planning Committee at its February 9, 2016 meeting.

BACKGROUND

Proposed amendments to Bylaw 500 and Bylaw 1285 were first presented to the Electoral Area Planning Committee (EAPC) at its February 9, 2016 meeting. These amendments are proposed to remove regulatory obstacles to agriculture identified through the implementation of the Agricultural Area Plan and to help better support and encourage agriculture in the region (see January 29, 2016 staff report). At the February 9, 2016 meeting the EAPC made the following recommendation:

"That Agriculture Bylaw and Policy Updates Project – Zoning Amendments 1st and 2nd Reading – Bylaws No. 500.402 and 1285.26 be referred back to staff for refinement."

Following the February EAPC meeting EA Directors provided comments and requested that minor changes be made to the proposed bylaws. These comments and questions as well as the proposed changes to Bylaw 500.402 and Bylaw 1285.26 are discussed in the Land Use Implications section of this report.

ALTERNATIVES

1. To proceed with Zoning Bylaw Amendment No. 500.402 and 1285.26 in consideration of first and second reading.
2. To not proceed with the Bylaw readings and refer back to staff.

LAND USE IMPLICATIONS

The proposed bylaw amendments appear to have strong community support. However, following the February 9, 2016 EAPC meeting, EA Directors provided comments and suggested some minor changes to the proposed amendment bylaws. In response to comments and concerns raised by EA Directors, staff have provided a rationale for the proposed amendments and drafted minor changes to Bylaw 500.402 and Bylaw 1285.26 related to increasing the maximum permitted parcel coverage for greenhouses.

Livestock Building Size and Setbacks

Electoral Area Directors raised some concerns with allowing reduced setbacks for buildings with a smaller floor area and specifically that impacts may vary widely depending on the intensity of use and types of animals housed. The suggestion was to regulate the number and types of animals depending on building placement and size. Staff note two main concerns with this approach. The first is that the bylaw would require Regional District of Nanaimo (RDN) staff to count the number of animals in a building. Through the community engagement process farmers indicated that the numbers and types of animals can vary on a regular basis, sometimes daily. The second is that the RDN as an agency is not qualified to regulate farm practice. For example, there is no standard to indicate that a ratio greater than one rooster for every ten hens is not good farm practice. In addition, the number of animals in a building can be regulated through the BC Farm Industry Review Board (BCFIRB) as they would consider what is considered good farm practice. This is a role better left for the BCFIRB as they are qualified to make these types of decisions.

There were also concerns raised that reducing setbacks for smaller buildings may result in the construction of multiple small buildings rather than one large building, therefore potentially increasing impacts for adjacent properties. The suggestion was to treat these buildings cumulatively as one building when they are sited within a certain distance of each other. The challenge with this proposal is that the regulation would become much more complicated and it would still allow multiple small buildings as long as they are a certain distance from one another. While there are a number of ways property owners could get around the proposed bylaws it is far more practical for a farmer to construct a building that meets the requirements of their operation.

Setbacks for Medical Marijuana Production Facilities

Electoral Area Directors provided comments related to medical marijuana production facilities and proposed setbacks, suggesting that setbacks from non-residential ALR uses should be reduced to 30 m where there is a sufficient buffer. The challenge with this proposal is that the RDN can regulate where

the building is located but it cannot ensure that a buffer will be established and/or maintained. Staff recommend a setback of 60 m be required for medical marihuana production facilities where they are adjacent to non-ALR residential uses. This proposal is consistent with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas.

Farm Retail Sales

The proposal is to include language in Bylaw 1285, similar to existing language in Bylaw 500, to support farm retail sales in accordance with the ALR Regulations on lands in the Agricultural Land Reserve (ALR). EA Directors raised some concerns that the proposed language may be confusing depending on interpretation. The proposed language in the existing and draft bylaws is taken directly from the ALR Regulation and ensures consistency between RDN Bylaws and ALR Regulation.

Livestock and Poultry

There was some concern raised that the definition of livestock does not include poultry. Currently, Bylaw 500 and Bylaw 1285 include a definition of livestock which does not include poultry. In addition, while poultry are often referred to separately from livestock within each bylaw there is currently no definition of poultry within either bylaw. The proposed approach is to include a definition of poultry separate from the definition of livestock and to continue to treat them separately within the bylaws. Where regulations such as setbacks apply to both livestock and poultry, both are mentioned.

Setbacks for Feedlots and Confined Livestock Areas

There are currently no setbacks in Bylaw 500 or Bylaw 1285 for more intensive agricultural uses such as feedlots or confined livestock areas. This is inconsistent with Ministry of Agriculture's Guide for Bylaw Development in Farming Areas. To meet the project objectives and achieve greater consistency with provincial bylaw standards, the initial proposal was to require a 30 m setback for all confined livestock areas. Following the community engagement process and further discussion with Ministry of Agriculture staff, the draft bylaws were amended, as presented in the January 29, 2016 staff report, to require a 15 m setback for confined livestock areas and a 30 m setback for feedlots. It is important to note that no setback would be required for grazing areas which include pasture or rangeland.

While there were some concerns raised through the community engagement process and by some EA Directors with respect to requiring setbacks for these uses, there is also significant community support to require a setback for these intensive uses. In addition, the proposed setbacks are consistent with the Ministry of Agriculture's Guide for Bylaw Development in Farming Areas, have been reviewed by Ministry of Agriculture staff, and are intended to help reduce potential conflicts between more intensive agricultural activities and adjacent uses.

Household Livestock

The keeping of livestock is currently permitted, subject to specific regulations, on parcels where agricultural or farm use is not a permitted use in both Bylaw 500 and Bylaw 1285. Amendments to these sections of the bylaws are proposed to clarify the number and types of livestock that can be kept on a parcel.

In Bylaw 1285 the proposal is to amend the regulations and definition to allow household livestock at a density of one household livestock animal per 4,000 m². A recommendation was made that more small livestock animals should be permitted based on animal unit equivalents. For example one cow is equivalent to three goats or two pigs etc. The addition of limits based on the type of livestock makes the bylaw more complicated to interpret and more challenging to enforce as there would have to be an animal unit equivalent for every type of livestock. For this reason staff are of the opinion that allowing one livestock animal per 4,000 m² is the simplest approach. For clarity, household animals, including fowl and poultry, would continue to be permitted on parcels where agriculture or farm use is not permitted and there are no specific limits to the number of poultry that can be kept.

For Bylaw 500 there was some concern with limiting the number of household livestock. To clarify, currently within Bylaw 500 on parcels where agriculture is not permitted, livestock can only be kept on parcels greater than 1.0 ha in size. The proposal is to amend the keeping of animals regulations and relevant definitions to clarify that only household livestock can be kept on parcels greater than 1.0 ha in size where agriculture or farm uses are not permitted. In Bylaw 500 there is no specific restriction within the current or proposed bylaws to limit the number of livestock animals permitted on parcel of this size however; the definition of household livestock limits the use of livestock animals or the products of those animals to personal use only. In Bylaw 500 there are also no limits on the number of household animals, including fowl and poultry, which can be kept on a parcel greater than 1,000 m². In addition, the proposal is to allow household poultry, including a maximum of five chickens or ducks, on parcels less than 1,000 m² subject to specific regulations.

Greenhouses – Parcel Coverage and Lighting

With respect to parcel coverage, the requested change is to allow a higher maximum parcel coverage for greenhouses and therefore a higher combined parcel coverage. The original proposal was to allow a maximum parcel coverage for greenhouses of 45% and a maximum combined parcel coverage of 60%. The requested changes would allow a maximum parcel coverage for greenhouses of 75% and maximum combined parcel coverage of 75% in both Bylaw 500 and Bylaw 1285. This is consistent with maximum parcel coverage recommended in the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas. These changes are included in the proposed Agriculture 1 (AG1) and Agriculture 2 (AG2) zones for Bylaw 500 in Attachment 2 and the proposed A-1 (Agriculture 1) zone for Bylaw 1285 in Attachment 3.

Concerns were also raised with respect to the potential for light pollution from greenhouse operations. Staff consulted with Ministry of Agriculture staff who indicated that there are currently only a few vegetable greenhouse operations on Vancouver Island. None of these existing operations currently have lighting given that it is more difficult to compete with the cost of imported produce during low light periods. Ministry of Agriculture staff also indicated that it is unlikely for the greenhouse sector here to use lighting except on a small scale to start crops. In addition, the Ministry of Agriculture has published a guide and factsheet on normal farm practices related to lighting and greenhouse operations could also be regulated by the BC FIRB and through the *Transportation Act* and *Motor Vehicle Act*.

Retails Sales of Agricultural Products

Comments provided by the EA 'F' Director suggested that the Bylaw 1285 should allow the sale of produce and eggs at driveway gates. To clarify, produce stands or farm gate sales is currently permitted and would continue to be permitted where agriculture or farm use are allowed. In addition, the current

home based business regulations in Bylaw 1285 allow outdoor areas to be used for the cultivation of fruit, vegetables, flowers, or other crops grown as part of a home based business and includes the sale of those products. Therefore, there are no amendments to Bylaw 1285 required to clarify that the sale of produce grown on a property is permitted both as a farm or agricultural use and as a home based business.

In Bylaw 500, the sale of produce from a farm is permitted where agriculture is a permitted uses and on lands in the ALR in accordance with the ALR Regulation. The home based business regulations in Bylaw 500 however do not currently permit the sale of produce grown on a parcel where agriculture is not permitted unless the produce is grown within a greenhouse and the sale of those products takes place within a building.

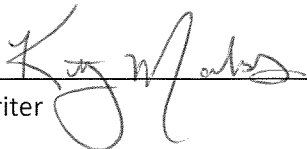
Additional provisions to allow produce stands or the retail sale of products grown on a residential parcel as a home based business was not considered as part of this project, therefore; staff have not included any amendments for Bylaw 500 or Bylaw 1285 at this time.

Setbacks for Outdoor Horse Riding Arenas

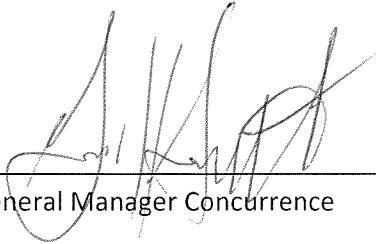
The current proposal, following previous Board direction, is to allow a 0 m setback for uncovered, outdoor horse riding areas. There were some concerns raised by EA Directors that perhaps a setback should be required depending on the specific use of the riding area, whether it was for personal use or commercial use. The challenge with enforcing two different setbacks to the same area is that the same riding ring could be used for both personal and commercial use. It is much easier to regulate the siting of the area when it is constructed rather than trying to regulate the use or user once it is in place.

SUMMARY/CONCLUSIONS

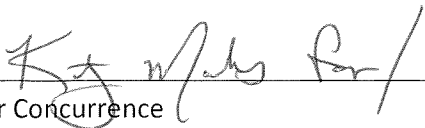
Bylaw 500.402 and Bylaw 1285.26 were presented to the Electoral Area Planning Committee at its February 9, 2016 meeting. At that meeting the proposed bylaws were referred back to staff for refinement. At the request of the Electoral Area Directors a response has been provided to questions that were raised and minor changes have been made to the proposed bylaws to allow a maximum parcel coverage of 75% for greenhouses and a maximum combined parcel coverage of 75%. These changes are included in Attachments 2 and 3.



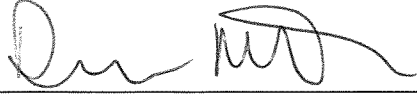
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

Attachment 1
Community Engagement Results



Regional District of Nanaimo Agricultural Area Plan Implementation

Bylaw and Policy Update Project *Community Engagement Results* *January 2016*



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Overview

As part of the Agriculture Bylaw and Policy Updates Project and following Board Direction, a public engagement process was initiated during the summer and fall of 2015 to gauge the level of support for and gain feedback on potential bylaw amendments intended to remove barriers to agriculture in the region. The engagement process included a variety of methods for obtaining community feedback including attendance at three local Farmers’ Markets (Cedar, Errington, and Qualicum Beach), hosting six Open House events (one in each Electoral Area), meetings with area farmers, a meeting with the Coombs Farmers’ Institute, an online questionnaire, project website, and the use of social media, email alert system, earned media.

Input was sought on each of the proposed amendments from community members, farmers and other stakeholders. This report provides a summary of the feedback received from the four types of engagement: comments provided at public meetings/events, a meeting with the Farmers Institute, meetings with farmers and responses to an online survey. A full accounting of the feedback received is also provided in the following appendices:

Appendix	Engagement
1	September 14 – October 8, 2015 – Six Open House Events and community comments
2	November 2, 2014 - Coombs Farmer’s Institute Meeting Summary
3	October 14 & 16, 2015 – Notes from meetings with local farmers
4	August 26 – October 26, 2015 Online Survey
5	Correspondence Received

This feedback will help gauge the level of support for the potential bylaw amendments and help inform the draft bylaws.

Community Engagement Summary

The following is a summary of the community feedback received on each of the potential bylaw amendments.

Removing Barriers to Agriculture

Should the RDN make zoning more farm friendly and remove barriers to agriculture?

Event	Open House Events and Community Comments	Meeting with Coombs Farmer’s Institute	Meetings with Local Farmers	Online Survey
Summary of Results	<p>The vast majority of people who commented at the open house events support making changes to remove barriers to agriculture.</p> <p>It was suggested that the RDN should increase consistency with the <i>Agricultural Land Reserve Use, Subdivision and Procedure Regulation</i> (ALR Regulation).</p>	<p>General support to adopt an agricultural zone that is consistent with the ALR Regulation.</p>	<p>General support to encourage agriculture and to remove as many regulatory barriers as possible.</p>	<p>More than 89% indicated that they support this proposed change.</p>

Synopsis

Overall there appears to be a high level of community support for the RDN to consider zoning that is more farm friendly and remove barriers to agriculture.

New Zones and ALR Regulations

Should the RDN adopt new zones that would apply to ALR land and would be more consistent with ALR Regulations and allow all of the ALR farm uses?

Event	Open House Events and Community Comments	Meeting with Coombs Farmer’s Institute	Meetings with Local Farmers	Online Survey
Summary of Results	General support to adopt zoning that is consistent with the ALR Regulation and to permit all ALR farm uses.	General support to adopt agricultural zones and ensure that they are consistent with the ALR Regulations.	General support to adopt zoning that is consistent with the ALR Regulation and permit all ALR farm uses.	72% of respondents indicated that the RDN should allow all of the ALC designated ‘farm uses’ on ALR lands. 57% and 59% agree with the approach of replacing existing land use zones that apply to ALR land with new Agriculture zones that would be more consistent with ALR Regulations.

Synopsis

Overall there appears to be community support for the RDN to consider adopting new agriculture zones that would allow all of the ALR farm uses on lands within the ALR.

Potential Changes to Accessory Uses

Should the RDN consider allowing certain ALC permitted uses as accessory uses on lands in the ALR?

Event	Open House Events and Community Comments	Meeting with Coombs Farmer's Institute	Meetings with Local Farmers	Online Survey
Summary of Results	There was a broad range of discussion both in favour of and against some of the potential accessory uses.	There appears to be general support for the proposed accessory uses.	The proposed accessory uses were not specifically discussed.	There appears to be general support for the proposed accessory uses – survey results below.
Agri-tourism Accommodation	Agri-tourism accommodation received a lot of interest. Many people are very supportive of this change while others would like to see regulations and limits on the number of units permitted so that accommodation remains secondary to farming. It was also suggested that the RDN should not have a limit on the number of units.	There appears to be general support for this use at an appropriate scale.	N/A	78% support the proposed use. There was interest in limiting the area permitted for accommodation to ensure that land is not taken out of production.
Production of Biological Integrated Pest Management Products	There appears to be general support for this use but some concern was expressed as to what this would include such as chemical pesticides. Also some concern related to possible introduction of invasive species and containment.	No specific comments received.	N/A	Of those who responded to the applicable question 66% support the proposal.

<p>Temporary Sawmills</p>	<p>There appears to be general support however some were concerned that allowing the use could encourage logging on ALR land.</p>	<p>General support to allow temporary sawmills. Some felt that there should possibly be more limitations on volume of material and need to ensure 50% of volume is from the farm.</p>		<p>Of those who responded to the applicable question 62% support the proposal.</p>
<p>Agriculture Education and Research</p>	<p>There appears to be general support for this use.</p>	<p>Interest in supporting this at an appropriate scale.</p>		<p>Of those who responded to the applicable question 96% support the proposed use.</p>

Synopsis

Although there appears to be general support for the proposed accessory uses, some concerns were raised especially in relation to agri-tourism accommodation and temporary sawmills. There was some suggestion that these uses may be appropriate as long as they remain accessory to farm use on the property and with certain regulations in place.

Potential Changes to Parcel Coverage

Should the RDN consider allowing greater parcel coverage for agricultural buildings and structures?

Event	Open House Events and Community Comments	Meeting with Coombs Farmer’s Institute	Meetings with Local Farmers	Online Survey
Summary of Results	There appears to be general support for the proposed changes to parcel coverage. Although there was some support for parcel coverages as high as 75% others commented that less parcel coverage should be permitted. A common concern was that adequate stormwater management should be in place if parcel coverage is increased.	There was a lot of discussion about the proposal and some thought parcel coverage should be higher while others thought it should be lower. There was a general consensus that a maximum of 45% for greenhouses is reasonable and that stormwater management plans should be considered.	Overall there appears to be support to allow increased parcel coverage.	Of those who responded to the applicable question 77% support a maximum parcel coverage of 25% for agricultural buildings and structures and 74% support a maximum of 45% parcel coverage for greenhouses.

Synopsis

While this topic resulted in a lot of conversation and there is some support for lower or higher than proposed parcel coverages there seems to be more general consensus and support for the maximum parcel coverages as proposed. There is also support for ensuring that stormwater management plans are in place if parcel coverage is increased.

Potential Changes to Setback Requirements

Should the RDN consider a variation in setbacks for agricultural buildings and intensive agricultural uses in general accordance with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas?

Event	Open House Events and community comments	Meeting with Coombs Farmer's Institute	Meetings with local farmers	Online Survey
<p>Summary of Results</p>	<p>There appears to be general support for the proposed setbacks and most people supported reduced setbacks for smaller buildings especially if it would support agriculture on smaller parcels or those with an irregular shape. There was some concern expressed with siting buildings housing livestock and poultry closer to property lines and there was some interest in requiring setbacks for more intensive uses such as feedlots.</p>	<p>There appears to be general support for the proposed setbacks in line with provincial regulations and recommendations. It was noted that a 30 m setback from watercourses for all areas that include livestock or poultry may be too restrictive. There was also some discussion regarding appropriate setbacks for outdoor uncovered horse riding rings and concerns about dust – suggestion that a buffer should be provided.</p>	<p>There was general support for the proposed setbacks. There was concern related to 30 m setback from watercourses for all “uses that include livestock or poultry” – this is too onerous – makes sense for buildings but not most uses. Also some concern regarding proposed setbacks for feedlots or finishing areas. Some concern that there should be a setback required for outdoor uncovered horse riding rings and dust control or buffers. Support for reduced setback for buildings 10 m² or less.</p>	<p>Of those who responded to the applicable questions between 60% and 74% indicated support for the proposed setbacks. There also appears to be strong support for setbacks to watercourses as 80% of people support a setback of 30 m. While there appears to be general support to allow reduced setbacks there is also a desire to ensure adequate setbacks based on the use or potential impacts such as odour or dust. There were also a variety of suggestions on how setbacks could be applied based on the size of the parcel, surrounding lands uses etc.</p>

Synopsis

There appears to be support for the proposed setbacks with some interest in ensuring adequate setbacks are provided for larger buildings or more intensive uses such as feedlots but also allowing reduced setbacks for smaller buildings and less intensive uses.

Second Dwelling Unit in Electoral Area F

Should the RDN allow a second dwelling unit, other than a manufactured home, on land in the ALR subject to ALC approval?

Event	Open House Events and community comments	Meeting with Coombs Farmer's Institute	Meetings with Local Farmers	Online Survey
Summary of Results	Generally strong support to allow a second dwelling unit on land in the ALR. There was also interest in allowing additional dwellings for farm workers.	There appears to be support to allow a second dwelling unit. There was also an interest in allowing additional housing for farm workers.	Generally support for the proposal to allow a second dwelling unit. There was also a comment that often additional housing is required on-site for farm help.	Of those who responded to the applicable question 76% indicated that they support this proposal.

Synopsis

There appears to be strong support for allowing a second dwelling unit on ALR lands in Electoral Area F. There is also an interest in allowing additional housing for farm workers.

Farmers' Markets

Should the RDN consider allowing the issuance of Temporary Use Permits (TUP) to allow a farmers' market on land where the zoning does not currently permit them?

Event	Open House Events and Community Comments	Meeting with Coombs Farmer's Institute	Meetings with Local Farmers	Online Survey
Summary of Results	There appears to be general community support to consider allowing Farmers' Markets on land that do not currently permit the use however there were some concerns raised related to traffic and noise and that a public process should be required for any proposal.	There appears to be strong support to consider the opportunity to allow Farmers' Markets through a TUP process.	There appears to be general support for this proposal.	Of those who responded to the applicable questions 85% indicated support for this proposal.

Synopsis

There appears to be strong support to consider the issuance of Temporary Use Permits to allow farmers' markets.

Kennel Facilities

Should the RDN introduce a statement within zoning bylaws that would support site specific zoning amendments to allow a kennel facility on ALR land only where the parcel is greater than 2.0 ha in area and where a minimum setback of 30 m can be met?

Event	Open House Events and Community Comments	Meeting with Coombs Farmer's Institute	Meetings with Local Farmers	Online Survey
Summary of Results	There was some concern expressed with kennels and there appears to be moderate support to consider allowing kennel facilities on ALR land through a property specific rezoning. Concerns related to potential noise and with allowing kennels on ALR land.	There were no specific comments related to this proposal.	No specific comments related to this proposal.	Of those who responded to the applicable questions 55% indicated support for the proposal to support site specific zoning amendments to allow kennels on ALR lands.

Synopsis

There appears to be only moderate support for the proposal to support site specific zoning amendments to allow kennels on ALR land subject to certain requirements. However, there were some concerns related to noise and setbacks and allowing kennels in the ALR.

Agricultural Fencing

Should the RDN allow transparent fencing or transparent vertical extensions greater than 2.0 m (2.5 m in Area F) where the fence is required for agricultural purposes?

Event	Open House Events and Community Comments	Meeting with Coombs Farmer's Institute	Meetings with Local Farmers	Online Survey
Summary of Results	There appears to be general support to allow fences greater than 2.0 or 2.5 m in height for agricultural purposes.	No specific comments related to this proposal.	There appears to be general support to allow fences greater than 2.0 or 2.5 m in height for agricultural purposes.	Of those who responded, 87% indicated that they support this proposal.

