

REGIONAL DISTRICT OF NANAIMO
AGRICULTURAL ADVISORY COMMITTEE
Friday, April 22, 2016
2:00 PM

(Board Room)

A G E N D A

PAGES

CALL TO ORDER

MINUTES

Pgs 3-4 Minutes of the regular Agricultural Advisory Committee meeting held February 19, 2016

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

REPORTS

Pgs 5-59 PL2016-035 – ALR Nonfarm Use application – Lot 1, Plan EPP16024 & Lot C, Plan
VIP80909 – EA ‘G’

Pgs 60-93 PL2016-034 – ALR Subdivision application - 2070 Akenhead Rd – EA ‘A’

Pgs 94-132 PL2016-042 – ALR Nonfarm Use application – 2602 Holden Corso Rd. – EA ‘A’

Pgs 133-143 Agriculture Area Plan Implementation 2014 – 2016 Action Plan Progress Update

BUSINESS ARISING FROM DELGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

Distribution: **H. Houle (Chair)**, J. Fell, C. Haime, , K. Reid, R. Thompson, C. Watson, M. Ryn, K.Wilson,
J. Thony, G. Laird, W. Haddow, D. Trudeau, G. Garbutt. J. Holm, P. Thompson, T. Armet, K.
Marks, B.Ritter

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE
MEETING HELD ON FRIDAY, FEBRUARY 19, 2016 at 2:00 PM
IN THE RDN COMMITTEE ROOM**

Present:

H. Houle	Chairperson
J. McLean (Alternate)	Director, Electoral Area F
M. Ryn	Regional Agricultural Organization
J. Thony	Regional Agricultural Organization
K. Reid	Shellfish Aquaculture Organizations
K. Wilson	Representative District 68
G. Laird	Representative District 68
R. Thompson	Representative District 69
C. Watson	Representative District 69

Regrets

G. Garbutt	Gen. Mgr. Strategic & Community Development
J. Fell	Director, Electoral Area F
C. Haime	District of Lantzville
D. Trudeau	Interim Chief Administrative Officer
T. Armet	Mgr. Building, Bylaw Services & Emergency Planning Services, Bylaw Enforcement

Also in Attendance:

W. Haddow	BC Ministry of Agriculture
J. Holm	Mgr. Current Planning
P. Thompson	Mgr. Long Range Planning
K. Marks	Senior Planner - Long Range, Planning
B. Ritter	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.

MINUTES

MOVED K. Wilson, SECONDED M. Ryn, that the minutes of the Agricultural Advisory Committee meeting held on October 23, 2015, be adopted.

CARRIED

REPORTS

MOVED Director McLean, SECONDED J. Thony, that ALR Application No. PL2015-160 - Huntbatch – 2116 Alberni Highway, Electoral Area 'F' be approved by the Agricultural Land Commission as submitted.

NOT CARRIED

MOVED Director McLean, SECONDED K. Reid, that ALR Application No. PL2015-177 - Fowler – Part of Lot 1, Plan 2273, Virginia Road, Electoral Area 'F' ' be approved by the Agricultural Land Commission as submitted.

NOT CARRIED

MOVED M. Ryn, SECONDED J. Thony, that Bylaw & Policy Update Project verbal report be accepted.

CARRIED

NEW BUSINESS

Island Agriculture Show Overview (J. Thony)

Coombs Farmers' Institute Growers Guide NCED potential funding (J. Thony)

Minister's Agri-Food Advisory Committee (K. Reid)

AAC May Aquaculture Tour (K. Reid)

ADJOURNMENT

MOVED Director Houle, SECONDED K. Reid, that this meeting be adjourned.

CARRIED

Time: 3:05 pm

CHAIRPERSON

TO: Agricultural Advisory Committee (AAC) **DATE:** April 13, 2016

FROM: Jamai Schile
Planner **FILE:** PL2016-035

**SUBJECT: Request for Comment on Non-Farm Use in ALR Application No. PL2016-035
Lot 1, District Lot 19, Nanoose District, Plan EPP16024 and Lot C, District Lot 26, Nanoose
District, Plan VIP80909
Electoral Area 'G'**

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for non-farm use within the Agricultural Land Reserve (ALR) from Helen Simms on behalf of Earthbank Resources System Ltd. (see Attachment 9 for applicant's submission). The subject area contains portions of two properties, 38 ha and 24 ha in area, and are both zoned "Rural 1", pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Surrounding land uses include agriculturally zoned properties (RU1) and rural residences to the north, west, east, and south. Morningstar Creek transects the south-east portion of Lot 1 and French Creek is located further west; and a vacant forestry/resource zoned parcel (FR-1) is located to the south, which borders the inland Island Highway. Further to the north, over 1 km away, is the Morningstar Golf Course and residential subdivision, (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

Agricultural Advisory Committee (AAC) Members were provided an opportunity to attend the site on April 11, 2016.

BOARD POLICY AND DISCUSSION

RDN Board Policy B1.8 – Review of Provincial Agricultural Land Reserve (ALR) Applications provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use on lands within the ALR. As per Policy B1.8, the applicable standing Board resolution is included for the Agricultural Land Commission's information as part of the Local Government Report. A copy of this draft report, including comments from the Area Director, is included for your review and comment. Following this review, the Local Government Report, including comments from the Area Director and the AAC, will be forwarded to the ALC for consideration.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Regional Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as needed basis as directed by the Board. In addition to members' local knowledge and expertise, comment on ALR applications may be guided by Board approved policies such as the RDN Agricultural Area Plan, the Board Strategic Plan, the Regional Growth

Strategy and the applicable Official Community Plan along with the relevant land use bylaws. AAC members can also find information related ALR land use and agriculture in BC on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN's Agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC by the AAC is consensus based through Committee adoption of a motion regarding the comment to be provided. If an AAC member has comments regarding an application to the ALC being considered by the AAC, the appropriate time to provide those comments is during discussion on the application at the AAC meeting prior to the Committee's adoption of its comment. Only the comment approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the Local Government Report that is forwarded to the ALC.

The comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. Any comment from the AAC is provided in addition to the applicable standing Board resolution as per Policy B1.8 and the Electoral Area Director's comment if provided. The ALC is the authority for decisions on matters related to the ALR and will consider comments provided in making its decision on an application.



Report Writer

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

Information supplied by:

Regional District of Nanaimo

In respect of the application of:

Earthbank Resource Systems Ltd.

RD/Mun. File No.	PL2016-035
Fee Receipt No.	2016007938
Fee Amount	\$600.00
ALR Base Map No.	092F039
ALR Constituent Map No.	
Air Photo No.	

PLANS and BYLAWS *(Attach relevant sections of bylaws)*

Civic Address	None
Legal Description:	Lot 1, District Lot 19, Nanoose District, Plan EPP16024 and Lot C, District Lot 26, Nanoose District, Plan VIP80909
Community Plan or Rural Land Use Bylaw Name:	"Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008"
OCP Designation:	Rural
Zoning Bylaw Name:	"Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"
Zone Designation:	Rural 1 (RU1)
Minimum Lot Size:	2.0 ha
Permitted Uses:	Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Silviculture, and Secondary Suite
Maximum Density:	One dwelling unit per parcel on a parcel having an area of 2.0 ha or less; two dwelling units per parcel on a parcel having an area greater to or greater than 2.0 ha.

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

Plan Yes No **Bylaw** Yes No

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

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

COMMENTS and RECOMMENDATIONS <i>(Include copies of resolutions)</i>	
Board or Council:	<p>The Regional District of Nanaimo Board of Directors has a standing Board resolution for subdivision of lands within the ALR as per Policy B1.8:</p> <p>As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.</p>
Electoral Area Director:	<p>Joe Stanhope comment's:</p> <p>I provide no comment with regard to the Earthbank Resource Systems Ltd. non-farm use application and defer to the Agricultural Advisory Committee and standing Board resolution as comment from the RDN. I believe it is the ALC's role to determine if the proposal is consistent with its mandate.</p>
Agriculture Advisory Committee:	TBD, pending the AAC's recommendation at its meeting scheduled for April 22, 2016
Others:	Currently unspecified
Planning Staff:	Jamai Schile, Planner Phone: 250-390-6510 Email: jschile@rdn.bc.ca

BACKGROUND

The subject properties are legally described as Lot 1, District Lot 19, Nanoose District, Plan EPP16024 and Lot C, District Lot 26, Nanoose District, Plan VIP80909. The properties are 38 ha and 24 ha, respectively, in area, and are both zoned "Rural 1", pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Surrounding land uses include agriculturally zoned properties (RU1) and rural residences to the north, west, east, and south. Morningstar Creek transects the south-east portion of Lot 1 and French Creek is located further west; and a vacant forestry/resource zoned parcel (FR-1) is located to the south, which borders the inland Island Highway. Further to the north, over 1 km away, is the Morningstar Golf Course and residential subdivision, (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

In 2001, the Agricultural Land Commission (ALC) approved a non-farm use application to permit the operation of a compost facility on 1 ha, which was followed by a second ALC approval for 5 ha in 2005. Following these approvals, the Regional District of Nanaimo (RDN) approved two Temporary Use Permits (PL20090000228/ PL20090000595) to allow a commercial composting facility with accessory retail sales. The Temporary Use Permits were renewed in 2011 (No. 0901 and No. 902).

The current land uses on Lot C include an estimated 20 ha for grazing and hayfields as part of the Hof Waldeck Farm, and approximately 4 ha for ongoing soil enhancement using Earthbank Resource Systems compost. The lands also contain drainage ditches, retention ponds and fencing improvements. Currently, approximately 8 ha of Lot 1 is used for the composting operation, including compost piles, sorting, equipment storage and leachate control, (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

The applicant proposes to increase the permitted area for a compost facility and retail sale of compost from 5 ha to 12.3 ha.

ZONING

The parcel is currently zoned Rural 1 (RU1) Zone, pursuant to “Regional District of Nanaimo Zoning and Subdivision Bylaw No. 500, 1987”, see Attachment 4 for zoning regulations and minimum parcel size. The RU1 Zone permits Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Silviculture, and Secondary Suite. The zoning regulation permits one dwelling unit per parcel on a parcel having an area of 2.0 ha or less; two dwelling units per parcel on a parcel having an area greater to or greater than 2.0 ha. The current zoning does not permit compost facility and retail sales.

If this non-farm use application is approved, it is anticipated that the applicant would proceed with the zoning amendment application (PL2014-004). The applicant purposes to create a new, site specific Comprehensive Development (CD) Zone to accommodate a compost facility and retail sales as a permitted use within the proposed subject area.

OFFICIAL COMMUNITY PLAN

The subject property is designated as Rural, pursuant to the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008”. The OCP policies support a full range of agricultural and complementary uses in the ALR is supported and value-added activities are encouraged that can improve farm viability. It is recognized that ALC approval may be necessary, (see Attachment 5 – OCP Policies).

The parcel is also designated within the Environmental Sensitive Features - Aquifer, River and Sensitive Ecosystem Inventory, Fish Habitat Development, and Farm Land Development Permit Area. A development permit may be required prior to alteration of the land.

REGIONAL GROWTH STRATEGY

The subject property is designated Resource Land and Open Spaces pursuant to the “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” (RGS). The Rural designation supports uses that are compatible the creation of new parcels that are smaller than the size supported by the Official Community Plan in effect at the date of the adoption of the RGS, see Attachment 7. Further to this, the Regional Growth Strategy encourages the provincial government to protect and preserve the agricultural land base through the ALR, (see Attachments 6, 7, and 8) .

A copy of the applicant’s submission package is included in Attachment 9.

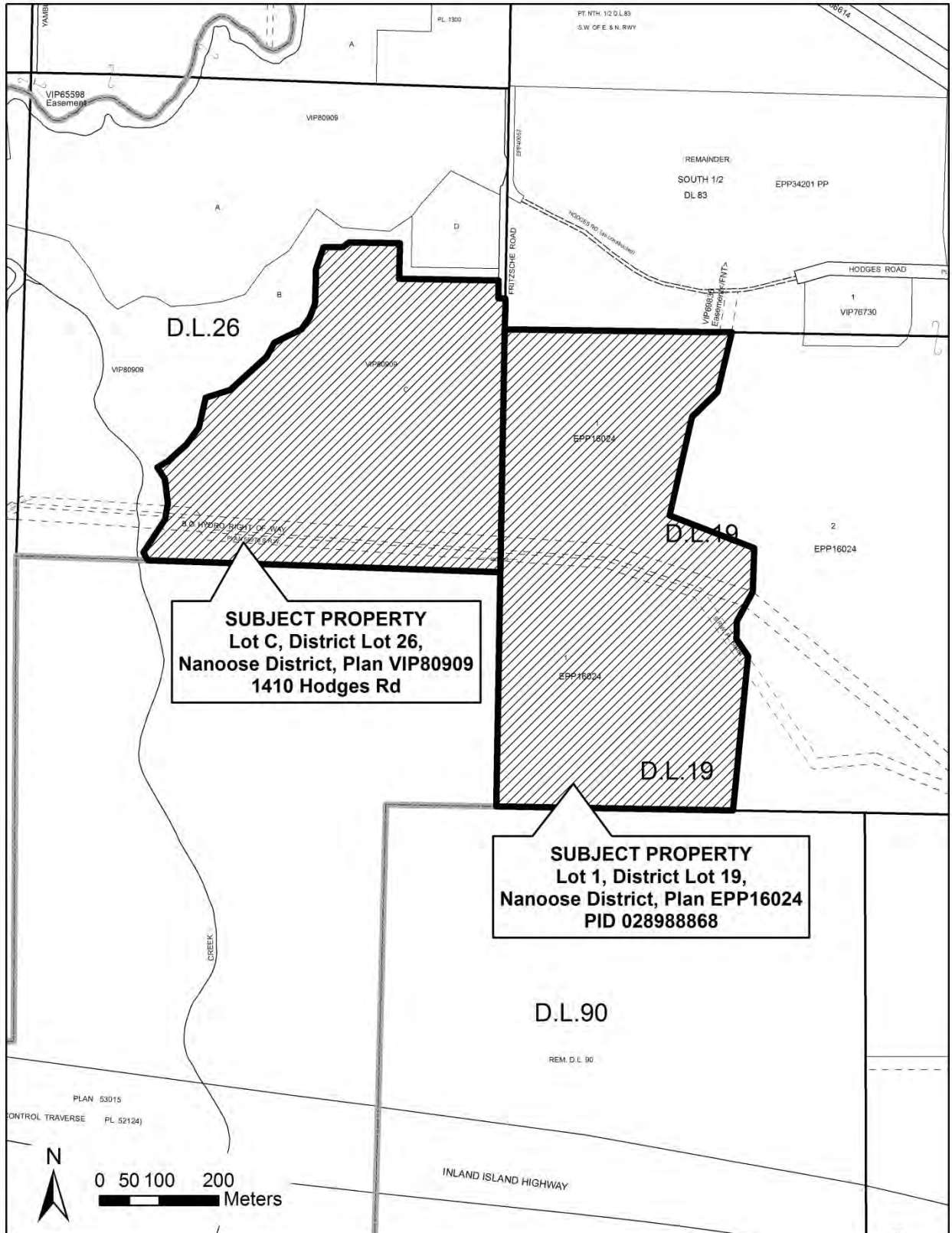


April 13, 2016

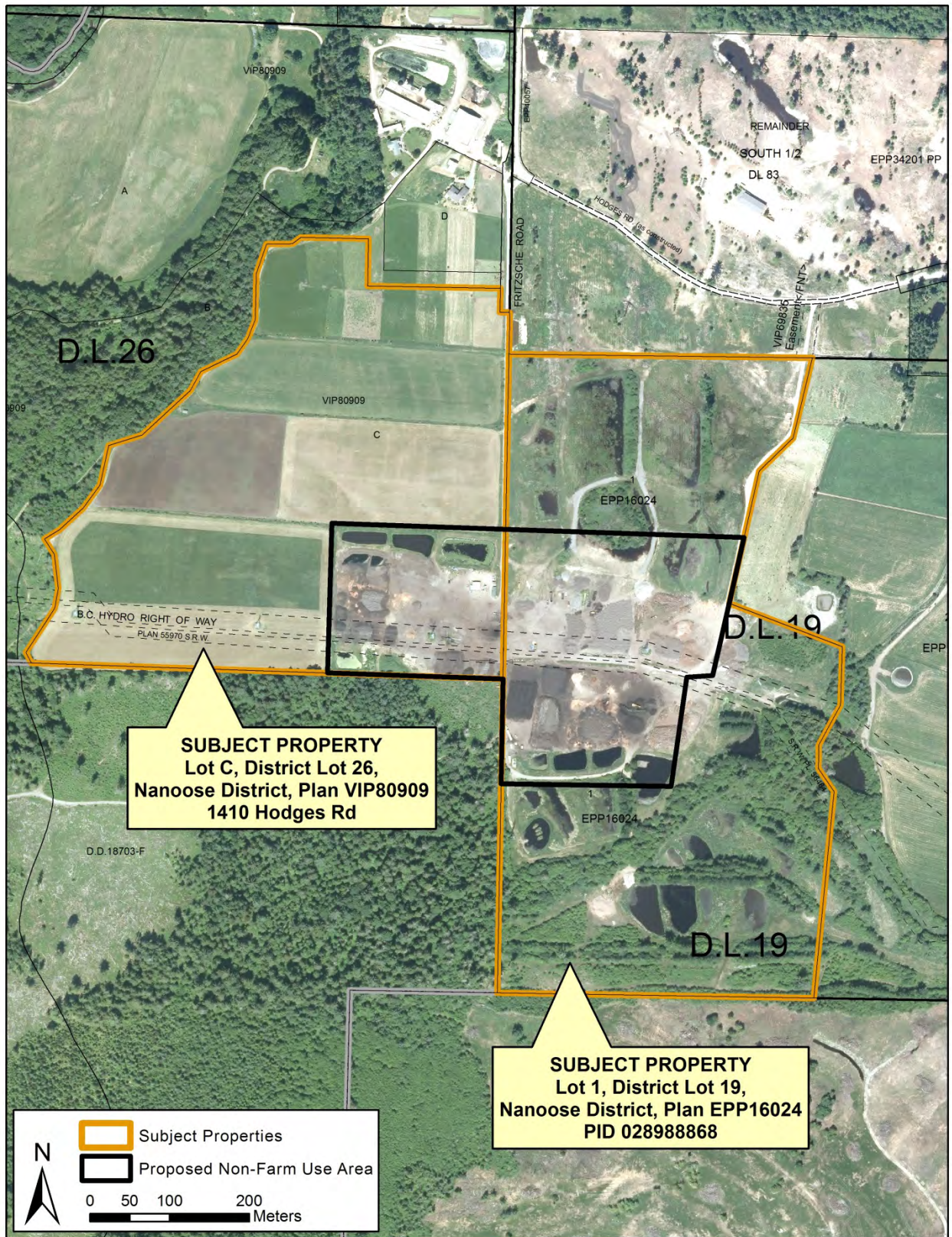
Signature of Responsible Local Government Officer

Date

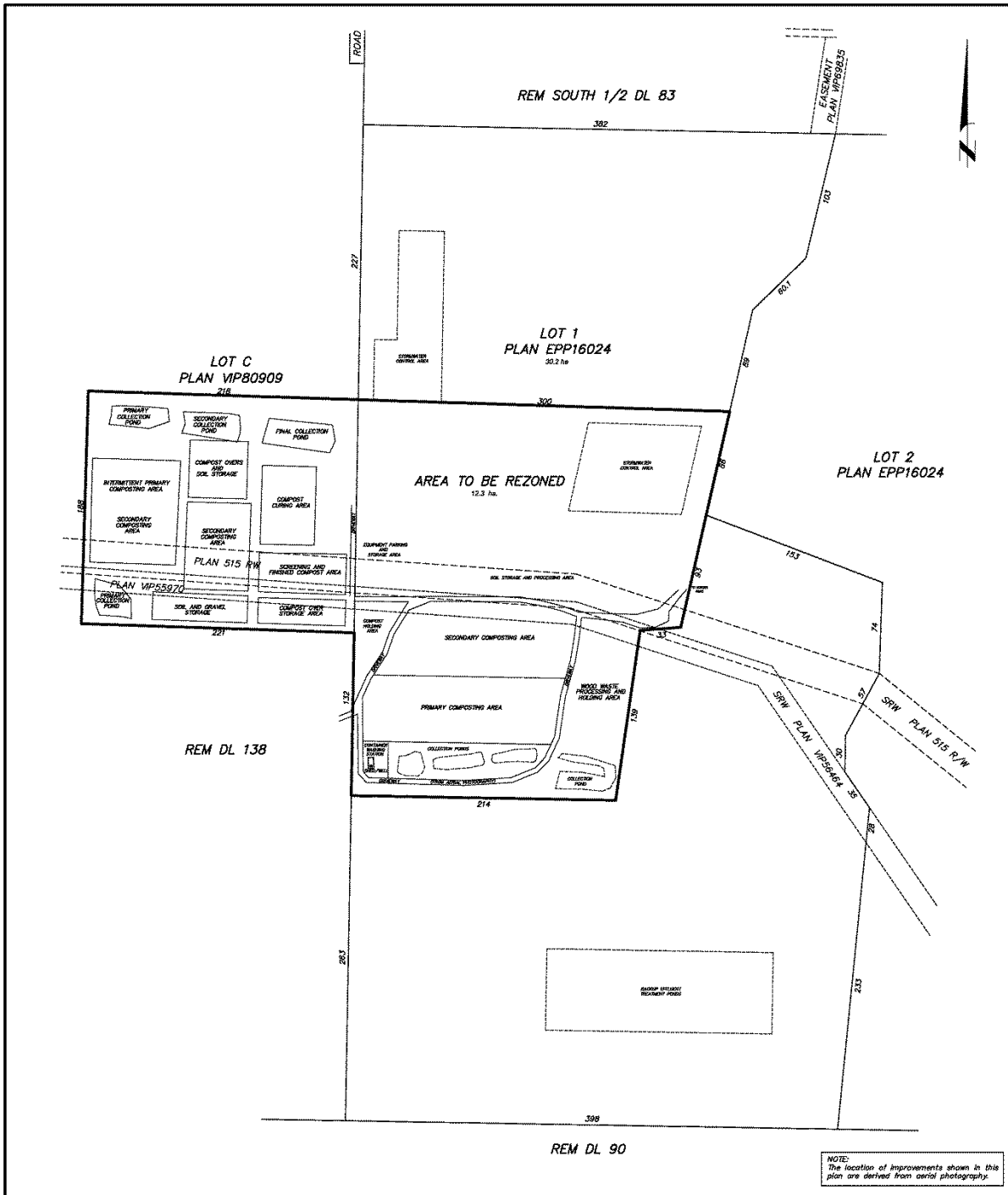
**Attachment 1
Subject Property Map**



Attachment 2
2014 Aerial Photo



**Attachment 3
Proposed Sketch of Subdivision**



NOTE: The location of improvements shown in this plan are derived from aerial photography.