Synopsis

There appears to be support to allow transparent fences or transparent vertical extensions over 2.0 m in height (2.5 m in Electoral Area F) where the fence is required for agricultural purposes.

Backyard Chickens

Should the RDN allow the keeping of ducks and chickens in areas covered by Bylaw 500 on parcels less than 1000 m², subject to certain regulations?

Event	Open House Events and community comments	Meeting with Coombs Farmer's Institute	Meetings with Local Farmers	Online Survey
Summary of Results	Of those asked at Open House events, the majority of people are in favour of allowing chickens on smaller residential parcels subject to certain regulations.	There were no specific comments related to this proposal.	There were no specific comments related to this proposal.	Of those who responded 72% indicated support for this proposal.

Synopsis

There appears to be support to allow the keeping of chickens or ducks on parcel less than 1,000 m² subject to certain regulations.

Other Comments and Suggestions

Throughout the community engagement process there were several other comments and suggestions raised that were not necessarily directly related to one of the potential changes. These comments have not been included in this report but are available in the complete community engagement results in the following attachments.

Attachment 1 - Summary of Comments from the Six Open House Events



**Agriculture Bylaw and Policy Updates Project
Open House Events - Summary of Comments Received**

Overview

As part of the Bylaw and Policy Updates Project community engagement plan staff hosted six Open House events, one in each Electoral Area. Staff displayed a number of information boards and handouts as well as a formal presentation which provided a summary of the potential bylaw changes, followed by an opportunity to receive comments and questions from open house attendees. The following is a summary of comments received at each of the open house events.

Electoral Area	Date and Location of Open House
A	September 14, 2015 – Cedar Community Hall
C	October 5, 2015 – Mountain View Elementary
E	October 1, 2015 – Nanoose Bay Elementary
F	September 28, 2015 – Arrowsmith Hall
G	October 8, 2015 – Oceanside Place
H	September 16, 2015 – Lighthouse Community Hall

Electoral Area 'A' Open House and Presentation – September 14, 2015

There were approximately 40 people in attendance.

- Some support to limit second dwelling unit to manufactured home.
- Define livestock housing to not include feed storage areas.
- Some support to include properties in Agriculture zone if more than 50% is in the ALR.
- Want more limits on development.
- Need incentives to encourage farmers to farm.
- Support for potential changes.
- Do not duplicate environmental farm plan requirements (i.e., watercourse setbacks).
- Are Biological Pest Management Products GMO?
- Need a definition of Biological Pest Management Products and what it does not include.

Electoral Area 'C' Open House and Presentation – October 5, 2015

There were about 18 people at the presentation.

- General support for potential changes.
- Agri-tourism concerns related to growing hay for example - concern that people who just grow hay could have agri-tourism accommodation.

- Support for a permanent year round location to sell local produce
- Some interest in a soil placement bylaw

Electoral Area 'E' Open House and Presentation – October 1, 2015

There were approximately eight people in attendance.

Comments and Discussion (during the presentation)

- **Pollinators** – One participant inquired if the RDN considered bylaw requirements for pollinators. Federal legislation in the United States requires farms to have a certain percentage of the farm dedicated to pollinators. The Xerces Society initiated the legislation change, and it took ten years. Kristy Marks stated that the Agricultural Area Plan may have some support for pollinators. It seems like pollinators could be a farm use, which we could not prohibit.
- **Kennels** – The participants stated that they would not like to see kennels permitted. Kennels create too much noise, and should have nothing less than a 30.0 m setback and noise buffers. Kristy Marks explained that the potential change for kennels would be a regulation to support rezoning of ALR lands. A rezoning is still dependent on studies and public consultation, and is at the discretion of the RDN Board. Director Rogers confirmed that the Directors wanted to see the rezoning provision due to concerns about kennels.
- **Horse riding** – The participants inquired about outdoor riding rings. Dust may be a problem for neighbours if there is a 0 m setback. The participants also discussed horse training and lessons. Stephen Boogaards suggested that it would depend on the scale if it was permitted, as large groups or events would be considered public assembly.
- **Support for bylaw** - A participant expressed the bylaw looks like a move in the right direction.

Other comments during open house:

- Less Medical Marijuana Production, more farming.
- Building inspection is too strict with not allowing washrooms and kitchens in accessory buildings.
- Setbacks for chickens should be greater than proposed.

Electoral Area 'F' Open House and Presentation – September 28, 2015

There were approximately 15 people in attendance for the presentation

Comments and Discussion (during the presentation)

- **Second Dwelling** - Participants suggested that two dwelling units would not be enough for farm help. The potential zoning changes should allow for more housing for on farm help. Staff clarified that the potential changes would allow for more housing on ALR land in Area 'F', i.e., would allow for two homes on 2.0 hectares rather than current regulation that allows one house and manufactured home on land over 4.0 hectares.
- **Lot Coverage** – Participants suggested that the potential lot coverage is not enough, and should match the provincial guidelines (75%). Participants had concerns that 45% for greenhouses would only cover half the lot, which would be cost prohibitive for farmers. Participants also felt a large amount of parcel coverage should also have sufficient stormwater management systems in place.
- **Fence Height** – One participant questioned if 3-D fencing would be included in the potential changes (i.e., a double fence with a gap in between). Staff clarified that the bylaw would not prohibit 3-D fencing, and specific mention of 3-D fencing is not likely necessary. Another comment was to allow higher fencing for properties that back onto the highway.

- **Kennels** – Some participants expressed concerns for allowing kennels. Staff confirmed that the potential change would be a regulation to consider kennels through the rezoning process only.
- **Farmers' Markets** – The participants suggested that a Farmers' Market would be more appropriate on farmland rather than in the City. Staff clarified that ALC approval is still required on ALR land.
- **Wider scope for the project** – One participant was concerned that the bylaw updates only apply to hobby farms, and would not apply to large scale farming or consider the 'long term need of farming'. Staff clarified that the bylaw was consistent with the ALC regulations and Minister of Agriculture standards that apply to large scale agriculture.
- **Agricultural Burning** – The group discussed the agricultural burning on Church Road. The major complaint about burning came from Parksville, and was due to poor weather conditions. Staff clarified that the RDN is not changing burning bylaws, though the Province is considering changes to the provincial Open Burning Smoke Control Regulation.
- **Small Farms** – One participant cited a UN report on small holding and sustainable agriculture that stated the most viable size of property to feed everyone on the planet is six acres (in terms of waste management, eco-footprint). On her urban lot in Qualicum Beach, she produced enough food for three families. Currently only a small portion of people can afford land for farming. Her comments are that farming will not be viable until smaller parcels are allowed and more productivity on those parcels are allowed. The participants also inquired about subdivision in the ALR and if there are provisions for subdivision for family members. Staff explained that minimum parcel size and subdivision for family members regulations are not being considered as part of this review.

Other comments during Open House:

- Concern about exemptions for farming operations under the Riparian Area Regulations or Water Act; impact on watercourses (by lack of enforcement by RDN or MoE).
- Concern that watercourse regulations are too restrictive for farmers (potential changes in the project should address watercourses).
- Some participants expressed concern about kennels.
- Concern about residential development on farmland.

Electoral Area 'G' Open House and Presentation – October 8, 2015

There were about 12 people at the presentation.

- Temporary sawmills – temporary is not defined and allowing them may encourage logging of ALR land.
- With increased parcel coverage there should be requirements for stormwater management for buildings that cover more of the parcel such as greenhouses.
- Agri-tourism accommodation – questions about what the ALC allows and where it is currently permitted.
- Some support for farm worker housing.
- Consider reducing setbacks between two ALR parcels.
- Comments that current keeping of animals regulations in Bylaw 1285 don't make sense – limited to one horse or one cow where farm use is not permitted. This should be addressed.

Electoral Area 'H' Open House and Presentation – September 16, 2015

There were nine people in attendance.

Comments and Discussion:

- Should be no limit on the number of tourist accommodation units. Allow the ALC Regulations and any non-farm use approval to limit the maximum number of units on a parcel. Also do not limit to one unit per ha just follow ALC Regulations. of 5% of the area of the parcel to determine how many could be on a parcel.
- Support for potential changes.
- Need to support farming on smaller scale and on smaller parcels.
- Support for backyard chickens on smaller parcels like the City of Nanaimo.
- Look at what is economically viable for a farm, then use that to influence zoning i.e., maybe parcel coverage for greenhouses should be higher as 45% could limit greenhouse operation on smaller parcels that may have less fertile soils for growing.
- Apply the new Agriculture zones to all parcels that include any amount of ALR. What's the harm if we want to support agriculture?
- Allow solid fences over 2.0 m in height within the setbacks for agriculture – transparent wire fences and wire extensions are not as easy to maintain and don't look as nice.

General questions/comments:

- Is farming a principal use in the ALR or do you need a dwelling unit first? What about the new expanded uses (i.e., Accessory uses) – They would be accessory to Agriculture.
- Are we getting support from the Provincial Government?
- Where can you find a map with all the permitted uses/zoning?
- Interest in seeing economic development start to happen.
- Concerns about large scale industrial farming – noise and odours (are there bylaws to regulate? Right to Farm Act, normal farm practices).

Attachment 2 - Coombs Farmers' Institute Meeting Summary



**Agricultural Area Plan Implementation - Bylaw and Policy Update Project
Meeting Summary- Coombs Farmer's Institute
November 2, 2015**

Overview

As part of the Bylaw and Policy Updates Project, RDN staff met with the Coombs Farmer's Institute. The purpose of the meeting was to provide an overview of and gain feedback on the potential draft amendments to RDN bylaws. This is the second meeting staff have held with the group as a whole. The first meeting took place in December 2014 at the beginning of this project.

Participants

There were six participants in attendance.

Process

Following a brief overview of the potential amendments there was opportunity to ask questions, provide comments and discuss each of the potential bylaw amendments.

Discussion Summary

The following is a summary of the discussion.

General Comments:

- It should be clear that growing of food for personal use is permitted everywhere.
- Agriculture needs to clearly be defined.
- Ensure bylaws support small scale production.
- Ensure the bylaws are consistent with provincial regulations and standards.
- Horse hobby farming is impacting farming on Vancouver Island as the number one crop is hay.
- Discussion around the difference between Farmers' Markets and Farm Retail Sales.

Number of Dwelling Units

- Support to allow second dwelling unit (other than a manufactured home) on parcels greater than 2.0 ha in Electoral Area F.
- Consider allowing more dwellings for farm workers.
- Comment to look at Woodwynn Farms in Central Saanich.

Parcel coverage

- General support for potential changes to parcel coverage.
- Parcel coverage for greenhouses – some discussion about more or less parcel coverage than is proposed.
- Should allow for as much parcel coverage as possible for greenhouses.
- Others felt that 75% is much too high.
- Perhaps allow greater parcel coverage on smaller parcel to support more intensive use.

- Light pollution may be a concern with respect to greenhouses.
- Potential impacts of greenhouses on farm land as well as energy use.
- General agreement that 45% is reasonable and somewhere in the middle between current bylaws and provincial guidelines.
- Focus should be on small scale intensive use to achieve sustainable food production.
- from an organic farming perspective you should not cover more than 1/3 of the parcel in greenhouses – use cold frames that can be moved, reduce light pollution, and extend production season.
- scale traditional smaller scale farming practices and apply them on a larger scale.

Setbacks from Property Boundaries

- Look at provincial regulations related to setbacks for confined livestock areas and reference provincial regulations.
- Consider setbacks for narrow properties.
- Support to limit creation of narrow parcel through subdivision.
- Some support for setbacks for outdoor uncovered horse riding rings to help mitigate conflicts, others thought there should be no setback.
- Consider requiring setbacks for riding rings to neighbouring houses.
- Dust is an issue with outdoor riding rings.

Setbacks from Watercourses

- Setback of 30 m from a watercourse is too much for all farm 'uses', need to be less onerous.
- Remove the term 'use' from the 30 m setback recommendation, okay for buildings and structures.
- Consider adding a clause that the 30 m setback would also apply to areas that include manure accumulation.
- Consider looking at the Water Sustainability Act Regulation
- Consider applying a density to the number of animals in an area before setbacks apply but what is an appropriate number or density.
- Ensure setbacks are consistent with Provincial Regulations
- Reference Provincial Regulations and consider explaining why a setback is required – prevent contamination of water.

Temporary Sawmills

- Support for temporary sawmills.
- 60 m³ may be too much volume – possibly consider more limitations.
- Consider adding more limitations.
- Add a clause to the definition that 50% of the volume has to come from the farm for lands in the ALR.

Accessory Uses

- Support for potential accessory uses.
- Should speak with Sean Dorey, founder of Young Agrarians and new farmer to Vancouver Island.
- Agriculture education and research and agri-tourism. See example of Woodwynn Farms in Central Saanich – similar program.
- Fees for TUP for a Farmers' Market – could they be waived?

Attachment 3 - Notes from Meetings with Local Farmers



Agriculture Bylaw and Policy Updates Project Meetings with Farmers – Summary of Comments Received

Overview

As part of the Bylaw and Policy Updates Project community engagement plan, RDN Planning staff contacted a number of local farmers representing a variety of commodity types and agricultural practices with an invitation to form a farmers working group. Each of the farmers contacted were provided a summary of the potential changes and were encouraged to provide any comments or questions with staff. Many of the farmers contacted attended Open House events, completed the online survey, or were involved through the Coombs Farmers' Institute. Staff were able to arrange two separate meetings with three individual farmers to discuss and gain feedback on the potential bylaw changes. The following is a summary of comments received at each of those meetings.

October 14, 2015 - Meeting with Marc Fortin

- General support for potential amendments
- Questions about Farm Retail Sales – does the product sold at the farm have to be produced on the same property or can it be from multiple properties? Their company owns many parcels on Vancouver Island and the cattle are moved from parcel to parcel depending on what stage they're in i.e. cow-calf, rangeland or finishing (feedlot) but they only have two stores with farm gate sales. He noted the CVRD bylaws require 80% of the product to be produced in the CVRD and that this may be challenging depending on how this is interpreted.
- Support for changes in Area 'F' to allow for a second dwelling unit that is not a manufactured home. He noted that with a large cattle operation you typically have at least six staff working three eight hour shifts (24/7) and often they need to be housed onsite (especially with a cow calf operation). Farm worker housing is sometimes an issue.
- Fencing – support for changes to fence height.
- Setbacks for Confined Livestock Areas - He expressed some concern that some of their finishing areas (or feedlots) where cattle are confined 'temporarily' for typically 4 - 6 months are currently very close to the property line for example on Church Road.
- Briefly discussed how new AG zones could be applied.

October 16, 2015 - Meeting with Betty Benson and Colin Springford

- General support for new AG zones and amendments.
- Betty noted – farmers don't want additional regulations or requirements.
- There was some confusion and discussion around whether Farmers' Markets are 'farm uses' under the ALR Regulations so we discussed the difference between Farmers' Markets and farm retail sales as well as permitted vs farm uses and requirements for non-farm use related to Farmers' Markets as well as the proposal to include language in support of TUPs for Farmers' Markets.
- The definition of 'farm use' – not really clear what this includes:
- Colin expressed concern with the proposed 30 m setback for "uses that include livestock, poultry, or other farm animals from a domestic well, spring, or the natural boundary of a lake or other watercourse". A 30 m setback for uses would make a significant portion of his land and many other farms un-useable if this includes grazing areas, etc.
- Some concern re: 0 m setback for outdoor uncovered horse riding arenas especially when there is no requirement for dust control, watering etc. an adequate buffer should be provided.
- Confined Livestock Areas – Colin currently has his bull pens, which are approximately 8 - 10,000 ft² located right on the property line adjacent to the road. These may be considered confined livestock areas – would a 30 m setback apply? All bulls are confined within this area in the winter but the barn is located 30 m from the road. There is typically grass in this area and it's not muddy all winter, it includes access to indoors and a wood waste bedding mound.
- Feedlot – feeding is done inside the barn and contains stalls, on concrete. Cattle are grass fed and finished. Outdoor, uncovered feedlots aren't practical on Vancouver Island as it's too wet and the soil becomes a mud bath.
- Free Range or pastured poultry are fed inside with multiple feeders and the area outdoors is often covered in sand (winter garden).
- Support for setback of 8 m for buildings 10 m² of less in size.
- Suggested looking at the Environmental Management Act – Farm Practices/Farm Plan which is currently under review – new regulations may be coming.
- Support for increase in fence height although noted that fencing does not often have to be above 2.0 m in height for agricultural purposes.
- Discussion re: temporary sawmills – if we want to regulate the amount of timber coming from off-site as opposed to off-farm (i.e., 'farm' vs 'parcel or 'lot') we could by looking at the amount of lumber on site that is timber marked as all timber that is transported is required to have a timber mark.

Attachment 4 - Summer/Fall 2015 Online Survey Results



Agriculture Bylaw and Policy Updates Project Summer/Fall 2015 Questionnaire Results

Overview

As part of the Agriculture Bylaw and Policy Updates Project and following Board direction staff initiated a public engagement process during the summer and fall of 2015 to gauge the level of support and gain feedback on the potential bylaw amendments intended to remove barriers to agriculture in the region. The engagement process included attendance at three local Farmers' Markets (Cedar, Errington, and Qualicum Beach), hosting six Open House events (one in each Electoral Area), meetings with area farmers, a meeting with the Coombs Farmers' Institute, and an online questionnaire.



The purpose of the questionnaire was to ascertain the level of support from the community, including farmers, for changes to the RDN zoning bylaws that would remove barriers to farming. The questionnaire was divided into two parts. The first part dealt with the types of changes that could be made to better support agriculture. The second part focused on some of the specific bylaw amendments that have been proposed. Many of the questions allowed respondents to provide written comments which are attached at the end of the questionnaire results.

A total of 180 people completed the survey with 85% of those completing both the first and second part of the survey. Approximately 28% of the respondents currently operate a farm.









2015 Agriculture Bylaw and Policy Updates Questionnaire - Results



1. Do you live or own property in one of the RDN Electoral Areas?

Response	Chart	Percentage	Count
Yes		83.3%	140
No		16.7%	28
		Total Responses	168

2. Which Electoral Area do you live or own property in?

Response	Chart	Percentage	Count
Electoral Area A (Cedar, Cassidy, South Wellington)		20.2%	25
Electoral Area B (Gabriola Island)		1.6%	2
Electoral Area C (Extension, Jingle Pot, East Wellington - Pleasant Valley)		8.1%	10
Electoral Area E (Nanoose, Fairwinds, Red Gap)		10.5%	13
Electoral Area F (Coombs, Errington, Hilliers)		24.2%	30
Electoral Area G (French Creek, Pareil, Englishman River, Dashwood)		12.1%	15
Electoral Area H (Qualicum Bay, Bowser, Deep Bay), Spider Lake		6.5%	8
None of the above		16.9%	21
		Total Responses	124

3. You have indicated that you do not live in any of the RDN Electoral Areas. Please let us know generally where you live (For example, Nanaimo, Parksville, or Qualicum Beach).

The 45 response(s) to this question can be found in the appendix.

4. Do you currently operate a farm?

Response	Chart	Percentage	Count
Yes		27.9%	41
No		72.1%	106
		Total Responses	147

5. Do you support making RDN zoning bylaws more farm friendly by removing obstacles to agriculture that are a direct result of RDN zoning requirements?

	Yes	No	Unsure	Total Responses
	130 (89.7%)	4 (2.8%)	11 (7.6%)	145

6. RDN zoning bylaws are not consistent with Provincial regulations for the Agricultural Land Reserve (ALR). In order to address this inconsistency the proposal is to adopt new zones that would apply only to ALR land ('Agriculture' would continue to be a permitted use on non-ALR lands where it is currently permitted in the bylaw). Do you think there should be land use zones that are consistent with the ALR regulation and apply only to ALR land?

	Yes	No	Unsure	Total Responses
	68 (50.4%)	13 (9.6%)	54 (40.0%)	135

7. The Provincial regulations that apply to ALR land allow a number of uses not currently permitted by the RDN. Do you think the RDN should allow farm uses that are compatible with and support agriculture and are consistent with Provincial regulations?

	Yes	No	Unsure	Total Responses
	107 (79.3%)	9 (6.7%)	19 (14.1%)	135

8. Currently, buildings and structures for housing livestock or for storing manure must be located at least 30.0 metres from property lines. Should the RDN consider introducing more flexible minimum setback requirements for lower impact agricultural uses and buildings in accordance with Provincial guidelines?

	Yes	No	Unsure	Total Responses
	95 (71.4%)	25 (18.8%)	13 (9.8%)	133



9. Farmers' markets are currently only permitted on commercially zoned lands in the RDN. Should the RDN consider allowing Farmers' Markets on a temporary basis on lands where the zoning does not currently permit them?

	Yes	No	Unsure	Total Responses
	115 (85.8%)	11 (8.2%)	8 (6.0%)	134

10. Small farm animals such as chickens and ducks are not permitted within the majority of the RDN on non-agricultural parcels that are less than 1000 m² (0.25 acres or 0.1 ha). Do you think the keeping of chickens and ducks for personal use should be permitted on residential parcels that are less than 1000 m² in area, subject to certain regulations?

	Yes	No	Unsure	Total Responses
	97 (72.4%)	29 (21.6%)	8 (6.0%)	134

Thank you for completing Part 1 of our survey. The information you have provided will help to gauge the general level of community support for making RDN bylaws more farm friendly. Your input is important to us. If you would like to provide more detailed feedback on specific potential changes to the bylaws please take a few moments to review the potential amendments and related information available on the project website prior to completing Part 2 of our survey. Part 2 will take approximately 10-15 minutes.

Response	Chart	Percentage	Count
Complete Part 2 of the survey		85.4%	105
End the survey now		14.6%	18
		Total Responses	123

Potential Changes to Land Use Zones

11. Bylaw 500 (Electoral Areas A, C, E, G, H)

For land in the Agricultural Land Reserve (ALR) the proposal is to make the land use zones more consistent with the provincial ALR Regulation and create more certainty about what uses can occur on ALR land. It is proposed that this be accomplished by replacing the existing land use zones that permit agriculture and include land in the ALR with two new or amended land use zones. The potential changes would involve replacing all of the Rural and Agriculture zoned lands located in the ALR with an amended Agriculture 1 zone and all of the Resource Management zoned lands in the ALR would be replaced with a new Agriculture 2 zone. All uses that are currently allowed would continue to be allowed in the new zones. For land that is not in the ALR, the proposal is to keep the land use zones the same. For example a Rural 1 (RU1) zoned parcel that is not in the ALR will continue to be zoned RU1 if the proposed changes are adopted.

Should the RDN replace the existing Rural, Resource Management, and Agriculture land use zones that permit 'agriculture' and include land in the ALR with two new land use zones in order to make the permitted uses more consistent with the provincial ALR Regulation?

Yes	No	Unsure	Total Responses
58 (59.2%)	10 (10.2%)	30 (30.6%)	98

12. Bylaw 1285 (Electoral Area 'F')

In Bylaw 1285, which only applies to Electoral Area F, there is currently one land use zone that allows agriculture and applies to land in the ALR. The proposal is to amend the existing Agriculture 1 zone to ensure that it is consistent with the ALR Regulation.

Should the RDN amend the existing Agriculture 1 zone to be more consistent with the ALR Regulation?

Yes	No	Unsure	Total Responses
56 (57.1%)	6 (6.1%)	36 (36.7%)	98

Potential changes to Permitted Uses

13. The ALR Regulation allows a number of 'farm uses' that local governments can regulate but not prohibit. However, many of these uses are not permitted under current zoning. Designated 'farm uses' include farm retail sales; BC licensed winery or cidery; storage, packing, product preparation or processing of farm products; land development works that are required for farm use; agri-tourism activities; timber production; horse riding, training and boarding; storage and application of fertilizers, mulches and soil conditioners; application of soil amendments; production, storage and application of compost; soil sampling and testing of soil from the farm; construction, maintenance and operation of farm buildings; and medical marihuana production.

Should the RDN permit all of the designated 'farm uses' allowed in the ALC Regulation on ALR lands?

	Yes	No	Unsure	Total Responses
	72 (72.7%)	15 (15.2%)	12 (12.1%)	99

Please use the space below for any comments you have related to the potential permitted uses.

The 27 response(s) to this question can be found in the appendix.

Potential Changes to Accessory Uses

14. Should the RDN allow the following new and/or amended accessory uses on lands in the ALR? Please see below for a list of relevant definitions.

	Yes	No	Unsure	Total Responses
Temporary Sawmill (amended as tempoary sawmill or the rough sawing of logs is currently permitted)	61 (62.2%)	17 (17.3%)	20 (20.4%)	98
Agriculture Education and Research	95 (96.0%)	2 (2.0%)	2 (2.0%)	99
Agri-tourism Accommodation (currently permitted in the AG-1 zone in Bylaw 500)	78 (78.0%)	11 (11.0%)	11 (11.0%)	100
Production of Biological Integrated Pest Management	66 (66.7%)	17 (17.2%)	16 (16.2%)	99

The 14 response(s) to this question can be found in the appendix.

Potential changes to Parcel Coverage

15. Maximum parcel coverage is the maximum area of a parcel that can be covered in buildings and structures. Currently, the maximum permitted parcel coverage in Bylaw 500 is 25% in Rural Zones and 10% in Resource Management Zones. In Bylaw 1285, the maximum parcel coverage is 10% in the Agriculture 1 Zone. The proposal is to increase the maximum parcel coverage that applies to farm buildings and greenhouses in accordance with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas.

Should the RDN allow the following maximum parcel coverages for agricultural buildings and structures on lands in the ALR?

	Yes	No	Unsure	Total Responses
Farm buildings and structures 25%	75 (77.3%)	11 (11.3%)	11 (11.3%)	97
Greenhouses 45%	72 (74.2%)	18 (18.6%)	7 (7.2%)	97
Maximum combined parcel coverage 60% (for both farm and non-farm buildings)	55 (56.7%)	23 (23.7%)	19 (19.6%)	97

16. In order to minimize potential impacts to farming, should the RDN limit the maximum parcel coverage for non-farm buildings and structures to 10% on ALR lands? (Currently the maximum permitted parcel coverage is 10% in the A-1 zone in Bylaw 1285 and the Resource Management zones in bylaw 500 and 25% in the AG1 and RU zones in Bylaw 500)

	Yes	No	Unsure	Total Responses
	56 (58.3%)	16 (16.7%)	24 (25.0%)	96

Potential Changes to Setbacks

17. Currently, the setbacks for all buildings and structures for housing livestock or animals or for the storing of manure is 30.0 metres from property lines. The RDN is considering introducing flexible minimum setback requirements for agricultural buildings and intensive agricultural uses in accordance with the Ministry of Agriculture's Guide to Bylaw Development in Farming Areas. These setbacks would be the same in both Bylaw 500 and Bylaw 1285 and would apply to both ALR and non-ALR land where such uses are permitted.

Do you support the following setbacks for agricultural buildings and uses?

	Yes	No	Unsure	Total
0 metres for outdoor uncovered horse riding rings and exercise yards where no feeding of animals occurs	60 (63.2%)	19 (20.0%)	16 (16.8%)	95
8.0 metres for buildings and structures 10 m ² or less that	57	18	19	94

house livestock, poultry, game, or other furbearing farm animals	(60.6%)	(19.1%)	(20.2%)	
8.0 metres for indoor riding ring where no feeding or housing of animals occurs	62 (66.0%)	17 (18.1%)	15 (16.0%)	94
15.0 metres for buildings and structures 50 m ² or less that house livestock, poultry, game, or other furbearing farm animals	56 (60.9%)	20 (21.7%)	16 (17.4%)	92
30.0 metres for buildings and structures more than 50 m ² that house livestock, poultry, game, or other furbearing farm animals	64 (68.1%)	14 (14.9%)	16 (17.0%)	94
30.0 metres for indoor riding rings where feeding and housing of animals occurs	66 (69.5%)	13 (13.7%)	16 (16.8%)	95
30.0 metres for all buildings and structures associated with medical marihuana production except where the adjacent parcel contains non-ALR residential uses the setback shall be 60.0 metres and where the adjacent parcel contains a park or school, then the setback shall be 150.0 metres	66 (69.5%)	12 (12.6%)	17 (17.9%)	95
30.0 metres for Mushroom barn	67 (70.5%)	12 (12.6%)	16 (16.8%)	95
30.0 metres for buildings, structures, and lands used for: the storage of agricultural liquid or solid waste, on-farm composting, or compost storage	68 (71.6%)	10 (10.5%)	17 (17.9%)	95
8.0 metres for all other agricultural buildings and structures	70 (74.5%)	8 (8.5%)	16 (17.0%)	94
All buildings, structures and uses that include livestock, poultry, or other farm animals shall be a minimum of 30.0 metres from a domestic well, spring, or the natural boundary of a watercourse.	75 (80.6%)	7 (7.5%)	11 (11.8%)	93

Please use the space below for any comments you have with respect to setbacks for agricultural buildings, structures, and uses. The 19 response(s) to this question can be found in the appendix.

Second Dwelling Units - Bylaw 1285

18. The existing A-1 zone in Bylaw 1285, which applies to ALR land in Electoral Area F, permits one dwelling unit and one manufactured home, in accordance with the ALR Regulation. The proposal is to allow a second dwelling unit, other than a manufactured home, on lots that are greater than 2.0 ha subject to a non-farm use approval from the Agricultural Land Commission. This is consistent with residential densities and site area requirements in Bylaw 1285 and Bylaw 500.

Should the RDN amend the A-1 zone to permit up to two dwelling units on lots that are greater than 2.0 ha subject to a non-farm use approval from the ALC?

Yes	No	Unsure	Total Responses
71 (76.3%)	11 (11.8%)	11 (11.8%)	93

Agricultural Fencing

19. Currently, in Bylaws 500 and 1285 a fence over 2.0 metres in height is considered a structure and therefore must meet the setbacks in the applicable zone. In many cases this equates to an 8.0 metre setback which could result in substantial loss of useable farm land. In addition, an agricultural operation may require fencing greater than 2.0 metres in height to contain livestock or to keep animals out.

Should the RDN permit transparent fencing (wire) and transparent vertical extensions to solid fencing over 2.0 metres in height within the setbacks where the fencing is required for agricultural purposes?

Yes	No	Unsure	Total Responses
81 (87.1%)	5 (5.4%)	7 (7.5%)	93

Kennel Facilities

20. The ALR Regulation permits facilities for breeding pets or operating a kennel or boarding facility as a non-farm use in the ALR. There are currently limited zones or parcels where kennels are permitted in the RDN. The proposal is to include a statement in both Bylaw 500 and 1285 that would clarify that new kennel facilities on ALR land may only be supported through a property-specific rezoning process and the use, if approved, would be subject to specific requirements.

Should the RDN consider including a statement in Bylaws 500 and 1285 that would support site specific zoning amendments only on ALR land greater than 2.0 ha in area where a minimum setback of 30 m can be met?

Yes	No	Unsure	Total Responses
51 (55.4%)	14 (15.2%)	27 (29.3%)	92



Use this space to share any additional comments you have with respect to the potential bylaw amendments.

The 21 response(s) to this question can be found in the appendix.

Appendix

You have indicated that you do not live in any of the RDN Electoral Areas. Please let us know generally where you live (For example, Nanaimo, Parksville, or Qualicum Beach).

Location	Number of Responses
Nanaimo	24
Parksville	6
Qualicum Beach	9
Lantzville	3
Ladysmith	2
Comox Valley	1
	45 Total

Please use the space below for any comments you have related to the potential permitted uses.

#	Response
1.	I would like to see more areas for medical marihuana production as I have crohn's disease. No traditional medication is working for me and I would like to try this route of treatment and have it more readily accessible.
2.	Medical marihuana production should be limited to industrial lands. The shape of one's property should determine setback of buildings -homes, barns, etc. i.e. a long narrow piece of land.
3.	Be cautious with agritourism. If implemented without sensitivity to agriculture it could damage the long-term agricultural potential.
4.	Any type of farmer should be able to do all of the above.
5.	I will need to come out to learn more about these changes to one of the info sessions
6.	More consistency of your bylaws as they relate to land within the ALR is good. However, to limit it to two zones may be too restrictive. Parcel sizes are a consideration that must be taken into account with agricultural lands . You should look at some smaller parcel sizes 2.0 hectare minimum for some agricultural land. Limiting the number of zones to two does not provide the flexibility required to allow for topography, environmentally sensitive areas etc. In addition, not all land within the ALR is viable agricultural land. Those parcels should be addressed. Also , land not within the ALR should be considered for re-zoning to agricultural use if it is deemed economically viable by the land owner. Agricultural use should be encouraged, especially in rural areas and you do not need an agricultural land reserve with its massive bureaucracy for something that could be handled by zoning.
7.	We need more local production of food and avoid where possible, reliance on imported commerical foods
8.	The question is too broad and thus the answer yes or no is simplistic/compressive in nature.

While common sense would suggest all things agricultural must be good.

A winery/ restaurant with a large paved parking lot, at first blush seems great.... But.

While it appears and would be lauded by many, especially the business community, as a worthy contribution, it does little to nothing for actual food production/self sufficiency/local self reliance/sustainability.

Furthermore, it increases the possibility of yet another mansion being built on agricultural farm land/ ALR land, essentially removing it from small scale food production as now the parcel is over 1 million as a result of the mansion etc.

So the answer is yes in principle but NO to simply opening the gates to any form of development hiding behind 'local food' in its application.

Surely you aware of a dozen examples of this in the lower mainland?

If not i can provide them.

9. I personally do not believe horses should be allowed as farm use. I think farm land should used for growing and raising farm animals for human consumption.

10. Several of these uses will be satisfactory if there is supervision and regulation that makes the use compatible with surrounding properties. Others, such as use of soil conditioners, soil sampling maintenance and operation of farm buildings are part of the farming operation and should be up to the farmer. Regulations such as setbacks should be in place and depend on the use of the building or facility.

11. golf courses should not be permitted on agricultural land. greenhouses should be permitted on non alr land as they don't use the soil they sit on, for agricultural purposes put greenhouses on areas with soil not viable for field crops.

12. Everyone deserves the right to live sustainably, and within certain non invasive perimeters for other neighbours, especially in more rural areas, this should be allowed without dispute.

13. I am in favour of farm activities related to food production, but not sure I would agree with horse riding/training/boarding being included as this is more of a hobby/pleasure activity (unless work horses are used on the farm for practical purposes).

14. We need to provide more spaces for farm workers to live on the farmland. And we should introduce the Comprehensive Development Zoning <http://wcel.org/comprehensive-development-zoning> like they do in the Cowichan Regional District and as used by OUR Ecovillage - ourecovillage.org

15. Farmers have to be able to diversify and offer many things field to table and all the work in between. There should be as little encumbrance as possible so they can get things done without too much red tape and rules.

16.	Several of the potential permitted uses such as timber production (clear-cutting & using herbicides and pesticides & some farm uses on the landscape can have negative impacts to drinking water & ecosystem services that end up adding more cost for taxpayers.
17.	This last question is loaded, but I feel that farm related, sales, production, processing should be allowed in the ALR
18.	I believe the RDN should permit all of the designated farm uses allowed in the ALR Regulation on ALR lands except medical Marijuana production. Companies should not be allowed to use perfectly good ALR land for something so regulated. They should purchase industrial land and grow their product in highly protected facilities as Tilray has in Nanaimo.
19.	As the economy shrinks and population spirals out of control, we will desperately need to produce more AFFORDABLE food locally. People need to become more self-reliant and grow a lot of their own food with perhaps some to trade or sell. A large side yard can feed a family of 4 easily. know from experience. People need to be allowed to do this and keep small animals not just on ALR zoned lands.
20.	Depending on the space between neighbours. Things that are overly smelly should only be allowed on larger lots with buffers between neighbours
21.	Permitted uses should be regulated by the RDN to ensure that key environmental values are protected, particularly water quality and quantity for other uses. ALR regulations may not adequately recognize certain concerns specific to the RDN.
22.	i would live to see less residential development of farm land when farmers can no longer afford to stay on their land. In city farms are needed (large and small!) for food security, biodiversity, and educational purposes!
23.	The farmers in these areas need much more help from the governments and reduce all the paperwork. Farming is hard enough and we should be able to use our land as we wish. We also should be able to sell raw milk for human consumption.
24.	The description of the issue is very confusing and at the extreme may be composed to get a preferred answer. Farmers should concentrate on farming and leave other industries to do what they are best at. I can't see that we should be induced into driving all over God's creation to just "buy a dozen eggs".
25.	Depending on if there is an application for the said property. If there is going to be a change to the property the neighbouring properties that exist now should have a say.
26.	The only thing I can think of is if someone says is doing mushroom manure or anything of a "smelly type of farming", that it should definitely be out in a rural area & not in-town besides

homes.

27. Since the RDN can only regulate and not prohibit these activities, this questions seems to be poorly worded. I have chosen the "no" answer because I want the RDN to bring in regulations that strictly govern some of these activities. Community concern in my area has been focussed on agri tourism and medical marihuana production. The RDN needs to make sure that it strictly regulates most of these activities to meet the needs of the surrounding community.

Please use the space below for any comments you have related to the potential accessory uses.

#	Response
1.	Sawmills are too noisy.
2.	How many weeks out of the can a portable sawmill operate? Size of sawmill? Production limits will be very challenging to monitor, so ideally you could have a definition that only takes one visit from the RDN to determine whether or not there is a compliance issue.
3.	The proposed change to limit the number of 10 sleeping units per parcel is not consistent with ALC regulations in Policy 5 where "Agri-tourism accommodation uses that do not meet the conditions established in the Regulation, for example uses with more than 10 sleeping units ,require application to and approval from the Commission" This is interpreted that should a farm wish to add more than the 10 sleeping unit limit they can apply to the commission for approval. Local government policy should not stand in the way of ALC decisions should an application be approved. This why there is the 5% total developed area written within the policy.
4.	expand agritourism possibilities
5.	We may need covenants or bonds or promissory note. There are a number of cases where people have brought logging truck loads onto their property for years. On our narrow 15 acres, we would have our lives destroyed by such activities.
6.	I would not be in favour of agri-tourism if it took land out of production excessively - in other words more than half the land designated to housing of guests and parking
7.	Biological Integrated Pest Management research could be permitted if it is carefully regulated and ALWAYS under the supervision of qualified scientists.
8.	The sawmill could be quite noisy so times of day would , if not already have to be implemented .

9.	How will the use of potential hazardous chemicals be regulated?
10.	any small production facility especially related to food should be allowed.
11.	<p>Land being used for timber production and manufacturing may be better to be classified as a Managed Forest under the Forest Land Reserve.</p> <p>The intent of the ALR should be focused on growing a crop. Agri-tourism accommodation and other structures need to be managed so that they do not take agriculture land out of production. Small facilities may be reasonable.</p>
12.	Food security on the island is needed! We had shortage of hay this year for animals (livestock and recreational), we cannot continue as we have. Change is needed to prevent further "land use" loss.
13.	<p>Definition of temporary is totally inappropriate. Temporary relates to a "time limit" not a limitation on physical use.</p> <p>Leave "all things tourist" to the existing tourism and travel industry. Housing for temporary farm workers is appropriate.</p>
14.	<p>I have concerns about the temporary sawmill because examples of this that I have been aware of over the last 40 years have always become effectively permanent. Lack of enforcement has meant that the sawmill have expanded and turned into a permanent operation that has been grandfathered.</p> <p>Education facilities need to be strictly limited to agricultural and the size and number of buildings kept small.</p> <p>Agri-tourism accomodation seems unnecessary in our area. The main house should be able to offer B & B or farm buildings could have carriage house suites. Separate accommodation for tourists alienates valuable farmland. I understand the value of hunting cabins on large ranches in the interior, but we don't have large ranches here. The RDN should either not permit separate accommodation or strictly limit number and size based on the size of the property and the quality of the agricultural land within the parcel.</p>

Please use the space below for any comments you have with respect to setbacks for agricultural buildings, structures, and uses.

#	Response
1.	See earlier comment. On a farm the watercourse is usually the animals source of water.
2.	<p>This isn't clear: All buildings, structures and uses that include livestock, poultry, or other farm animals shall be a minimum of 30.0 metres from a domestic well, spring, or the natural boundary of a watercourse.</p> <p>Does this mean that animals can't come within 30m of those uses? Or is it only a limit on</p>

<p>buildings that HOUSE livestock?</p>
<p>3. Agree with all of the above, except for the marijuana situation. I disagree with growing marijuana, in its current model, on farm land.</p>
<p>4. Again.</p> <p>Every situation is different.</p> <p>In some cases existing houses are within a few feet of each other at the same end of the properties in question.</p> <p>In other cases, the area where buildings are sited is at opposite ends and sides thus reducing potential conflict.</p> <p>Furthermore, existed flow patterns of surface water need to be considered respected etc.</p> <p>This and many other aspects point to the sometimes highly sensitive nature of what you are proposing.</p> <p>Recent examples in this area includes an Alberta family clear cutting, scraping and burning.</p> <p>Think of the soil loss degradation, followed by over grazing etc. etc!</p>
<p>5. Unclear whether "uses" in the last question includes uses that do not involve and buildings or structures, e.g. pasturing of livestock, exercise yards etc. 30m set backs from all water sources including wells in combination with boundary set backs would make many if not most smaller properties unfeasible for any livestock keeping.</p>
<p>6. Small buildings or those under a certain height could be permitted closer than 8.0 m from borders if they are used to house tools or equipment and do not present a hazard or nuisance to adjoining properties.</p>
<p>7. Our five acre farm is 145 feet wide. If we have setbacks of 30 metres, where would our buildings go?????????????</p>
<p>8. small farms need to be able to utilize their land as best as possible. In many instances they share common uses with similar small farms. The set backs are in some instances not favorable to maximizing the land, while not impacting a dwelling ...</p>
<p>9. 150 metres seems excessive!</p>
<p>10. I think each situation needs to be consider</p>
<p>11. re uncovered horse riding rings...I think there should be some reasonable setback...15'?</p>
<p>12. See comments about Medicinal Marijuana facilities in previous comment section</p>
<p>13. The 30 metre minimum is possibly too close to watercourses depending on how big these structures will be and number of animals, what kind etc.</p>

<p>14. To me setbacks of smelly buildings should be as far away from other homes as possible.</p>
<p>15. There should be a culture that optimizes the use of productive agriculture land. While the setbacks and other restrictions proposed seem reasonable, regulators and landowners should work together to find ways to increase the output from agriculture activities, while respecting neighbours and protecting key public environmental values.</p>
<p>16. Regional District of Nanaimo; Bylaw and Policy Update Project</p> <p>Rural properties</p> <p>RE: proposed setbacks as discussed at the Cedar Hall meeting.</p> <p>The stated purposes of the policy update include:</p> <ul style="list-style-type: none"> • remove regulatory barriers and obstacles that hinder agriculture and aquaculture; • promote sustainable practices that support agricultural production and preserve farm land; <p>I express my agreement in general with the proposed changes to building setbacks as shown on the RDN website/ Bylaw and Policy Update Project. I do suggest that minimal setbacks, and an alternative to how setbacks are determined will better support the objectives stated above.</p> <p>The RDN website shows that the proposed changes to building setbacks will include an 8 metre setback for “all other agricultural buildings” (not used for livestock, poultry, game or furbearing animals). This is not significantly different from the existing setback requirements.</p> <p>There was however discussion of an alternative determination for setbacks, specifically a comment at the Cedar Hall meeting on September 14 by senior RDN staff that consideration may be given to setbacks based on the size of a building rather than “nature of use” of the building, as is the current bylaw practice. The specific comment was that a building size of 50 square metres (or more) is large enough that it could house livestock in the future and therefore the use of the building would become a bylaw infraction. I suggest that this should not be a consideration in the approval of building design or setback.</p> <p>A change of bylaw application to size of building rather than nature of use of the building will obligate the current owner of the land to meet requirements based on a potential breach of bylaw by a future owner of the land. Clearly bylaws cannot be based on possible future infractions by other owners of the land.</p> <p>The existing setback of 8 metres should remain for all buildings, of any size, not used for livestock, poultry, game or furbearing animals.</p> <p>RU4D land. current zoning Bylaw: Minimum Setback Requirements (based on use)</p> <ol style="list-style-type: none"> 1. Buildings and structures for housing livestock or for storing manure: All lot lines - 30.0 m 2. All other buildings and structures: All lot lines - 8.0 m

I also suggest that as the intent of this project is, “to promote sustainable practices that support agricultural production and preserve farm land” that care should be taken to not place buildings on productive crop or grazing land.

Building placement in rural areas should be on “marginal” land. Using arbitrary set-back measurements (30 metres for all buildings over 50 sq metres) does not meet the requirement to preserve farm land. It would be logical for landowners to develop their property such that buildings, roadways, parking or other improvements are on marginal land where ever possible. The purpose would be to protect the use of crop and grazing land. Large setbacks for buildings, where not required based on use, would likely use productive land while leaving the margins of the property vacant but not useable for production.

For example:

Our property is a two hectare parcel in Yellow Point. We have been reclaiming crop land and amending soil to expand the available growing area. Also, we are planning to construct a garage of 89 square metres which will be a cleaning and storage area for crops, workshop area and serve as a garage for vehicles and equipment.

Should the setback area of 30 metres be in effect (building over 50 metres in area) then the exterior wall of the building will be 37.4 meters from the property line. This distance will already place construction on top of amended crop area. Add to this some area of margin around a building (crops will not be grown at the perimeter of the building) and the crop area could be set back 40 metres or more from the property line.