PLAN SHOWING PROPOSED REZONING OF PART OF LOT 1, DL 19, PLAN EPP16024 AND PART OF LOT C, DL 26, PLAN VP80909 BOTH OF NANOOSE DISTRICT.
SCALE 1:2000

LEGEND
All distances are in metres and decimals thereof.
All distances along curves are arc distances.
All dimensions and areas are subject to final survey.
DL Denotes district lot
REM Denotes remainder
ha. Denotes hectares

No.	DATE	REVISION
1	2014/01/06	Portion of Lot C, Plan VP80909 added to application.
2	2014/04/29	Stormwater and effluent areas added

SIMS ASSOCIATES
LAND SURVEYING LTD.
223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 11-163-Z
DRAWING NUMBER: 11-165 RZ 2.dwg
DATE: 2014/04/29

**Attachment 4
Existing Zoning (Page 1 of 3)**

Part 3 – Land Use Regulations

Section 3.4.81

RURAL 1

RU1

Permitted Uses and Minimum Site Area

Permitted Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Agriculture	n/a	n/a	n/a
b) Aquaculture	5000 m ²	5000 m ²	5000 m ²
c) Home Based Business ¹	n/a	n/a	n/a
d) Produce Stand	n/a	n/a	n/a
e) Residential Use	n/a	n/a	n/a
f) Silviculture	n/a	n/a	n/a
g) Secondary Suite ²	n/a	n/a	n/a

Maximum Number and Size of Buildings and Structures³

1) Accessory buildings	combined floor area of 400m ²
2) Dwelling Units/parcel:	
a) on a parcel having an area of 2.0 ha or less	1
<i>For Electoral Areas 'A,C,E and H'</i>	
b) on a parcel having an area greater than 2.0 ha	2
<i>For Electoral Area 'G'</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
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	9.0m
4) Parcel Coverage	25%

¹ Bylaw No. 500.270, adopted November 13, 2001

² Bylaw No. 500.389, adopted May 27, 2014

³ Bylaw No. 500.359, adopted January 25, 2011

**Attachment 4
Existing Zoning (Page 2 of 3)**

Part 3 – Land Use Regulations

RURAL 1 continued

Minimum Setback Requirements

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

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;¹
- b) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.²

¹ Bylaw No.500.13, adopted October 13, 1987

² Bylaw No.500.13, adopted October 13, 1987

**Attachment 4
Existing Zoning (Page 3 of 3)**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500
SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES**

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below:¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ⁴⁵	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
T ⁹	600 m ²	No further subdivision		
V ¹⁰	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹¹	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998

² Bylaw No. 500.347, adopted September 22, 2009

³ Bylaw No. 500.27, adopted August 9, 1988

⁴ Bylaw No. 500.66, adopted December 12, 1989

⁵ Bylaw No. 500.324, adopted February 28, 2006

⁶ Bylaw No. 500.264, adopted October 10, 2000

⁷ Bylaw No. 500.264, adopted October 10, 2000

⁸ Bylaw No. 500.27, adopted August 9, 1988

⁹ Bylaw No. 500.394, adopted August 25, 2015

¹⁰ Bylaw No. 500.253, adopted January 11, 2000

¹¹ Bylaw No. 500.275, adopted October 9, 2001

Attachment 5
Official Community Plan Land Use Designation

Rural

The Rural designation primarily includes lands within the Agricultural Land Reserve although it is recognized that not all lands within this designation are within the ALR. Lands within the rural designation have value for agriculture, forestry, and other resource activities.

Policy:

22. The minimum parcel size for lands within the rural land use designation shall be 8 hectares although this Plan recognizes that there are existing parcels smaller than 8 hectares in area.
23. Rezoning to permit the creation of new parcels smaller than 8 hectares in the rural land use designation shall not be supported.
24. Where land is located within the Agricultural Land Reserve and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, except where additional dwellings are necessary for farm purposes subject to the *Agricultural Land Commission Act*. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 8.1 of this Plan.
25. New residential development shall be permitted at densities of 1 dwelling unit per 8 hectares to a maximum of two dwelling units per parcel.
26. Temporary Use Permits for primary resource processing, asphalt batch plant, concrete ready mix plant, yard waste chipping, or commercial composting and rezoning applications to rezone existing gravel pits to allow primary processing and related activities associated with gravel extraction may be supported in accordance with the Policies contained in Sections 8.3 and 8.7 of this Plan.
27. For any of the uses listed in Policy 26 above, the preferred option is to consider them for a Temporary Use Permit prior to considering them for a rezoning in accordance with Sections 8.3 and 8.7.

Attachment 6 Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;
- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 7

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.1 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'Imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Despite ongoing debate about the environmental benefits of 'buying local' food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region's carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

The '5 A's' of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

(J. Oswald, 2009)

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports

the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;¹²
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.
- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
 - The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.

- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

Attachment 9
Applicant's Submission

(insert)

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 54982

Application Status: Under LG Review

Applicant: Earthbank Resource Systems Ltd.

Agent: Fern Road Consulting Ltd.

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 02/17/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: To expand the area for making and storing compost from the 5 ha already approved by ALC to 12 ha. Please see letter and report for full proposal.

Agent Information

Agent: Fern Road Consulting Ltd.

Mailing Address:

223 Fern Road West

Qualicum Beach, BC

V9K 1S4

Canada

Primary Phone: (250) 752-9121

Email: hsims@simssurvey.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 028-988-868

Legal Description: Lot 1, District Lot 19, Nanoose District, Plan EPP16024

Parcel Area: 30.2 ha

Civic Address: ~~1424 Hodges Road, Parksville, V9P 2B5~~

Date of Purchase: 11/20/2009

Farm Classification: No

Owners

1. **Name:** Earthbank Resource Systems Ltd.

Address:

1424 Hodges Road,

Parksville, BC

V9P 2B5

Canada

Phone: (250) 954-0118

Cell: (250) 897-8118

Email: earthbank@shaw.ca

2. **Ownership Type:** Fee Simple

Applicant: Earthbank Resource Systems Ltd.

Parcel Identifier: 026-659-247

Legal Description: Lot C, District Lot 26, Nanoose District, Plan VIP80909

Parcel Area: 24 ha

Civic Address: ~~1410 Hodges Road, Parksville, B.C.~~

Date of Purchase: 08/19/1997

Farm Classification: Yes

Owners

1. **Name:** Volkhard Fritzsche

Address:

1410 Hodges Road

Parksville, BC

V9P 2B5

Canada

Phone: (250) 248-3307

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple

Parcel Identifier: 026-659-255

Owner with Parcel Interest: Volkhard Fritzsche

Parcel Area: 2 ha

Land Use Type: Agricultural/Farm

Interest Type: Full Ownership

2. **Ownership Type:** Fee Simple

Parcel Identifier: 026-659-239

Owner with Parcel Interest: Volkhard Fritzsche

Parcel Area: 52.8 ha

Land Use Type: Agricultural/Farm

Interest Type: Full Ownership

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

Lot C: 20 ha grazing and hayfields, part of the Hof Waldeck Farm. Lot 1: building permit for 10,000 sq ft greenhouse in process, additional greenhouses to be constructed after farm status confirmed.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

*Lot C: ongoing soil enhancement using Earthbank Resource Systems compost, drainage ditches, fencing
Lot 1: ongoing soil enhancement using Earthbank compost and high nutrient charged effluent, clearing & clean up of debris left by previous poplar farm, stumps ground up. Drainage system to enrich & improve biomass. Improving soil as well as making compost for greenhouses.*

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Lot C: composting 4ha. Lot 1: Please see attached letter and report

Adjacent Land Uses

North

Land Use Type: Unused
Specify Activity: cleared, some fencing

East

Land Use Type: Agricultural/Farm
Specify Activity: Dairy Farm - Little Qualicum Cheeseworks & Mooberry Winery

South

Land Use Type: Agricultural/Farm
Specify Activity: cleared, cattle grazing

West

Land Use Type: Agricultural/Farm
Specify Activity: Crown Land, Wood lot

Proposal

1. How many hectares are proposed for non-farm use?

7 ha

2. What is the purpose of the proposal?

To expand the area for making and storing compost from the 5 ha already approved by ALC to 12 ha. Please see letter and report for full proposal.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

No. The site is unique in that it lies on a gravel hardpan ridge that contains the runoff and does not absorb the effluent. Please see ADVANTAGES section of attached report for more detailed explanation .

4. Does the proposal support agriculture in the short or long term? Please explain.

Yes, in both the short and long term. Please see letter and report for detailed explanation.

Applicant Attachments

- Agent Agreement - Fern Road Consulting Ltd.
- Other correspondence or file information - Application letter from agent
- Proposal Sketch - 54982
- Site Photo - Aerial photos 2002-2014
- Professional Report - Report to ALC by Mr. T. Gay
- Other correspondence or file information - Supreme Court of B.C. decision
- Certificate of Title - 028-988-868
- Certificate of Title - 026-659-247

ALC Attachments

None.

Decisions

TO WHOM IT MAY CONCERN:

Re: LOT 1, DISTRICT LOT 19, NANOOSE DISTRICT, PLAN EPP16024

This letter is to authorize Sims Associates and Fern Road Consulting Ltd. as agents for the registered owner of the above lot in matters pertaining to the Rezoning Application.



TERRY GAY

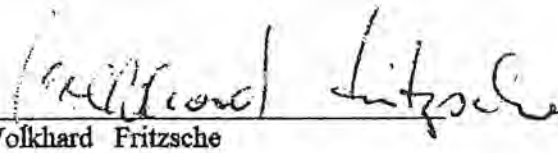
Dated this 30 day of October 2013

Authorized Signatory EARTHBANK RESOURCE SYSTEMS LTD.

TO WHOM IT MAY CONCERN:

Re: Lot C, District Lot 26, Nanoose District, Plan VIP80909

This letter is to authorize Sims Associates and Fern Road Consulting Ltd. as agents for the registered owner of the above lot in matters pertaining to the Rezoning Application.


Volkhard Fritzsche

Dated: 26th DECEMBER 2013 at Redlands WA

TITLE SEARCH PRINT

File Reference: 11-165

2016-02-16, 13:47:07
Requestor: Gail Crease

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Title Issued Under	SECTION 98 LAND TITLE ACT
Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	CA2942465 CA2876449
Application Received	2013-01-08
Application Entered	2013-01-17
Registered Owner in Fee Simple Registered Owner/Mailing Address:	EARTHBANK RESOURCE SYSTEMS LTD., INC.NO. BC0684065 1424 HODGE'S ROAD PARKSVILLE, BRITISH COLUMBIA V9P 2B5

Taxation Authority PORT ALBERNI ASSESSMENT AREA

Description of Land
Parcel Identifier: 028-988-868
Legal Description:
LOT 1 DISTRICT LOT 19 NANOOSE DISTRICT PLAN EPP16024

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED 26.07.1974

HERETO INTER ALIA IS ANNEXED EASEMENT EN108468 OVER PART OF SOUTH 1/2 OF DISTRICT LOT 83, NANOOSE DISTRICT EXCEPT PARCEL B AND RW DD9088F AND 13475 AS SHOWN ON PLAN VIP69835

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FB451032

TITLE SEARCH PRINT

File Reference: 11-165

2016-02-16, 13:47:07

Requestor: Gail Crease

Charges, Liens and Interests

Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA A.F.B. 9.693.7434A 77229G SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E AND N RAILWAY COMPANY

Nature:	RIGHT OF WAY
Registration Number:	144369G
Registration Date and Time:	1950-03-20 14:10
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	INTER ALIA

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	ED14447
Registration Date and Time:	1990-02-06 10:58
Registered Owner:	FORTISBC ENERGY (VANCOUVER ISLAND) INC. INCORPORATION NO. 236352

Transfer Number:	FB475875
Remarks:	INTER ALIA PART IN PLAN VIP56464

Nature:	EASEMENT
Registration Number:	EN108469
Registration Date and Time:	1999-11-29 09:03
Remarks:	INTER ALIA APPURTENANT TO LOT 1, DISTRICT 116, NANOOSE DISTRICT, PLAN 12149 EXCEPT PLAN VIP57241

Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	EP3782
Registration Date and Time:	2000-01-14 09:46
Registered Owner:	WEYERHAEUSER COMPANY LIMITED INCORPORATION NO. A50607
Remarks:	INTER ALIA SEE EP3781

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	CA2997120
Registration Date and Time:	2013-02-18 12:24
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA

TITLE SEARCH PRINT

File Reference: 11-165

2016-02-16, 13:47:07

Requestor: Gail Crease

Nature:	MORTGAGE
Registration Number:	CA3094239
Registration Date and Time:	2013-04-25 14:55
Registered Owner:	ROYAL BANK OF CANADA

Nature:	ASSIGNMENT OF RENTS
Registration Number:	CA3094240
Registration Date and Time:	2013-04-25 14:55
Registered Owner:	ROYAL BANK OF CANADA

Duplicate Infeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

Parcel Identifier:	028-988-868
Application Number/Type:	CA4985045 TO CA4985046 STATUTORY RIGHT OF WAY

TITLE SEARCH PRINT

File Reference: 11-165
Declared Value \$ 47253

2016-02-16, 13:47:06
Requestor: Gail Crease

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District
Land Title Office

VICTORIA
VICTORIA

Title Number
From Title Number

FB293353
FA52787

Application Received

2009-08-25

Application Entered

2009-08-29

Registered Owner in Fee Simple
Registered Owner/Mailing Address:

VOLKHARD FRITZSCHE, RETIRED
1410 HODGES ROAD
PARKSVILLE, BC
V9P 2B5

Taxation Authority

NANAIMO/COWICHAN ASSESSMENT AREA

Description of Land

Parcel Identifier:

026-659-247

Legal Description:

LOT C DISTRICT LOT 26 NANOOSE DISTRICT PLAN VIP80909

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED 26/07/1974

HERETO IS ANNEXED EASEMENT EL83746 OVER THAT PART OF LOT 1 SHOWN ON PLAN VIP65598

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE EX3536

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FB451033

TITLE SEARCH PRINT

File Reference: 11-165
Declared Value \$ 47253

2016-02-16, 13:47:06
Requestor: Gail Crease

Charges, Liens and Interests

Nature:
Registration Number:
Registered Owner:
Remarks:

EXCEPTIONS AND RESERVATIONS
M76300
ESQUIMALT AND NANAIMO RAILWAY COMPANY
A.F.B. 9.693.7434A
DD 16333, 72722G, 70874G, 80379G, 405388G
SECTION 172(3)
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

Nature:
Registration Number:
Registration Date and Time:
Registered Owner:
Remarks:

RIGHT OF WAY
129090G
1947-12-24 11:22
BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
INTER ALIA

Nature:
Registration Number:
Registration Date and Time:
Registered Owner:
Transfer Number:
Remarks:

STATUTORY RIGHT OF WAY
EC136498
1989-12-21 11:40
TERASEN GAS (VANCOUVER ISLAND) INC.
EV64062
CANCELLED AS TO ALL EXCEPT THAT PART
IN PLAN VIP55970 SEE EG20039 19.02.1993

Nature:
Registration Number:
Registration Date and Time:
Registered Owner:

LEASE
CA1400115
2009-12-21 11:56
DEAN ANDREW PETER BRUYCKERE
CLAUDIA BRUYCKERE
AS JOINT TENANTS
INTER ALIA

Remarks:

Nature:
Registration Number:
Registration Date and Time:
Registered Owner:

RIGHT OF FIRST REFUSAL
CA1400116
2009-12-21 11:56
DEAN ANDREW PETER BRUYCKERE
CLAUDIA BRUYCKERE
AS JOINT TENANTS

Duplicate Indefeasible Title

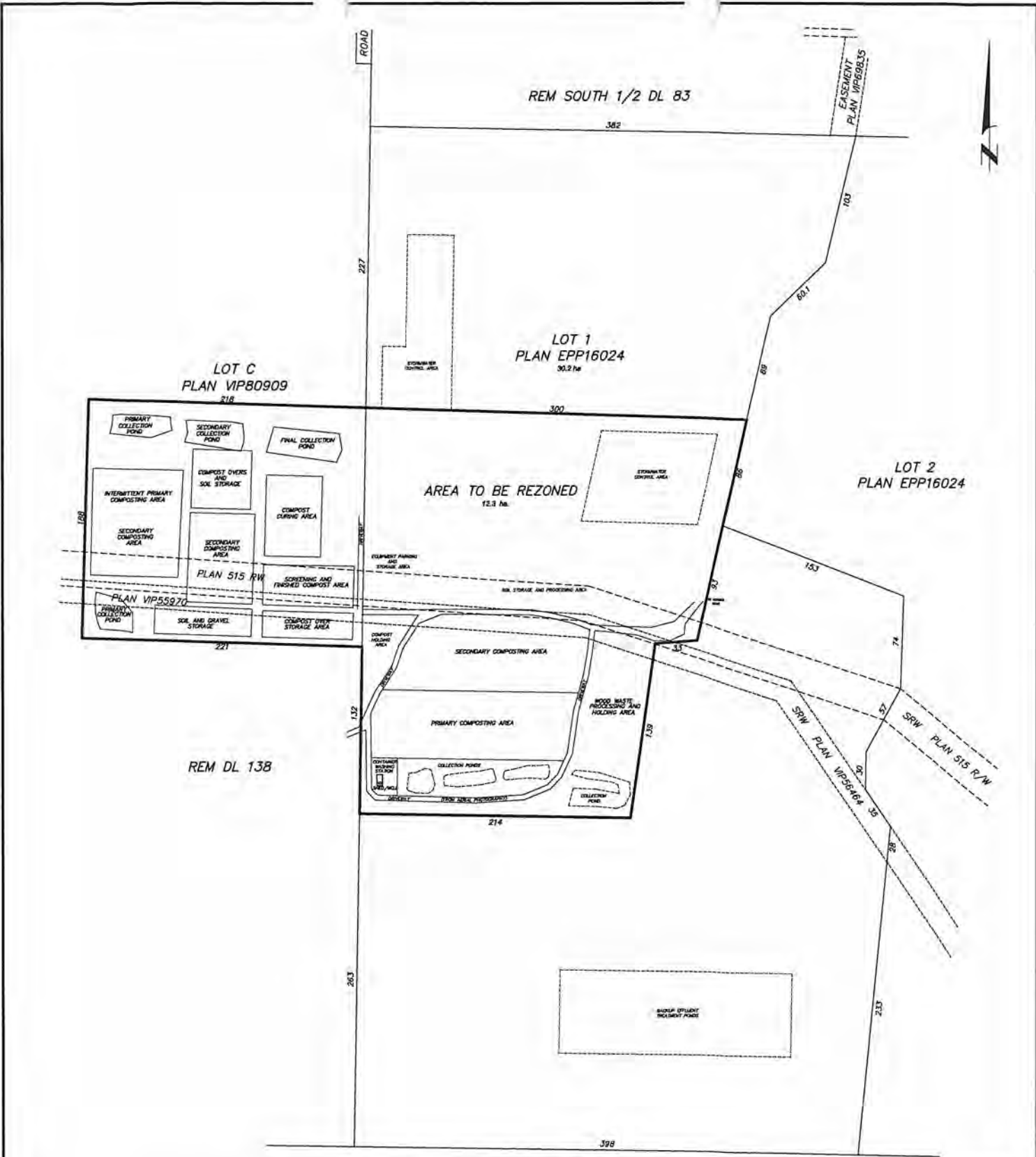
NONE OUTSTANDING

Transfers

NONE

Pending Applications

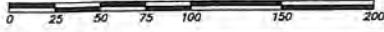
NONE



NOTE:
The location of improvements shown in this plan are derived from aerial photography.

PLAN SHOWING PROPOSED REZONING OF PART OF LOT 1, DL 19, PLAN EPP16024 AND PART OF LOT C, DL 26, PLAN VPB0909 BOTH OF NANQOSE DISTRICT.

SCALE 1:2000



LEGEND

All distances are in metres and decimals thereof.
All distances along curves are arc distances.
All dimensions and areas are subject to final survey.
DL Denotes district lot
REM Denotes remainder
ha. Denotes hectares

No.	DATE	REVISION
1	2014/01/06	Portion of Lot C, Plan VPB0909 added to application.
2	2014/04/29	Stormwater and effluent areas added

SIMS ASSOCIATES
LAND SURVEYING LTD.
223 FERN ROAD W.
QUALICUM BEACH, B.C. V9K 1S4
PHONE: 250-752-9121
FAX: 250-752-9241
FILE NUMBER: 11-165-2
DRAWING NUMBER: 11-165 RZ 2.dwg
DATE: 2014/04/29





2005



2007



2009



2011



2012



2014

Fern Road Consulting Ltd.

Our File: 11-165-Z
RDN File: PL2014-004

2016-02-15

Agricultural Land Commission
133 - 4940 Canada Way
Burnaby, B.C.
V5G 4K6

Attention: Gordon Bednard

Dear Gordon

Re: Application for non-farm use for Lot 1, District Lot 19, Plan EPP16024 and Lot C, District Lot 26, Plan VIP80909 both of Nanoose District

On behalf of our clients, Earthbank Resource Systems Ltd. (Earthbank) and Volkhard Fritzsche (Fritzsche), we are applying for a non-farm use to expand the composting operation on the above two properties.

BACKGROUND

The subject properties have received approval for a composting operation. In 2001 the Commission approved 1 ha. for composting on Lot C (see Application #S-33598) and in 2006 the Commission approved 4 ha. on Lot 1 (see Application #S-36289). In November 2009 Earthbank contracted to purchase, and now owns, Lot 1 and continues to lease a portion of Lot C.

As you may recall, the composting operation was the subject of litigation between RDN and Earthbank. RDN filed for an injunction to stop work on the portion of land that the ALC had approved. However, the Court did not grant the injunction. Through RDN staff changes, it was decided that a Temporary Use Permit (TUP) should be applied for by Earthbank and if it was issued, the land use issue would be settled. Earthbank applied for and obtained two TUP's (one for each property) in September 2009. The TUPs were extended for another 3 years in 2011.

In January 2014, on behalf of our clients, we applied to RDN to rezone the properties to add the use of "compost facility" to the existing zoning. A lengthy referral process began and in November 2015, we finally received a letter from RDN instructing us to apply to ALC to expand the amount of land used in the operation.

P.O. Box 405, Qualicum Beach, BC, V9K 1S9
Tel: (250) 752-9121 Fax: (250) 752-9241
E-mail: hsims@simssurvey.ca lrann@simssurvey.ca

PROPOSAL

The original ALC applications approved 4 ha. on Lot 1 and 1ha on Lot C as this was the amount of land that was needed for the operation at the time. Although the amount of area needed for the composting piles has not increased, the amount of area needed for sorting landfill, storing equipment, etc. has increased. Controlling leachate runoff has also increased the area needed for the entire operation. Since the composting process takes several years, the location and number of compost piles migrate around the site. They also need room to move the cured compost to a location where the public has easy access without entering the active compost area. We are enclosing 7 aerial photos of the site that are dated 2002, 2005, 2007 , 2009, 2011, 2012 and 2014. As you can see the piles of compost have migrated. It is difficult to calculate exact areas for migrating piles of compost but generally the area of the compost piles has not increased. Although the operation area has increased, the volume of compost has remained the same for the past 12 years.

Earthbank now uses approximately 8 ha. to contain compost piles, sorting, equipment storage and leachate control on Lot 1. On Lot C they use approximately 4 ha.

A more detailed report has been prepared by Earthbank owner, Mr. T. Gay and is attached.

Accordingly, we request the areas for the existing approvals be increased to allow this business to expand.

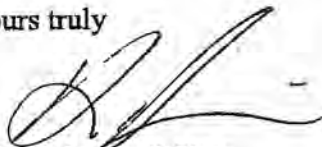
ATTACHMENTS

In support of this application we are submitting:

- ALC application form
- Title searches
- Letters of authorization
- Report discussing history and operation prepared by Mr. T. Gay, owner of Earthbank, includes 4 photos
- Justice Taylor's decision
- 7 aerial photos showing the evolution of Earthbank composting operation
- Plan prepared by Sims Associates Land Surveying Ltd. showing approximate location of compost piles.

We look forward to meeting with the Commission on-site.

Yours truly



Helen MacPhail Sims
HMS:lr

In The Supreme Court Of British Columbia

Citation: *Regional District of Nanaimo v. Wenngatz et al.*,
2005 BCSC 678

Date: 20050511
Docket: S41962
Registry: Nanaimo

Between:

Regional District of Nanaimo

Plaintiff

And

Irene Wenngatz,
Terrance Bruce Gay and
Terrance Bruce Gay carrying on business as
Earthbank Resource Systems Ltd., and
Earthbank Resource Systems Ltd.

Defendants

Before: The Honourable Mr. Justice Taylor

Reasons for Judgment

Counsel for the Plaintiff:

T. DeSouza

Counsel for the Defendants, Terrance Bruce Gay
and Terrance Bruce Gay coba Earthbank Resource
Systems Ltd. and Earthbank Resource Systems Ltd.,
111 Wallace Street, Nanaimo BC:

J.W. Horn, Q.C.

Date and Place of Hearing:

April 04, 2005

Nanaimo, B.C.

[1] The plaintiff, Regional District of Nanaimo ("Regional District") applies for an order restraining the defendant's, Earthbank Resource Systems Ltd. ("Earthbank"), use and occupation of Lot 19 Nanoose District except that part of Plan 13475 (the lands) as a commercial composting facility.

[2] Earthbank is the tenant of the lands which are owned by the defendant, Irene Wenngatz. The defendant, Terrance Bruce Gay, is the principle of Earthbank. There is no question between the Regional District and Earthbank that Earthbank operates a commercial composting facility on the lands.

[3] The issue on this application is a question of interpretation of the bylaws of the Regional District in their application to the operation of the commercial composting facility by Earthbank.

[4] The Regional District's position is there should be a statutory interlocutory injunction issued preventing Earthbank from carrying on the commercial composting operation on the lands.

[5] Earthbank's position is that such an injunction, if issued, will effectively amount to complete granting of relief sought by the Regional District and thus be a final determination of the lis(lawsuit) between the Regional District and Earthbank. It argues that the question of what a commercial composting operation, is a question of fact to be determined as to whether or not it falls within the concept of agricultural activity.

[6] Earthbank argues that in these circumstances the matter should be determined by a trial process whether pursuant to Rule 18A or a full trial.

[7] Earthbank also says that even if the Regional District is correct, in terms of the nature of the order sought on a balance of convenience there will be no irreparable harm to the Regional District occurring if the injunction is not granted but to grant the injunction will finish Earthbank as an entity by depriving it of its ability to function.

[8] The lands are agricultural lands. They are within the Agriculture Land Reserve.

[9] In 1996 and following, Earthbank operated a composting operation on agricultural land joining the lands. A portion of the compost was given to the farmer who owned those lands for use on the lands themselves. Earthbank then sold the remaining amounts of compost.

[10] The Regional District agrees that it could have no objection to such an operation where a portion of the compost is used upon the lands.

[11] In 2004, Earthbank shifted the composting operation to the lands owned by Wenngatz, an adjoining property, Earthbank uses approximately 10 of 30 acres leased for the composting operations.

[12] Earthbank leases this portion of the lands from Wenngatz pursuant to a lease dated February 9, 2004, for a term of 5 years. Earthbank agreed to confine its use of the leased portion to that of a composting operation.

[13] The composting operation consists of Earthbank transporting to the lands wood waste, soil and other materials including fish waste for composting purposes. None of the composting materials is used upon the lands. Earthbank offers for sale and sells composed materials from the land to its customers.

[14] The lands are zoned pursuant to the Regional District's zoning bylaw being Land Use and Subdivision Bylaw No.500, 1987, as Rural 1.

[15] In the spring and summer of 2004, the Regional District took the view that the composting operation contravened its zoning bylaws and demanded that Earthbank cease its operations on the lands.

[16] Coincidental with these steps, various residents who live some distance from the lands petitioned the Regional District to have the operation stopped on the basis that they were offended by wafting odours and truck traffic to and from the lands.

[17] On August 10, 2004, Wenngatz also joined this demand that the composting activities cease and expressed the view that she would support any injunctive application that might be brought by the Regional District. In that same month, Earthbank made an application to the Agricultural Land Commission to use the lands for a "non-farm use" and as well, sought to have the lands re-zoned to permit a composting operation. These applications were brought in face of the demands of the Regional District to cease and desist. These applications were rejected on the basis that Earthbank was a tenant and did not have the status to make such an application.

[18] Wenngatz then made these applications by way of supporting those initiated by Earthbank on the basis that it would cease operations pending the outcome of the applications.

[19] On October 13, 2004, Earthbank advised the Regional District that it would cease the sale of compost material until March, 2005.

[20] In Electoral Area F, being one of the electoral areas of the Regional District, that electoral area's zoning bylaw permits composting as a permitted use and defines composting facility as follows:

Composting facilities means the use of land, buildings and structures for the commercial composting of vegetative matter and related sales of compost but specifically excludes a waste disposal facility and transportation.

[21] The lands are not within Electoral Area F, but rather are in Electoral Area G, another of the Regional District's electoral areas and no such definition applies to this electoral area.

[22] Under the Regional District Zoning Bylaw 500 in areas zoned as Rural 1 a permitted use is "agriculture".

[23] The term agriculture is not defined.

[24] The plaintiff says that what it seeks is a statutory injunction rather than an equitable injunction. Counsel for the Regional District refers to the decision of *Kamloops (City) v. Baines* (1996), 32 M.P.L.R. (2d) 264 (B.C.C.A.), where at paragraph 9, Lamperson J. made the following observations:

9. Those arguments might well be successful if the City were subject to equitable rules with respect to the enforcement of its bylaws; but it is not. Ordinarily when deciding whether to grant an interim injunction, a court would consider the principles established by such cases as *American Cyanamid Co. v. Ethicon Ltd.*, [1975] 2 W.L.R. 316 [1975] A.C. 396 (H.L.) and *British Columbia (Attorney General v. Wale* (1986), 9 B.C.L.R. (2d) 333 (C.A.). However, the injunction is sought pursuant to Section 751 of the *Municipal Act*, R.S.B.C. 1979, c. 290, which provides:

751(1) If a building is erected, altered or used, or land is altered or used, in contravention of the Act or a bylaw under the Act, the municipality may commence a court proceeding at its own instance to restrain the contravention.

(2) The authority under subsection (1) is in addition to any other remedy or penalty provided by or under this Act.

[25] His reference is to sec 751 of the *Municipal Act*, R.S.B.C. 1996, c. 323, s. 751 which has been replaced by s. 274 of the *Community Charter Act*, S.B.C. 2003, c. 26.

[26] That view is supported by the judgment of the British Columbia Court of Appeal in *Langley v. Wood* (1999), 67 B.C.L.R. (3d) 97, 1999 BCCA 260, where at paragraph 17, Cummings J.A. held: “[t]he court has no discretion to deny the township an injunction once a breach is established” [Emphasis added].

[27] What, however, is important when considering this concept, is whether or not there is a basis to conclude there has been established a breach of the applicant’s bylaws. In my view, that cannot be found, for the reasons which I will subsequently enunciate.

[28] In *Central Saanich (District) v. Job Venture Corporation* (2002), 169 B.C.A.C. 169, 2002 BCCA 185, the Court of Appeal considered the question of composting in the context of agricultural uses. At paragraph 11, Huddard, J.A. held that:

...there can be no doubt that composting can be incidental to many agricultural uses and essential to others... There will be composting operations that are neither.

[29] She then referred to the Supreme Court of Canada decision in *New Brunswick (Minister of Municipalities, Culture and Housing) v. B & B Environmental Services Ltd.* (1997), 145 D.L.R. (4th) 271, 39 M.P.L.R. (2d) 243 (N.B.C.A.) [*New Brunswick* cited to M.P.L.R.], where at p. 248, Bastarache J. made the following observation:

11. According to the facts in this case, it is apparent that composting was not a use incidental to the farming of the land where the sludge was located, nor for other farms in the vicinity. The trial judge found that the composting was an independent commercial operation which consisted of producing potting soil...

[30] What was not considered in those cases is whether a composting operation, commercial or otherwise, apart from being an adjunct to an otherwise agreed agricultural undertaking, such as flower growing, was in and of itself an agricultural enterprise that is a commercial operation.

[31] This is the issue raised by Earthbank’s counsel who relies upon the affidavit evidence that opines composting is, in fact, an agricultural activity in and of itself.

[32] Earthbank filed the affidavit of Elaine Ingram, a soil ecologist, who holds a doctorate degree in Microbiology, whose opinion is summarized at paragraph 4 of her affidavit.

...the organisms in compost are what makes it beneficial material that it is; really, composting essentially consists of the raising of microbial “livestock” in the organic matter. It is therefore, in my view as much an agricultural product as any other livestock raised on a farm.

[33] That opinion is supported by the further opinion of Curtis Strong, an agrologist at paragraphs 4 and 5 of his affidavit.

4.it is my opinion that provided that the ingredients used for the compost are (a) free of “Foreign Matter” as defined by OMMR, and (b) the ingredients belong to Schedule 12 “Organic Matter Suitable for Composting” of OMMR, composting, including the preparation of compost for sale, is a normal agricultural or farming activity, and the product of composting is an agricultural product as much as the raising of any livestock on a farm is an agricultural activity.

5. Materials and ingredients that have often been composted on farms consist of ground-up demolition waste, and therefore fall outside the restrictions referred to above. Composting these materials is in fact waste management, not agriculture.

[34] The essence of the Regional District's position is that where compost is produced in Electoral Area G, it must be in part or whole used for agricultural purposes to fit within the permitted uses. Where it is not used on the land on which it is produced but sold to others, then the Regional District says that it is not for agricultural purposes.

[35] In my view, that submission does not address whether the production itself is for agricultural purposes; a determination that is a question of fact.

[36] If Earthbank's two experts are correct (and that is something to be established at trial), that composting is in and of itself an agricultural activity and whether or not that activity is prescribed by a bylaw, an injunction cannot in any case be issued given the provisions of the *Farm Practices Protection (Right to Farm) Act*, R.S.B.C. 1996, c. 31 that defines a "farm operation" in part as:

Farm operation means any of the following activities involved in carrying on a farm business:

- (a) growing, producing, raising or keeping animals or plants, including mushrooms, or the primary products of those plants or animals;
- (b) clearing, draining, irrigating or cultivating land;
- (c) using farm machinery, equipment, devices, materials and structures;
- (d) applying fertilizers, manure, pesticides and biological control agents, including by grounds and aerial spraying;
- (e) conducting any other agricultural activity on, in or over agricultural land;

[37] Section 2 of the *Act* is as follows:

Part 2 – Right to Farm

Normal farm practices protected

- 2(1) If each of the requirements of subsection (2) is fulfilled in relation to a farm operation conducted as part of a farm business,
 - (a) the farmer is not liable in nuisance to any person for any odour, noise, dust or other disturbance resulting from the farm operation, and
 - (b) the farmer must not be prevented by injunction or other order of a court from conducting that farm operation.
- (2) The requirements referred to in subsection (1) are that the farm operation must
 - (a) be conducted in accordance with normal farm practices,
 - (b) be conducted on, in or over land
 - (i) that is in an agricultural land reserve
 - (ii) on which, under the *Local Government Act*, farm use is allowed,

- (iii) as permitted by a valid and subsisting licence, issued to that person under the *Fisheries Act*, for aquaculture, or
- (iv) that is Crown land designated as a farming area under subsection (2,1), and
- (c) Not be conducted in contravention of the *Health Act*, *Pesticide Control Act*, *Waste Management Act*, the regulations under those Acts or any land use regulations.

[38] The singular purpose of these provisions of this *Act* is to prevent municipalities zoning farm operations out of existence by means of bylaws that limit or restrict the ability to use agricultural land for agricultural purposes.

[39] The Regional District has not produced any evidence that what the Earthbank does in this commercial composting operation is not in accordance with ss. 2(a) of that *Act*.

[40] Earthbank also submits that the granting of the injunction will effectively ruin its business in the sense that it cannot carry on a stand-alone, commercial composting business.

[41] If the Regional District is correct that what Earthbank does is not an agricultural activity, then unless Earthbank can bring itself into an operation such as occurred between 1996 and 2004 where a portion of the composting product is used on the farm lands themselves with the balance being able to be sold, then the granting of an injunction should be made even though that would imperil its business.

[42] I need not determine if that will occur if the injunction is granted, as I conclude that a "clear breach" of the bylaw has not been established for the reasons I have earlier expressed.

[43] Given the arguable case that the activity of composting is an agricultural activity in and of itself, an issue of fact can only be determined on a trial, it would in my view be wrong to grant the injunction whether or not it is of a statutory nature.

[44] Accordingly, the application is dismissed and the petition is referred to the trial list.

[45] Costs will be costs in the cause.

"J.D. Taylor, J."
The Honourable Mr. Justice J.D. Taylor

Please Note

This application is 'without prejudice' in so far as it relates to an ongoing difference in opinion with the Regional District of Nanaimo as to whether, or not, the activity of producing compost for sale is a legitimate farm activity.

Even though the Earthbank Temporary Use Permit has expired, it is inaccurate to assume that Earthbank is now operating as an illegal facility within the RDN. This would have to be determined in a full trial to determine whether, or not our facility is in fact agricultural in nature. This was a key finding of the Justice Taylor Supreme Court Judgment in May, 2005. Please see details within this document.

It should be noted as outlined in this proposal that the Earthbank composting facility already has a strong link to the farming community in that compost is still utilized by Hof Waldeck farm from the Earthbank facility on an ongoing basis. We also provide compost to both Blue Heron Farm and Salt and Harrow Farm nearby. Further, we provide a service to Little Qualicum Cheeseworks by taking their surplus manure and incorporating it into our composting process on a regular basis.

Earthbank future plans will include a greenhouse production system using Earthbank composting feed stocks as its signature growing medium beginning in 2016.

The Earthbank composting facility links to the local farming community and beyond have grown in tandem with the expansion of the facility. As a result, our use of lands within the ALR has increased and we are requesting further support from the ALC.

The Land in Question

Earthbank Resource Systems Ltd. is requesting the approval of our existing fish composting operation that has been expanded from about 5 hectares to about 12 hectares over the course of several years going back to 2003. The present operation is on two properties, one property is Hof Waldeck Farm where the original operation began in 1996. Secondly, the 75 acre property immediately to the east was originally leased in 2003 and subsequently purchased by Earthbank in 2009.

The physical alterations to the land are minimal as the composting area and ancillary activities are done on open ground along the gravel ridge that traverses the two properties. The actual site (see attached aerial photos, DSC_0029 & DSC_0044) is located on the same gravel ridge that the originally ALC approved operation is located on at Hof Waldeck.

Some of the land outside the compost facility boundaries on the Earthbank property is used for effluent and storm water containment through a series of passive containment

berms. As a result of the high nutrient charged effluent and storm water from the facility that is directed and contained in these areas, the agricultural capability of these soils for future use is increased on an ongoing basis. This is a result of the dramatic increase in vegetative growth stimulated by the controlled distribution of the effluent which is a significant contributor to increasing biomass in these soils. Please see photo examples DSC_0173 & 0174 that show contained areas that are full of effluent and storm water in the rainy season.

Background Information

The present operation at Hof Waldeck Farm has been operational since August, 1996. It is located on 4 hectares in the southeast corner of the property, which is part of an unproductive gravel ridge that is overlain onto hardpan that extends into the new site that is located just across the property boundary. That unproductive gravel ridge continues onto the property now owned by Earthbank.

Earthbank has been supplying large volumes of fish compost to Hof Waldeck Farm for the entire period from 1996 to the present. The farm has achieved excellent results in the utilization of this compost and the positive impact on the improvement of the soil has been significant.

The fish compost produced by Earthbank is high-end compost that enjoys wide acceptance in the community. It is rated a Class A compost that is unrestricted in application and its use. This compost is utilized by gardeners, landscapers, organic farmers, golf courses, residences for lawns and landscaping purposes, nurseries and greenhouses. Earthbank fish compost customers include the following:

Art Knapp Plantland, Nanaimo
Art Knapp Plantland, Courtenay
Black Gold Landscape Supply, Courtenay
Affordable Landscaping, Lantzville
Green Thumb Nursery, Nanaimo
DBL Gravel Mart, Parksville
Earthman, Parksville
Fairwinds Golf Course, Nanoose Bay
City of Parksville
City of Qualicum Beach
Milner Gardens
Brymik Earthworks, Campbell River
Wild Rose Garden Centre, Gabriola Island
Blue Heron Farm, Parksville
Salt and Harrow Farm, Parksville
Cinnabar Valley Farms, Nanaimo
Peninsula Landscape Supply, Saanich
Sooke Soil & Landscape, Sooke
Many others.....

The protein-based feedstock utilized in Earthbank's fish compost is mainly from aquaculture's salmon farms. This includes offal (some wild) from the processing plants and mortalities from the salmon farms. The carbohydrates (bulking material) utilized is sawdust and hog fuel from the forestry industry, and ground up clean land clearing debris.

The Main issue

Though the provincial government extended the Farm Practices Protection Act (Right to Farm) legislation to include aquaculture and salmon farming, unfortunately for Earthbank they did not specifically include the by-products, or waste stream of aquaculture. Aquaculture is an allowed use on farmland as written in the local by-laws. When the initial conflict occurred between the RDN and Earthbank, the RDN had made a determination that Earthbank was not agricultural and decided to force Earthbank to cease compost sales, or apply to be rezoned 'industrial'.

The RDN initially decided that Earthbank would have to shut down during the rezoning process. Earthbank was unable to comply as that would have effectively terminated the composting business. The RDN then applied for an Injunction to shut the Earthbank facility down in 2005. In May of 2005, the Injunction was rejected by Justice Taylor of the Supreme Court of BC. Please see his Judgment attached.

Justice Taylor's Judgment is a very interesting read for anyone interested in understanding the broad reach of agriculture and what is at the heart of this issue.

As a result of the Supreme Court ruling, the RDN decided that it may not be in their best interests to proceed to trial. We met with Carol Mason, the CAO at that time and it was agreed that Earthbank would consent to apply for a Temporary Use Permit after which a rezoning application could proceed if all goes well while Earthbank continues to operate.

Though Earthbank continues to challenge the Regional District's interpretation that fish compost sales denotes a non-farm use, we are currently applying to rezone as the easier road to follow. The RDN has acknowledged that as long as Earthbank does not sell compost, then fish composting is farm use. Earthbank has taken the position that fish composting is farm use, whether the product is sold or used on the land where it is produced, or both.

It may be of some interest to the ALC that this type of conflict has come up in other jurisdictions in North America. As the actual nature of commercial composting and its link to commercial farming is becoming better understood, senior levels of government are moving increasingly toward providing 'farm related protection' to compost operations that can be shown to be a suitable fit to farmland. A case in point is recent legislation passed by Oregon State to include suitable commercial composting operations as normal 'farm use'. This was done largely to end local government interpretation of vaguely

worded state laws that permitted local governments to block commercial compost operations especially in the fertile Willamette Valley.

Currently, the ALC's 50 % rule regarding compost use is designed to limit municipal style non-farm related operations is certainly understood. However, it would appear that the RDN in this case, was using their interpretation of the ALC's regulations on composting to limit, or stop Earthbank's composting operation. Earthbank was successful in demonstrating in court that it has a legal basis to argue that its fish composting operation should be protected by 'Right to Farm' legislation in British Columbia.

In this particular case, this conflict arose almost entirely as a result of a nearby golf course manager lodging a complaint to the RDN Planning Dept in which he claimed that the Earthbank operation was an industrial activity and therefore illegal. This was primarily motivated by the golf course manager's concern about early morning odour from the Earthbank facility drifting onto the golf course. This was in 2001 during our 6th year of operation. *This same golf course manager was known previously for his efforts in trying to shut down a local pig farm operation because of odour at the golf course.*

As a result of the odour issue impacting Earthbank neighbours, Earthbank developed and introduced a successful Odour Management Plan. Within a very short period the odour problem was resolved and complaints about odour ended. Fifteen years later, the number of odour complaints about our operation has been minimal to nonexistent. This is an accomplishment that is not easy and as a result we take some pride especially considering the fact that our operation is significantly larger than those years. Certainly there are times where off site odours occur but these occasional occurrences are always brief in duration and have not generated any opposition in recent years.

However, the battle lines had been drawn regarding zoning even though the underlying reason driving the agenda of the RDN being the odour complaints had been resolved. During the lead up period from 1996 to 2001, the RDN was well aware of the operation and was also a customer of Earthbank including purchasing compost and utilizing Earthbank's site to compost their local yard waste collected at the Church Road transfer station.

It is reasonable to assume that there are no 'perfect' locations for composting operations, and though this site is not perfect, on balance it is very suitable. The physical location of this site has many distinct advantages that are difficult to find for an operation of this nature.

Advantages

*The site is located in the heart of a farming and forestry district with virtually all residences far enough away so that odour is minimal or non-existent as long as good odour management practices are maintained.

*The prevailing winds in this area blow away from the residential area, which is located north of the composting site

*Active farms, ALR lands and provincial owned forestry woodlots surround the site.

*There will be no further encroachment of dense urban style neighbourhoods in this area for the foreseeable future.

*Very importantly, this area has far less rainfall than other parts of Vancouver Island, which makes leachate containment qualitatively different and easier than virtually any other locations on Vancouver Island where these operations currently exist.

*The underlying subsoil is exclusively clay and/or hardpan with little, or no downward mobility of nitrates thereby providing a natural protective barrier for the apparent underlying aquifer. This is also good news for the local commercial farms in the area.

*Earthbank has been active in assisting Little Qualicum Cheeseworks in managing their excess manure during the winter months when they are unable to land apply their manure and effluent. We regularly take their excess manure in the winter months and incorporate it into our composting process.

*Fish compost has been and will continue to be made available to local farms in the immediate vicinity.

*Historically, this area has been the domain of commercial scale farming and forestry and will remain so for the foreseeable future.

Disadvantages

*Regulations under the Ministry of Environment and in recent years added regulations under the RDN's Waste Stream Management By-law has put Earthbank at a competitive disadvantage with other facilities that routinely operate out of compliance due to lack of enforcement. The Earthbank facility has spent significant time and resources to stay in compliance especially regarding leachate with the increasingly stringent regulations.

*Conflicting views with the Regional District of Nanaimo as to whether fish composting should be considering a legitimate farm activity

*Access is currently limited to Lowry's Road, which of course has provided access to this farming and forestry area for over a century. However, considerable residential development and an 18 hole golf course has been developed along the access road to this area. In recent years truck traffic has become the main issue with some neighbours, though little is said about the trucks in recent years. Earthbank has a policy to insure that all drivers associated with our facility drive respectfully through the residential area.

*Application for a zoning change provides a platform for opponents with very narrow 'perceived concerns without supporting evidence' to have an opportunity to try to close down the composting operation. Other farming and forestry activities that have similar perceived impacts on the community are protected by legislation and are not exposed to this risk.

*Application for a zoning change provides a mechanism for other regulatory stakeholders to weigh in with recommendations that go well beyond requirements of other competing facilities which may be too onerous or impractical to implement.

Earthbank's Future Plans

It has been Earthbank's long term goal to develop a greenhouse production system on its property by utilizing the fish compost from the composting facility and topsoil brought on to the property. Finally, now that the likelihood of the permanent stability of this facility is reasonably assured, we are in the process of initiating the farm plan for the property.

In brief, Earthbank will be proceeding to build about a 10,000 square foot greenhouse utilizing the commercially designed BW Greenhouses. This greenhouse will act as a prototype in which we will be working out the concept and details for this particular type of growing that we are planning. Once this is done, we will proceed with a significant expansion of the commercial greenhouse system on our property.

The products from these proposed greenhouses will be soil based blended with fish compost. The soil used actually is brought onto the property with the land clearing debris that we process on site. This soil is separated from the land clearing debris before grinding. Some of it has been sold to the public but most of it has been retained for the developing greenhouses. The quality of this soil is excellent and would easily qualify as a Class 1 agricultural soil with, or without the compost added.

Another key component to our farm plan is to develop a system in which we utilize the excess energy generated in the compost process to heat our greenhouses. There will be two avenues of exploration that we will be pursuing to best utilize this excess energy byproduct that occurs as a result of the composting process.

Firstly, we will be developing a pilot project to capture excess heat from our existing aerobic composting process to provide heat directly to our greenhouses. This will be based on the "Heat Recovery from Compost" system developed by 'Smith and Aber' at the University of New Hampshire in 2014. This system is based on the well known Static Aerated Pile system which would be an ideal fit with our fish waste and wood waste feedstocks where we have the option of varying particle size to get the ideal mix, porosity ratio required.

Secondly, we will be pursuing a pilot project to construct a small anaerobic digester using a portion of our fish and wood waste feedstock to produce and capture biomethane gas that will be used as fuel to heat our greenhouses. This project will be conducted on a small scale initially in tandem with the construction of the greenhouse. We will be utilizing the services available thru Ardcorp, more specifically their Renewable Agri-Energy Initiative (RAI).

In closing, we want to emphasize that we believe that what we are doing on ALR lands is fundamentally agricultural and as long as we limit our feedstocks to fish waste, wild, or farmed and clean wood waste, or any other waste that has a link to our food production system, then we should be entitled to the same protection as the rest of our agricultural production industry.

Having said that, we do realize that "Right to Farm" protection does not currently exist for commercial composting operations, even if they are producing agricultural grade compost from feedstocks that are linked to, or acceptable for use in agriculture. We are hopeful that at some point in the future that will change and composting operations similar to the Earthbank model will be protected and recognized for its fundamental role in the ongoing development of modern agriculture in our community.

Terry Gay
Earthbank Resource Systems Ltd.