The two hectare parcel is approximately 93 metres in width. Using the setback as discussed would require that our garage use fully one-half of the width of the land. Marginal land near the property line will be vacant while productive land sits under the building.

Is it possible that the decision of where to place rural buildings would be determined where a building will not reduce the amount of productive land? Having grown up in large farming families I suggest that all farmers would make their decision this way. It is only in a more regulated process where the decision would be made on an arbitrary measurement.

I suggest that this is one way in which we can use this Policy Update to be innovative in protecting our farm land and in support of sustainable agricultural production.

17. Its a lot easier to understand these rules when an existing farm is in place, as neighbours would understand and expect changes to occur on the farm with respect to noise/smell/line of sight and structures. However, changes to a property that never was a hobby or small/large farm would have a great impact and would be harder to say whether these changes would be well received.
18. As far as I am concerned, no set backs should be required in ALR lands. Farm land is farm land. Farmers on ALR should be expected to tolerate whatever legitimate farming occurs on neighboring ALR land.

Ag land neighboring residential or industrial zoning must have the above minimum setbacks - and those neighboring non-ag lands should also be required to address setbacks on those lands as well - ie. use for park or green space or roads.

19. I think that you need to vary the setback based on the size of the property and surrounding properties.

Use this space to share any additional comments you have with respect to the potential bylaw amendments.

#	Response
1.	Second dwelling on ALR land. What is the ALC's position on non-manufactured homes in the ALR? The distinction between manufactured and regular homes is relatively minor and I support removing the distinction. It made sense when people were putting on single wide modulars without a foundation, but now even manufactured homes require a full foundation. However, the ALC may not approve these so it may set false expectations.
2.	I am concerned that these amendments do not address the problem of Farm Markets that should be allowed (in my opinion) For example: Farmer #1 grows Squash & Pumpkins and Farmer#2 grows Tomatoes & Corn. Farmer #2 runs a Farmgate Kiosk and doesn't work in a job off the farm while Farmer #1 works in an office and doesn't have a Kiosk, but can work at the Kiosk next door for a few hours on the weekend....I think they should be allowed to 'share' a sales location on Farm #2
3.	don't go nearly far enough
4.	In the extension area as well as many other ALR area. There is larger property that should be able to be pulled out of ALR because of the quality of soil and lack of agricultural benefits for these properties.
5.	Having to go to the ALC for approval of a second dwelling unit is a non starter - Very difficult to obtain their approvals - the ALC believes this is contrary to enhancing agricultural use. The ALC is the largest stumbling block to any of these proposed bylaw changes. They should be implemented and even less restrictive agricultural uses should be put in place but you will run into a dysfunctional ministry with the ALC
6.	<p>Re. Kennels.</p> <p>A kennel on a 5 acre property, densely treed is far less invasive than being on 10 20 even 50 acres.</p> <p>In Cedar on the other side of Michael lake there was a kennel/puppy mill.</p> <p>The noise of the barking drifting across the lake 24/7, especially at night with no 'white noise' was maddening.</p> <p>Again, ever situation is different.</p>

<p>You need a committee that helps with this process, much like a board of variance committee.</p>
<p>7. I appreciate the opportunity to provide my feedback on agricultural practice in the RDN.</p>
<p>8. Thank you for thinking about agriculture in the RDN. Thanks for allowing my feedback.</p>
<p>9. At a time when the cost of land, infrastructure and services necessary to carry out agricultural activities is so high that it is nearly impossible to make a living wage from agriculture, farmers need the greatest possible regulatory flexibility to allow them to continue farming while subsidizing the farming activities from other sources of income. This must be balanced with the overriding need to protect farm land and the environment from degradation and preserve it for the long term future. The desire of purely residential property owners in rural areas to be insulated from visual and noise impacts related to farming activities must be considered secondary.</p> <p>It is important to bear in mind that in our district, much of the farmland is suitable for livestock production only, soils not being good enough for a lot of plant crop agriculture. If regulatory requirements for livestock agriculture are such that they can only be met on fairly large properties (e.g. the combinations of various set-back requirements to boundaries and water sources) then minimum property sizes for properties in agricultural zones MUST reflect that. 5 acres parcels may be too small.</p> <p>Conflicts with other regulation are also problematic for farmers, particularly on smaller properties. E.g. the attitudes of the assessment officers requiring maximum land use to assign "farm status". It is not acceptable to require farmers to have set-backs for by-law purposes, buffer zones for environmental protection but to deny them farm status for land that does not have livestock on it at high densities year-round.</p>
<p>10. I greatly support the proposed changes to the RDN's agricultural zoning. As an owner of a larger farm I am especially pleased to see agritourism opportunities coming to Area F.</p>
<p>11. In order to encourage more participation in agriculture we do need to increase available housing on ALR lands.</p> <p>We need to improve the regulations for retired farmers and allow for simply holding land with farm status without the production presently required.</p> <p>If these lands can be held without production but maintained by a retired owner/farmer we increase the possibility of that land coming into production later. Also, it makes it possible for retiring farmers to stay in their homes without considering rezoning and subdivision of valuable farm land.</p>
<p>12. I am very concerned about the 30 meter setback. If at sometime in the future we have to rebuild our barn or other outbuildings, we have no where to build as our property is only 145 feet wide. Then what happens to our farm land??????</p>
<p>13. as far as breeding goes special licence and a whole lot of land would be needed , the noise</p>

<p>would surely be an issue for neighbours and traffic increases , therefore they should have th right to appeal if a said facility was intended .</p>
<p>14. I am a young organic farmer. I would like to see more land available to access for young people to farm. Currently wealthy landowners who do not use their land for food production are unconsciously hoarding land and it is very difficult for a local food systems movement to really take off on the island. Substantial land reform needs to occur in order to meet the pressing need to provide local food to our communities. The benefits to local food production are a key antidote to the harmful market consumerism that is plaguing our human and planetary dignity.</p>
<p>15. Many new farmers are on small parcels (such as myself). I need to maximize/capitalize every square inch to make it profitable. Anything that allows for more ease of use and opens opportunity to diversification is welcome.</p>
<p>16. Organic agriculture is different from agriculture that uses chemicals to achieve growth and pest protection. This should be regulated in the bylaws, to include areas of the RDN that are "organic friendly" zones. A non-organic neighbour can wreck havoc with an organic crop.</p>
<p>17. Kennels should not be allowed on ALR.</p>
<p>18. Hopefully, these amendments will act as incentives to more effective agriculture activities rather than restrictions. They appear to do that.</p>
<p>19. food security is a resl issue on the island. We need to address this through our local governance! Thank you.</p>
<p>20. The survey questions are constructed to get the answer that somebody wants. Space should have been provided within the questions to elicit comments. Answering with yes, no, unsure doesn't tell the whole story - especially "unsure". When giving the latter answer the respondent should have been prompted to explain.</p>
<p>21. This is a comment with respect to the second dwelling. The most successful inter-generational farms in this area are ones with 2 or 3 separate dwellings. We need to allow the 2nd and even 3rd home on farms to facilitate inter-generational transfer and different generations working the farms. However, I understand the ALC's concern that these 2nd dwellings lead to justification for subdivision so we must not support applications for subdivision based on the fact that there are more than 2 dwellings.</p>

Attachment 5 - Correspondence Received

Marks, Kristy

From: Thompson, Paul
Sent: Tuesday, September 15, 2015 4:01 PM
To: Marks, Kristy
Subject: Comments on Ag Bylaws

Kristy,

Sharon Bennet (250-754-5900) who lives in Electoral Area C has submitted the following comments:

- She is in favour of having different setbacks for different buildings/farm uses; the current setbacks are difficult to meet for irregular shaped lots; she is in favour of smaller setbacks
- She has concerns about where the development permits apply and feels that parcels that are split zoned with a portion in the ALR should not have to go through DP process
- She would like to see a detailed assessment of the soil capability in the ALR for the purpose of identifying lands that are not good for farming being removed from the ALR
- She also has concerns about the effect of the new Water Sustainability Act on Agriculture, eg. animals drinking directly out of lakes
- Would like to be notified if there are any zoning changes on her property

Paul Thompson, MCIP, RPP
Manager of Long Range Planning
Regional District of Nanaimo
Tel: 250-390-6510
Email: pthompson@rdn.bc.ca



Please don't print this email unless you really have to

Marks, Kristy

From: Simpson, Courtney
Sent: Monday, September 21, 2015 2:33 PM
To: Marks, Kristy
Subject: FW: Agri-tourism language changes

From: Bill Veenhof [<mailto:Bill.Veenhof@shaw.ca>]
Sent: Saturday, September 19, 2015 1:13 PM
To: Keller, Greg
Cc: Simpson, Courtney
Subject: Fwd: Agri-tourism language changes

Bill Veenhof
Director, Area H
778-424-2810

Follow me on Facebook at <https://www.facebook.com/pages/Re-elect-Bill-Veenhof-for-RDN-Area-H/601034586674892>

Begin forwarded message:

From: Paul Christensen <pineridgefarm@me.com>
Subject: Agri-tourism language changes
Date: September 16, 2015 at 7:03:18 PM PDT
To: Bill Veenhof <Bill.Veenhof@shaw.ca>

Hi Bill

As discussed tonight at the Community Hall.

The draft proposed changes to "amend existing language to introduce a limit of one agri-tourism accommodation sleeping unit per hectare to a maximum of 10 per parcel" as outlined in Potential changes to Bylaw 500 <http://www.rdn.bc.ca/cms.asp?wplD=3514#1> is to prohibitive in our view as agritourism drives the growth of the farming portion of our business.

An alternative proposed language should revolve around existing language set out by the ALC as "a maximum limit of 10 sleeping units per parcel unless otherwise approved by the Agricultural Land Commission"

Here is a link to the ALC policy http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=03739D20E6D74F8899D639D36854A533&filename=policy_5_agritourism_accommodation.pdf

If the RDN planners are concerned about small rRV parks springing up everywhere then section 3 of the ALC Policy 5 in the link above should more than satisfy their worries.

Thanks for your on-going support.

Regards

Paul Christensen
PineRidge RV Park and Farm Market
250-619-8047 C
250-757-8855 H
www.pineridgefarm.ca
<http://www.facebook.com/pages/PineRidge-Farm/149980301712099?ref=ts&fref=ts>

Marks, Kristy

From: Bev Voigt <Bev@BevVoigt.com>
Sent: Friday, October 09, 2015 5:08 PM
To: agriculture
Subject: RE: RDN - Zoning not conducive to Agriculture

Message from Bev Voigt, REALTOR



Hello Kristy and other Planners:

I attended the Agricultural meeting last evening. Further to the conversation about the RS1 zoning in Area F; I would like to express my opinion that this zoning is 'flawed' in its non-acceptance of Agricultural uses which involve Livestock.

As has been explained to me by staff at the RDN; a home-owner is only allowed ONE cow or horse or donkey... in this zoning (if they have more than 1 ha) None, if they have less than 1 ha. If we are to promote Agricultural activities in Area F; then changes are needed. I now have a client interested in a 6.78 acre parcel at 1058 Corcan Road. From what I can see – it is zoned R-2 so they will be restricted to one horse or cow... this is not realistic and if people were to have the one animal it would not be healthy for them. I have significant experience with horses and know that horses and cows are 'herd animals' and depend on each other for a feeling of safety and require the interaction. It is cruel and unnatural for them to be without their herd

I would like to see the properties have 'Agriculture' as a permitted use and keep it in line with the properties covered under Bylaw 500; rather than be restricted. It seems that in Area F the Zoning pendulum has swung too far and will affect Agriculture in a time when heading toward 'Island self-sufficiency' is an honorable goal.

If you must restrict the number of animals; I would suggest one 'full-size' livestock animal per acre on parcels of one acre to five acres. After five acres it would be at the owner's discretion as it is in other areas. You have enough other regulations which will take care of the treatment of manure; and if not – then address this 'as the issue' and put that plan in place.

I am certain there would be significant protest if people 'actually realized' that this Zoning Restriction exists; as 'it is' – it takes significant effort to 'discover it'.

I hope you will see fit to make the necessary adjustments.

Respectfully,

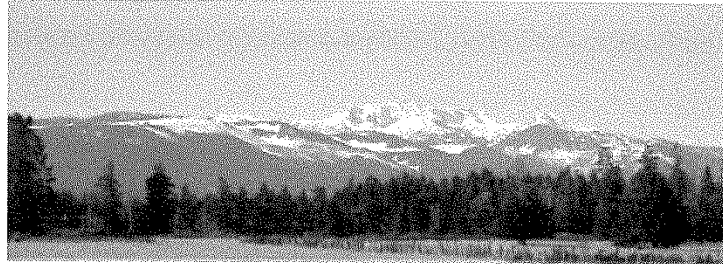
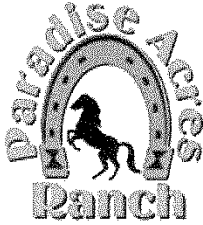
Bev Voigt, REALTOR

Sutton Whitecap Realty
Box 596, 135 Alberni Hwy.
Parksville, BC
V9P 2G6

CALL 'Direct to cell phone' in Parksville: 250-248-4143 Nanaimo: 250-740-5670

Marks, Kristy

From: Bev Voigt <Bev@BevVoigt.com>
Sent: Thursday, November 12, 2015 1:16 PM
To: agriculture
Subject: AGRICULTURAL PLAN
Attachments: policy_9_ALC Additional_residences_for_farm_use.pdf



1085 Paradise Place, Nanoose Bay, BC V9P 9A4, 250-248-6125

Hello Kristy and other Staff:

Thanks for holding the public meetings regarding your proposed changes. It seems that some things have changed since the process began:

- 1) Limiting stays to '30 days' whereas the initial plan was 90 days and is in line with ALC Rules. If you wish to 'align' then consistency is key. If you would like us to 'do our farming' 'allow us the time' rather than creating a cumbersome task with the Rentals... managing 90 day stays is easier than dealing with frequent turn-over in all of them. I think the idea is Great and we look forward to implementing it as quickly as possible.
- 2) I seemed that you used this Agri-tourism regulations synonymously with 'Ranch hand Accomodation'. I do not understand how the two are related?

The ALC provides that there is no limit to the number of homes which may be constructed for Farm workers – I attach Policy 9 for your information. They also allow a suite in the home as well as a mobile home for family. These uses are allowed and are NOT RELATED TO the Agri-Tourism housing – therefore they should not impact the number of Agri-tourism units in any way!!

Ranch hand accomodation is an entirely separate topic.

Restricted farm workers to a 30-day is not 'condusive to agriculture' and will seriously affect local farmers. This is not the intention of the Agricultural Land Commission's regulations.


- 3) Regarding a 'Second home on the property'. All areas within BC ought to be equal.
You clearly state that 'Area 2 allows a second home on properties of 50 ha plus'.
Same should apply in our area.
- 4) Your new definition of mobile home is too restricted and is not in line with ALC Regulations.

I hope you will reconsider the direction your latest changes have taken and return to the plan
of being more in line with the AGRICULTURAL LAND COMMISSION.

Respectfully,
Bev & Gerd Voigt
250-248-6125
www.ParadiseAcres.jiqsy.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com

 Agricultural Land Commission Act	<p style="text-align: right;">Policy #9 March 2003</p> <p style="text-align: center;">ADDITIONAL RESIDENCES FOR FARM USE</p>
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This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.

REFERENCE:

Agricultural Land Commission Act, 2002, Section 18

- 18 *Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,*
(a) a local government, or an authority, a board or another agency established by it or a person
or an agency that enters into an agreement under the Local Services Act may not
(ii) approve more than one residence on a parcel of land unless the additional
residences are necessary for farm use

INTERPRETATION:

The Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see Section 3 (10 (b) of the Regulation which permits a ‘manufactured home’ for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy “Permitted Uses in the ALR: Residential Uses”.

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have ‘farm’ classification under the *Assessment Act*. In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture, Food and Fisheries
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.

If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required.

Marks, Kristy

From: Thistledown Farm <Thistledownfarm@shaw.ca>
Sent: Friday, November 20, 2015 3:29 PM
To: Marks, Kristy
Subject: Agriculture Bylaw and Policy Updates Project
Attachments: RDN Ag Bylaws Project, sub'n, n21'15.doc

Kristy Marks
Senior Planner
Regional District of Nanaimo
(250) 390-6510 or (250) 954-3798
kmarks@rdn.bc.ca <<mailto:kmarks@rdn.bc.ca>>

Re: Agriculture Bylaw and Policy Updates Project

November 21, 2015

Ms Marks,

It has been an exceptionally busy time here on the farm this fall, and we have been challenged in trying to get a few remarks to you with respect to the RDN's Agriculture Bylaw and Policy Updates Project. (attached)

In early September Laurie attended the Cedar Community Hall meeting, and took a few notes. Since then a number of locals have asked us about the meeting, and what we thought. We tell them this is a personal concern as farmers, and also an ongoing interest of the non-profit society we work with - as we address food and water needs for Island sustainability.

Please feel free to be in touch.

Jackie Moad and Laurie Gourlay

Thistledown Farm, 2689 Cedar Road, Cedar BC, V9X 1K3, Thistledownfarm@shaw.ca
<Thistledownfarm@shaw.ca>, (250 722-7223), www.Thistledownfarm.ca

sub'n to Agriculture Bylaw and Policy Updates Project

Kristy Marks
Senior Planner
Regional District of Nanaimo
(250) 390-6510 or (250) 954-3798
kmarks@rdn.bc.ca

Re: Agriculture Bylaw and Policy Updates Project

November 21, 2015

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Jackie Moad and Laurie Gourlay

Thistledown Farm, 2689 Cedar Road, Cedar BC, V9X 1K3, Thistledownfarm@shaw.ca, (250) 722-7223, www.Thistledownfarm.ca

* * * * *

Some Thoughts arising from the Sept. 14th meeting,
re. RDN Agriculture Bylaw and Policy Updates Project:

In our opinion the present ALR rules and regulations are fine, and should not be tampered with - especially by the RDN or others who may be unduly subject to lobbying and particularly localized self-interest. The RDN should not be pursuing policies or allowing practices which are not sufficiently respectful of the larger and overall public interests that have been developed for ALR lands and the benefit of agriculture in the province.

An overall impression, left after involvement with various RDN initiatives, is that the RDN's rural planning should be emphasizing policies and practices that would retain a greenbelt, habitat and functioning ecosystems, with agricultural lands supporting the environmental goods and services which are essential to maintaining the quality of life, food and water, air and carbon storage so afforded.

The Area A OCP went a ways in addressing our local food needs to be prioritized, and a willingness to implement the recommendations of geography's Central Place Theorem

/

sub'n to Agriculture Bylaw and Policy Updates Project

(Christaller et al), would lead to many lasting benefits in the rural area as well as the region as a whole.

Much more can be said in this regard, with respect to the need to retain sustainability options above self-interested, short-term and boosterism/development promises ...but we are restricting additional remarks specifically to bylaws and policies particular to individuals and their properties.

With respect we would suggest however that it is apparent that training and familiarity by RDN Planners and bylaw enforcement officers would go a long ways to redressing the problems that regularly arise when discussions and initiatives come up on the subject of farming and agriculture. Especially as more and more urban professionals look to reside in the country, with dreams of estates and pie-in-the-sky laid-back paradise awaiting - which leads to ongoing complaints and conflicts with the demands, needs and operating practices that farmers face.

As well, as a general comment, the proposed by-law changes that were discussed on September 14th do not appear to consider the impact of the proposed by-law changes on adjacent properties; that larger and more buildings on smaller lots, adverse farming practices, run-off, smaller setbacks, etc are being externalized onto neighbours. There appears to be no consideration of the present use of neighbouring farms, or the negative impacts that by-law changes may have on such use. There appears to be a silo approach, as if local, incremental and ongoing bylaw changes do not undermine the overall goals, best practices and long-term interests of Island agriculture.

In this respect it also appears that there has been little if any consideration to similarly integrate by-law changes that complement the rather progressive and agriculturally-friendly practices and policies by neighbouring regional and Island districts. The RDN needs by-laws for agriculture so that all agricultural lands, across regional district boundaries and shared landscapes are measured by the same regulatory and by-law framework - that assist agriculture and farming above all other development interests.

And again, neither does it appear that there is due consideration or deference to the needs and functions of ecological systems, habitat protection or watershed compatibility.

Overall it appears that the stick seems to be the preferred approach in establishing regulations and by-laws; without the carrot of incentives to farming and agriculture being apparent.

Considerations that would reward farmers for the 'environmental goods and services' that they maintain and hold for the public's benefit are not addressed (clean water, trees and carbon sequestration, wildlife, habitat, etc).

It might also be suggested that making any such regulation and by-law changes at this time is premature - given the upcoming Paris Conference in December which will see new carbon tax laws and regulations; as well as the spring 2016 BC Water Act expected to come into effect ..and the new ALR practices and policies which are being proposed to address agri-tourism and accommodation options for farms.

Making changes at this time could be seen as pre-empting such progressive considerations that might arise from such initiatives.

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sub'to Agriculture Bylaw and Policy Updates Project

With respect to the specific By-law changes then, and the RDN's wish to see changes that "help agriculture in the region" and reduce "obstacles to farming"...

1) We have personally faced rather abusive, inconsiderate attention and bullying from the RDN this past August, as a result of our B&B agri-tourism and accommodation practices. We stood up to the Bylaw and RDN managers however, despite several threats from the RDN's lawyers that we would face legal actions for violating 'Public Assembly' laws - rather spurious grounds that the RDN bylaw officers and managers refused to explain or defend. Apparently having more than ten people on our farm opens us up to fines and such punishment as the Courts may deem fit.

In this instance the RDN, it's managers and bylaw officers eventually backed off - but only after causing considerable damage to our reputation and agri-tourism B&B business. We did follow-up, sending a letter which addressed the matter, and requesting that the RDN Board consider appropriate changes to their Bylaws, enforcement and rather intimidating behaviour. The RDN Board "received" our letter, without comment or reply, no doubt committing it to the waste bin.

So, this contemptuous and unaccountable disregard of the practices and policies of the RDN, by the RDN, reflects our experience with the integrity and sincerity by the RDN Board and staff conduct themselves when directed to enforce bylaws. It is not a pretty picture, and does not instill confidence that the RDN is interested in making bylaw changes in the interest of the public.

At the very least it suggests there is a prevailing lack of understanding, and willingness by the RDN's elected Board, staff and bylaw officers to be considerate of the needs and practices of those undertaking agriculture and agri-tourism in the region.

Quite a great many residents of the region, and farmers in particular, were in touch with us following this matter, several thousand making comments via social networks. Almost all agreed with our position - and our refusal to cower before the RDN's threats - many having similarly felt that the RDN insistently abuse their authority and are unaccountable when doing so. In short the RDN's respect for agri-tourism, and the farmers who attempt to supplement rather meagre incomes from farming, is seen by many as a joke.