0029

Inland Island Highway

cattle grazing

Wood lot

Little Qualicum
Cheeseworks

Mooberry
Winery

Earthbank

Road

composting area

Hof Waldeck farm
grazing & hayfields

Hof
Waldeck
Farm





0173



TO: Agricultural Advisory Committee (AAC) **DATE:** April 12, 2016

FROM: Greg Keller
Senior Planner **MEETING:** AAC – April 22, 2016

FILE: PL2016-034

SUBJECT: Request for Comment on Subdivision in the ALR Application No. PL2016-034
Section 12, Range 8, Cranberry District, Except that Parcel A (DD 6974N) and Except Part
in Plan 31 RW
2070 Akenhead Road
Electoral Area 'A'

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for non-farm use in the Agricultural Land Reserve (ALR) from the RDN Parks Department (see Applicant's Submission in the enclosed draft Local Government Report). The parcel is transected by Thatcher Creek near the approximate centre of the property and the Nanaimo River on the eastern boundary. Akenhead Road is located to the west of the property and there is an un-named and undeveloped road allowance that leads to the south of the property. The subject property also contains a portion of the Morden Colliery Regional Park, which is a linear park that is intended to eventually connect South Wellington to Cedar and beyond.

The property is surrounded by agricultural and rural properties. The property currently contains about 12.5 hectares of hayfields as well as a dwelling unit, a barn and accessory buildings. The east half of the subject property contains the above agricultural uses and the west half is primarily undeveloped (see Attachments 1 and 2 for Subject Property Map and Aerial Photo). The applicant proposes to subdivide the parcel into two parcels. Proposed Lot 1 would be approximately 19 hectares and would contain the existing agricultural uses. Proposed Lot 2 would be approximately 20 hectares and includes undeveloped land. The proposal is to donate Proposed Lot 2 to the RDN for use as a regional park. A copy of the Subject Property Map and proposed Plan of Subdivision are included in the enclosed draft Local Government Report (see Attachments 1-3).

Agricultural Advisory Committee (Committee) members were provided an opportunity to attend the site on March 30, 2016.

BOARD POLICY AND DISCUSSION

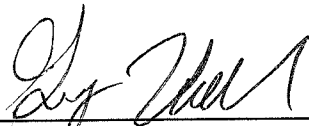
RDN Board Policy B1.8: *Review of ALR Applications* provides an opportunity for the Committee to review and provide comments on Agricultural Land Reserve (ALR) applications for exclusion, subdivision and non-farm use on lands within the ALR. As per Policy B1.8, the applicable standing Board resolution is included for the Agricultural Land Commission's (ALC) information as part of the Local Government Report. A copy of this draft report, including comments from the Area Director, is included for your

review and comment. Following this review, the Local Government Report, including comments from the Area Director and the Committee, will be forwarded to the ALC for consideration.

In accordance with the AAC Terms of Reference, the role of the Committee members is to provide local perspective and expertise to advise the Regional Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as-needed basis as directed by the Board. In addition to members' input, comment on ALR applications may be guided by Board-approved policies such as the Agricultural Area Plan, the Board Strategic Plan, the Regional Growth Strategy and the applicable Official Community Plans along with the relevant land use bylaws. Committee members can also find information related to ALR land use and agriculture in BC on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN's agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC by the Committee is consensus based through Committee adoption of a motion regarding the comment to be provided. If a Committee member has comments regarding an application to the ALC being considered by the Committee, the appropriate time to provide those comments is during discussion on the application at the Committee meeting prior to the Committee's adoption of its comment. Only the comment approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual Committee members will not be included in the Local Government Report that is forwarded to the ALC.

The comment provided by the Committee is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. Any comment from the Committee is provided in addition to the applicable standing Board resolution as per Policy B1.8 and the Electoral Area Director's comment, if provided. The ALC is the authority for decisions on matters related to the ALR and will consider comments provided in making its decision on an application.



Report Writer



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

RD/Mun. File No.	PL2016-034
Fee Receipt No.	2016-XXXX
Fee Amount	\$600.00
ALR Base Map No.	92G.001.4.3
ALR Constituent Map No.	
Air Photo No.	

Information supplied by:

Regional District of Nanaimo

In respect of the application of:

Regional District of Nanaimo

PLANS and BYLAWS (*Attach relevant sections of bylaws*)

Civic Address	2070 Akenhead Road
Legal Description:	Section 12, Range 8, Cranberry District, Except that Parcel A (DD 6974N) and Except Part in Plan 31 RW
Community Plan or Rural Land Use Bylaw Name:	"Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011"
OCP Designation:	Rural/Agriculture
Zoning Bylaw Name:	"Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"
Zone Designation:	Rural 4 (RU4)
Minimum Lot Size:	1.0 ha on the southwest (Subdivision District F) and 2.0 ha on the balance (Subdivision District D)
Permitted Uses:	Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Siviculture, and Secondary Suite
Maximum Density:	One dwelling unit per parcel on parcels less than 2.0 ha, and two dwelling units per parcel on parcels greater than 2.0 ha.

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

Plan Yes No **Bylaw** Yes No

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

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

COMMENTS and RECOMMENDATIONS	
Board or Council:	<p>The Regional District of Nanaimo (RDN) Board of Directors has a standing Board resolution for subdivision of lands within the ALR as per Policy B1.8 <i>Review of ALR Applications</i></p> <p>As outlined in the Regional Growth Strategy, the RDN fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The RDN encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.</p>
Electoral Area Director:	<p>As the Electoral Area 'A' Director in which this property is situated, you have asked me to provide my comments on the subdivision application. I attended at this property to meet with the owner and their representative and, along with other elected and appointed members of the RDN's Agricultural Advisory Committee, to walk the property so as to better understand the situation. There is about 12.5 hectares that has been farmed over the years. This section of the property also contains residential, barns and other accessory buildings. The other section of the property that is proposed to be donated has not been farmed. The reason for this becomes clear when one sees that it is mostly comprised of land that is marshy or subject to flooding throughout the year. There are two waterways across the property and these are navigated along the former rail-bed of the Pacific Coast Coal Mining Company which is now occupied by the Morden Colliery Historic Regional Trail. The waterways are bridged to allow passage along the trail. The line of subdivision seems to be very carefully identified to ensure that none of the property that is farmed, or might be farmed in the future, will be impacted by the subdivision.</p> <p>The subdivided property that is proposed to be donated will prove to be a great educational tool for both students and the general public as well as facilitate active transportation opportunities for residents and visitors to the area. In my opinion, this may be the highest and best use for this property while maintaining the use of the area that can be farmed for agricultural uses.</p> <p>Thank for the opportunity to provide comments.</p>
Advisory Planning Commission:	n/a

<p>Agriculture Advisory Committee:</p>	<p>The AAC, at its meeting of April 22, 2016 made the following recommendation(s): To be determined pending the AAC's recommendation at its meeting scheduled for April 22, 2016.</p>
<p>Others:</p>	
<p>Planning Staff:</p>	<p>Greg Keller, Senior Planner Phone: 250-390-6510 Email: gkeller@rdn.bc.ca</p>

BACKGROUND

The subject property is legally described as Section 12, Range 8, Cranberry District, Except that Parcel A (DD 6974N) and Except Part in Plan 31 RW and the civic address is 2070 Akenhead Road. The property is approximately 39 hectares in area and is contained partially within the ALR. The parcel is transected by Thatcher Creek near the approximate centre of the property and the Nanaimo River on the eastern boundary. Akenhead Road is located to the west of the property and there is an unnamed and undeveloped road allowance that leads to the south of the property. The subject property also contains a portion of the Morden Colliery Regional Park, which is a linear park that is intended to eventually connect South Wellington to Cedar and beyond.

The property is surrounded by agricultural and rural properties. The property currently contains about 12.5 hectares of hayfields as well as a dwelling unit, a barn, and accessory buildings. The east half of the subject property contains the above agricultural uses and the west half is primarily undeveloped (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

ZONING

The parcel is zoned Rural 4 Subdivision District 'F' (RU4F) on the southeast portion and Rural 4 Subdivision District 'D' (RU4D) on the balance, pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachments 4 and 5 for zoning regulations and minimum parcel size). The RU4 Zone permits Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Siviculture, and Secondary Suite and allows two dwelling units on parcels greater than 2.0 hectares in area. The applicant proposes to subdivide the parcel into two parcels as shown on the proposed site plan (see Attachment 3). Proposed Lot 1 would be approximately 19 hectares and would contain the existing agricultural uses. Proposed Lot 2 would be approximately 20 hectares and includes undeveloped land. The proposal is to donate Proposed Lot 2 to the RDN for use as a Regional Park.

OFFICIAL COMMUNITY PLAN

The southeast corner of the property is designated 'Rural' and the balance is designated 'Agriculture' pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" (see Attachment 6). The Official Community Plan (OCP) supports an 8.0 hectare minimum parcel size for lands in the ALR. Therefore, the proposed parcel sizes are supported by the OCP.

The OCP does not support the subdivision of lands within the ALR which does not result in a net benefit to agricultural production. However, the OCP also supports the protection of environmentally sensitive features and encourages the provision of park land in all land use designations.

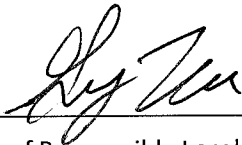
The OCP also identifies a proposed multi-use trail and potential bridge crossing the Nanaimo River on the subject property that is a key component of the Morden Colliery Regional Park.

The parcel is also designated within the Environmentally Sensitive Features, Nanaimo River Floodplain, and the Watercourse and Fish Habitat Development Permit Areas. A development permit may be required prior to any subdivision or alteration of the land.

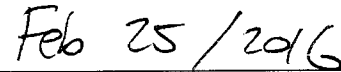
REGIONAL GROWTH STRATEGY

The portion of the subject property located in the ALR is designated 'Resource Land and Open Spaces' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The policies of this designation do not support the creation of new parcels that are smaller than the size supported by the OCP in effect at the date of the adoption of the RGS (see Attachment 7). Further to this, the Regional Growth Strategy encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 8 and 9).

A copy of the applicant's submission package is included in Attachment 10.

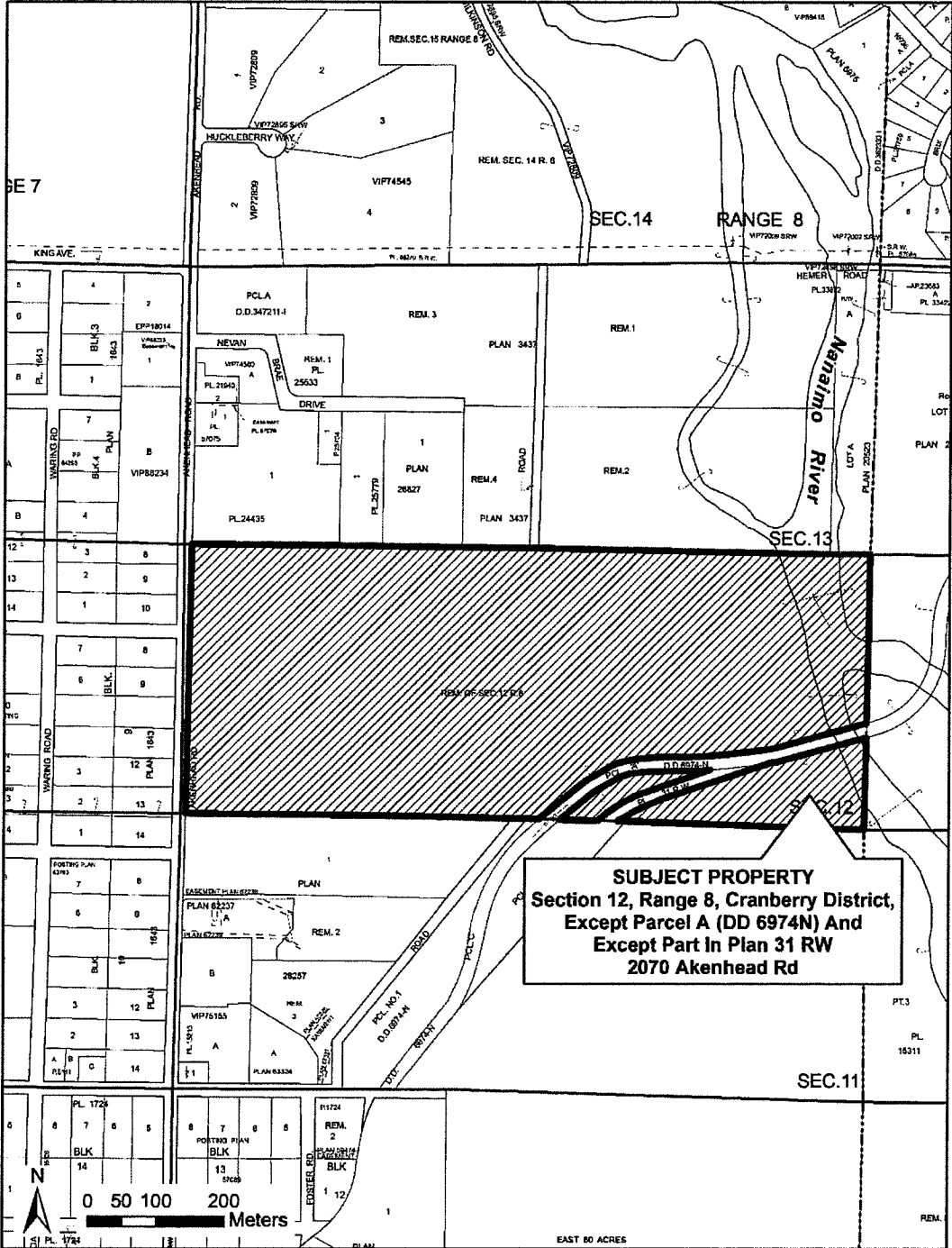


Signature of Responsible Local Government Officer

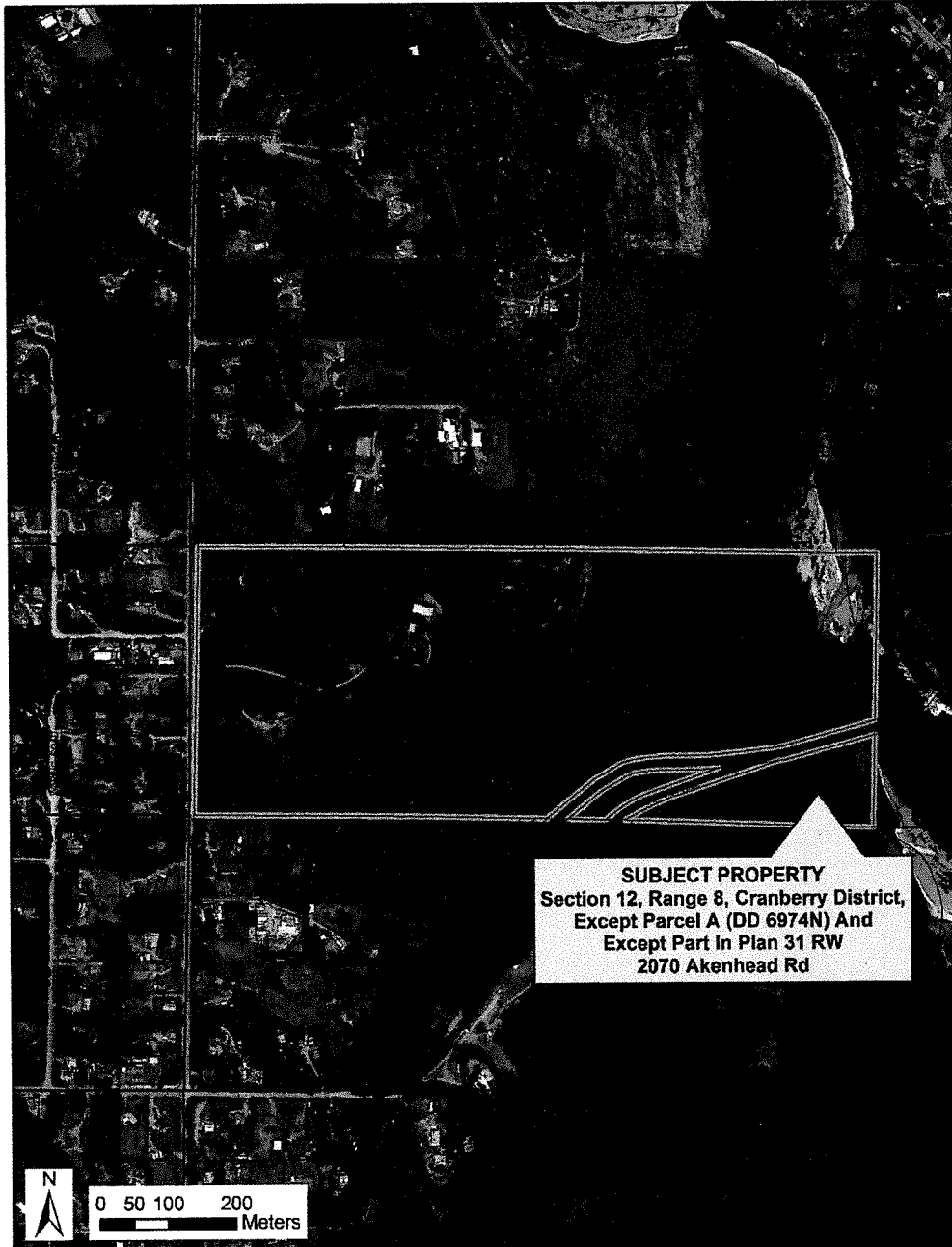


Date

Attachment 1
Subject Property Map

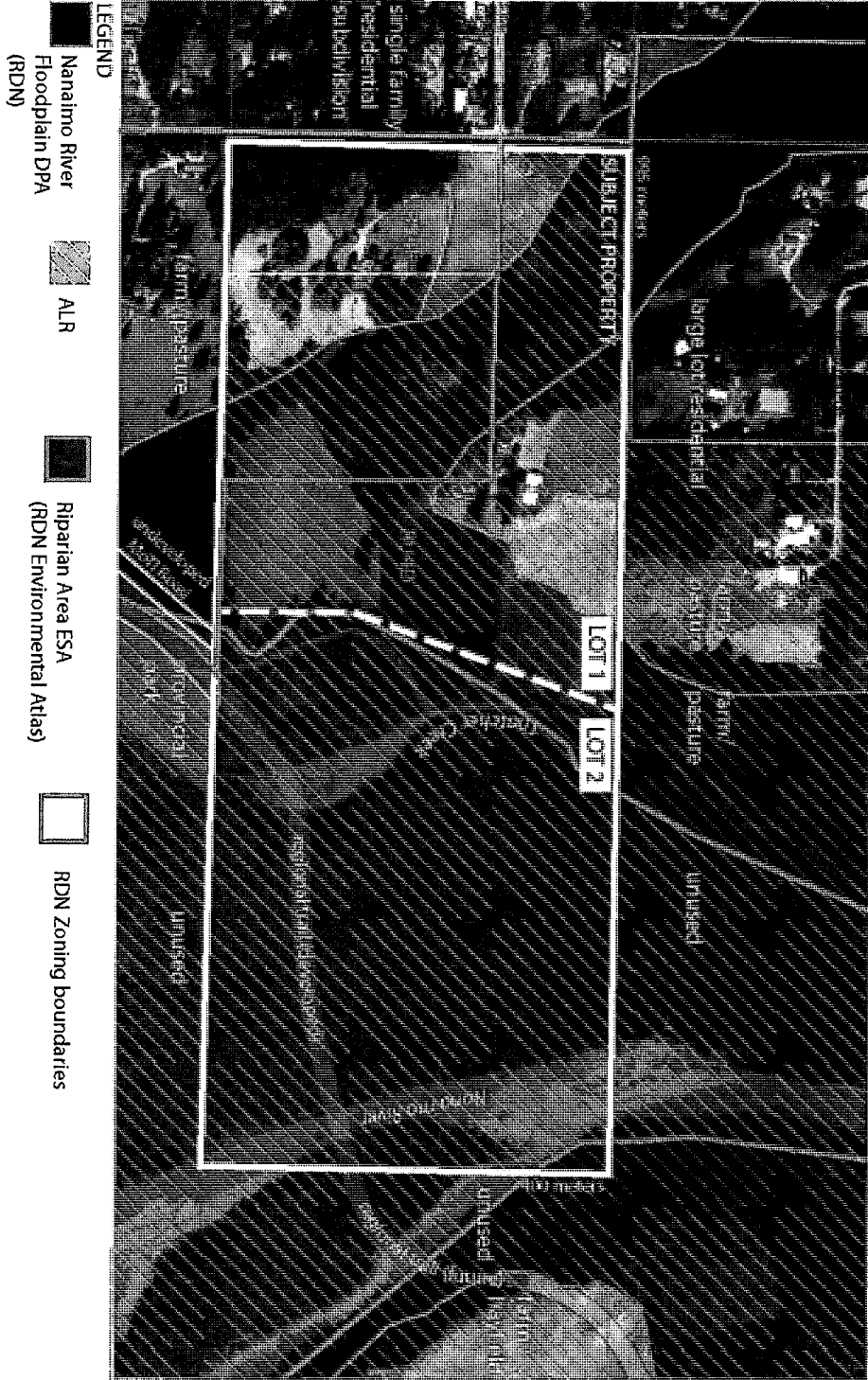


Attachment 2
2014 Aerial Photo



Attachment 3
Proposed Plan of Subdivision

2070 Akenhead Rd. Subdivision Proposal Sketch Plan



**Attachment 4
 Existing Zoning**

Part 3 - Land Use Regulations

Section 3.4.84¹

R U R A L 4

RU4

Permitted Uses and Minimum Site Area

Required Site Area with:

Permitted Uses	Community Water & Sewer System	Community Water System	No Community Services
a) Agriculture	n/a	n/a	n/a
b) Aquaculture	5000 m ²	5000 m ²	5000 m ²
c) Home Based Business ²	n/a	n/a	n/a
d) Produce Stand	n/a	n/a	n/a
e) Residential Use	n/a	n/a	n/a
f) Silviculture	n/a	n/a	n/a

Maximum Number and Size of Buildings and Structures

Accessory buildings	- combined floor area of 400 m ² ³
Dwelling units/parcel:	
a) on a parcel having an area of 2.0 ha or less	- 1
b) on a parcel having an area greater than 2.0 ha	- 2
Height	9.0 m ⁴
Parcel coverage	25%

Minimum Parcel Area

Subject to Section 4.4.4, no parcel having an area less than 2.0 ha may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the Strata Property Act (British Columbia).

Minimum Setback Requirements

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
- 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 then the regulations in Section 3.3.8 shall apply.

¹ Bylaw No. 500.206, adopted November 12, 1996

² Bylaw No. 500.270, adopted November 13, 2001

³ Bylaw No. 500.272, adopted November 13, 2001

⁴ Bylaw No. 500.246, adopted December 8, 1998

Attachment 5
Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size

Part 4 - Subdivision Regulations '4B' - Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below:¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ^{4,5}	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
V ⁹	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹⁰	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998
² Bylaw No. 500.347, adopted September 22, 2009
³ Bylaw No. 500.27, adopted August 9, 1988
⁴ Bylaw No. 500.66, adopted December 12, 1989
⁵ Bylaw No. 500.324, adopted February 28, 2006
⁶ Bylaw No. 500.264, adopted October 10, 2000
⁷ Bylaw No. 500.264, adopted October 10, 2000
⁸ Bylaw No. 500.27, adopted August 9, 1988
⁹ Bylaw No. 500.253, adopted January 11, 2000
¹⁰ Bylaw No. 500.275, adopted October 9, 2001

**Attachment 6
 Official Community Plan Land Use Designation
 (Rural Page 1 of 3)**

7.2 Rural

The Rural land use designation is characterized by larger parcels (greater than 2 ha) and low population density. Traditional rural activities such as agricultural operations and hobby farms, mixed with large lot residential subdivisions, dominate the landscape. The Rural land use designation applies to those lands that are *not* situated within the ALR or previously the Forest Land Reserve. These lands strengthen the rural ambiance of the plan area and contribute towards the plan area's capacity for local food production. Area 'A' residents value the rural qualities these lands provide to the community.

Objectives and Policies

Section 7.2	Policy/Objective
Objective 7.2.1	Limit opportunities for additional residential development.
Policy 7.2.1	Lands within the Rural Lands designation are shown on Map No. 3
Policy 7.2.2	The minimum parcel size for lands within the Rural Lands designation shall be 2.0 ha.
Policy 7.2.3	Residential development shall be limited to one dwelling unit per ha with the total number of dwelling units limited to two per parcel provided the parcel is greater than 2.0 ha in size.
Policy 7.2.4	<p>Subject to being consistent with the RGS and despite policy 7.2.2 or 7.2.3 above, the RDN may support the creation of more compact residential clusters through a rezoning on lands within this designation and designated Rural Residential in the RGS which may include smaller parcels and/or a subdivision pursuant to the <i>Strata Property Act</i> subject to the following:</p> <ol style="list-style-type: none"> a. The proposal must include a significant agricultural or resource component which would contribute towards making Electoral Area 'A' a leader in local food production, contribute to the rural economy, and/or result in the preservation of environmentally sensitive lands; b. The proposal does not result in more dwelling units and/or parcels than what is permitted by the zoning in place at the time the application is made. The overall density and/or number of parcels shall be determined based on the buildable area of the subject property and not the total site area and should be equal to or less than the number of lots that could be created without clustering; c. Where the proposed development is adjacent to agricultural operations or land within the ALR, the proposal must include a vegetated buffer designed and constructed in accordance with the "<i>A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges</i>" as amended from time to time; d. With the exception of a building strata parcel, park, or public use no parcel of less than 1.0 ha shall be created; e. Park land shall be considered in accordance with Section 10.0 of this plan; f. All development must be serviced with onsite sewer and water systems, unless serviced by the North Cedar Improvement District or other existing water local service area;



**Attachment 6
Official Community Plan Land Use Designation
(Rural Page 2 of 3)**

Section 7.2	Policy/Objective
	g. The remainder of the property must be protected against further subdivision and development through zoning and/or covenant.

Section 7.2	Policy/Objective
Objective 7.2.2	Preserve the Rural Character of the Rural Lands Designation.
Policy 7.2.5	Permitted uses within this designation include agriculture, resource uses, rural residential uses, and uses which are compatible with and contribute towards making agriculture more viable.
Policy 7.2.6	For lands designated rural residential in the RGS and rural by this plan, the RDN may consider rezoning for an eco-village subject to the provisions contained in Policy 7.2.4 above and the following: <ul style="list-style-type: none"> a. The primary focus of the development must be sustainable agricultural production which may include traditional, organic, and intensive permaculture practices which promote ecosystem function and biodiversity; b. The subject property must be proven to have agricultural potential which coincides with the agricultural uses being proposed; c. The residential component of the development must be located on the least fertile portions of the land and must not negatively impact the environment; d. Residential use must be limited in scope and be accessory to the principle agricultural use and should be located away from neighboring property lines where soils and site conditions warrant. Traditional residential developments shall not be considered under this policy; e. Energy and water efficiency must be maximized in all aspect of development; f. The RDN may support 'off grid' residential development subject to the approval of the authorities having jurisdiction; g. The RDN shall give preference to applications that use alternative green building materials and construction methods subject to compliance/equivalency with the British Columbia Building Code; h. An accessory educational component related to sustainable agriculture, ecological preservation, green building methods, or other similar studies may be considered; and, i. Accessory small business uses may be considered which complement and make the use more viable.
Policy 7.2.7	Except where considered under policy 7.2.4 above, the conversion of buildings into strata units pursuant to the <i>Strata Property Act</i> for the purposes of creating new property with separate titles shall not be supported.
Policy 7.2.8	This plan recognizes commercial recreational uses which existed prior to the adoption of this plan. A rezoning may be supported to recognize these uses and make them more viable without an amendment to this plan.



Attachment 6
Official Community Plan Land Use Designation
(Rural Page 3 of 3)

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Conduct a public process for considering implementation of minimum parcel sizes.	Refer to Appendix 3 for more information

**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 1 of 5)**

Food Security

Much of the produce eaten in British Columbia comes from distant lands. Many of these areas are experiencing an increase in severe weather events which are threatening crops and creating additional vulnerabilities and price fluctuations in the food system.

Climate Change Implications

Industrialized agriculture is a significant contributor to greenhouse gas emissions through deforestation, livestock production, application of chemical fertilizer and manure, and from the use of fossil fuels in the sowing, harvesting, processing and transport of agricultural products. Creating local food systems reduces the distance food must travel and as a result reduces greenhouse gas emissions and transport costs.

In addition to warmer average temperatures, climate change is expected to shift precipitation patterns and increase the frequency of severe weather events which may increase the risk of extreme drought and crop failure. Local food systems help mitigate the impacts of climate change by building resiliency into the system and becoming more self-reliant.

Food Accessibility

Access to fresh nutritious food is critical for maintaining a healthy population. All area residents should have access to affordable, fresh, nutritious, culturally appropriate food, which is locally produced. Access to healthy food can help combat rising rates of obesity and chronic illnesses that can be partially addressed by improvements to diet and exercise.

Strategic Direction and Goals

Section 5.0 helps achieve the Community Vision by contributing towards community Goals 1, 6, 7, 13, 15, 16, and 17. Please refer to Section 3.3 for a list of community goals.

5.1 Agricultural

The Agricultural Land Use designation applies to all land located in the Agricultural Land Reserve (ALR) at the date of adoption of this plan. These lands occupy approximately fifty-five percent of the plan area and are generally characterized by parcels, greater than 2.0 ha in area. Lands within the ALR are intended for agricultural production. These lands contribute to the economy and are of critical importance in helping Electoral Area 'A' become a leader in local food production.

Objectives and Policies

Section 5.1	Policy/Objective
Objective 5.1.1	Protect ALR land from non-agricultural development.
Policy 5.1.1	Lands within the Agricultural Lands designation are shown on Map No. 3.
Policy 5.1.2	Agriculture shall be the priority use on lands located within the Agricultural Lands designation.
Policy 5.1.3	Uses within this designation shall include agriculture and uses which are compatible with agriculture and contribute towards making it more productive.



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 2 of 5)**

Section 5.1	Policy/Objective
Policy 5.1.4	Rezoning may be supported, subject to the approval of the Agricultural Land Commission to allow: a. Value added agricultural uses; b. 'Permitted use' as defined by the <i>ALR, Subdivision and Procedure Regulation (BC Regulation 171-2002)</i> , as amended or replaced from time to time; or, c. Agricultural education and/or demonstration of agricultural technologies.
Policy 5.1.5	This plan supports the creation of an agricultural zone which applies to all lands within this designation.
Policy 5.1.6	Removal of lands from the ALR, which are capable of agricultural production, is considered contrary to the Community Vision and is not supported by this plan.
Policy 5.1.7	Subdivision of land within the ALR, which does not result in a net benefit to agricultural production as determined by a qualified professional, is considered contrary to the Community Vision and is not supported by this plan.
Policy 5.1.8	The RDN should consider providing comments to the Agricultural Land Commission on all applications for non-farm use, subdivision, and exclusion.
Policy 5.1.9	If land is removed from the ALR, the land should continue to be designated 'Agricultural Lands' and should not be considered for additional development potential.
Policy 5.1.10	This plan supports ongoing consultation with the Agricultural Advisory Committee, the Agricultural Land Commission, and the Provincial Ministry responsible for Agriculture to find ways to encourage agriculture and make it more productive.
Advocacy Policy 5.1.11	The RDN shall work with the MOTI to discourage the creation of new public roadways ending at lands located in the ALR to reduce the future demand for further non-agricultural development of ALR land.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Designate DPA's on land adjacent to the ALR to ensure adequate buffers are provided and to reduce the impacts of non-agricultural development on agricultural land.	Immediate
Work with the Agricultural Advisory Committee, the Ministry responsible for Agriculture, the Agricultural Land Commission, and the community to develop an agricultural zone and identify opportunities to increase diverse agricultural activity. Amend RDN Land Use and Subdivision Bylaw No. 500, 1987 to include the new zone.	Short Term



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 3 of 5)**

Review the current board policy on commenting on applications made to the Agricultural Land Commission and consider the potential role of the Agricultural Advisory Committee. Write a report to the Board with recommendations.	Short Term
Work with the Provincial subdivision approving officer, Ministry of Agriculture, and the Agricultural Land Commission to minimize the impact of subdivision on lands within the ALR.	Ongoing

Objective 5.1.2	Support and promote sustainable agriculture on ALR lands.
Policy 5.1.12	The minimum parcel size for lands located within the Agricultural Lands designation shall be 8.0 ha.
Policy 5.1.13	<p>Despite policy 5.1.12 above, subject to approval from the Agricultural Land Commission, and subject to being consistent with the RGS, the RDN may support the creation of more compact residential clusters through a rezoning or Development Variance Permit (DVP) on lands within this designation which may include smaller parcels and/or a subdivision pursuant to the <u>Strata Property Act</u> subject to the following:</p> <ol style="list-style-type: none"> a. The proposal must include a significant agricultural component which would contribute towards making Electoral Area 'A' a leader in local food production. b. The proposal does not result in more dwelling units and/or parcels than what is permitted by the zoning in place at the time the application is made. The overall density and/or number of parcels shall be determined based on the buildable area of the subject property and not the total site area as determined by the RDN. c. The proposal is consistent with <u>ALR, Subdivision and Procedure Regulation</u> (BC Regulation 171/2002). d. Residential development should be located on the least fertile portions of the subject property. e. Residential development must include a vegetated buffer designed and constructed in accordance with the Ministry of Agriculture "<u>A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges</u>" published in 2009 by the Ministry of Agriculture as amended or replaced from time to time. f. No parcel of less than 1.0 ha shall be created. g. All development must be serviced with onsite methods for treating wastewater and water systems. h. The proposal includes a report from a professional Agrologist outlining how the proposal would be more efficient from an agricultural perspective than a traditional subdivision and certifying that the proposed residential development is located on the least fertile portions of the land and is necessary to support the proposed agricultural use. i. The remainder must be protected against further subdivision and non-agricultural uses through covenant and/or zoning.



Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 4 of 5)

Policy 5.1.14	This plan supports the use of conservation covenants for the preservation of environmentally sensitive features. However, it is recognized that agricultural considerations must be taken fully into account when the use of a conservation covenant for the preservation of environmentally sensitive features is being contemplated.
Policy 5.1.15	This plan supports a feasibility study looking at the use of conservation covenants and transfer of development credits for the preservation of farm land.
Policy 5.1.16	Property owner initiated zoning to reduce subdivision and preserve large parcel of agricultural land is supported.
Policy 5.1.17	The use of agricultural practices which minimize the impacts on the environment, improve water use efficiency, reduce the use of chemical fertilizers, and reduce dependence on fossil fuels, such as permaculture, shall be encouraged.
5.1.18	The use of water for irrigation on agricultural lands to boost local food production is supported.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Conduct a public process for considering implementation of minimum parcel sizes.	Please refer to Appendix 3 for more information
Conduct a feasibility study looking at the use of conservation covenants and transfer of development credits for the preservation of farm land.	Short Term

Objective 5.1.3	Create opportunities for local food markets
Policy 5.1.19	This plan supports collaboration, cooperation, and flexibility to support agricultural operations looking at investing in agriculture and/or attempting to resolve issues which are limiting agricultural production in Area 'A'.
Policy 5.1.20	The RDN shall work with other levels of government and other agencies to develop financial incentives to preserve farm land and encourage young families to get in to farming.
Policy 5.1.21	This plan supports the use of public land for community gardens and farmers markets where appropriate.
Policy 5.1.22	Proposals for the establishment of a cold storage facility and provincially licensed meat processing facility may be supported within the plan area in consultation with the ministry responsible for Agriculture, Agricultural Land Commission, the farming community, and the community at large.



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 5 of 5)**

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Work with the farming community and the Agricultural Advisory Committee to develop strategies which support and encourage agriculture in Electoral Area 'A'.	Ongoing
Amend ' <u>RDN Land Use and Subdivision Bylaw No. 500, 1987</u> ' to permit community gardens and farmers markets. Develop a process for managing the use of these lands for community agriculture.	Short Term

Objective 5.1.4	Support and Encourage Agricultural Education.
Policy 5.1.23	This plan supports the preparation of an Agricultural Plan for Electoral Area 'A' which should at minimum provide an overview of the local food system, its relative food security, capacity, opportunities for enhancing the food-related economy, and recommendations for increasing the sustainability of the food system.
Policy 5.1.24	The RDN should provide perspective purchasers, developers, and land owners with information on living in rural agricultural communities.
Policy 5.1.25	The RDN should work with the Nanaimo and Cedar Farmers Institute, ministry responsible for Agriculture, RDN Advisory Committee, Agricultural Land Commission, Nanaimo Foodshare, and School District 68 to develop an agricultural education program aimed at elementary and high school students.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Prepare an agricultural plan which is consistent with the plan prepared for the Cowichan Valley Regional District.	Immediate
Develop informational brochures to distribute to prospective property owners as well as existing Area A residents.	Short Term
Work with the Agricultural Advisory Committee to establish an agricultural education program.	Short Term



Attachment 7 Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;

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- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

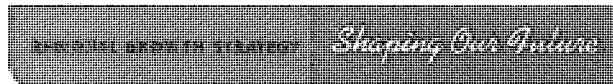
Attachment 8

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;

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- Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
- Encourage and support value-added agricultural industries; and
- Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 4)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 4)

Despite ongoing debate about the environmental benefits of ‘buying local’ food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region’s carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

The ‘5 A’s’ of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

(J. Oswald, 2009)

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission’s efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 4)



- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.
- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
 - The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 4 of 4)

- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

**Attachment 10
Applicant's Submission**

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Provincial Agricultural Land Commission - Applicant Submission

Application ID: 54876

Application Status: Under LG Review

Applicant: Eric and Betty Hodgson

Agent: Regional District of Nanaimo

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 02/18/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Subdivision

Proposal: The owners of the subject property would like to subdivide their 39-hectare property into two fee simple lots and subsequently donate the undeveloped 20-hectare eastern parcel (Lot 2) to the Regional District of Nanaimo as a Regional Park. This transfer of property will be achieved through a gifting agreement between the owners and the Regional District of Nanaimo. The Regional District has identified Lot 2 as a regionally valuable park property for the following reasons: (a) it represents a rare opportunity to secure sensitive riparian habitat within the Nanaimo River watershed; (b) its location at the junction of the Morden Colliery Regional Trail and the Nanaimo River will provide auxiliary access to the future site of a pedestrian bridge crossing of the Nanaimo River; (c) its potential to enhance the existing Morden Colliery Regional Trail by providing opportunities for improved riverside and forest trail development; and, (c) it is anticipated that the property will have limited development or maintenance costs. E.g. No access road or parking development will be necessary as access to the park property would be from the existing Morden Colliery Provincial Park/Morden Colliery Regional Trail trailhead.

Agent Information

Agent: Regional District of Nanaimo

Mailing Address:

830 West Island hwy

Parksville, BC

V9P 2X4

Canada

Primary Phone: (250) 248-4744

Mobile Phone: 2502483252

Email: emcculloch@rdn.bc.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 009-796-801

Legal Description: Section 12, Range 8, Cranberry District, Except Parcel A

Parcel Area: 39 ha

Civic Address: 2070 Akenhead Road

Date of Purchase: 06/01/1994

Farm Classification: Yes

Owners

1. **Name:** Eric and Betty Hodgson

Address:

2070 Akenhead Rd

Nanaimo, BC

V9X 1V2

Canada

Phone: (250) 754-4641

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

12.5 hectares of hayfields

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

Lot 1: land clearing and fencing of 12.5 ha of hayfield. Haying on areas marked. No soil enhancements undertaken. Irrigation is natural water/rain only. Fencing on perimeter of property. Some fencing to separate house area and adjacent field from remainder. Some cross fencing to separate fields. Lot 2: no agricultural improvements.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

Lot 1: One house and one detached garage, one workshop, two sheds, and one barn. Lot 2: no non-agricultural activity.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: large lot residential

East

Land Use Type: Agricultural/Farm

Specify Activity: hay fields

South

Land Use Type: Agricultural/Farm

Specify Activity: hay fields

West

Land Use Type: Residential

Specify Activity: small lot residential

Proposal

1. Enter the total number of lots proposed for your property.

19 ha

20 ha

2. What is the purpose of the proposal?

The owners of the subject property would like to subdivide their 39-hectare property into two fee simple lots and subsequently donate the undeveloped 20-hectare eastern parcel (Lot 2) to the Regional District of Nanaimo as a Regional Park. This transfer of property will be achieved through a gifting agreement between the owners and the Regional District of Nanaimo. The Regional District has identified Lot 2 as a regionally valuable park property for the following reasons: (a) it represents a rare opportunity to secure sensitive riparian habitat within the Nanaimo River watershed; (b) its location at the junction of the Morden Colliery Regional Trail and the Nanaimo River will provide auxiliary access to the future site of a pedestrian bridge crossing of the Nanaimo River; (c) its potential to enhance the existing Morden Colliery Regional Trail by providing opportunities for improved riverside and forest trail development; and, (c) it is anticipated that the property will have limited development or maintenance costs. E.g. No access road or parking development will be necessary as access to the park property would be from the existing Morden Colliery Provincial Park/Morden Colliery Regional Trail trailhead.

3. Why do you believe this parcel is suitable for subdivision?

The parcel is suitable for subdivision for the following reasons: The purpose of the subdivision is to facilitate the creation of an open land park to be owned and managed by a local government for the purposes of conservation, passive recreation, wildlife and scenery viewing purposes which is a permitted use under Section 3 (f) and (g) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. The proposed parcels (Lot 1 - 19 ha and Lot 2 - 20ha) meet the Rural Use 4 (RU4) minimum parcel size requirement of 2.0 ha; The property is bisected by Thatcher Creek and the Nanaimo River, making the eastern half (Lot 2) of the property difficult to access from the western side of the property; There is existing road access to both proposed parcels: Lot 1 the existing access from Akenhead Rd. Lot 2 the existing undeveloped MoTI road off Morden Rd to the south of the subject property; The western half of the property (Lot 1) has been developed for agricultural use, however, due to the wetland associated with Thatcher Creek and the Nanaimo River, the eastern side (Lot 2) is fully treed and has had no historical agricultural use; Lot 2 provides limited opportunities for ancillary agricultural use for Lot 1 due to its location within the Nanaimo River Floodplain. Proposed Lot 2 is not suitable for agricultural buildings due to floodplain and watercourses. The active agricultural use of the area proposed as Lot 1 is already fully supported by existing agricultural buildings on that proposed parcel. The subdivision of Lot 2 would not diminish the agricultural potential of proposed Lot 1.

4. Does the proposal support agriculture in the short or long term? Please explain.

The subdivision and subsequent donation of proposed Lot 2 to the RDN for use as Regional Park would not impact the agricultural use of proposed Lot 1. The acquisition of the environmentally sensitive portion of the property as Park would also achieve important regional environmental protection goals and provide the capacity to manage the current public passive recreational use of the property in an effort to minimize environmental impact on this sensitive ecosystem.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Agent Agreement - Regional District of Nanaimo
- Proposal Sketch - 54876
- Certificate of Title - 009-796-801

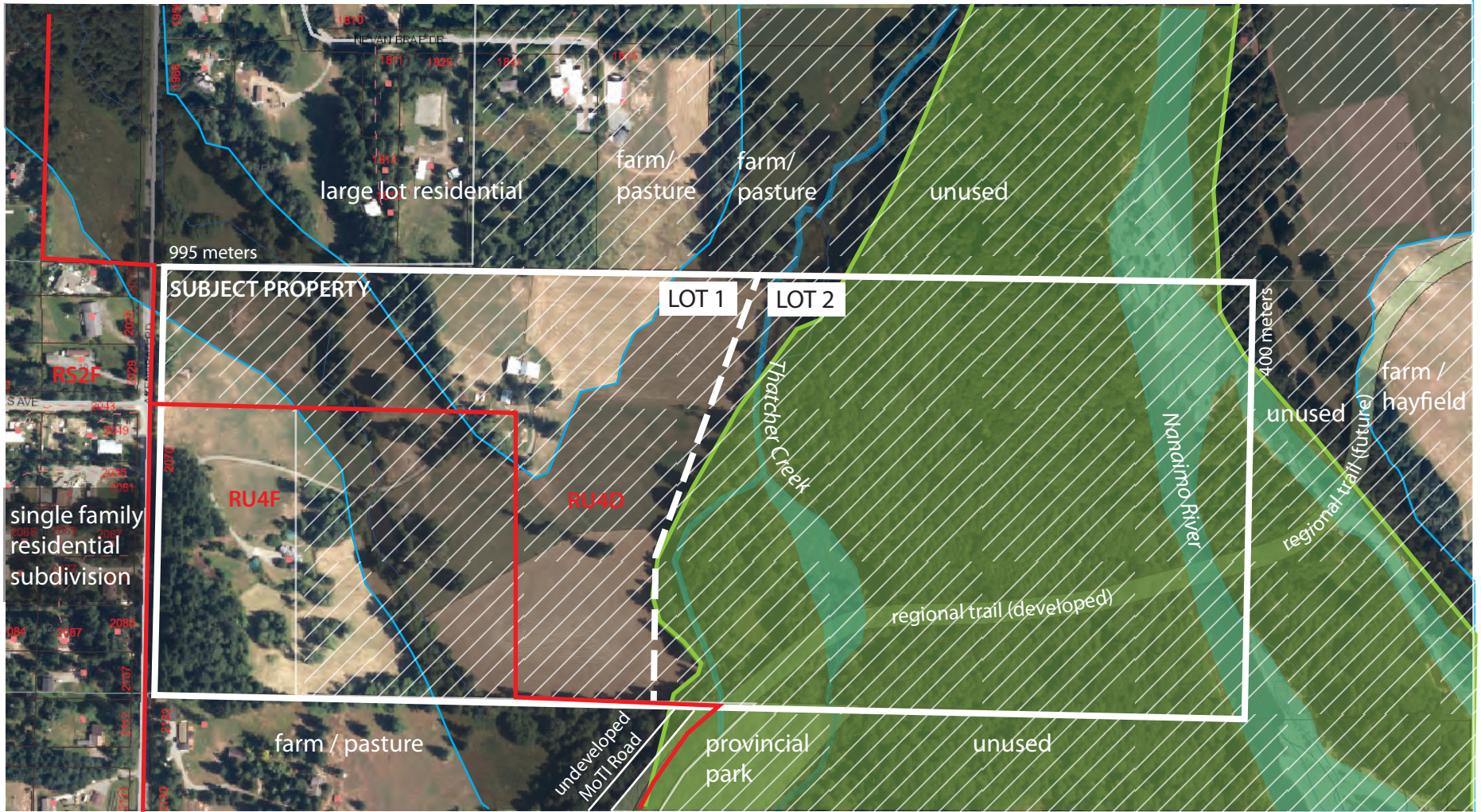
ALC Attachments

None.


Decisions

None.


2070 Akenhead Rd. Subdivision Proposal Sketch Plan




LEGEND

 Nanaimo River Floodplain DPA (RDN)

 ALR

 Riparian Area ESA (RDN Environmental Atlas)

 RDN Zoning boundaries

AGENT AUTHORIZATION LETTER

I (we) Betty Hodgson and Sucha S. Ollek
Printed/typed name(s) of landowner(s)

hereby appoint Elaine McCulloch of Regional District of Nanaimo to
Printed/typed name of agent

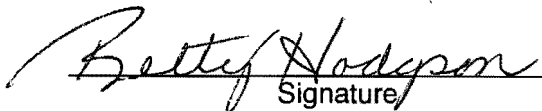
make application to the Agricultural Land Commission as agent on my/our behalf with respect to the following parcel (s): *Insert legal description for each parcel under application*

Section 12, Range 8, Cranberry District, except Parcel A (DD 6974N) and except part in Plan 31 RW
That Part of Section 12, Range 8, Cranberry District, in Plan 31 RW

I Elaine McCulloch understand that as
Printed/typed name of agent

agent, I am required to ensure that all landowners are provided with information being submitted to and received from the Agricultural Land Commission.