2) Smaller setbacks for buildings have also created specific and personal problems for us - adjacent farm buildings, sheds and barns being constructed not where they might have the least impact upon us as neighbours, but rather as close to our property line as the present regulations permit. And despite our request that such buildings be located at a less intrusive location, the adjacent farmer uses the bylaws to claim the right to build wherever he wishes.

A complaint we raised a number of years ago with the RDN, with respect to his cattle feed lot and housing being within 25', and therefore in contravention of bylaws, has seen no action whatsoever - the practice of cattle being fed, birthed and housed immediately adjacent to our fence line continues.

In fact, at the Sept. 14th RDN meeting the farmer who conducts himself in such a way, actually suggested that the building setbacks should be reduced, with the RDN instead separately considering the size of the area which is used for feeding and/or housing livestock. He also requested consideration that new bylaws should re-consider whether a building size should be defined by the square footage of the 'footprint' if the livestock are 'free to come and go', and not

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be restricted by doors - a practice that he follows, which has caused and continues to cause considerably problems for us.

Essentially he wishes to operate a feedlot with zero space between properties - externalizing the noise, smell, pests and associated problems onto us - the adjacent farm. In our case his manure also runs onto our lower-lying property, and thence downstream into the ponds and creek on our property. He gets away with this, the zoning and bylaw officers apparently uninterested in such infractions and pollutants as may create problems for the ecosystems, water table and neighbours.

As well the new 25'x 40' 'shed' that has been built in the past year, which lies some 25' distance from our once peaceful and productive orchard and market garden, has added new problems for us. Now we are subject to unremitting grinding and metal work, tractor repairs and emissions which go on at all times of the day and weekend. This while we try to run a small B&B as well as attract farm help who enjoy the 'peace and quiet' of working in a garden and orchard.

In our opinion then there needs to be greater setbacks between properties and buildings; and there should be strict definitions which define 'livestock areas' and 'exercise yards' - with the rights and interests of adjacent property owners respected and protected.

Livestock housing should be well away from property lines, 50-75' minimum, and buildings with people or livestock should be 100' away, minimum; and more and larger buildings should not be permitted. Neither should cisterns, or other storage facilities and constructions, solar and wind installations, etc be permitted to be within such distances. Nor should garages and repair sheds, workshops and the like, be able to be situated where noise, run-off and pollutants might deleteriously affect the agricultural production of neighbouring properties.

This is especially so since as the RDN admits, it's difficult for the RDN to regulate what's going on in a property or in a building after it is built, or the farm is sold to another person.

Smaller setbacks and more relaxed definitions of building uses simply and inevitably lead to unexpected future uses which would not have been initially permitted.

3) Similarly, manure regulations need to be looked at, along with run-off to adjacent properties, especially as waterways are affected.

In the same way the use of chemical fertilizers and pesticides need to be reviewed for their localized and accumulated impact on the property where they are used, as well as the impact upon adjacent properties. This is especially so in our case, since we operate an organic farm, and yet we are subject to the chemical contaminants and drift from neighbouring properties.

4) Kennels should not be permitted on ALR, or any farmlands - they are urban businesses which belong in urban areas.

Again in our case, but on another edge of our property, the RDN has deemed it appropriate to permit a 'dog grooming' business. What this has meant is that the operators have built a large dog training facility on their lower property, claiming to only allow its use by close friends. It appears that anyone who does business with them becomes their close friend, and such training facilities are then available to their friends/customers, who no doubt pay special rates for the permitted 'grooming' and friendship.

sub'n to Agriculture Bylaw and Policy Updates Project

Each 'grooming' day sees many vehicles coming and going, with dozens of dogs running throughout their property in the summer - along with such barking, etc as accompanies training and loose dogs. Our sheep, housed some 100' from the property line, with two fences and a treed buffer between the properties, are regularly frightened as dogs charge our fenceline.

Again, bylaw enforcement, and RDN regulations and permits, appear to be acting to favour such abuses - and to reinforce the disregard of present bylaw infractions.

Dog kennels, grooming, training and assorted other euphemisms which encourage and invite dog businesses onto farmlands, should not be permitted.

5) Suggestion was made at the September 14th RDN meeting that there have been overtures and requests to permit biological pest-control production facilities to be located on ALR.

This proposal, to allow biological pest-control production facilities to be located on ALR, is more than a little disturbing, and could lead to exceptional problems should 'misadventure' occur in the production or inadvertent release of such products. Rural lands, 'away from people', should not be regarded a convenient place to locate noxious, potentially dangerous or other suspect industrial and business enterprises that would not be safely welcomed in an urban setting.

As well, should we not learn from past experience, from introducing rabbits and scotch broom, American bullfrogs and other invasive species? There is no fool-proof containment methods, as GMO contamination of adjacent fields has proven. The RDN should not be entertaining such deleterious and threatening industries and businesses to be located here.

6) The bylaw Appeal process, and applications for Variance, are too flexible - in effect opening the door to development of farm and agricultural lands. We are losing farmland and greenspace at an alarming rate - and the effects of climate change and population increases that are expected in this region mean that there should be less flexibility in removing both agricultural lands and greenspace from their presently permitted use.

7) There is no apparent consideration of water needs for farming and agriculture, and if we are to get though longer, hotter summers and falls, as we have just experienced, and climate change predicts, we need to see leadership in the RDN. Ignoring our water needs will not solve the problem. Large users of water need to conserve and reduce their use, so that smaller farms and households might access sufficient water for their needs.

- Jackie Moad and Laurie Gourlay

Thistledown Farm, 2689 Cedar Road, Cedar BC, V9X 1K3
Thistledownfarm@shaw.ca, (250 722-7223), www.Thistledownfarm.ca

Marks, Kristy

From: Hewitt, Nicole on behalf of Planning Email
Sent: Tuesday, December 01, 2015 2:24 PM
To: Thompson, Paul; Marks, Kristy; Holm, Jeremy
Subject: FW: Changes to Bylaw 500 re. agricultural building setbacks.
Attachments: dogs.wmv

From: John White [mailto:j2w@shaw.ca]
Sent: Tuesday, December 01, 2015 2:16 PM
To: Planning Email
Cc: Alec McPherson
Subject: Changes to Bylaw 500 re. agricultural building setbacks.

Attn.: Paul Thompson
Re.: Growing Our Future

I am a part time farmer and have maintained farm status on my property within Area A of the RDN for the past 25 years. I noticed that you are considering changes to Bylaw 500 that would reduce the setback for building that house livestock. I am specifically concerned with the reduction for buildings under 10m2 to 8m and for buildings under 50m2 to 15m. I think I understand the intent of these setback reductions is to permit agriculture on small parcels but I don't think you appreciate the potential smell and noise pollution that even a 10m2 livestock building can create.

For example, a 10m2 (100sqft) can house a flock of 50 chickens. If these are egg layers the noise would be considerable; if the flock contained a number of roosters the noise would be significant. You should understand that certain people breed roosters only for show purposes. These breeders are usually oblivious to the noise their flock makes. And the noise is not intermittent—it occurs constantly during the day and night. To have such a livestock building within 8 metres of your property line would be intolerable. The peaceful enjoyment of your own property would be impossible.

I have attached a video/sound recording I made a few years ago of my neighbor's poultry operation. Their livestock buildings were all under 10m2. Their chickens were not well managed. It was essentially a 'zoo'. There were a large number of roosters and two 'guard' dogs supposedly to protect the chickens from predation. I have not altered the recording to enhance in any way. The recording was taken at mid-day and at a distance of 200 feet from my property line. The noise was even more intense in the morning and the evening. The rooster crowing was continuous and began in earnest at 4:00 AM each day, 7 days a week, 52 weeks a year. How would you like to live within 8m of this?

May I suggest that in considering changes to livestock building setbacks you also consider putting limits on the number and kind of livestock and also on the number of buildings—what's to stop someone from having ten 10m2 buildings? In the case of poultry, you should limit the number of roosters to no more than 1 and no more than 12 hens per 10m2 building. In the case of a 50m2, the number of roosters should be also limited to 1 and the number of hens to no more than 25.

Lastly, each year I produce several hundred roasting chickens. In the last weeks of these chickens lives they consume a prodigious amount of feed and likewise a prodigious amount of excrement. One hundred meat chickens can easily be smelled 100 feet away. Having to live adjacent to such a livestock building would be a horrible experience—especially on a hot summer night when you would like to open your windows.

If Bylaw 500 livestock building setbacks are changed, consideration should be given not only to the size of the buildings but also to the number and type of livestock that each building houses.

Please listen to the file attached.

Sincerely,

John Alcock-White

2705 Ritten Road, 250 722 2683

Marks, Kristy

From: Thompson, Paul
Sent: Wednesday, December 02, 2015 10:58 AM
To: Marks, Kristy
Subject: FW: Changes to Bylaw 500 re. agricultural building setbacks

From: John White [mailto:j2w@shaw.ca]
Sent: December-02-15 10:55 AM
To: Thompson, Paul
Cc: Alec McPherson
Subject: RE: Changes to Bylaw 500 re. agricultural building setbacks

Thank you for your reply. May I add a few follow up points to my previous email:

1. Bylaw 500 defines a building as *“any structure and portion thereof, including mechanical devices, that are used or intended to be used for the purpose of supporting or sheltering any use or occupancy”*. It does not define an agricultural building however. In the past I tried to qualify this and the Regional District of Nanaimo Development Services confirmed in writing that all of the following examples would be classed as “building and structures” subject to the Bylaw Setback Requirements:

--An 8' wide, 8' long and 8' high chicken coop.

-- An 8' wide, 8' long, and 8' high chicken run with wire sides and a permanent metal roof.

--An 8' wide, 8 long, and 8' (2.4 m) high chicken run with wire sides and no roof.

In other words, a chicken run as well as a chicken house is a building used for housing livestock and is subject to the setback regulations. An exception might be farmers with free run chickens and minimal buildings. That was the case with my noisy neighbor. I contacted the Ministry of Agriculture about this and they stated that providing minimal shelter for chickens is not a ‘normal farm practice’ and as such would not be exempted from local government nuisance bylaws.

2. Setback regulations depend upon the use of the structure. Poultry kept for sale and profit is classed as agricultural livestock. The current minimum setback for these structures is 30.0m. If the structure is used for “household animals” the minimum setback is 8.0m. My neighbor has a pet pig she takes for walks on the road. Bylaw 500 defines livestock as *“animals used for agricultural purposes, which are used or the products of which are sold, and includes any horse, donkey, mule, cow, goat, sheep or pig”*. Some people consider livestock also household animals. Be ready for some challenges.

3. As I mentioned in my previous email, the number of livestock buildings as well as their size needs to be specified. For example, a horse boarding stable may consist of a series of paddocks with individual shelters. Each shelter could be less than 10m². Ten such shelters could be arrayed along a property line. The combined building size would be 100m² but nevertheless meet the minimum setback requirement. Bylaw 500 addresses combined floor area and floor area ratio as *“the sum total of the gross horizontal area of each floor of a building as measured from the inside surface of the outermost exterior walls. Floor area ratio means the figure obtained when the floor area of all buildings on a parcel, except those areas of a building providing covered parking area, is divided by the area of the parcel*. In the case of livestock buildings, perhaps their combined area should be included. Perhaps the bylaw should read as follows:

“Buildings and structures of a combined area of 10 m² or less that house livestock, poultry, game, or other furbearing farm animals.”

4. The Farm Practices Protection Act ensures that normal farm practices can take place on ALR land and land that is zoned for farming. It is not however a license to circumvent local government bylaws or cause unnecessary harm to neighboring properties. In terms of noise and setback distance, one government document states this:

What is the impact of setback distance on noise levels heard by neighbors? Increasing setback distances is one method of reducing the impact of noise on neighbors. There is a 6 dB decline when the distance between the poultry house and neighbors doubles if there are no obstacles in the way, such as walls, trees, etc.) If you are 1 meter away from the barn and move to 2 meters, the sound will drop by 6 dB, if you then move to 4 meters away the sound will decline by 12 dB. If the noise levels 1 meter from trucks and equipment is over 90 dB then the noise 128 meters away will still be 48 dB. Increasing the distance between you and your neighbors helps but is not the total solution. For specific measurements on your farm consult an acoustical engineer.

Setback distance is therefore an important tool for controlling noise (and smell). The RDN should be very cautious when reducing it.

5. I am unclear about this: does local government have the authority to specify setback distance for buildings that house livestock on both ALR and farm zoned land or not? Does that authority over ride the Right to Farm Act? For example, if the RDN enacts a bylaw that specifies no livestock building shall be within 30m of a property line, can a farmer challenge that bylaw as a violation of their right to farm? If the farmer can, then the farmer can build a livestock building anywhere they want. If the farmer cannot, then the local government's main (and perhaps only) means of controlling farm operations is setback distance. Any reduction in that distance represents a reduction in the ability of the RDN to control nuisance farm operations.

6. Lastly, specifying the number and type of animals in the setback bylaw may be problematic in terms of creating a conflict between the authority of local government and the authority of the Right to Farm Act. However various cities impose rigorous control of number and type of animals in backyard chicken bylaws. Such regulations are likely not applicable to ALR and farm zoned land, however if the RDN has the authority to specify setback distance based upon the size of the livestock building, should it also not have the authority to specify other conditions as well? Vancouver's regulations state:

- *A maximum of 4 hens (no roosters), 4 months or older, per lot is allowed*
- *Ducks, turkeys, or other fowl or livestock (such as goats) are not allowed*
- *Eggs, meat, and manure cannot be used for commercial purposes*
- *Backyard slaughtering is not allowed*

Why is not possible for the RDN to do something similar?

From: Thompson, Paul [<mailto:PThompson@rdn.bc.ca>]
Sent: Tuesday, December 01, 2015 4:34 PM
To: 'j2w@shaw.ca'
Cc: Alec McPherson; Marks, Kristy
Subject: Changes to Bylaw 500 re. agricultural building setbacks

John,

Thank you for your comments. We appreciate getting this kind of input from actual farmers who also live next to other farms. We will do what we can to incorporate your comments regarding limiting the number of animals and buildings in consideration of the Right to Farm Act, ALC regulations and Minister of Agriculture's Bylaw Standards.

Thank you again for your input,

Paul Thompson, MCIP, RPP
Manager of Long Range Planning

Marks, Kristy

From: Thistledown Farm <Thistledownfarm@shaw.ca>
Sent: Wednesday, January 13, 2016 10:55 AM
To: Marks, Kristy
Subject: Follow-up to Submission on Agriculture Bylaw and Policy Updates Project
Attachments: RDN Ag Bylaws Project, sub'n, n21'15.doc; RDN, Mr Brian Brack, dog training complaint, d7'15.doc; RDN Bylaw review - follow-up ltr, j13'16.rtf; Letter to RDN, Writer's Gathering - Bylaws, s2'15.rtf

Kristy Marks
Senior Planner
Regional District of Nanaimo
kmarks@rdn.bc.ca

Re: Follow-up to Submission on Agriculture Bylaw and Policy Updates Project

January 13, 2016

Ms Marks,

We did not hear back from you with respect to our submission of November 21st, particular to the RDN's Agriculture Bylaw and Policy Updates Project. It may be that other matters required your attention, and in case you did not receive it we have provided a copy (attached, with related files).

We are writing now to provide a follow-up, as new information and circumstances underline some of the points we hoped to raise to the attention of the RDN as they consider Agriculture Bylaw and Policy Updates (attached, Jan. 13/16).

Thank you for your time. We hope our submissions are helpful in addressing the needs of farmers and rural residents, as well as in furthering the understanding that the RDN brings to addressing its mandate for those of us living in the countryside.

regards,

In our December 7th letter to the RDN By-laws Department we documented how, "our neighbours have been baiting our dogs in order to advance training they are conducting in violation of local by-laws - and certainly at odds with the best interests of our dogs and the management of our farm."

We do not know if these were the same neighbours who complained to the RDN with respect to a Writer's Gathering that we held on the farm in August (noted in Point #1 of our November submission). Nor do we know if these neighbours were the excuse for RDN representatives to then initiate legal action against our registered B&B business, which hosted the Writer's Gathering.

And, neither do we know if these neighbours were the reason that the RDN representatives would then make public statements to the media alleging that we have had complaints levied against us in the past, suggesting that we have been an ongoing problem and regularly violate by-laws.

We have attached our letter of September 2/15 to the RDN CoW which addresses the RDN's allegations, and the abuse of powers by the By-law department and RDN representatives. Unfortunately, and again, we did not receive the courtesy of a reply, despite the seriousness of the actions undertaken by the RDN and the effects to our B&B business and reputation.

We suspect that the 'complaints' that the RDN brought to the public's attention, were particular to dogs barking - which we see related to the 'baiting' by our neighbours, who seem intent on expanding their dog-related business onto farm lands. You might then understand why we do not agree that by-law revisions, that might relax or encourage kennel and other dog-related businesses to locate on or adjacent to farm lands, should not be passed.

Before we leave this concern we need to also note that the RDN's procedures for investigating complaints, and issuing such 'cease and desist' orders, are highly questionable and open to abuse. People who are accused of such behaviour are treated as guilty, given no opportunity to address the concerns levied against them - to describe the situation or circumstances which may underlie such accusations and complaints.

It is then possible to allege any number of complaints, for any number of reasons, without ever providing proof that you are not making a frivolous or completely untrue complaint. The RDN then apparently can use these complaints, as in our case, as proof that the property owner is a problem - all without due process or the principals of natural justice and procedural fairness being respected.

To elaborate a little further on how this skews the RDN's decisions in favour of those who complain let us provide another example which appears rather innocuous at first glance. The same neighbours to the north-east, who continue to operate their cattle lot and feeding station in violation of RDN By-laws, also have a yard where children regularly play - again immediately adjacent to our property - our orchard and gardens.

Last Friday these children were out playing, their calls and laughter attracting our dog's attention. (The same dogs who have been baited by our other neighbours to the south-east). We have to add here that we absolutely enjoy the laughter and play of children, and take no issue whatsoever with them being out and enjoying themselves.

However, once our dogs went over to see what all the noise was about these children then called to our dogs, and 'barked' at them, woof, woof, woof - having fun as children do. Prompted, our dogs barked back, and this escalated, the children having great fun with their teasing and so on, getting the dogs excited and responding to their calls, etc.

So we have to ask you Ms Marks, who is to blame here? If our neighbours complain that our dogs are barking is it because they have been teased, and also baited by the neighbours and their dog-business activities? Should we simply accept that we'll be publicly accused by the RDN of ignoring complaints if we then attempt to engage in a dialogue, or question the rationale for such complaint?

If the RDN publicly accuses us, or others, of violating 'Public Assembly' laws, then shouldn't the RDN have to account for its behaviour? In other words, account for the use of such powers and the attempt to intimidate property owners into compliance?

We think the RDN needs to re-consider the heavy-handed and subjective approach it takes with respect to attending to By-law complaints. And we think the RDN By-laws Department needs to prepare follow-up reports when a complaint has been attended to and confirmed - along with a suggestion of what may be expected in terms of correcting the violation. And that such final reports should be available for both the individual(s) who complained, as well as those who the complaint was levied against.

Overall, we think that if the RDN honestly wishes to remediate and to improve Agriculture Bylaws and Policy, then it should first look at the process and accountability practices of the RDN By-laws Department. Changes are needed, to say the least.

Thank you for your time. We hope our submissions are helpful in addressing the needs of farmers and rural residents, as well as in furthering the understanding that the RDN brings to addressing its mandate for those of us living in the countryside.

regards,

Jackie Moad and Laurie Gourlay

*Thistledown Farm, 2689 Cedar Road, Cedar BC, V9X 1K3,
Thistledownfarm@shaw.ca, (250 722-7223), www.Thistledownfarm.ca*

Attachment 2
Bylaw 500.402, 2016

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.402**

**A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987**

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 Land Use and Subdivision Amendment Bylaw No. 500.402, 2016”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

- 1. Under **PART 2, INTERPRETATION, DEFINITIONS** by deleting and replacing the following definitions in alphabetical order:

“agriculture means a use providing for the growing, rearing, producing and harvesting of agricultural products, and includes the growing of crops; fruit and berry production; growing trees and shrubs; housing livestock, poultry, fur-bearing animals, bees; animal feeding and holding areas; storage of crops; and the processing and sale of the primary agricultural products harvested, reared or produced on that farm, including the rough sawing of logs, but excludes animal care, and the following uses on lands that are not in the Agricultural Land Reserve: fur farm, mushroom farm, intensive swine operation, feedlot and medical marihuana production and specifically excludes horse boarding stable on land located within the Resource Management (RM3) and Rural 5 (RU5) zones;

aquaculture means the cultivation, rearing and harvesting of aquatic organisms on land or in the water, but specifically excludes seafood processing except on land located in the Agricultural Land Reserve;

feedlot means a fenced area where livestock, poultry, or farmed game are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing;

livestock means cattle, horses, sheep, goats, swine, and similar farmed or fur bearing animals.

structure means anything that is constructed or erected, and includes swimming pool, mobile home space, camping space and major improvements accessory to the principal use of land, but specifically excludes landscaping, paving improvements and signs under 1.0 m in height, retaining walls under 1.0 m in height that retain less than 1.0 m of earth, fences under 2.0 m in height and transparent fencing or transparent vertical extensions greater than 2.0 m in height where the fence is required for agriculture or farm use;”

2. Under **PART 2, INTERPRETATION, DEFINITIONS** by adding the following definitions in alphabetical order:

“agriculture education and research means the use of land, buildings, or structures dedicated to researching, promoting, and teaching methods of agriculture and farming in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, but specifically excludes schools under the *School Act*;

confined livestock area means an outdoor area where livestock, poultry, or farmed game are confined by fences, other structures or topography, and includes paddocks, corrals, exercise yards, and holding areas, but does not include a grazing area;

farm means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land;

farm operation means farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* and may include but is not limited to activities such as growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals; aquaculture; and processing or direct farm marketing of products in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;

farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by and in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, and includes but is not limited to activities such as farm retail sales; storing, packing, preparing and processing farm products; a winery or cidery; and agri-tourism activities and includes farm operation;

grazing area means a pasture or rangeland where livestock, poultry or farmed game are primarily sustained by direct consumption of feed growing in the area;

household livestock means livestock animals kept by a household, which are used or the products of which are used primarily and directly by the household and not for sale or profit;

household poultry means domesticated hens or ducks kept by a household, which are used or the products of which are used primarily and directly by the household and not for sale or profit;

poultry means domesticated birds kept for eggs, meat, feathers, hide, or cosmetic or medicinal purposes, and includes broilers, Cornish hens, layers, breeding stock, replacement pullets, roasters, ducks, geese, turkeys, game birds, and ratites;

production of biological integrated pest management products means the use of land, buildings, or structures for the production and development of biological products such as beneficial predatory insects, parasites, pathogens, and weed-feeders to be used in biological integrated pest management programs in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;

temporary sawmill means a building or structure or area where timber is cut or sawed and at least 50% of the volume of timber supplied is from the farm or parcel on which the sawmill is located and operates during normal daylight hours producing less than 60 m³ of lumber daily;”

3. Under **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** by adding the following zoning classification and corresponding short title after Agriculture 1 (AG1):

“Agriculture 2 (AG2)”

4. Under **PART 3 LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 5 Keeping of Animals and replacing it with the following:

“5) Keeping of Animals

- a) In all zones where agriculture or farm use is not a permitted use, the keeping of animals shall be deemed to be an accessory use and shall be limited to:

- i) on parcels less than 1000 m² in size the keeping of animals is restricted to pets and household poultry in accordance with Subsection 5b;
- ii) on parcels 1000 m² or greater in size, the keeping of animals is restricted to household animals and pets;
- iii) on parcels 1.0 ha or greater in size, the keeping of pets, household animals, and household livestock is permitted.