Signature(s) of landowner(s):

 Betty Hodgson 2016/02/03
Signature Printed Name Date

Sucha Singh Ollek
LTULNQ Digitally signed by Sucha Singh Ollek LTULNQ
DN: c=CA, cn=Sucha Singh Ollek LTULNQ,
o=Lawyer, ou=Verify ID at www.juricert.com/
LKUP.cfm?id=LTULNQ
Date: 2016.02.03 10:36:47 -08'00' Sucha S. Ollek 2016/02/03
Signature Printed Name Date

TITLE SEARCH PRINT

2016-02-18, 09:18:58

File Reference:

Requestor: Planning Dept

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District

Land Title Office

VICTORIA

VICTORIA

Title Number

From Title Number

CA4970922

CA3644391

Application Received

2016-02-04

Application Entered

2016-02-12

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

ERIC HODGSON, RETIRED

2070 AKENHEAD ROAD

NANAIMO, BC

V9X 1V2

AS TO AN UNDIVIDED 1/100 INTEREST

Registered Owner/Mailing Address:

BETTY HODGSON, RETIRED

2070 AKENHEAD ROAD

NANAIMO, BC

V9X 1V2

AS TO AN UNDIVIDED 1/100 INTEREST

Registered Owner/Mailing Address:

SUCHA OLLEK

PO BOX 41007 RPO WOODGROVE

NANAIMO, BC

V9T 6M7

IN TRUST, SEE CA1324590, CA1222637, CA3199931 AND CA3644391

AS TO AN UNDIVIDED 98/100 INTEREST

Taxation Authority

NANAIMO/COWICHAN ASSESSMENT AREA

CRANBERRY FIRE PROTECTION DISTRICT

Description of Land

Parcel Identifier:

009-796-801

Legal Description:

SECTION 12 RANGE 8 CRANBERRY DISTRICT EXCEPT PARCEL A (DD 6974N) AND

EXCEPT PART IN PLAN 31 RW

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED 26.07.1974 (SEE DD P28636 11.04.1985)

TITLE SEARCH PRINT

2016-02-18, 09:18:58

File Reference:

Requestor: Planning Dept

Charges, Liens and Interests

Nature:	UNDERSURFACE RIGHTS
Registration Number:	373811G
Registration Date and Time:	1969-02-27 12:25
Registered Owner:	MAYO HOLDINGS LTD. INCORPORATION NO. 21,022 CHANGE OF ADDRESS SEE ET9774
Remarks:	INTER ALIA EXCEPT WEST 16.5 CHAINS ASSIGNMENT OF 57899G AND 53378G A.F.B. 38.21.22463F CB 33/465 DD 6975N & DD 93873N

Nature:	UNDERSURFACE RIGHTS
Registration Number:	M76302
Registration Date and Time:	1983-08-03 08:00
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF CANADA
Remarks:	INTER ALIA WEST 16.5 CHAINS DD 3947N

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

TO: Agricultural Advisory Committee (AAC) **DATE:** April 13, 2016
FROM: Jamai Schile
Planner **FILE:** PL2016-042
SUBJECT: Request for Comment on Non-Farm Use in ALR Application No. PL2016-042
That Part Of Section 17, Range 3, Cedar District, Lying To The West Of The Westerly
Boundary Of The West 5 Chains Of The East 60 Acres Of Said Section, Except The South
10 Chains Of The West 12 Chains Of Said Section, And Except Part In Plans 16643, 18872
And 23066
2602 Holden Corso Road, Electoral Area 'A'

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for non-farm use to permit an additional dwelling unit within Agricultural Land Reserve (ALR). This application has been submitted by the property owners: Victor Lassam, Doreen Lassam, Corinna Kral, Tammy Raynor, Shane Lassam, (see Attachment 9 for applicant's submission).

The property is approximately 9.5 hectares in area and is located within the provincially designated Agriculture Land Reserve (ALR) and the Rural 4 Zone, pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is bound to the north by Barnes Road and abuts onto Holden Corso Road to the south. The 'L'-shaped parcel is immediately adjacent to three residential parcels to the north-west, and is surrounded by other parcels within the ALR. A water course transects the north-west corner of the property, which is associated with two irrigation ponds, (see Attachments 1, 2, 3 and 4 for Subject Property Map, Aerial and Illustrated Plans).

Agricultural Advisory Committee (AAC) Members were provided an opportunity to attend the site on March 31, 2016.

BOARD POLICY AND DISCUSSION


RDN Board Policy B1.8 – Review of Provincial Agricultural Land Reserve (ALR) Applications provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use on lands within the ALR. As per Policy B1.8, the applicable standing Board resolution is included for the Agricultural Land Commission's information as part of the Local Government Report. A copy of this draft report, including comments from the Area Director, is included for your review and comment. Following this review, the Local Government Report, including comments from the Area Director and the AAC, will be forwarded to the ALC for consideration.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Regional Board (and in this case comment to the ALC) on a range

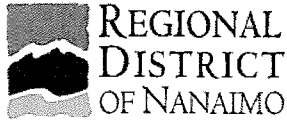
of agricultural issues on an ongoing and as needed basis as directed by the Board. In addition to members' local knowledge and expertise, comment on ALR applications may be guided by Board approved policies such as the RDN Agricultural Area Plan, the Board Strategic Plan, the Regional Growth Strategy and the applicable Official Community Plan along with the relevant land use bylaws. AAC members can also find information related ALR land use and agriculture in BC on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN's Agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC by the AAC is consensus based through Committee adoption of a motion regarding the comment to be provided. If an AAC member has comments regarding an application to the ALC being considered by the AAC, the appropriate time to provide those comments is during discussion on the application at the AAC meeting prior to the Committee's adoption of its comment. Only the comment approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the Local Government Report that is forwarded to the ALC.

The comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. Any comment from the AAC is provided in addition to the applicable standing Board resolution as per Policy B1.8 and the Electoral Area Director's comment if provided. The ALC is the authority for decisions on matters related to the ALR and will consider comments provided in making its decision on an application.



Report Writer



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

RD/Mun. File No.	PL2016-042
Fee Receipt No.	2016-Mar.21
Fee Amount	\$600.00
ALR Base Map No.	92G.001.4.3
ALR Constituent Map No.	
Air Photo No.	

Information supplied by:

Regional District of Nanaimo

In respect of the application of:

Victor Lassam, Doreen Lassam, Corinna Kral,

Tammy Raynor, Shane Lassam

PLANS and BYLAWS (*Attach relevant sections of bylaws*)

Civic Address 2602 Holden Corso Road

Legal Description: That Part Of Section 17, Range 3, Cedar District, Lying To The West Of The Westerly Boundary Of The West 5 Chains Of The East 60 Acres Of Said Section, Except The South 10 Chains Of The West 12 Chains Of Said Section, And Except Part In Plans 16643, 18872 And 23066

Community Plan or Rural Land Use Bylaw Name: "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011"

OCP Designation: Agricultural

Zoning Bylaw Name: "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"

Zone Designation: Rural 4 (RU4)

Minimum Lot Size: Subject to Section 4.4.4, no parcel having an area less than 2.0 ha may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the *Strata Property Act* (British Columbia).

Permitted Uses: Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Silviculture, and Secondary Suite

Maximum Density: One dwelling unit per parcel on a parcel having an area of 2.0 ha or less; two dwelling units per parcel on a parcel having an area greater than 2.0 ha.

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

Plan Yes No **Bylaw** Yes No

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

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

COMMENTS and RECOMMENDATIONS	
<p>Board or Council:</p>	<p>The Regional District of Nanaimo Board of Directors has a standing Board resolution for subdivision of lands within the ALR as per Policy B1.8:</p> <p>As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.</p>
<p>Electoral Area Director:</p>	<p>Director Alec McPherson's comments: I am in support of this application for the following reasons:</p> <ul style="list-style-type: none"> - The family has farmed these and adjoining lands for decades. I do not know the actual date they first did so; however, it exceeds by at least a few decades the farming activities of my wife's family which began in 1943 and continues today; - In siting the proposed residence, it is clear that the site chosen will not further impact the agricultural use of the lands as it is to be clustered within existing structures accessory to farm use. - The planned siting of the residence will not, in my opinion, aid the future subdivision of this property. If that were the aim of an application it is clear that it would be proposed to be sited elsewhere on the property; - The application supports and reflects what the owners have described as a family tradition of farming the lands. that is, a 4th generation of the family to live on and farm the lands; - Approval will provide the same standard of dwelling unit available to other family members and will allow the current patriarch and matriarch of the family to "age in place" while ensuring all family members can assist in farming activities. It is generally well-known that when family members take up residence away from the farm, their interest in

	<p>continuing to farm lands that are not in the immediate vicinity of their residence is significantly diminished;</p> <ul style="list-style-type: none"> - The footprint of the planned residence is well below the maximum size permitted under the regulations, that is, for a modular home. During the site visit it was indicated that the residence is to be a one-storey, patio-style home; - The family owns a significant amount of farm equipment that is used to support other small acreage farmers in the general area – farmers that would otherwise not be able to afford the equipment necessary to continue farming activities on the subject property and adjoining lands. These services include but are not limited to fencing, tilling, mowing, baling and general maintenance. - This family is truly a farming group that continues to breed and sell quality Black Angus Cattle as it has for many decades. <p>In summary, I support the application as I believe that it will enhance the probability that these lands will be productively farmed in the long-term.</p> <p>Alec J. McPherson RDN Director, Electoral Area "A"</p>
Advisory Planning Commission:	n/a
Agriculture Advisory Committee:	TBD pending the AAC's recommendation at its meeting scheduled for April 22, 2016
Others:	Currently unspecified
Planning Staff:	Jamai Schile, Planner Phone: 250-390-6510 Email: jschile@rdn.bc.ca

BACKGROUND

The subject property is legally described as That Part Of Section 17, Range 3, Cedar District, Lying To The West Of The Westerly Boundary Of The West 5 Chains Of The East 60 Acres Of Said Section, Except The South 10 Chains Of The West 12 Chains Of Said Section, And Except Part In Plans 16643, 18872 And 23066 (civic address: 2602 Holden Corso Road). The property is approximately 9.5 hectares in area and

is located within the provincially designated Agriculture Land Reserve (ALR) and Rural 4 Zone, pursuant to the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”

The property is bound to the north by Barnes Road and abuts onto Holden Corso Road to the south. The ‘L’-shaped parcel is immediately adjacent to three residential parcels to the north-west, and is surrounded by other parcels within the ALR. A water course transects the north-west corner of the property, which is associated with two irrigation ponds.

The current agricultural operation consists of about 2.5 ha of irrigated hay crop, 5.0 ha of cattle grazing (estimated 16 head) and the remainder of the land contains a house, yard, barn, barnyard, implement sheds, shop and out buildings. Over the years the agricultural improvements have included clearing of the land, fencing, irrigation and soil enhancement – adding top soil to 0.28 ha hay field, (see Attachments 1, 2, 3 and 4 for Subject Property Map, Aerial and Illustrated Plans).

ZONING

The parcel is currently zoned Rural 4, Subdivision District ‘D’ (RU4, D), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The RU4 Zone permits Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Silviculture, and Secondary Suite and allows two dwelling units on parcels greater than 2.0 hectares in area. The current agricultural and residential land uses are in compliance with the zoning, and are not proposed to change as a result of this application, (see Attachment 5 for zoning regulations).

OFFICIAL COMMUNITY PLAN

The land is currently designated ‘Agriculture’, pursuant to the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011”. The Official Community Plan (OCP) supports an 8.0 hectare minimum parcel size for lands in the ALR. The applicant is not proposing to subdivide or otherwise alter the parcel size as a result of this application, (see Attachments 6 and 7 OCP policies).

REGIONAL GROWTH STRATEGY

The subject property is designated ‘Resource Land and Open Spaces’, pursuant to the “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” (RGS). The policies of this designation do not support the creation of new parcels that are smaller than the size supported by the OCP in effect at the date of the adoption of the RGS, (see Attachment 7). Further to this, the Regional Growth Strategy encourages the provincial government to protect and preserve the agricultural land base through the ALR, (see Attachments 8, 9 and 10).

A copy of the applicant’s submission package is included in Attachment 11.

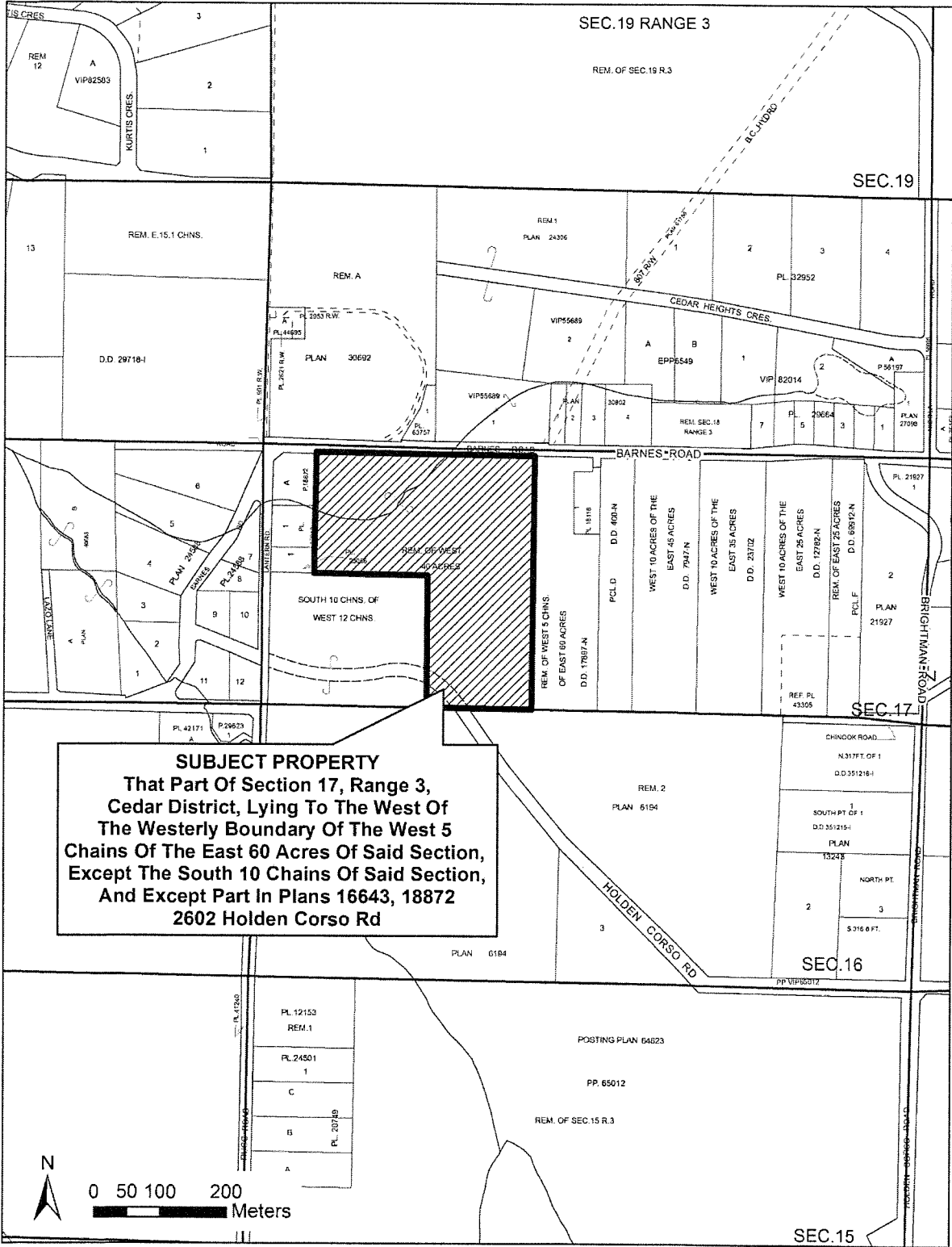


April 12, 2016

Signature of Responsible Local Government Officer

Date

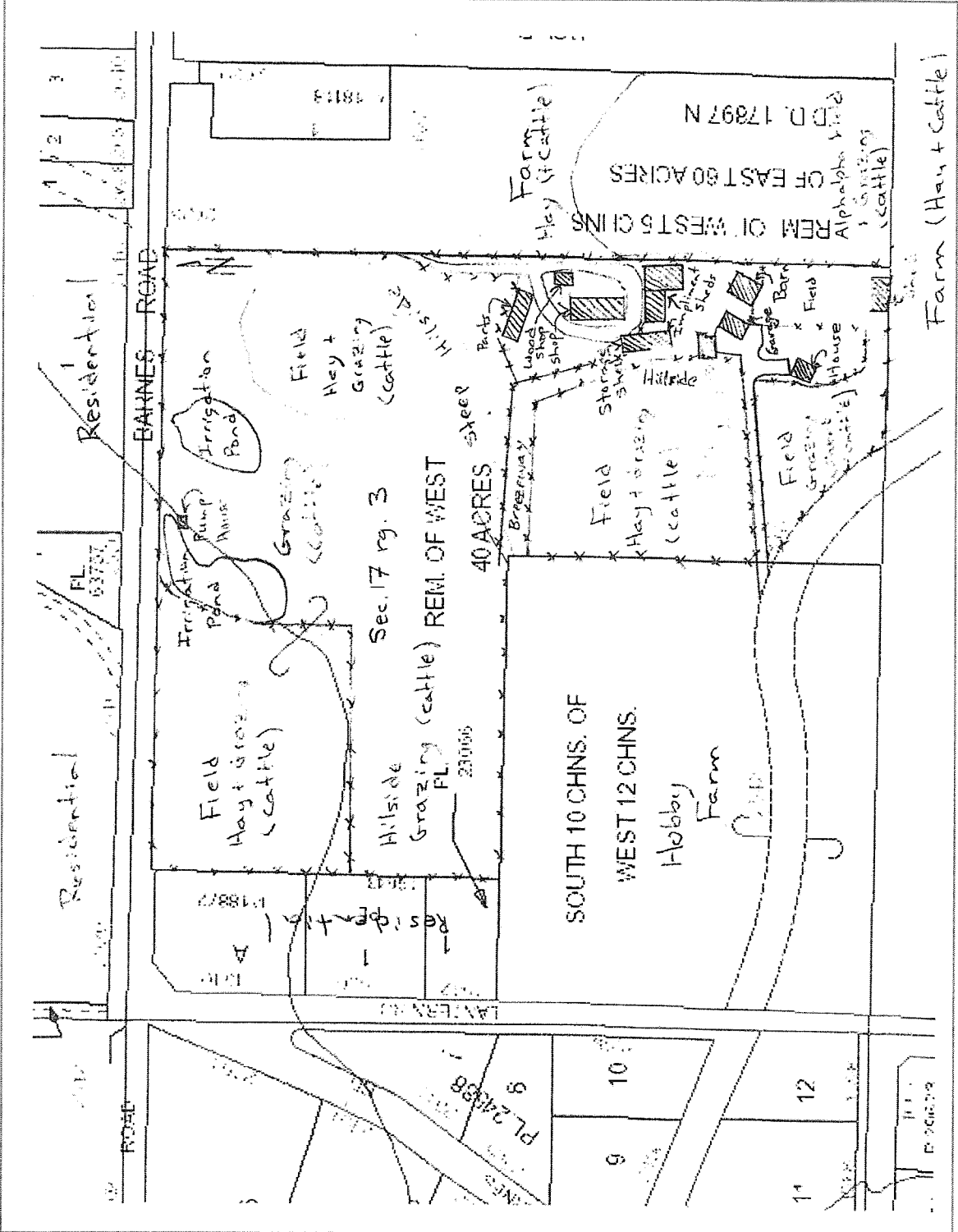
Attachment 1
Subject Property Map



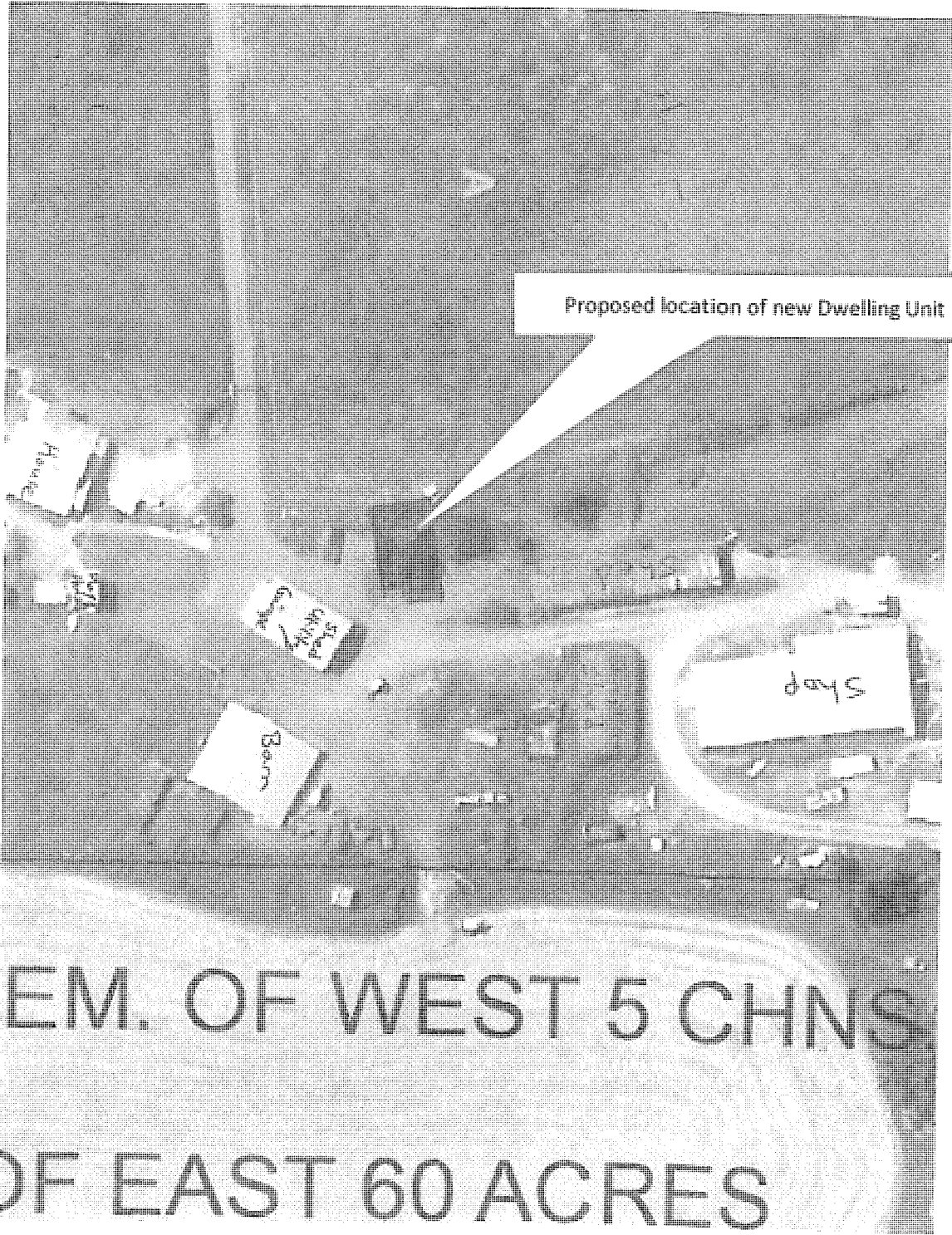
**Attachment 2
2014 Aerial Photo**



Attachment 3
Proposed Sketch Plan



Attachment 4
Proposed Sketch/ Aerial with Proposed New Dwelling Unit



**Attachment 5
Existing Zoning**

Part 3 – Land Use Regulations

Attachment 5

**Section 4.8.4¹
Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size**

RURAL 4

RU4

Permitted Uses and Minimum Site Area

Required Site Area with:

Permitted Uses	Community Water & Sewer System	Community Water System	No Community Services
a) Agriculture	n/a	n/a	n/a
b) Aquaculture	5000 m ²	5000 m ²	5000 m ²
c) Home Based Business ²	n/a	n/a	n/a
d) Produce Stand	n/a	n/a	n/a
e) Residential Use	n/a	n/a	n/a
f) Silviculture	n/a	n/a	n/a
g) Secondary Suite ³	n/a	n/a	n/a

Maximum Number and Size of Buildings and Structures

Accessory buildings - combined floor area of 400 m² ⁴

Dwelling units/parcel:

- a) on a parcel having an area of 2.0 ha or less - 1
- b) on a parcel having an area greater than 2.0 ha - 2

Height 9.0 m ⁵

Parcel coverage 25%

Minimum Parcel Area

Subject to Section 4.4.4, no parcel having an area less than 2.0 ha may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the Strata Property Act (British Columbia).

Minimum Setback Requirements

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

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 then the regulations in Section 3.3.8 shall apply.

¹ Bylaw No. 500.206, adopted November 12, 1996

² Bylaw No. 500.270, adopted November 13, 2001

³ Bylaw No. 500.389, adopted May 27, 2014

⁴ Bylaw No. 500.272, adopted November 13, 2001

⁵ Bylaw No. 500.246, adopted December 8, 1998

Part 4 - Subdivision Regulations '4B' - Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below: ¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ⁴⁵	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA, G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
V ⁹	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹⁰	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998

² Bylaw No. 500.347, adopted September 22, 2009

³ Bylaw No. 500.27, adopted August 9, 1988

⁴ Bylaw No. 500.66, adopted December 12, 1989

⁵ Bylaw No. 500.324, adopted February 28, 2006

⁶ Bylaw No. 500.264, adopted October 10, 2000

⁷ Bylaw No. 500.264, adopted October 10, 2000

⁸ Bylaw No. 500.27, adopted August 9, 1988

⁹ Bylaw No. 500.253, adopted January 11, 2000

¹⁰ Bylaw No. 500.275, adopted October 9, 2001

**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 1 of 10)**

Food Security

Much of the produce eaten in British Columbia comes from distant lands. Many of these areas are experiencing an increase in severe weather events which are threatening crops and creating additional vulnerabilities and price fluctuations in the food system.

Climate Change Implications

Industrialized agriculture is a significant contributor to greenhouse gas emissions through deforestation, livestock production, application of chemical fertilizer and manure, and from the use of fossil fuels in the sowing, harvesting, processing and transport of agricultural products. Creating local food systems reduces the distance food must travel and as a result reduces greenhouse gas emissions and transport costs.

In addition to warmer average temperatures, climate change is expected to shift precipitation patterns and increase the frequency of severe weather events which may increase the risk of extreme drought and crop failure. Local food systems help mitigate the impacts of climate change by building resiliency into the system and becoming more self-reliant.

Food Accessibility

Access to fresh nutritious food is critical for maintaining a healthy population. All area residents should have access to affordable, fresh, nutritious, culturally appropriate food, which is locally produced. Access to healthy food can help combat rising rates of obesity and chronic illnesses that can be partially addressed by improvements to diet and exercise.

Strategic Direction and Goals

Section 5.0 helps achieve the Community Vision by contributing towards community Goals 1, 6, 7, 13, 15, 16, and 17. Please refer to Section 3.3 for a list of community goals.

5.1 Agricultural

The Agricultural Land Use designation applies to all land located in the Agricultural Land Reserve (ALR) at the date of adoption of this plan. These lands occupy approximately fifty-five percent of the plan area and are generally characterized by parcels, greater than 2.0 ha in area. Lands within the ALR are intended for agricultural production. These lands contribute to the economy and are of critical importance in helping Electoral Area 'A' become a leader in local food production.

Objectives and Policies

Section	Policy/Objective
5.1	
Objective 5.1.1	Protect ALR land from non-agricultural development.
Policy 5.1.1	Lands within the Agricultural Lands designation are shown on Map No. 3.
Policy 5.1.2	Agriculture shall be the priority use on lands located within the Agricultural Lands designation.
Policy 5.1.3	Uses within this designation shall include agriculture and uses which are compatible with agriculture and contribute towards making it more productive.



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 2 of 10)**

Section 5.1	Policy/Objective
Policy 5.1.4	Rezoning may be supported, subject to the approval of the Agricultural Land Commission to allow: <ul style="list-style-type: none"> a. Value added agricultural uses; b. 'Permitted use' as defined by the <i>ALR, Subdivision and Procedure Regulation (BC Regulation 171-2002)</i>, as amended or replaced from time to time; or, c. Agricultural education and/or demonstration of agricultural technologies.
Policy 5.1.5	This plan supports the creation of an agricultural zone which applies to all lands within this designation.
Policy 5.1.6	Removal of lands from the ALR, which are capable of agricultural production, is considered contrary to the Community Vision and is not supported by this plan.
Policy 5.1.7	Subdivision of land within the ALR, which does not result in a net benefit to agricultural production as determined by a qualified professional, is considered contrary to the Community Vision and is not supported by this plan.
Policy 5.1.8	The RDN should consider providing comments to the Agricultural Land Commission on all applications for non-farm use, subdivision, and exclusion.
Policy 5.1.9	If land is removed from the ALR, the land should continue to be designated 'Agricultural Lands' and should not be considered for additional development potential.
Policy 5.1.10	This plan supports ongoing consultation with the Agricultural Advisory Committee, the Agricultural Land Commission, and the Provincial Ministry responsible for Agriculture to find ways to encourage agriculture and make it more productive.
Advocacy Policy 5.1.11	The RDN shall work with the MOTI to discourage the creation of new public roadways ending at lands located in the ALR to reduce the future demand for further non-agricultural development of ALR land.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Designate DPA's on land adjacent to the ALR to ensure adequate buffers are provided and to reduce the impacts of non-agricultural development on agricultural land.	Immediate
Work with the Agricultural Advisory Committee, the Ministry responsible for Agriculture, the Agricultural Land Commission, and the community to develop an agricultural zone and identify opportunities to increase diverse agricultural activity. Amend RDN Land Use and Subdivision Bylaw No. 500, 1987 to include the new zone.	Short Term



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 3 of 10)**

Review the current board policy on commenting on applications made to the Agricultural Land Commission and consider the potential role of the Agricultural Advisory Committee. Write a report to the Board with recommendations.	Short Term
Work with the Provincial subdivision approving officer, Ministry of Agriculture, and the Agricultural Land Commission to minimize the impact of subdivision on lands within the ALR.	Ongoing

Objective 5.1.2	Support and promote sustainable agriculture on ALR lands.
Policy 5.1.12	The minimum parcel size for lands located within the Agricultural Lands designation shall be 8.0 ha.
Policy 5.1.13	<p>Despite policy 5.1.12 above, subject to approval from the Agricultural Land Commission, and subject to being consistent with the RGS, the RDN may support the creation of more compact residential clusters through a rezoning or Development Variance Permit (DVP) on lands within this designation which may include smaller parcels and/or a subdivision pursuant to the <i>Strata Property Act</i> subject to the following:</p> <ol style="list-style-type: none"> a. The proposal must include a significant agricultural component which would contribute towards making Electoral Area 'A' a leader in local food production. b. The proposal does not result in more dwelling units and/or parcels than what is permitted by the zoning in place at the time the application is made. The overall density and/or number of parcels shall be determined based on the buildable area of the subject property and not the total site area as determined by the RDN. c. The proposal is consistent with <i>ALR, Subdivision and Procedure Regulation</i> (BC Regulation 171/2002). d. Residential development should be located on the least fertile portions of the subject property. e. Residential development must include a vegetated buffer designed and constructed in accordance with the Ministry of Agriculture "<i>A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges</i>" published in 2009 by the Ministry of Agriculture as amended or replaced from time to time. f. No parcel of less than 1.0 ha shall be created. g. All development must be serviced with onsite methods for treating wastewater and water systems. h. The proposal includes a report from a professional Agrologist outlining how the proposal would be more efficient from an agricultural perspective than a traditional subdivision and certifying that the proposed residential development is located on the least fertile portions of the land and is necessary to support the proposed agricultural use. i. The remainder must be protected against further subdivision and non-agricultural uses through covenant and/or zoning.



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 4 of 10)**

Food Security

Much of the produce eaten in British Columbia comes from distant lands. Many of these areas are experiencing an increase in severe weather events which are threatening crops and creating additional vulnerabilities and price fluctuations in the food system.

Climate Change Implications

Industrialized agriculture is a significant contributor to greenhouse gas emissions through deforestation, livestock production, application of chemical fertilizer and manure, and from the use of fossil fuels in the sowing, harvesting, processing and transport of agricultural products. Creating local food systems reduces the distance food must travel and as a result reduces greenhouse gas emissions and transport costs.

In addition to warmer average temperatures, climate change is expected to shift precipitation patterns and increase the frequency of severe weather events which may increase the risk of extreme drought and crop failure. Local food systems help mitigate the impacts of climate change by building resiliency into the system and becoming more self-reliant.

Food Accessibility

Access to fresh nutritious food is critical for maintaining a healthy population. All area residents should have access to affordable, fresh, nutritious, culturally appropriate food, which is locally produced. Access to healthy food can help combat rising rates of obesity and chronic illnesses that can be partially addressed by improvements to diet and exercise.

Strategic Direction and Goals

Section 5.0 helps achieve the Community Vision by contributing towards community Goals 1, 6, 7, 13, 15, 16, and 17. Please refer to Section 3.3 for a list of community goals.

5.1 Agricultural

The Agricultural Land Use designation applies to all land located in the Agricultural Land Reserve (ALR) at the date of adoption of this plan. These lands occupy approximately fifty-five percent of the plan area and are generally characterized by parcels, greater than 2.0 ha in area. Lands within the ALR are intended for agricultural production. These lands contribute to the economy and are of critical importance in helping Electoral Area ‘A’ become a leader in local food production.

Objectives and Policies

Section	Policy/Objective
5.1	
Objective 5.1.1	Protect ALR land from non-agricultural development.
Policy 5.1.1	Lands within the Agricultural Lands designation are shown on Map No. 3.
Policy 5.1.2	Agriculture shall be the priority use on lands located within the Agricultural Lands designation.
Policy 5.1.3	Uses within this designation shall include agriculture and uses which are compatible with agriculture and contribute towards making it more productive.



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 5 of 10)**

Section 5.1	Policy/Objective
Policy 5.1.4	Rezoning may be supported, subject to the approval of the Agricultural Land Commission to allow: a. Value added agricultural uses; b. 'Permitted use' as defined by the <i>ALR, Subdivision and Procedure Regulation (BC Regulation 171-2002)</i> , as amended or replaced from time to time; or, c. Agricultural education and/or demonstration of agricultural technologies.
Policy 5.1.5	This plan supports the creation of an agricultural zone which applies to all lands within this designation.
Policy 5.1.6	Removal of lands from the ALR, which are capable of agricultural production, is considered contrary to the Community Vision and is not supported by this plan.
Policy 5.1.7	Subdivision of land within the ALR, which does not result in a net benefit to agricultural production as determined by a qualified professional, is considered contrary to the Community Vision and is not supported by this plan.
Policy 5.1.8	The RDN should consider providing comments to the Agricultural Land Commission on all applications for non-farm use, subdivision, and exclusion.
Policy 5.1.9	If land is removed from the ALR, the land should continue to be designated 'Agricultural Lands' and should not be considered for additional development potential.
Policy 5.1.10	This plan supports ongoing consultation with the Agricultural Advisory Committee, the Agricultural Land Commission, and the Provincial Ministry responsible for Agriculture to find ways to encourage agriculture and make it more productive.
Advocacy Policy 5.1.11	The RDN shall work with the MOTI to discourage the creation of new public roadways ending at lands located in the ALR to reduce the future demand for further non-agricultural development of ALR land.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Designate DPA's on land adjacent to the ALR to ensure adequate buffers are provided and to reduce the impacts of non-agricultural development on agricultural land.	Immediate
Work with the Agricultural Advisory Committee, the Ministry responsible for Agriculture, the Agricultural Land Commission, and the community to develop an agricultural zone and identify opportunities to increase diverse agricultural activity. Amend RDN Land Use and Subdivision Bylaw No. 500, 1987 to include the new zone.	Short Term



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 6 of 10)**

Review the current board policy on commenting on applications made to the Agricultural Land Commission and consider the potential role of the Agricultural Advisory Committee. Write a report to the Board with recommendations.	Short Term
Work with the Provincial subdivision approving officer, Ministry of Agriculture, and the Agricultural Land Commission to minimize the impact of subdivision on lands within the ALR.	Ongoing

Objective 5.1.2	Support and promote sustainable agriculture on ALR lands.
Policy 5.1.12	The minimum parcel size for lands located within the Agricultural Lands designation shall be 8.0 ha.
Policy 5.1.13	<p>Despite policy 5.1.12 above, subject to approval from the Agricultural Land Commission, and subject to being consistent with the RGS, the RDN may support the creation of more compact residential clusters through a rezoning or Development Variance Permit (DVP) on lands within this designation which may include smaller parcels and/or a subdivision pursuant to the <u>Strata Property Act</u> subject to the following:</p> <ol style="list-style-type: none"> a. The proposal must include a significant agricultural component which would contribute towards making Electoral Area 'A' a leader in local food production. b. The proposal does not result in more dwelling units and/or parcels than what is permitted by the zoning in place at the time the application is made. The overall density and/or number of parcels shall be determined based on the buildable area of the subject property and not the total site area as determined by the RDN. c. The proposal is consistent with <u>ALR, Subdivision and Procedure Regulation</u> (BC Regulation 171/2002). d. Residential development should be located on the least fertile portions of the subject property. e. Residential development must include a vegetated buffer designed and constructed in accordance with the Ministry of Agriculture "<u>A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges</u>" published in 2009 by the Ministry of Agriculture as amended or replaced from time to time. f. No parcel of less than 1.0 ha shall be created. g. All development must be serviced with onsite methods for treating wastewater and water systems. h. The proposal includes a report from a professional Agrologist outlining how the proposal would be more efficient from an agricultural perspective than a traditional subdivision and certifying that the proposed residential development is located on the least fertile portions of the land and is necessary to support the proposed agricultural use. i. The remainder must be protected against further subdivision and non-agricultural uses through covenant and/or zoning.



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 7 of 10)**

Policy 5.1.14	This plan supports the use of conservation covenants for the preservation of environmentally sensitive features. However, it is recognized that agricultural considerations must be taken fully into account when the use of a conservation covenant for the preservation of environmentally sensitive features is being contemplated.
Policy 5.1.15	This plan supports a feasibility study looking at the use of conservation covenants and transfer of development credits for the preservation of farm land.
Policy 5.1.16	Property owner initiated zoning to reduce subdivision and preserve large parcel of agricultural land is supported.
Policy 5.1.17	The use of agricultural practices which minimize the impacts on the environment, improve water use efficiency, reduce the use of chemical fertilizers, and reduce dependence on fossil fuels, such as permaculture, shall be encouraged.
5.1.18	The use of water for irrigation on agricultural lands to boost local food production is supported.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Conduct a public process for considering implementation of minimum parcel sizes.	Please refer to Appendix 3 for more information
Conduct a feasibility study looking at the use of conservation covenants and transfer of development credits for the preservation of farm land.	Short Term

Objective 5.1.3	Create opportunities for local food markets
Policy 5.1.19	This plan supports collaboration, cooperation, and flexibility to support agricultural operations looking at investing in agriculture and/or attempting to resolve issues which are limiting agricultural production in Area 'A'.
Policy 5.1.20	The RDN shall work with other levels of government and other agencies to develop financial incentives to preserve farm land and encourage young families to get in to farming.
Policy 5.1.21	This plan supports the use of public land for community gardens and farmers markets where appropriate.
Policy 5.1.22	Proposals for the establishment of a cold storage facility and provincially licensed meat processing facility may be supported within the plan area in consultation with the ministry responsible for Agriculture, Agricultural Land Commission, the farming community, and the community at large.



**Attachment 6
Official Community Plan Land Use Designation
(Agriculture Page 8 of 10)**

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Work with the farming community and the Agricultural Advisory Committee to develop strategies which support and encourage agriculture in Electoral Area 'A'.	Ongoing
Amend 'RDN Land Use and Subdivision Bylaw No. 500, 1987' to permit community gardens and farmers markets. Develop a process for managing the use of these lands for community agriculture.	Short Term

Objective 5.1.4	Support and Encourage Agricultural Education.
Policy 5.1.23	This plan supports the preparation of an Agricultural Plan for Electoral Area 'A' which should at minimum provide an overview of the local food system, its relative food security, capacity, opportunities for enhancing the food-related economy, and recommendations for increasing the sustainability of the food system.
Policy 5.1.24	The RDN should provide perspective purchasers, developers, and land owners with information on living in rural agricultural communities.
Policy 5.1.25	The RDN should work with the Nanaimo and Cedar Farmers Institute, ministry responsible for Agriculture, RDN Advisory Committee, Agricultural Land Commission, Nanaimo Foodshare, and School District 68 to develop an agricultural education program aimed at elementary and high school students.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
Prepare an agricultural plan which is consistent with the plan prepared for the Cowichan Valley Regional District.	Immediate
Develop informational brochures to distribute to prospective property owners as well as existing Area A residents.	Short Term
Work with the Agricultural Advisory Committee to establish an agricultural education program.	Short Term



**Attachment 7
Official Community Plan Land Use Designation
(Food Systems Page 1 of 2)**

5.2 Creating a Local Food System

A successful local food system requires the right conditions to be in place for both producers and consumers. Both require reliable and steady access to markets offering products at affordable prices. Local food systems also require a reliable means to store and process products before being sent to market.



This plan recognizes that creating a successful, local food systems goes beyond the scope of this OCP and requires cooperation and involvement

from all levels of government as well as farmers and consumers. This section outlines the community’s preference on how the RDN could improve the local food system in Electoral Area ‘A’ and the actions senior governments and other agencies could consider.

Objectives and Policies

Section 5.2	Policy/Objective
Objective 5.2.1	Create and enhance opportunities to buy locally produced agricultural products
Policy 5.2.1	Support and encourage farmers markets by: <ul style="list-style-type: none"> a. Making farmers markets and non-industrial agricultural uses exempt from DPA requirements and supporting temporary and/or seasonal farmers markets in any land use designation; b. Waiving and/or significantly reducing building permit and development application fees for the construction of produce stands, farmers markets, and other agricultural markets that sell locally produced agricultural products; and, c. Supporting the Nanaimo Foodshare, Nanaimo and Cedar Farmers Institute, and other agricultural group’s educational programs that introduce people to growing their own food and buying locally grown food.
Policy 5.2.2	Community gardens are supported in all land use designations.
Policy 5.2.3	The integration of edible landscaping in all new development is strongly encouraged.
Policy 5.2.4	The provision of community gardens may be considered a community amenity in conjunction with a proposed development.



**Attachment 7
Official Community Plan Land Use Designation
(Food Systems Page 2 of 2)**

Section 5.2	Policy/Objective
Policy 5.2.5	The development of a local cold storage facility, licensed meat processing facility, and value-added agricultural uses which utilize raw products produced on local farms are strongly supported.
Policy 5.2.6	The RDN should work with the Agricultural Advisory Committee, local producers, and potential consumers to explore ways of expanding markets for local agricultural products.
Advocacy Policy 5.2.7	The RDN should work with the local farming community and other agencies to consider the feasibility of establishing a composting facility whereby dairy manure and other organic material could be processed in to a viable alternative to raw manure and chemical fertilizers for use on local fields.
Advocacy Policy 5.2.8	The RDN should help control the spread of noxious weeds by working with the Ministry of Transportation and Infrastructure to ensure frequent cutting of roadside vegetation adjacent to farming areas.
5.2.9	The RDN may support the provision of community water on lands outside of the GCB for the purpose of facilitating increased agricultural productivity.

Implementation Actions	Timing (Immediate, Short Term, Long Term, Ongoing)
When considering a rezoning application, the RDN shall encourage the applicant to incorporate provisions for local food production in the design.	Ongoing
Amend 'RDN Land Use and Subdivision Bylaw No. 500, 1987' to permit farmers markets and community gardens in all zones.	Immediate
Approach the Cowichan Valley Regional District, Nanaimo and Cedar Farmers Institute, Nanaimo Foodshare, and other agricultural groups to partner on the development of an updated local food map showing locations where locally grown food can be purchased in the Region and the timing of various locally produced crops.	Short Term



Attachment 8 Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;

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- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 9

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;

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- Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
- Encourage and support value-added agricultural industries; and
- Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 10
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 4)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Attachment 10
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 4)

Despite ongoing debate about the environmental benefits of 'buying local' food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region's carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

The '5 A's' of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

(J. Oswald, 2009)

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 4)



- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.
- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
 - The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 4 of 4)

- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

**Attachment 10
Applicant's Submission**

(insert)

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55086

Application Status: Under LG Review

Applicant: Corinna Kral , Victor David Lassam , Doreen Lassam , Tammy Raynor , Shane Lassam

Agent: Corinna Kral

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 03/11/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: Build a 2nd house on the property to accommodate multi-generational farm use. this house would use the same well and driveway as the current house. In fact, the 2nd house would use some of the existing house yard. Our sons have indicated that they want to live/raise their family on the farm and eventually take over the agricultural activities.

Agent Information

Agent: Corinna Kral

Mailing Address:

2602 Holden Corso Rd

Nanaimo , BC

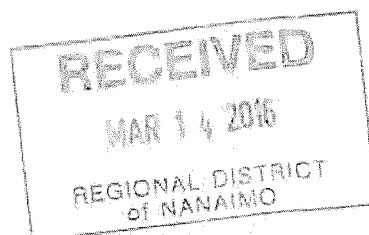
v9x 1m7

Canada

Primary Phone: (250) 722-2183

Mobile Phone: (250) 616-3264

Email: ngypsies@hotmail.com



Parcel Information

Parcel(s) Under Application

1. Ownership Type: Fee Simple

Parcel Identifier: 008-984-425

Legal Description: That part of section 17, range 3, Cedar District, lying to the west of the westerly boundary of the west 5 chains of the east 60 acres of said section, except the south 10 chains of the west 12 chains of said section, and except part in plans 16643, 18872 and 23066

Parcel Area: 9.3 ha

Civic Address: 2602 Holden Corso Rd, Nanaimo BC

Date of Purchase: 09/21/1965

Farm Classification: Yes

Owners

1. **Name:** Corinna Kral

Address:

2602 Holden Corso Rd

Nanaimo , BC

v9x 1m7

Canada

Applicant: Corinna Kral , Victor David Lassam , Doreen Lassam , Tammy Raynor , Shane Lassam

Phone: (250) 722-2183
Cell: (250) 616-3264
Email: ngypsies@hotmail.com

2. **Name:** Victor David Lassam

Address:
2623 Barnes Rd
Nanaimo, BC
v9x 1n3
Canada

Phone: (250) 722-2154

3. **Name:** Doreen Lassam

Address:
2623 Barnes Rd
Nanaimo, BC
v9x 1n3
Canada

Phone: (250) 722-2154

4. **Name:** Tammy Raynor

Address:
157 Brears Rd
Quesnel, BC
v2j 4g3
Canada

Phone: (250) 747-4334

5. **Name:** Shane Lassam

Address:
2627 Barnes Rd
Nanaimo, BC
v9x 1n3
Canada

Phone: (250) 739-9600

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 008-766-479
Owner with Parcel Interest: Victor David Lassam
Parcel Area: 3.6 ha
Land Use Type: Agricultural/Farm
Interest Type: Full Ownership
-

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**
9.3 ha total, 2.5 ha irrigated hay crop, 5.0 ha cattle grazing of 16 head, Remainder house and yard, barn and barnyard, implement sheds, shop and out buildings
2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**
95% cleared, fenced, and cross fenced. Irrigation to hay crops and grazing land. 2 year round irrigation ponds. Added top soil to .7 acre hay crop field in 2015.

Applicant: Corinna Kral , Victor David Lassam , Doreen Lassam , Tammy Raynor , Shane Lassam

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
1 house, garage and yard--.2 ha

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity: single family dwellings

East

Land Use Type: Agricultural/Farm
Specify Activity: Hay fields, beef farming

South

Land Use Type: Agricultural/Farm
Specify Activity: Hay fields, beef, goats, vegetables

West

Land Use Type: Residential
Specify Activity: single family dwellings

Proposal

1. How many hectares are proposed for non-farm use?

0.1 ha

2. What is the purpose of the proposal?

Build a 2nd house on the property to accommodate multi-generational farm use. this house would use the same well and driveway as the current house. In fact, the 2nd house would use some of the existing house yard Our sons have indicated that they want to live/raise their family on the farm and eventually take over the agricultural activities.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

Living on lands outside the ALR would not promote the intergenerational transfer of farming activities.

4. Does the proposal support agriculture in the short or long term? Please explain.

Allowing our sons to continue to live on the farm will allow a smooth transition to the next generation. This piece of land has been farmed in the same family for 100+ years and we want this tradition to continue.

Applicant Attachments

- Agent Agreement - Corinna Kral
- Proposal Sketch - 55086
- Other correspondence or file information - Detail of house site
- Certificate of Title - 008-984-425

Applicant: Corinna Kral , Victor David Lassam , Doreen Lassam , Tammy Raynor , Shane Lassam

ALC Attachments

None.

Decisions

None.

30 March 2016
Nanaimo BC

To the Agricultural Land Commission

RE: Application ID: 55086

I would like to further clarify our application for Non-Farm use. The plan is to build a small bungalow (single story, 30x32 heated and 12x20 unheated). The house would be a two bedroom, one bathroom and level entry. This size would be perfect for my husband and I while our son and his family would live in the current house.