- b) The keeping of household poultry on parcels less than 1000 m² is subject to the following regulations:

- i) must be accessory to the residential use of the parcel;
- ii) a maximum of 5 hens or ducks are permitted per parcel;
- iii) no roosters, cockerels, or peacocks, and the like may be kept on the parcel;
- iv) a minimum enclosure of 0.37 m² (4 ft²) per hen or duck must be provided;
- v) any building or structure containing household poultry, whether portable or stationary, must:
 - a. meet the minimum setback requirements of the applicable zone and in no case shall be sited within 2.0 m of any lot line;
 - b. not be located within the front yard or exterior side yard;
 - c. have a maximum floor area of 10 m² and a maximum height of 3.0 m.”

5. Under **PART 3 LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 10 (a) Agricultural Buildings and replacing it with the following:

“a) Agriculture and Farm Buildings, Structures and Uses

The following minimum setback requirements shall apply to all agriculture or farm buildings, structures and uses.

Use(s)	Setback from all lot lines
1) The following shall apply to all agriculture or farm buildings, structures, and uses	
I. Outdoor uncovered horse riding rings and exercise yards where no feeding of animals occurs	0 m
II. Buildings and structures 10 m ² or less that house any livestock or poultry (except household poultry), game, or other furbearing farm animals	8.0 m
III. Indoor horse riding rings where no feeding or housing of animals occurs.	8.0 m
IV. Buildings and structures 50 m ² or less that house any livestock, poultry, game, or other furbearing farm animals. V. Confined Livestock Area	15.0 m
VI. Buildings and structures more than 50 m ² that house any livestock, poultry, game, or other furbearing farm animals. VII. Feedlot VIII. Indoor riding rings where feeding or housing of animals occurs IX. Mushroom Barn X. Temporary Sawmill XI. Buildings, structures, and lands used for: a. the storage of agricultural liquid or solid waste b. On-farm composting c. Compost storage	30.0 m
XII. Medical Marihuana Production Facilities - All buildings and structures except: a. the setback shall be 60.0 m from all lot lines adjacent to non-ALR residential uses and; b. the setback shall be 150.0 m from any parcel that contains a park or school	30.0 m
XIII. All other agricultural buildings and structures	8.0 m

- 2) The following watercourse setbacks shall apply to all agriculture or farm buildings, structures and uses:
- I. All buildings and structures that house any livestock or poultry (except household poultry) or store manure and all areas used for a feedlot shall be a minimum of 30 m from a domestic well, spring, or the natural boundary of a watercourse.
 - II. All other agriculture or farm buildings and structures shall be sited in accordance with Sections 3.3.8 and 3.3.9 ”

6. Under **PART 3 LAND USE REGULATIONS, Section 3.3 General Regulations** by adding the following new subsection after 3.3.10 Setbacks – Buildings and Structures and renumbering all subsequent subsections accordingly:

“11) Stormwater Management for Farm Use

Where the total impervious area of agriculture or farm buildings and structures exceeds 3,700 square metres or covers more than 25% of a parcel or contiguous parcels a stormwater management plan is required.”

7. Under **PART 3 LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 11) Height a), replacing it with the following, and renumbering all subsequent sections:

“a) Chimney stacks, mast aerals, church spires, flag poles, water tanks, observation and transmission towers, and mechanical devices necessary for the operation of a building.

b) Principal agricultural or farm buildings or structures. ”

8. Under **PART 3 LAND USE REGULATIONS, Section 3.3 Subsection 13 Home Based Business** by deleting Subsections b, f and h) iii) and replacing them with the following:

“b) xxviii) automotive repairs, vehicle restoration or maintenance except on parcels zoned Agriculture 1 and 2 (AG1-AG2) and Rural 1 to 4 (RU1-RU4) and Rural 6 to 9 (RU6-RU9) and Resource Management 1 to 5 (RM1-RM5) and Resource Management 7 to 9 (RM7-RM9)

f) Despite subsection e), a maximum of two non-resident home based business employees are permitted per parcel in all Residential 2 (RS2) zones, in Agriculture 1 and 2 (AG1 – AG2) zones, Rural 1 to 4 (RU1-RU4), Rural 6 to 9 (RU6-RU9) zones, Resource Management 1 to 5 (RM1-5) and Resource Management 7 to 9 (RM7-RM9) zones.

h) iii) On Agriculture 1 and 2 (AG1 – AG2), Rural 1 to 4 (RU1-RU4) and Rural 6 to 9 (RU6-RU9) parcels and Resource Management 1 to 5 (RM1-RM5) and Resource Management 6 to 9 (RM6-RM9) parcels, the home based business floor area must not exceed 49% of the combined total floor area of the dwelling unit and attached garage to a maximum of 150 m² or a maximum of 150 m² combined total floor area for the dwelling unit, attached garage, and/or accessory building(s).”

9. Under **PART 3 LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting subsection 14 and moving it under Subsection 10 Setbacks – Buildings and Structures as follows and renumbering all subsequent subsections:

“c) Highway No. 19

For Electoral Area ‘G’ only, the minimum required setback for all buildings and structures adjacent to the Vancouver Island Highway No. 19 shall be the minimum setbacks prescribed in each zone or 15.0 metres, whichever is greater.”

10. Under **PART 3 LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 16 Agri-tourism Accommodation and replacing it with the following:

“16) Accessory Farm Use Regulations

a) Agriculture Education and Research

Where agriculture education and research is permitted in this bylaw it shall be subject to the following regulations:

i) the area occupied by any buildings or structures necessary for education or research must not exceed 100 m² for each parcel.

b) Production of Biological Integrated Pest Management Products

Where the production of biological integrated pest management products is permitted in this bylaw it shall be subject to the following regulations:

i) the area occupied by any buildings or structures necessary for the production or development must not exceed 300 m² for each parcel.

c) Agri-tourism Accommodation

i) As per Section 3 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, on parcels within the Agricultural Land Reserve and where agri-tourism accommodation is a permitted accessory use, the following general provisions apply:

- a. Agri-tourism accommodation use must be for rental only;
- b. Agri-tourism accommodation is permitted only on land classified as ‘farm’ under the *BC Assessment Act*;
- c. A maximum of one agri-tourism accommodation sleeping unit including a seasonal campsite, seasonal cabin or short term use of a bedroom within a dwelling unit per hectare shall be permitted up to a maximum of ten (10) per parcel;
- d. When calculating the total number of agri-tourism accommodation sleeping units all forms of tourist accommodation, including a bed and breakfast, shall be included;

- e. The total developed area for an agri-tourism accommodation use, including buildings, landscaping, driveways and parking shall occupy less than five percent (5%) of the total parcel area, in accordance with the *Agricultural Land Commission Act*.
- ii) An agri-tourism accommodation campground must be developed in accordance with the following regulations:
 - a. Every campsite shall be unpaved and not exceed 150 m² in area;
 - b. Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
 - c. A maximum consecutive or non-consecutive stay of ninety (90) calendar days per visitor within any twelve (12) month period within any campsite on the parcel. The relocation of recreational vehicle (RVs) or campers to other sites within the parcel does not constitute the start of a new stay.
 - iii) An agri-tourism accommodation cabin must be developed in accordance with the following regulations:
 - a. The maximum gross floor area of an agri-tourism accommodation cabin shall not exceed 50 m²;
 - b. Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
 - c. A maximum of one kitchen facility shall be permitted within each agri-tourism accommodation cabin;
 - d. A maximum consecutive or non-consecutive stay of ninety (90) days per visitor in any twelve (12) month period within any cabin on the parcel. The relocation of a visitor to another cabin within the parcel does not constitute the start of a new stay;
 - e. One (1) parking space per agri-tourism accommodation cabin is required."
11. Under **PART 3 LAND USE REGULATIONS, Section 3.3 General Regulations** by adding the following new Sections after Section 3.3.16 and renumbering Section 3.3.17 Secondary Suites to 3.3.19.

17) "Temporary Use Permits for Farmers' Markets

In accordance with the *Local Government Act*, the RDN may support temporary use permits for farmers markets on any parcel within the area covered by this bylaw.

The following conditions and criteria will be included in the RDN's consideration of such applications depending on the nature of the application being considered.

- a) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.
- b) The RDN may specify conditions of approval including, but not limited to, environmental protection measures, hours of operation, buffering between adjacent uses, parking, and

groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the conditions of the permit.

- c) The RDN will consider the impact on local road networks and on-site parking.
- d) The RDN may consider any other condition or criteria as deemed necessary by the RDN.”

18) Pet Breeding or Boarding Facilities

The establishment of a facility for breeding or boarding pets on ALR land is not permitted unless by a rezoning of land, except where permitted in this bylaw. The use, if approved, shall be subject to the following specific requirements as well as all other applicable provisions of this bylaw:

- a) Must be located on parcels which are 2.0 ha or larger,
- b) All structures and areas utilized in association with the breeding or boarding facility shall be sited a minimum of 30.0 metres from all property lines.”

12. Under **PART 3 LAND USE REGULATIONS, Section 3.3, Subsection 17 Secondary Suites** by amending a) to include the AG1 zone classification.

13. Under **PART 3 LAND USE REGULATIONS, Section 3.4 Regulations for Each Zone in the** by replacing the existing text with the following:

“Detailed regulations respecting each zone can be found in Section 3.4”

14. Under **PART 3 LAND USE REGULATIONS, Section 3.4 Regulations for Each Zone** in the RM1, RM2, RM3, RM4, RM5, RM7, RM8, RM9, RU1, RU2, RU3, RU4, RU5, RU6, RU7, RU8, RU9 zones by deleting the clause “Buildings and structures for housing livestock or storing manure – All lot Lines 30.0 m” from the Minimum Setback Requirements and replacing it with the following:

“All agriculture or farm buildings, structures and uses – in accordance with Section 3.3.10”

15. By deleting Section 3.4.1 (AG1) and replacing it with Schedule ‘1’ which is attached to and forms part of this Bylaw.

16. By adding Section 3.4.2 (AG2) as shown on Schedule ‘2’ which is attached to and forms part of this Bylaw.

C. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

1. Under **PART 3 LAND USE REGULATIONS, Schedule ‘3A’ Zoning Maps**, by rezoning the lands shown on the attached Schedule ‘3’ as follows:

from Rural 1, Rural 2, Rural 4, Rural 5, Rural 6, Rural 7, or Rural 9 to Agriculture 1.

2. Under **PART 3 LAND USE REGULATIONS, Schedule '3A' Zoning Maps**, by rezoning the lands shown on the attached Schedule '3' as follows:

from Resource Management 1, Resource Management 3, Resource Management 5, or Resource Management 9 to Agriculture 2.

3. By rezoning the lands shown on the attached Schedule '4' and legally described as

Section 15, Range 7, Cranberry District, Except that part
Lying to the East of Plan 1748 RW

from Rural 4 (RU4), Subdivision District 'D' to Agriculture 1 (AG1), Subdivision District 'D'

4. By rezoning the lands shown on the attached Schedule '4' and legally described as

Section 14, Range 7, Cranberry District

from Residential 2 (RS2), Subdivision District 'F' to Agriculture 1 (AG1), Subdivision District 'D', from Rural 4 (RU4), Subdivision District 'D' to Residential 2 (RS2), Subdivision District 'F', and from Rural 4 (RU4), Subdivision District 'D' to Agriculture 1 (AG1), Subdivision District 'D'

5. By rezoning the lands shown on the attached Schedule '5' and legally described as

Lot G, District Lots 81 and 126, Nanoose District, Plan 49145
Except Part in Plans VIP53112 and VIP70880

from Recreation 1 (RC1), Subdivision District 'Z' to Rural 1, (RU1) Subdivision District 'F', from Rural 1 (RU1), Subdivision District 'F' to Agriculture 1, Subdivision District 'B' and from Recreation 1 (RC1), Subdivision District 'Z' to Agriculture 1 (AG1), Subdivision District 'B'

6. By rezoning the lands shown on the attached Schedule '5' and legally described as

Lot A, District Lots 29, 81, 83 and 126, Nanoose District, Plan 49145,
Except Parts in Plans VIP51714, VIP52613, VIP76030, and VIP76051

from Rural 1 (RU1), Subdivision District 'F' to Recreation 1 (RC1), Subdivision District 'Z'

7. By rezoning the lands shown on the attached Schedule '6' and legally described as

Section 7, Range 7, Cranberry District, Except the Right of Way of the
Esquimalt and Nanaimo Railway Company, and Except Parts in
Plans 28926, 40145, 3590RW and 1140RW

from Rural 4 (RU4), Subdivision District 'D' to Agriculture 1 (AG1), Subdivision District 'D' and from Rural 4 (RU4), Subdivision District 'B' to Agriculture 1 (AG1), Subdivision District 'D'

Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

Chairperson

Corporate Officer

Chairperson

Corporate Officer

AGRICULTURE 1

AG1

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses

- a) Farm Use – on lands located in the Agricultural Land Reserve
- b) Agriculture – on lands not located in the Agricultural Land Reserve
- c) Residential Use

Permitted Accessory Residential Uses

- a) Home Based Business
- b) Secondary Suite

Permitted Accessory Farm Uses

- a) Temporary Sawmill
- b) Agricultural Education and Research
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products

3.4.1.2 Maximum Number and Size of Buildings and Structures

- 1) Accessory residential buildings combined floor area of 400 m²
- 2) Dwelling units/parcel
 - a) on a parcel having an area of 2.0 ha or less 1
 - For Electoral Areas 'A', 'C', 'E', and 'H'**
 - b) on a parcel having an area greater than 2.0 ha 2
 - For Electoral Area 'G'**
 - c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' 2
 - d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. 2
- 3) Height (non-farm and accessory farm buildings and structures) 9.0 m

AGRICULTURE 1 continued

- 4) Parcel coverage
 - a) Non-farm buildings and structures 10%
 - b) Farm or agriculture buildings and structures 25%
 - c) Greenhouses 75%
 - d) In no case shall the combined parcel coverage exceed 75%.
 - e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
 - i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.

3.4.1.3 Minimum Setback Requirements

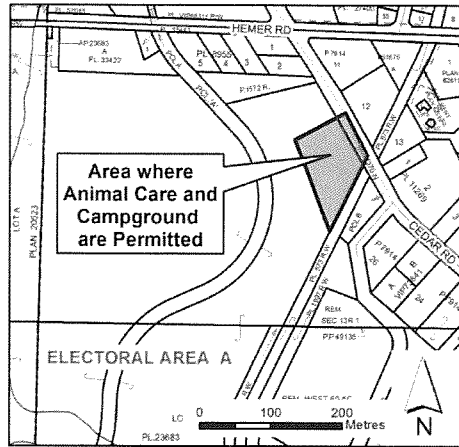
- 1) All non-farm buildings and structures – All lot lines 8.0 m
except where:
 - a) the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from other lot lines, excluding the front lot line;
 - b) any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.3.8 and 3.3.9 shall apply.
- 2) All farm or agriculture buildings, structures and uses – in accordance with Section 3.3.10.

3.4.1.4 Other Regulations

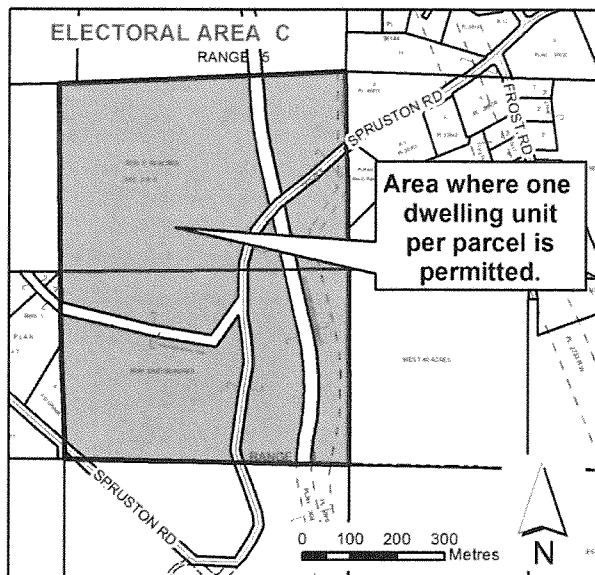
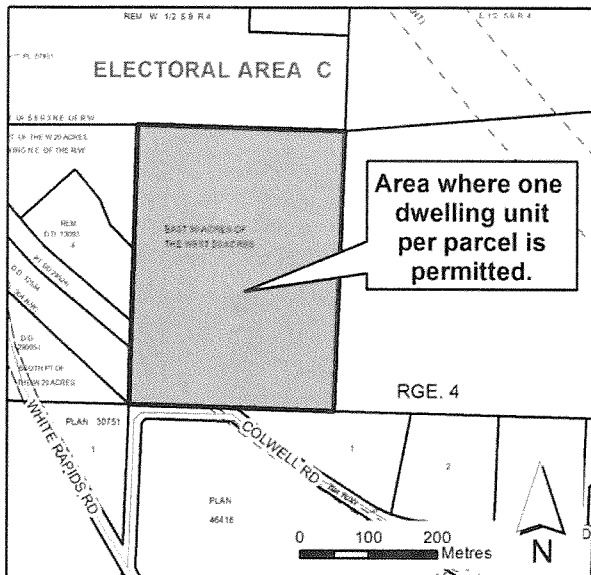
- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- 3) Specific 'Farm' and 'Permitted' uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 3.3.15 and 3.3.16 of this Bylaw.
- 4) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the ***Agricultural Land Commission Act*** is subject to the ***Agricultural Land Commission Act*** and ***Regulations***, and applicable orders of the Land Reserve Commission.

AGRICULTURE 1 continued

- 5) Animal Care and Campground shall be permitted in the shaded area outlined in bold in the map below.



- 6) Notwithstanding Section 3.4.1.2 Dwelling units/parcel the maximum number of dwelling units permitted in the shaded areas outlined in bold in the maps below shall be limited to one dwelling unit per parcel.



Chairperson

Corporate Officer

Schedule 2

AGRICULTURE 2

AG2

3.4.2.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses	Required Site Area:
a) Farm Use – on lands located in the Agricultural Land Reserve	n/a
b) Agriculture – on lands not located in the Agricultural Land Reserve	n/a
c) Residential Use	n/a
d) Extraction Use	2.0 ha
e) Log Storage and Sorting Yard	1.0 ha
f) Primary Processing	5.0 ha

Permitted Accessory Residential Uses

- a) Home Based Business

Permitted Accessory Farm Uses

- a) Temporary Sawmill
- b) Agricultural Education and Research
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products

3.4.2.2 Maximum Number and Size of Buildings and Structures

- | | |
|--|---|
| 1) Accessory residential buildings | combined floor area of 400 m ² |
| 2) Dwelling units/parcel | |
| a) on a parcel having an area of 8.0 ha or less | 1 |
| <i>For Electoral Areas 'A', 'C', 'E', and 'H'</i> | |
| b) on a parcel having an area of 8.0 ha or more | 2 |
| <i>For Electoral Area 'G' only</i> | |
| c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' | 2 |

AGRICULTURE 2 continued

- d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 8.0 ha 2
- 3) Height (non-farm and accessory farm buildings and structures) 9.0 m
- 4) Parcel coverage
 - a) Non-farm or non-agricultural buildings and structures 10%
 - b) Farm or agriculture buildings and structures 25%
 - c) Greenhouses 75%
 - d) In no case shall the combined parcel coverage exceed 75%
 - e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
 - i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.

3.4.2.3 Minimum Setback Requirements

- 1) All residential and non-farm buildings and structures:
 - a) All residential buildings and structures – All lot lines 8.0 m
 - b) All other non-farm buildings and structures – All lot lines 20.0 m
 - c) Except where any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.3.8 and 3.3.9 shall apply
- 2) All farm or agriculture buildings, structures and uses – in accordance with Section 3.3.10.

3.4.2.4 Other Regulations

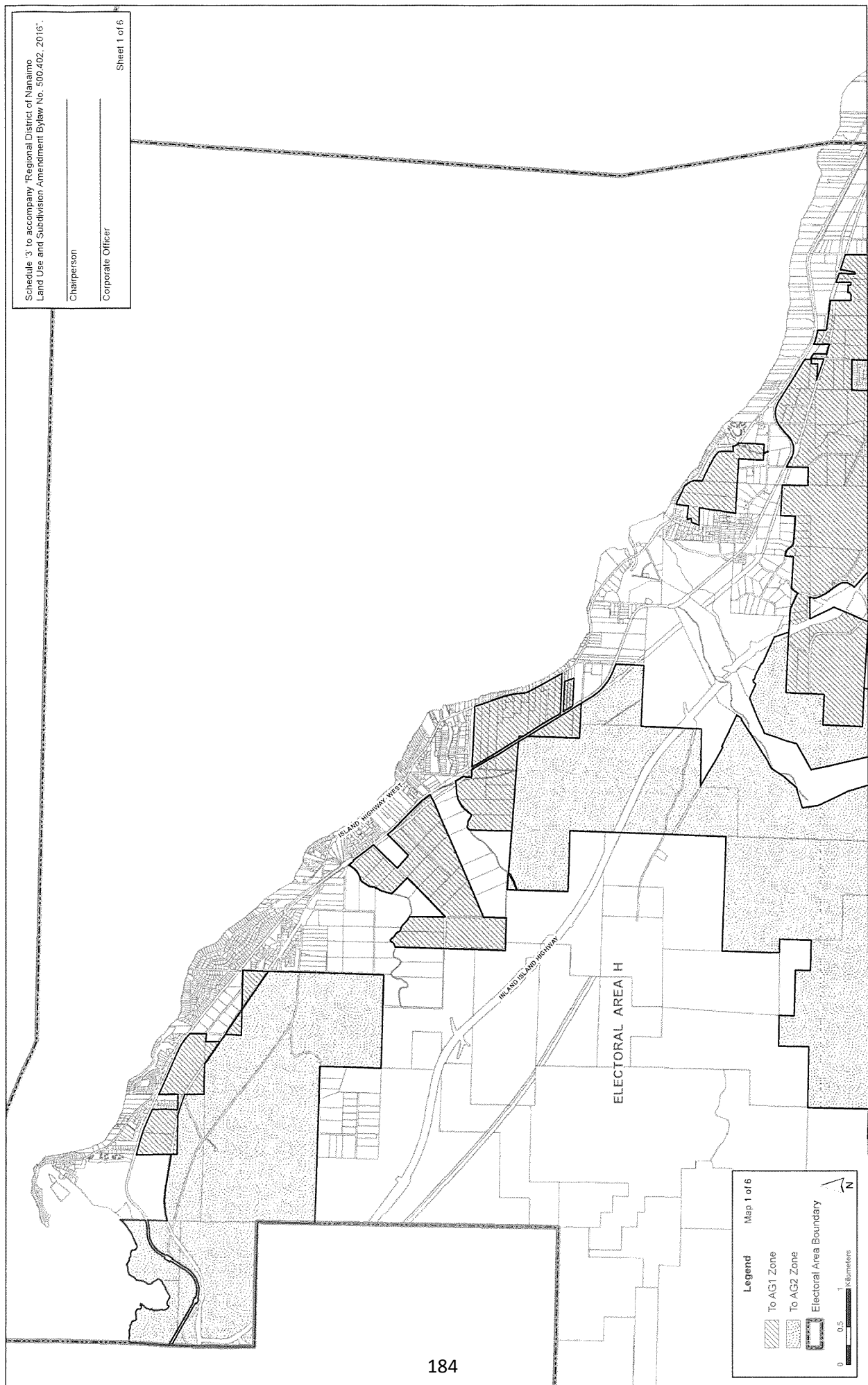
- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- 3) Specific 'Farm' and 'Permitted' uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 3.3.15 and 3.3.16 of this Bylaw.
- 4) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the ***Agricultural Land Commission Act*** is subject to the ***Agricultural Land Commission Act and Regulations***, and applicable orders of the Land Reserve Commission.

Schedule 3 to accompany "Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No. 500.402, 2016".

Chairperson

Corporate Officer

Sheet 1 of 6

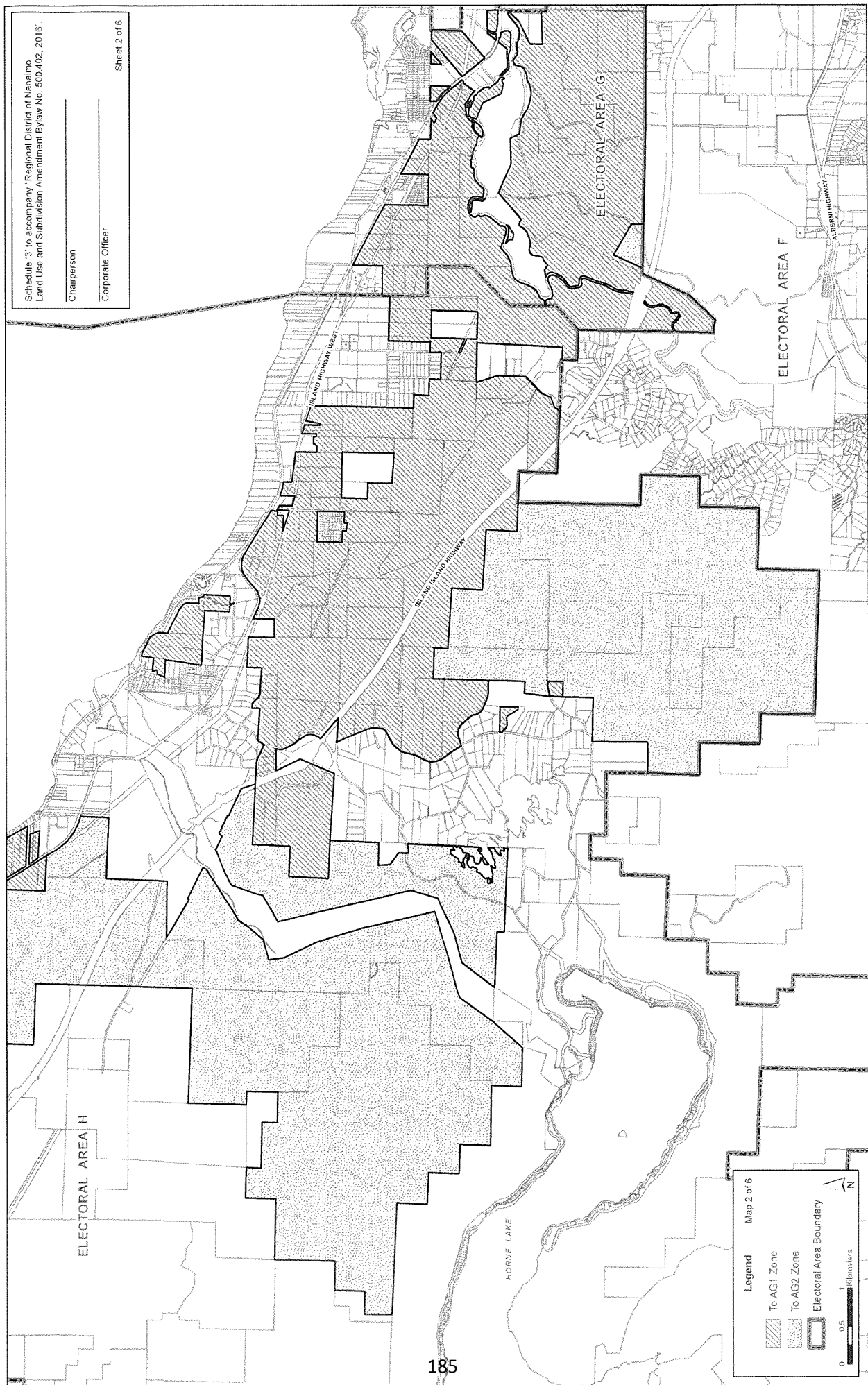


Schedule 3 to accompany "Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No. 500.402, 2016".

Chairperson _____

Corporate Officer _____

Sheet 2 of 6



Legend Map 2 of 6

- To AG1 Zone (diagonal hatching)
- To AG2 Zone (stippled pattern)
- Electoral Area Boundary (thick black line)

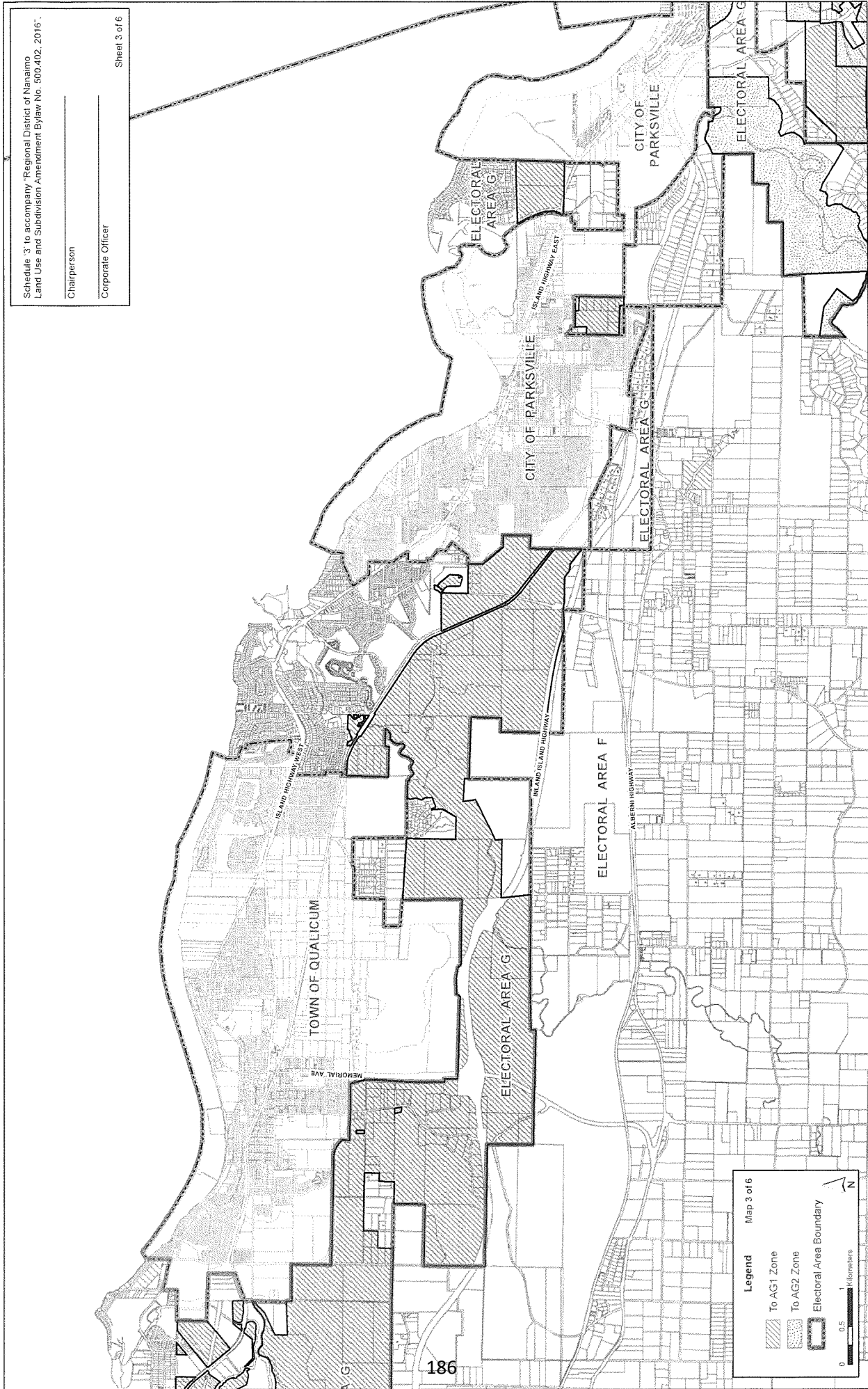
0 0.5 1 Kilometers

Schedule 3 to accompany Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No. 500.402, 2016

Chairperson

Corporate Officer

Sheet 3 of 6



Legend Map 3 of 6

- To AG1 Zone
- To AG2 Zone
- Electoral Area Boundary

0 0.5 1 Kilometers

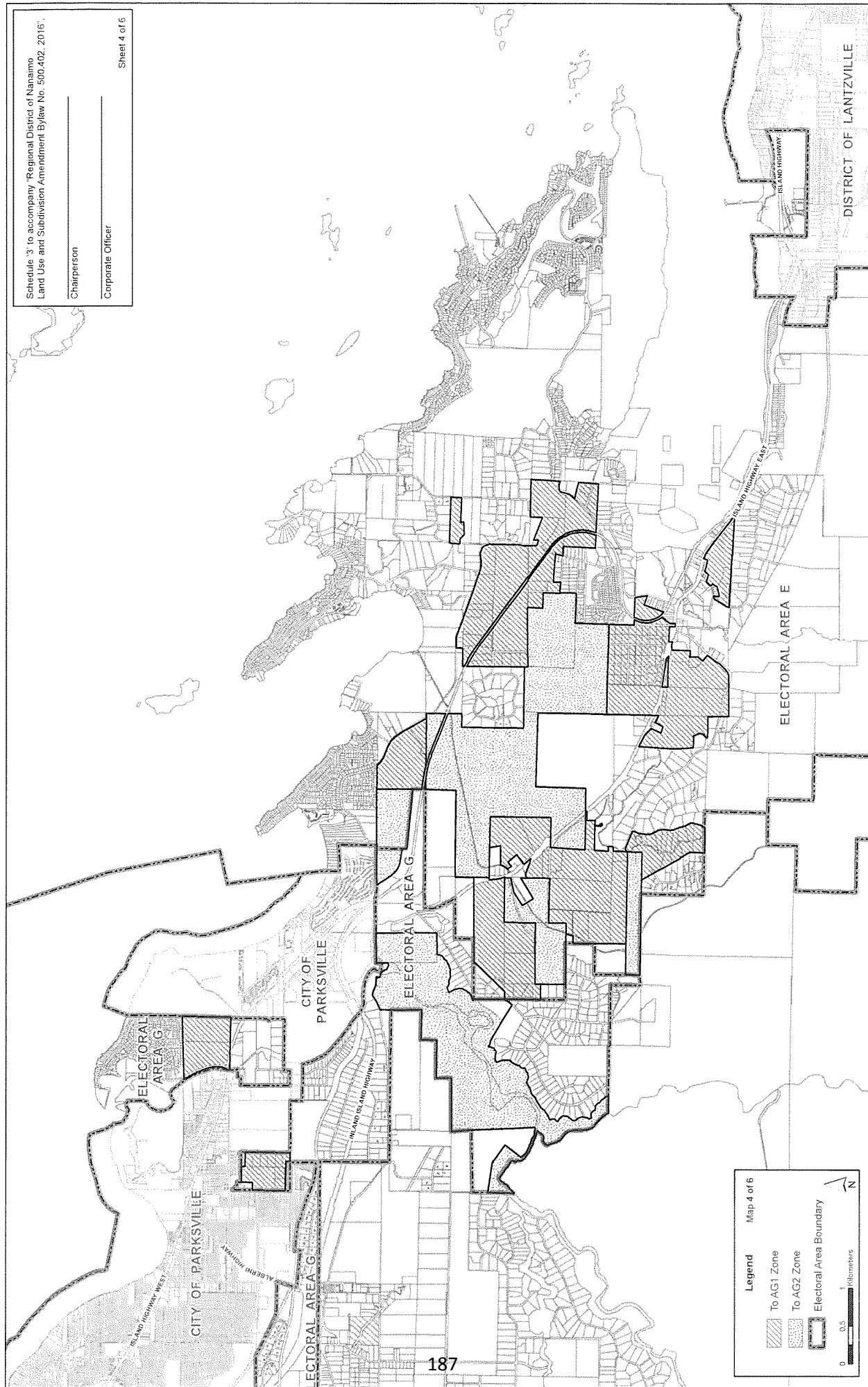
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Schedule 3 to accompany "Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No. 500.402, 2016".

Chairperson

Corporate Officer

Sheet 4 of 6



Legend Map 4 of 6

- To AG1 Zone
- To AG2 Zone
- Electoral Area Boundary

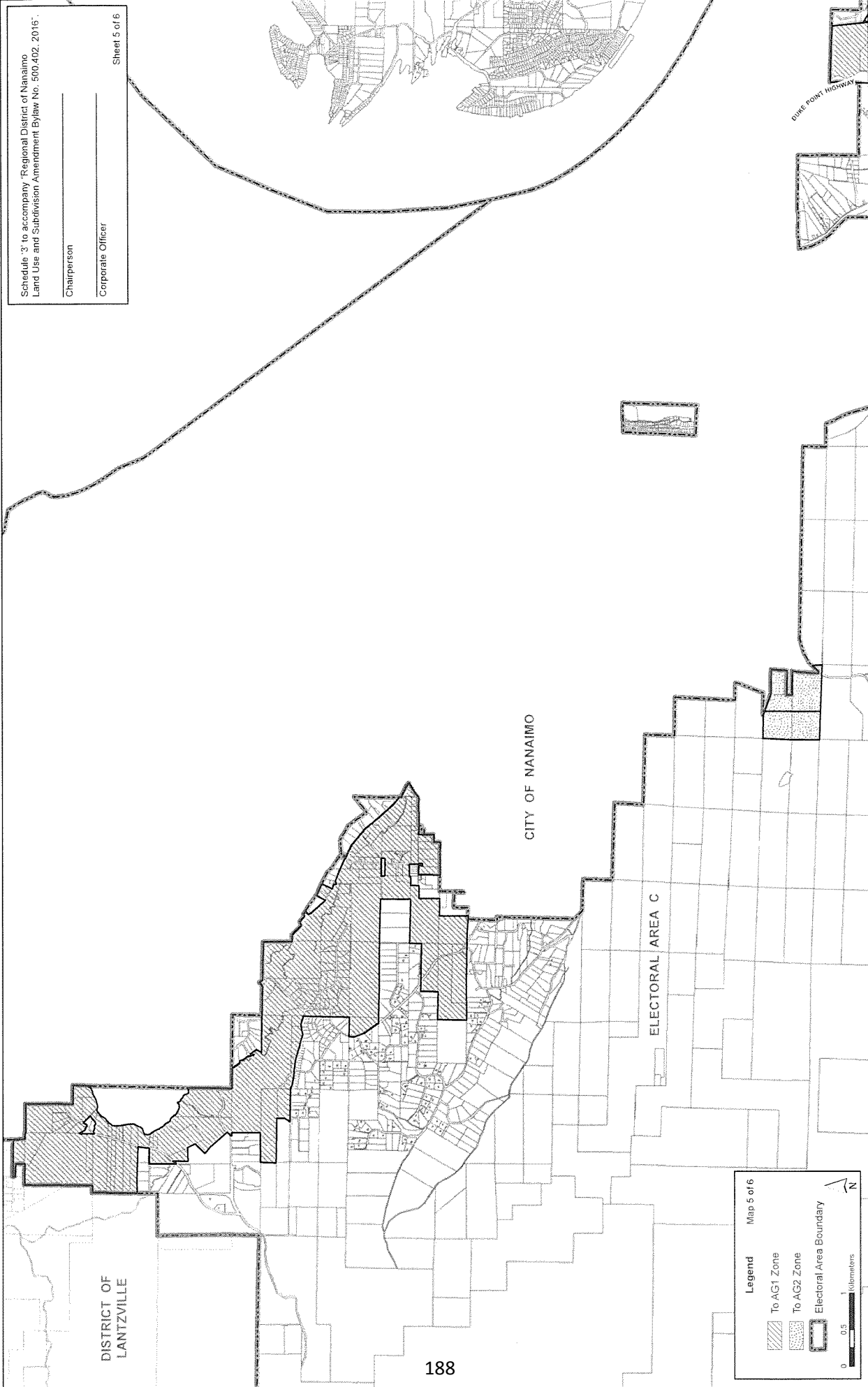
0 0.5 1 Kilometres

Schedule 3 to accompany 'Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No. 500.402, 2016'

Chairperson _____

Corporate Officer _____

Sheet 5 of 6



DISTRICT OF
LANTZVILLE

CITY OF NANAIMO

ELECTORAL AREA C

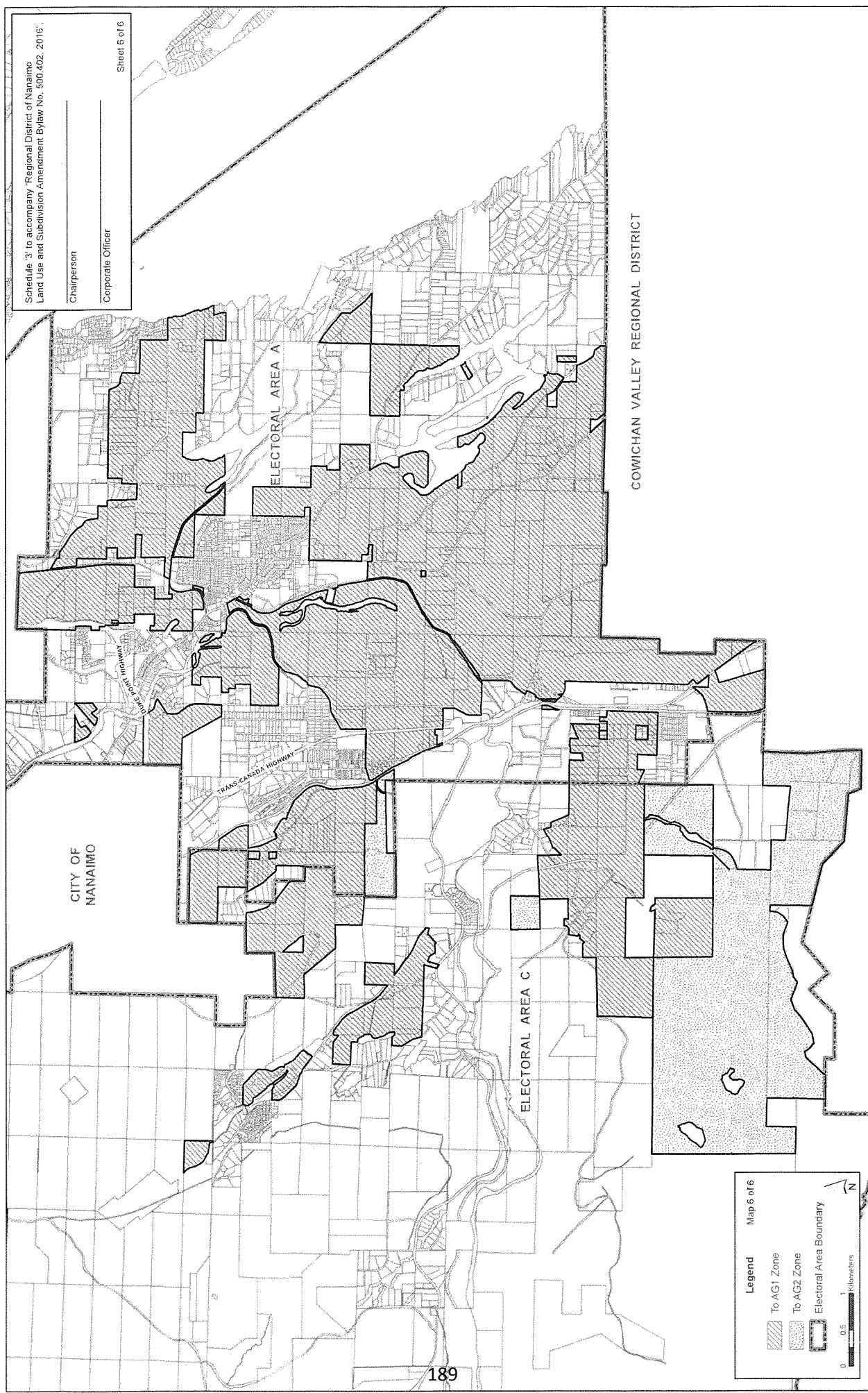
DUNE POINT HIGHWAY

Legend Map 5 of 6

- To AG1 Zone
- To AG2 Zone
- Electoral Area Boundary

0 0.5 Kilometers

Schedule 3 to accompany "Regional District of Nanaimo
Land Use and Subdivision Amendment Bylaw No. 500.402, 2016".
Chairperson _____
Corporate Officer _____
Sheet 6 of 6



CITY OF NANAIMO

ELECTORAL AREA A

ELECTORAL AREA C

COWICHAN VALLEY REGIONAL DISTRICT

TRANS-CANADA HIGHWAY

Highway 1

Legend Map 6 of 6

- To AG1 Zone
- To AG2 Zone
- Electoral Area Boundary

0 0.5 1 Kilometers

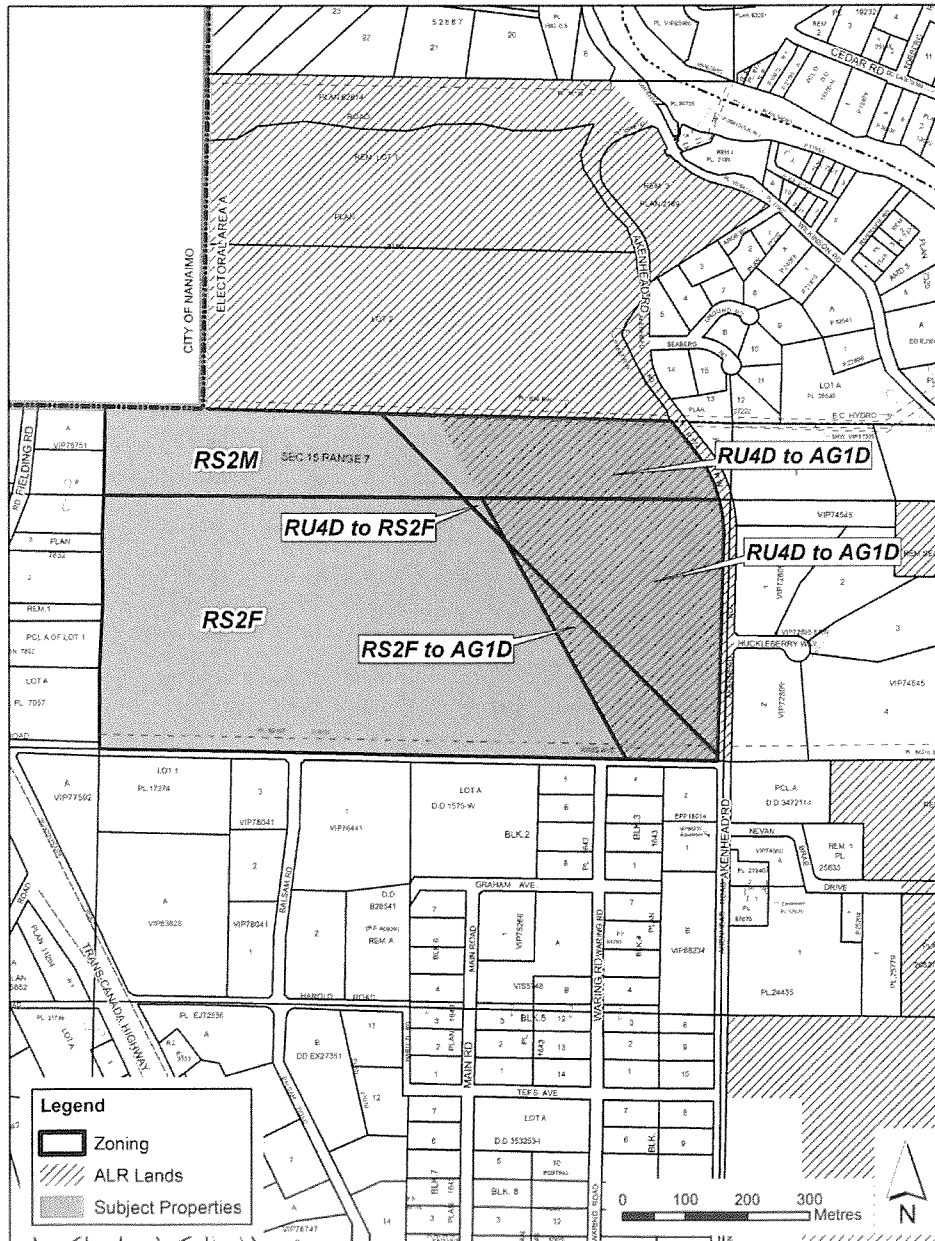
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Schedule '4' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016".

 Chairperson

 Corporate Officer

Schedule '4'

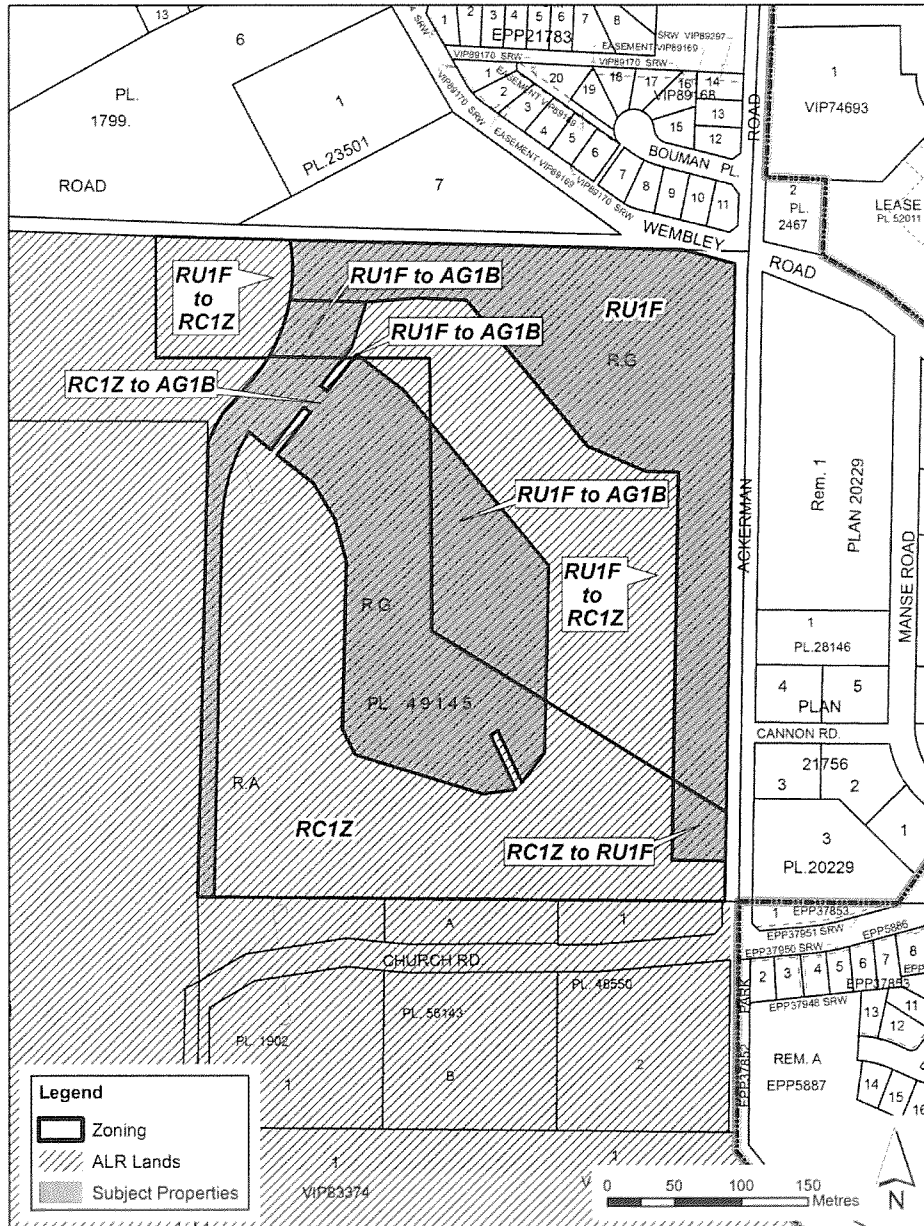


Schedule '5' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016".

Chairperson

Corporate Officer

Schedule '5'



Attachment 3
Bylaw 1285.26, 2016

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.26**

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

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 Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016".
- B. The "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:
 1. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.4 Prohibited Uses by deleting subsections g, r, and s and replacing them with the following:
 - "g) slaughtering of livestock, food processing, and the processing of seafood except in the A-1 zone conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;
 - r) agri-tourism accommodation except in the A-1 zone;
 - s) the production, storage, and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002 except in the A-1 zone when conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;"
 2. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.5 Runoff Control Standards by inserting the following text under subsection 1:
 - "c) Lots zoned A-1 where the total impervious area of farm buildings and structures exceeds 3,700 square metres or covers more than 25% of a lot or contiguous lots.
 3. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.9 Setbacks – Buildings and Structures by deleting the following subsection and re-lettering all subsequent subsections:
 - "d) All buildings and structures used for medical marihuana production on lands within the A-1 zone shall be setback a minimum of 30 metres from all lot lines."
 5. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.9 Setbacks – Buildings and Structures by inserting the following new subsection after Small wind turbine systems:

“f) Agriculture and Farm Buildings, Structures and Uses

The following minimum setback requirements shall apply to all agriculture or farm buildings, structures and uses.

Use(s)	Setback from all lot lines
1) The following shall apply to all agriculture or farm buildings, structures, and uses	
I. Outdoor uncovered horse riding rings and exercise yards where no feeding of animals occurs	0 metres
II. Buildings and structures 10 m ² or less that house household animals	Front and Exterior side lot lines 4.5 metres All other lot lines 2.0 metres
III. Buildings and structures 10 m ² or less that house any livestock or poultry (except household animals), game, or other furbearing farm animals	8.0 metres
IV. Indoor horse riding rings where no feeding or housing of animals occurs	8.0 metres
V. Buildings and structures 50 m ² or less that house any livestock, poultry, game, or other furbearing farm animals VI. Buildings, structures or equipment used for a Temporary Sawmill VII. Confined Livestock Area	15.0 metres
VIII. Buildings and structures more than 50 m ² that house livestock, poultry, game, or other furbearing farm animals IX. Feedlot X. Indoor riding rings where feeding or housing of animals occurs XI. Mushroom Barn XII. Buildings, structures, and lands used for: a. the storage of agricultural liquid or solid waste b. On-farm composting c. Compost storage	30.0 metres

<p>XIII. Medical Marihuana Production Facilities in the A-1 zone – All buildings and structures except:</p> <ul style="list-style-type: none"> a. the setback shall be 60.0 metres from all lot lines adjacent to non-ALR residential uses and; b. the setback shall be 150.0 metres from any parcel that contains a park or school 	<p>30.0 metres</p>
<p>XIV. All other agricultural buildings and structures</p>	<p>Front and Exterior side lot lines 4.5 metres All other lot lines 2.0 metres</p>
<p>2) The following watercourse setbacks shall apply to all agriculture or farm buildings, structures and uses:</p> <ul style="list-style-type: none"> I. All buildings and structures that house any livestock or poultry (except household animals) or store manure and all areas used for a feedlot shall be a minimum of 30 metres from a domestic well, spring, or the natural boundary of a watercourse II. All other agriculture or farm buildings and structures shall be sited in accordance with Section 2.10” 	

6. Under **SECTION 2 GENERAL REGULATIONS**, by deleting Subsection 2.11, g) and replacing it with the following:

“g) fence under 2.5 metres in height, and transparent fencing or transparent vertical extensions greater than 2.5 metres in height where the fence is required for agriculture or farm use;”

7. Under **SECTION 2 GENERAL REGULATIONS**, by deleting Subsection 2.16 Keeping of Animals and replacing it with the following:

“2.16 Keeping of Animals

In all zones where Agriculture, Farm Use, or Kennel are not permitted uses, the keeping of animals shall be limited to:

- a) household animals in MHP zones;
- b) household animals on lots 4000 m² or less;
- c) household animals and household livestock at a density of 1 household livestock animal per 4000 m² on all lots greater than 4000 m².”

8. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.17 parking by adding the following parking requirements after 'Agriculture, Forestry/Resource' in Table 2.2:

"Agri-tourism Accommodation Cabin 1 per cabin

Farm Retail Sales 1 per 5 m² of floor area plus 1 per two Employees"

9. Under **SECTION 2 GENERAL REGULATIONS**, Subsection 2.17 Parking, Table 2.2 by adding 'Farm Use' to 'Agriculture, Forestry/Resource'.

10. Under **SECTION 2 GENERAL REGULATIONS**, by inserting the following new section after Sections 2.18 Secondary Suites:

"2.19 Farm Use Regulations

On lands located within the Agricultural Land Reserve the following activities are permitted farm uses in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* and are subject to the following regulations:

1. Agri-tourism

Agri-tourism activities, other than accommodation, are permitted on land located within the Agricultural Land Reserve that is classified as 'farm' under the *BC Assessment Act*. The use must be temporary and seasonal, and promote or market farm products grown, raised or processed on the farm.

2. Farm Retail Sales

Farm retail sales is permitted on land located within the Agricultural Land Reserve provided:

- a) All of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or
- b) At least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales is taking place and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m².

2.20 Accessory Farm Use Regulations

1. Agriculture Education and Research

Where agriculture education and research is permitted in this bylaw it shall be subject to the following regulations:

- a) the area occupied by any buildings or structures necessary for education or research must not exceed 100 m² for each parcel.

2. Production of Biological Integrated Pest Management Products

Where the production of biological integrated pest management products is permitted in this bylaw it shall be subject to the following regulations:

- a) the area occupied by any buildings or structures necessary for the production or development must not exceed 300 m² for each parcel.

3. Agri-Tourism Accommodation

As per Section 3 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, on parcels within the Agricultural Land Reserve and where agri-tourism accommodation is a permitted accessory use, the following general provisions apply:

- a) Agri-tourism accommodation use must be for rental only;
 - b) Agri-tourism accommodation is permitted only on land classified as 'farm' under the *BC Assessment Act*;
 - c) A maximum of one agri-tourism accommodation sleeping unit including a seasonal campsite, seasonal cabin or short term use of a bedroom within a dwelling unit per hectare shall be permitted up to a maximum of ten (10) per parcel;
 - d) When calculating the total number of agri-tourism accommodation sleeping units all forms of tourist accommodation, including a bed and breakfast, shall be included;
 - e) The total developed area for an agri-tourism accommodation use, including buildings, landscaping, driveways and parking shall occupy less than five percent (5%) of the total parcel area, in accordance with the *Agricultural Land Commission Act*.
4. An agri-tourism accommodation campground must be developed in accordance with the following regulations:
- a) Every campsite shall be unpaved and not exceed 150 m² in area;
 - b) Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
 - c) A maximum consecutive or non-consecutive stay of ninety (90) calendar days per visitor within any twelve (12) month period within any campsite on the parcel. The relocation of recreational vehicle (RVs) or campers to other sites within the parcel does not constitute the start of a new stay.
5. An agri-tourism accommodation cabin must be developed in accordance with the following regulations:

- a) The maximum gross floor area of an agri-tourism accommodation cabin shall not exceed 50 m²;
- b) Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
- c) A maximum of one kitchen facility shall be permitted within each agri-tourism accommodation cabin;
- d) A maximum consecutive or non-consecutive stay of ninety (90) days per visitor in any twelve (12) month period within any cabin on the parcel. The relocation of a visitor to another cabin within the parcel does not constitute the start of a new stay;
- e) One (1) parking space per agri-tourism accommodation cabin is required.

2.21 Temporary Use Permits for Farmers' Market

In accordance with the *Local Government Act*, the RDN may support temporary use permits for farmers markets on any parcel within the area covered by this bylaw.

The following conditions and criteria will be included in the RDN's consideration of such applications depending on the nature of the application being considered.

- a) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.
- b) The RDN may specify conditions of approval including, but not limited to, environmental protection measures, hours of operation, buffering between adjacent uses, parking, and groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the conditions of the permit.
- c) The RDN will consider the impact on local road networks and on-site parking.
- d) The RDN may consider any other condition or criteria as deemed necessary by the RDN.

2.22 Kennel Facilities

The establishment of kennel facilities on ALR land is not permitted unless by a rezoning of land, except where permitted in this bylaw. The use, if approved, shall be subject to the following specific requirements as well as all other applicable provisions of this bylaw:

- a) Must be located on lots which are 2.0 ha or larger;
- b) All structures and areas utilized in association with the kennel facility shall be sited a minimum of 30.0 metres from all property lines."

10. Under **SECTION 4** replace all existing references to 'farm use' with 'agriculture', in the FR-1, R-4, A-1.14, C-3.15, R-1.7, R-1.16, R-2.5, R-2.17, R-2.48, and R-3.8 zones.

11. By deleting Section 4.1 A-1 (Agriculture 1) and replacing it with Schedule '1' which is attached to and forms part of this Bylaw.

12. Under **SECTION 4, 4.6 FR-1, 4.6.3 Regulations Table** by inserting the following after f), and re-lettering subsequent regulations:

g) Minimum Setback of all agricultural buildings, structures and uses	Refer to Section 2 – General Regulations
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13. Under **SECTION 4, 4.6 FR-1, 4.6.3 Regulations Table** by deleting g) and replacing it with the following:

h) Minimum Setback of all buildings or structures for primary mineral processing from all watercourses	30 metres
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14. Under **SECTION 4, 4.15A R-4, 4.15A.3 Regulations Table** by deleting g) and replacing it with the following:

g) Minimum Setback for all agricultural buildings, structures and uses	Refer to Section 2 – General Regulations
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15. Under **SECTION 4, 4.39 CD-16, 4.39.3 Regulations Table** by deleting g) and replacing it with the following:

g) Minimum Setback of all agricultural buildings, structures and uses	Refer to Section 2 – General Regulations
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16. Under **SECTION 5, DEFINITIONS** by deleting and replacing the following definitions in alphabetical order:

Farm Use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, and includes but is not limited to activities such as farm retail sales; storing, packing, preparing and processing farm products; agri-tourism and a winery or cidery and includes farm operation;

Household Livestock means livestock kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit;

Livestock means cattle, horses, sheep, goats, swine and similar farmed or fur bearing animals;

Structure means anything constructed, erected or placed, the use of which requires location on the ground or water or attachment to something having location on the ground or water, and excludes retaining walls under 1 metre in height, underground sewage disposal facilities, vehicles, paving for vehicle parking, sidewalks, ground level patios and decks, fences under 2.5 metres in height, and transparent fencing or transparent vertical extensions greater than 2.5 metres in height where the fence is required for agriculture or farm use;

Temporary Sawmill means a building or structure or area where timber from the lot is cut or sawed on that lot, operating during normal daylight hours producing less than 60 m³ of lumber daily, except that where land is located in the Agricultural Land Reserve at least 50% of the volume of timber that is cut or sawed on that parcel is harvested from the farm or parcel on which the sawmill is located;”

17. Under **SECTION 5, DEFINITIONS** by adding the following new definitions in alphabetical order:

“Agriculture means a use providing for growing, rearing, producing and harvesting of agricultural products; boarding of livestock and poultry; and includes the storage and sale on an individual farm of the products harvested, reared or produced on that farm, the storage of farm machinery and implements used on that farm and includes temporary sawmill and excludes medical marihuana production;

Agriculture Education and Research means the use of land, buildings, or structures dedicated to researching, promoting, and teaching methods of agriculture and farming in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, but specifically excludes schools under the *School Act*;

Agri-tourism means a temporary and seasonal tourist oriented activity or service accessory to an agricultural use that promotes or markets products grown, raised, or processed on land that is classified as a 'farm' under the *Assessment Act* and in accordance with the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*. Agri-tourism may include but is not limited to farm tours and demonstrations, farm related educational activities, and seasonal promotional events;

Agri-tourism Accommodation means the provision of temporary and seasonal accommodation accessory to an agricultural use for the travelling public within an agri-tourism accommodation sleeping unit on land that is classified as farm under the *Assessment Act*;

Agri-tourism Accommodation Sleeping Unit means a bedroom or other area used as a bedroom for the purpose of agri-tourism accommodation within an agri-tourism accommodation cabin, a tent or recreational vehicle in an agri-tourism accommodation campground or a bedroom within a dwelling unit;

Confined Livestock Area means an outdoor area where livestock, poultry, or farmed game are confined by fences, other structures or topography, and includes paddocks, corrals, exercise yards, and holding areas, but does not include a grazing area;

Farm means an occupation or use, for farm purposes, of one or several parcels of land or tenured areas of Crown land;

Farm Operation means farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* and may include but is not limited to activities such as growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals; aquaculture; and processing or direct farm marketing of products in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;

Farm Retail Sales means the sale to the public of products grown or raised on a farm, from that farm and may include the sale of non-farm products in accordance with the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*;

Feedlot means a fenced area where livestock, poultry, or farmed game are confined solely for the purpose of growing or finishing, and are sustained by means other than grazing;

Grazing Area means a pasture or rangeland where livestock, poultry or farmed game are primarily sustained by direct consumption of feed growing in the area;

Poultry means domesticated birds kept for eggs, meat, feathers, hide, or cosmetic or medicinal purposes, and includes broilers, Cornish hens, layers, breeding stock, replacement pullets, roasters, ducks, geese, turkeys, game birds, and ratites;

Production of Biological Integrated Pest Management Products means the use of land, buildings, or structures for the production and development of biological products such as beneficial predatory insects, parasites, pathogens, and weed-feeders to be used in biological integrated pest management programs in accordance with the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*;"

Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

Read a third time this ___ day of _____ 20XX.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this ___ day of _____ 20XX.

Adopted this ___ day of _____ 20XX.

Chairperson

Corporate Officer

Chairperson

Corporate Officer

A-1 – AGRICULTURE 1

SECTION 4.1

4.1.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use – on lands located in the Agricultural Land Reserve
- c) Agriculture – on lands not located in the Agricultural Land Reserve

4.1.2 Permitted Accessory Uses to the Dwelling Unit Use

- a) Accessory Buildings and Structures
- b) Home Based Business
- c) Secondary Suite¹

4.1.3 Permitted Accessory Farm Uses

- d) Agriculture Education and Research
- e) Temporary Sawmill
- f) Agri-tourism Accommodation
- g) Production of Biological Integrated Pest Management Products

4.1.4 Regulations Table

Category	Requirements	
a) Maximum Density	1 Dwelling Unit per hectare to a maximum of 2 per lot	
b) Minimum Lot Size	4 ha	
c) Minimum Lot Frontage	100 metres	
d) Maximum Lot Coverage	i. Non-farm buildings and structures	10%
	ii. Farm buildings and structures	25%
	iii. Greenhouses	75%
	iv. In no case shall the combined lot coverage exceed 75%.	
e) Maximum Building and Structure Height	10 metres	
f) Minimum Setback from		
i) Front and Exterior Side Lot Lines	4.5 metres	
ii) All Other Lot Lines	2.0 metres	
g) Minimum Setback for all farm buildings, structures and uses	Refer to Section 3 – General Regulations	
h) General Land Use Regulations	Refer to Section 3 – General Regulations	

¹ Bylaw No. 1285.19, adopted May 27, 2014

4.1.5 Regulations

- a) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principle use.
- b) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- c) Specific 'Farm' and 'Permitted' uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 2.19 and 2.20 of this Bylaw.
- d) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the ***Agricultural Land Commission Act*** is subject to the ***Agricultural Land Commission Act*** and ***Regulations***, and applicable orders of the Agricultural Land Commission.

4.1.6 Additional A-1 Zones

Principal and accessory uses as set out in Section 4.23 (A-1.1 to A-1.28 inclusive) are permitted in addition to those uses permitted in the A-1 zone. ²

² Bylaw No. 1285.01, adopted April 13, 2004