The proposed site is very close to the current house and in fact would take up part of the current house yard. Agricultural land would not be impinged upon when building the new house. Also, building the new house would provide an opportunity to clear the current breezeway allowing us to square up and enlarge a field.

This new house site was chosen not only because it would not impinge upon current agricultural land, but, with being so close to the current house, would make sub-division difficult and undesirable. We really want to keep the farm intact and in the family. This house would promote intergenerational farming activity.

Thanks for your consideration,

Cory Kral

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

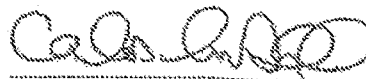
Certificate Number: STSA0023865

CORINNA KRAL
2602 HOLDEN CORSO ROAD
NANAIMO BC V9X 1M7

000191

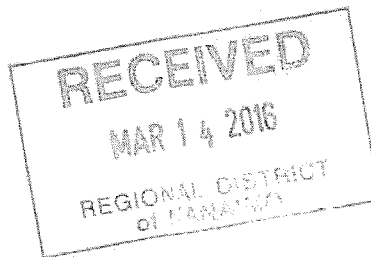
A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://stc.ltsa.ca/stc> (access code 219509).

I certify this to be an accurate reproduction of title number **ES36993** at 00:27 this 19th day of February, 2016.


REGISTRAR OF LAND TITLES



Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	ES36993
From Title Number	ES36992
Application Received	2001-05-15
Application Entered	2001-05-18



LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSA0023865

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

VICTOR DAVID LASSAM, FARMER
DOREEN SHARON LASSAM, TICKET AGENT
2623 BARNES ROAD
NANAIMO, BC
V9X 1N3
CORINNA CINDY KRAL, PROGRAMMER ANALYST
2602 HOLDEN CORSO ROAD
NANAIMO, BC
V9X 1M7
TAMMY DOROLYN RAYNOR, HOMEMAKER
157 BREARS ROAD
QUESNEL, BC
V2J 4G3
SHANE KARL LASSAM, TRUCK DRIVER
2627 BARNES ROAD
NANAIMO, BC
V9X 1N3
AS JOINT TENANTS

Taxation Authority

NANAIMO/COWICHAN ASSESSMENT AREA
NORTH CEDAR IMPROVEMENT DISTRICT

Description of Land

Parcel Identifier: 008-984-425

Legal Description:

THAT PART OF SECTION 17, RANGE 3, CEDAR DISTRICT, LYING TO THE WEST OF THE WESTERLY BOUNDARY OF THE WEST 5 CHAINS OF THE EAST 60 ACRES OF SAID SECTION, EXCEPT THE SOUTH 10 CHAINS OF THE WEST 12 CHAINS OF SAID SECTION, AND EXCEPT PART IN PLANS 16643, 18872 AND 23066

Legal Notations

RE: CLAUSES (E) & (F) OF SECTION 23(1), LAND TITLE ACT, SEE DD L37183
FILED JUNE 1, 1982

Charges, Liens and Interests

Nature:

EXCEPTIONS AND RESERVATIONS

Registration Number:

M76300

Registered Owner:

ESQUIMALT AND NANAIMO RAILWAY COMPANY

Remarks:

A.F.B. 9.693.7434A

217582G;

SECTION 172(3)

FOR ACTUAL DATE AND TIME OF
REGISTRATION SEE ORIGINAL GRANT

FROM E & N RAILWAY COMPANY

FOR ACTUAL DATE AND TIME OF REGISTRATION SEE

ORIGINAL GRANT FROM E & N RAILWAY COMPANY

PARTIALLY CANCELLED BY ET16921 13.02.2002

09:12

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSA0023865

Nature: STATUTORY RIGHT OF WAY
Registration Number: CA3633543
Registration Date and Time: 2014-03-17 08:13
Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks: INTER ALIA

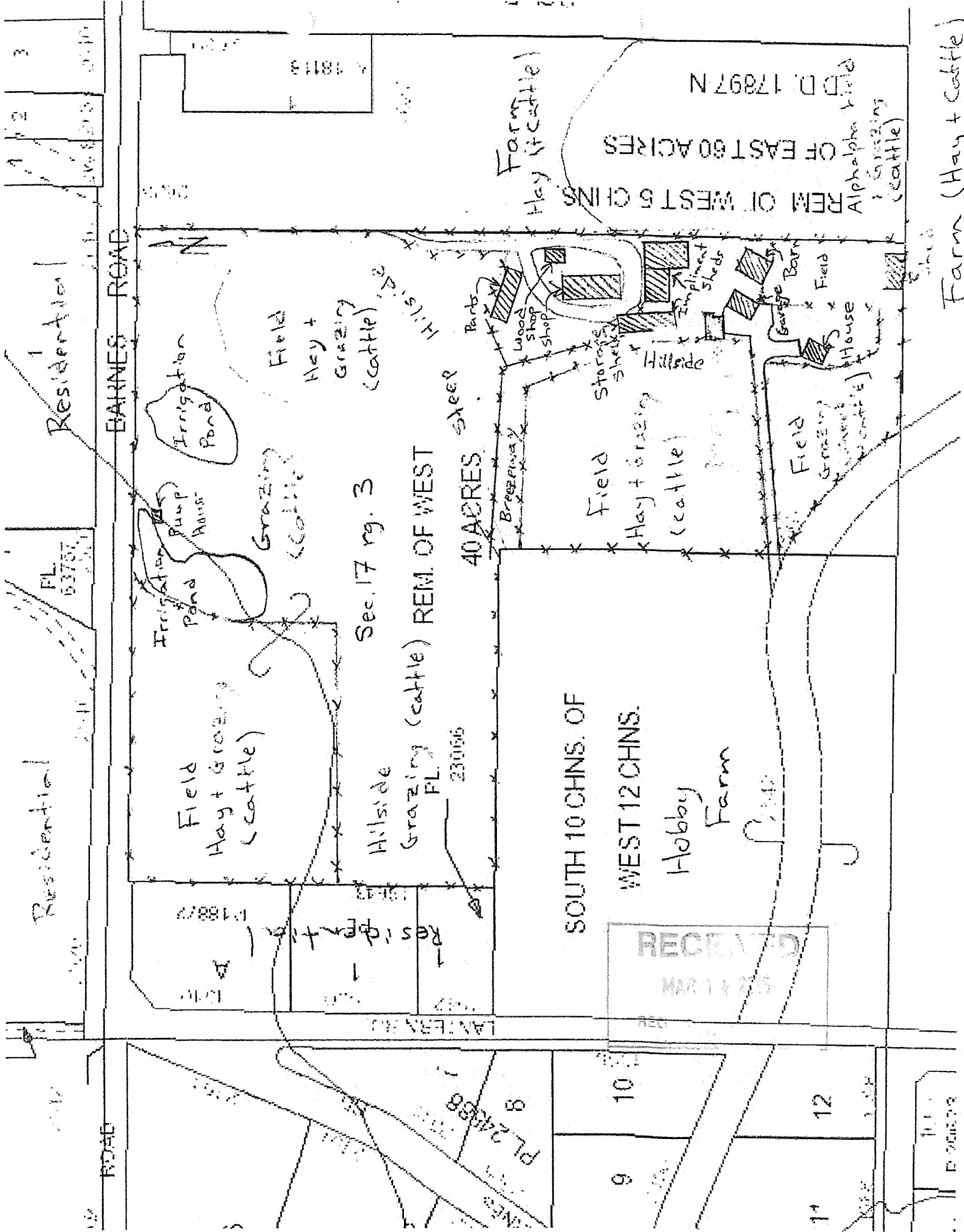
Nature: STATUTORY RIGHT OF WAY
Registration Number: CA3633544
Registration Date and Time: 2014-03-17 08:13
Registered Owner: TELUS COMMUNICATIONS INC.
INCORPORATION NO. A91250
Remarks: INTER ALIA

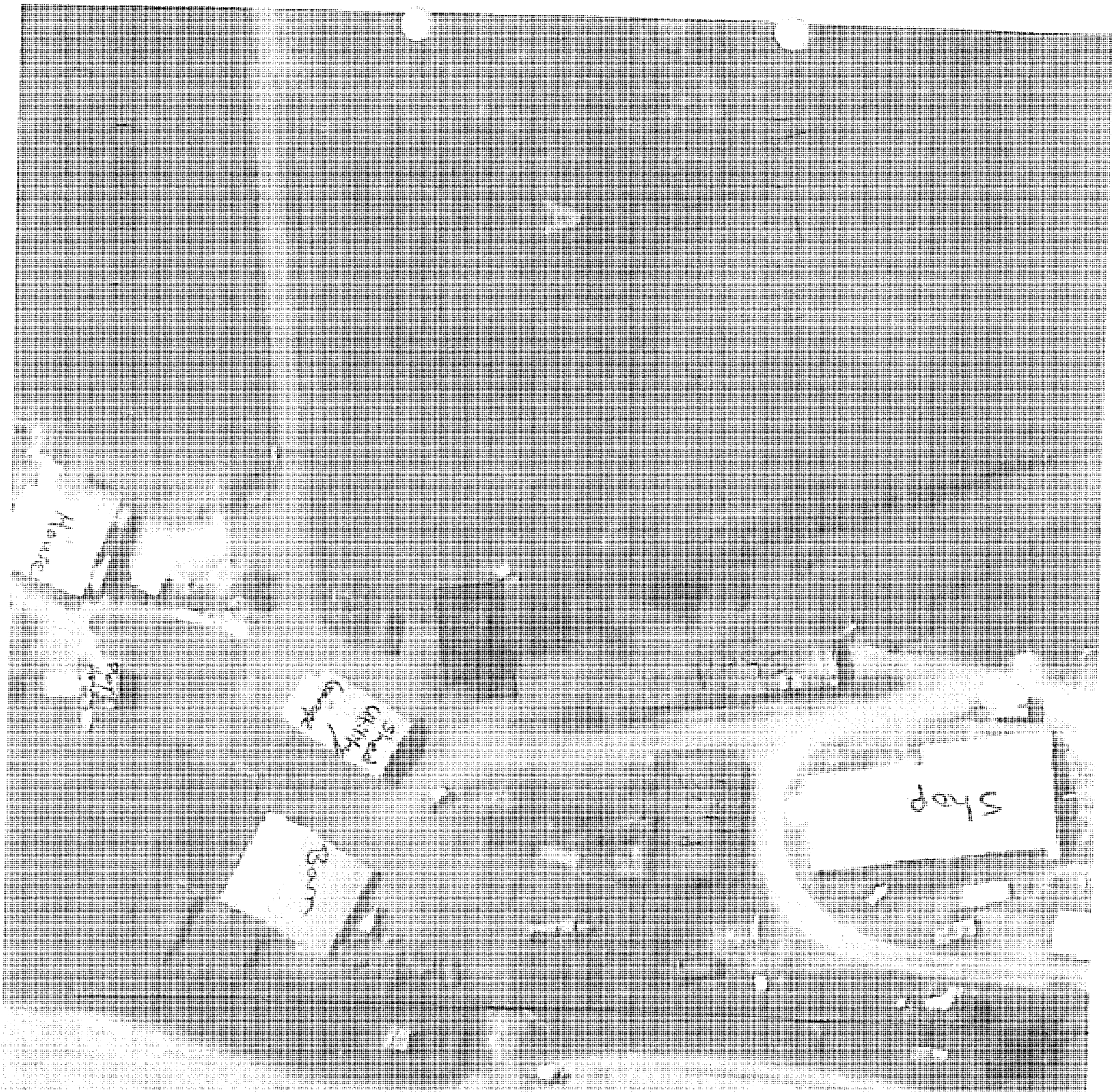
Duplicate Indefeasible Title NONE OUTSTANDING

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Transfers NONE

Pending Applications NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).





EM. OF WEST 5 CHNS

OF EAST 60 ACRES

TO: Paul Thompson
Manager, Long Range Planning

DATE: April 13, 2016

FROM: Kristy Marks
Senior Planner

MEETING: AAC - April 22, 2016

FILE:

SUBJECT: Agriculture Area Plan Implementation 2014 – 2016 Action Plan Progress Update

PURPOSE

To provide a status update on the progress of the Agricultural Area Plan Implementation 2014-2016 Action Plan to the Agricultural Advisory Committee.

BACKGROUND

Following the adoption of the Agricultural Area Plan (AAP) in September 2012 the Agricultural Advisory Committee (AAC) reviewed the 128 recommended Action Items outlined in the AAP to identify which were of highest priority to consider within the first work plan. The result was a list of 68 priority Action Items representing a broad range of topics related to aquaculture and agriculture in the region. Staff then organized the priority Action Items into six main projects and tasks to be considered during the first work plan period from 2014-2016. The Regional District of Nanaimo (RND) Agricultural Area Plan implementation 2014-2016 Action Plan (IAP) identifies the following six projects for consideration during the current work plan period:

1. Agriculture Bylaw and Policy Updates
2. AAC Terms of Reference
3. Promotion and Economic Development
4. On Farm Water-related Infrastructure
5. Invasive Species Management
6. Composting Facility

In addition to the above identified projects there are a number of priority Action Items that were also included in the 2014-2016 IAP that do not fit within one of the main projects and will remain outstanding at the end of the first work plan. These items may be reconsidered in subsequent AAP Implementation Work Plans.

AAP IMPLEMENTATION ACTION PLAN PROJECT STATUS

The following provides a summary of the current status of the six projects and priority Action Items that are either complete, in progress or are remaining for consideration. Please refer to Attachment 1 for a detailed update on each of the projects and individual priority Action Items.

Bylaw and Policy Updates Project

The Bylaw and Policy Updates project is the only project identified in the IAP that falls entirely within the RDN's jurisdiction. This project involved a comprehensive review of RDN policies and bylaws and identified 13 specific obstacles to agriculture. Following extensive consultation with and feedback from the RDN Board, AAC members and the community, staff prepared proposed changes to agriculture related zoning regulations and a community engagement plan which was completed during the summer and fall of 2015. Draft bylaws received 1st and 2nd reading from the RDN Board on March 23, 2016 and public hearings on the proposed bylaws are scheduled for April 25 and April 28, 2016.

Of the 40 priority Action Items identified under the six major projects, 14 were included in the Bylaw and Policy Updates project. Given the number of items to be addressed, the complexity of the project, and the extensive consultation that was completed, this project required significant staff time and resources.

This project and the associated Action Items are complete.

Agricultural Advisory Committee Terms of Reference

This project was one of the highest priority Action Items identified in the AAP and involved amending the AAC Terms of Reference to allow the AAC to make comments on applications to the Agricultural Land Commission (ALC). Following a staff report that was considered by the Board in February 2014 the AAC Terms of Reference was amended to allow the AAC and Electoral Area Directors to provide comments to the ALC on applications for subdivision, exclusion or non-farm use in the Agricultural Land Reserve (ALR). An additional Action Item to adopt the ALC recommendation of rejecting ALR applications that are not consistent with OCPs and zoning was considered. However, further changes to the RDN Board Policy on ALR applications was not supported.

This project is considered complete.

Agricultural Promotion and Economic Development

The purpose of this project is to raise awareness and general knowledge of agriculture and aquaculture in the region, and promote development and investment opportunities in agriculture and aquaculture. The project is divided up into seven sub-projects, a number of which are currently in progress or could be considered further within the current and/or future work plans.

Sub-project 1: Creation of a Local Food Guide and Annual Food Tour

Staff have completed some preliminary research to determine what local food guides or farm directories already exist and what organizations are currently involved. Staff have met with Nanaimo FoodShare representatives to discuss local food guides and existing information and resources and how these could

be more widely advertised and shared. Next steps could involve organizing a meeting with stakeholders to raise awareness about AAP Action Items and to discuss what role the RDN might play in supporting a local food guide and/or annual tour. If there is interest in pursuing this project further staff could potentially organize a meeting or workshop with stakeholders to discuss opportunities and determine next steps.

Sub-project 2: Advocate for Changes in Farm Tax Assessment

The purpose of this project was to advocate for changes in farm tax assessment to include the sale of value-added and agri-tourism products in determining primary production gross income. To address this Action Item staff prepared and sent a letter to the British Columbia Assessment Authority (BCAA) requesting this change. This item has also been considered by the Union of British Columbia Municipalities (UBCM) with no action taken on the part of BCAA to date.

This project is complete.

Sub-project 3: Creation of an Agricultural Website

Of the 40 priority Action Items identified within the six major projects, 11 were included in this project to create and maintain an agricultural website. The Growing Our Future website has been created and currently provides information on the AAP, AAP Implementation, Land Use Inventory, current projects and initiatives, as well as links to other agriculture related websites and information. The website has been designed to accommodate additional information in the future and staff are currently working to include additional information on agriculture or aquaculture, as well as links to community groups, initiatives and events.

Many of the related Action Items are currently in progress and maintenance of the website will be ongoing.

Sub-project 4: Creation of an Agricultural Support Officer

This project involves consideration of the creation of a position dedicated to supporting new and existing farmers. The role of this position could involve support to businesses, responsive and focused assistance to the agriculture sector and development of promotional and marketing opportunities. Staff discussed this action item with a few other agencies including Vancouver Island University, Nanaimo Economic Development Commission, Ministry of Agriculture and the Cowichan Valley Regional District. While there was support expressed for the creation of such a position, a source of funding was not identified. If the AAC is interested in pursuing this project staff could proceed within initiating discussions with other stakeholders to discuss options and if necessary prepare a report to the Board to receive direction on how to proceed.

Sub-project 5: Consider Establishing an Agricultural Development Committee

The purpose of this project is to establish an Agricultural Development Committee (ADC) potentially as an extension of the City of Nanaimo's Economic Development Corporation (EDC) to improve communication, promote agriculture business development and initiatives, and identify and access funding opportunities. The NEDC was approached and while there was general support expressed no

further action was taken. If the AAC is interested in pursuing this project, staff could reinstate discussions with the City of Nanaimo EDC or other stakeholders to determine the level of support to establish a committee.

Sub-project 6: Year Round Farmer's Market

This project involves supporting the idea of having a year-round indoor farmer's market, possibly at the VEx grounds. Staff have met with a representative of the Island Roots Market Cooperative (IRMC) to discuss their plans to move forward with the proposal for a year round market at Beban Park and how the RDN might help support this initiative. The IRMC has expressed interest in presenting proposed farmers' market plans to the RDN Board to request a letter of support for the project. In addition, RDN staff may also be available to assist with making grant applications to help fund the project and will consider providing a link to the IRMC website on the Growing Our Future website.

Sub-project 7: Right to Farm Education

One aspect of this project is the production of educational material aimed at rural residents, realtors and future residents who are considering purchasing property in the ALR. Research has been conducted to identify the materials that have been produced in other regions. Production of materials for the RDN has not yet been initiated. Other actions may include meeting with the Ministry of Agriculture and ALC to determine what is already being done with respect to raising awareness about the *Right to Farm Act* and what role the RDN could play and meeting with the Real Estate Board to encourage realtors to market farmland for farming.

Invasive Species Management

The Invasive Species Management project involves researching what senior governments and other organizations are already doing and providing assistance where appropriate. This item has been included on the 2014-106 IAP to be addressed in 2016 and has been identified as an Action Item that would most appropriately be addressed by another agency or organization.

No work has been done on the related Action Items to date.


Composting Facility

The AAC identified three Action Items related to composting initiatives. This project is also identified in the 2014-1016 IAP to be addressed in 2016 and involves coordination and discussion with RDN Solid Waste Services. The initial phase of the project could involve holding meetings with relevant stakeholders across the region to gauge the need and support for composting facilities. Should there be a need and general support the project could be considered in more detail in future work plans.


There has been no work completed on this project to date.

SUMMARY/CONCLUSIONS

While many of the priority Action Items identified in the AAP Implementation 2014-2016 Action Plan have been completed or are currently in progress, there are a number of projects and Action Items that remain for consideration. Given limited staff resources and the number of items still to be considered, staff recognize that not all of the outstanding projects can be completed this year. Staff request/recommend that the AAC review the outstanding Action Items and provide a recommendation on which projects and Action Items should be given priority.



Fos Report Writer



General Manager Concurrence



Manager Concurrence

Attachment 1
Agricultural Area Plan Implementation 2014-2016 Action Plan
Project Status Update

Legend

Complete (Addressed or Considered)

In-Progress (Being Considered)

Remaining (For Consideration)

Project	Action #	Brief Description	What's Required	Status	Comments
Project 1 Bylaw and Policy Updates Project	1.1.b	Adopt no net loss of agricultural land policy.	Research the topic and develop options in a report to the Board.	Complete	This project is quite complex and was considered as part of the Bylaw and Policy Updates project. There was no support to consider this further at this time.
	1.1.e	Residential Siting Guidelines	Research the topic, develop options. Develop draft zoning bylaw amendments.	Complete	Residential siting guidelines were considered as part of the Bylaw and Policy Updates project. There was no support to consider this further at this time.
	2.2.c	Agri-tourism Review	Research the topic, develop options. Develop draft zoning bylaw amendments.	Complete	Draft bylaws allow agri-tourism on ALR land that has farm class subject to ALR Regulations.
	4.2.a	Support on-farm water-related infrastructure	Review bylaws for barriers to water infrastructure	Complete	Bylaws have been reviewed and no obstacles were identified.
	7.1.d	Strengthen development review process to better consider water-related impacts on agriculture (water supply, runoff, etc.)	Review bylaws related to water/aquifer protection When development applications are reviewed ensure that the impacts of runoff are addressed through rezoning, DP's ,etc.	In Progress/Ongoing	With the introduction of the new water sustainability act the RDN will have the ability to reserve water or at least plan for water for agriculture. It is recommended that we wait until the regulations come into force (2016) and then work with water services to determine what options exist to address the development review process. New Regulations in effect as of February 29, 2016
	7.1.g	Monitor ALR policy changes and update bylaws as needed	Periodic check and tracking changes to ALC policy.	Complete (could be ongoing as policies are updated)	Proposed bylaws are consistent with current ALC Policy and the Minister's Guide for Bylaw Development in Farming Areas ALC Policies were most recently updated in January and February 2016

Project	Action #	Brief Description	What's Required	Status	Comments
	7.2.a	Continue to support agriculture and aquaculture at the policy level	Internal review of policy documents that affect agriculture.	Complete	OCP Policies were reviewed to identify potential barriers to agriculture or aquaculture. OCP amendments that were considered were to allow TUPs for farmers' markets – this has been addressed by including language in the zoning bylaws to support this. OCP language related to agriculture would also be considered at the time of an OCP review.
	7.2.d	Amend existing farm land protection DPAs to be more consistent with current Ministry guidance and each other Consider introducing farmland protection DPAs in EA's F, H, and C (EWPV).	Review DPAs and consider amendments to focus more at the time of subdivision and be more consistent with Guide to Bylaw Development.	Complete	Considered as part of the Bylaw and Policy Updates project. There was no support to consider this further at this time. Development Permit Guidelines related to the protection of farmland would be considered at the time of an OCP review
	7.2.c	Implement an agriculture zone.	Review all aspects of an agricultural zone including minimum parcels sizes that are consistent with OCP and RGS.	Complete	An Agriculture zone that would apply to ALR land has been drafted. Minimum parcel sizes are not proposed to change. Draft Bylaws received 1 st and 2 nd reading on March 22, 2016.
	7.3.f	Update sign bylaws to support signage for agriculture.	Research and review sign bylaw for obstacles to agricultural signage.	Complete	It is not recommended that the sign bylaws be amended to allow third party signage. No further actions are recommended at this time since it is unlikely that MOTI would allow a modification to the provincial sign policy.
	7.3.c	Ensure that food processing, warehousing, distribution, and sales are permitted.	Review zoning to identify if any obstacles to establishing these uses exist.	Complete	These are generally ALR designated farm uses and would be permitted on ALR land in the proposed agriculture zones.
	7.3.d	Ensure local policies and bylaws encourage agriculture and aquaculture.	Review existing policies and regulations.	Complete	Potential obstacles were identified, community feedback was obtained, and draft bylaws were prepared and received 1 st and 2 nd reading.
	7.4.a	Ensure that policy documents specify that Approving Officer does not have to approve a subdivision that meets minimum parcel size in the ALR.	Review OCPs to identify if this language exists.	Complete	This could be reviewed when OCPs come up for review.
	7.4.d	Reduce restrictions on water holding tanks, detention ponds, and other water infrastructure.	Review zoning bylaws to identify restrictions.	Complete	No restrictions were identified that would prevent the development of these uses.
Project 2 AAC Terms of Reference	1.1.a	Update AAC Terms of Reference to allow for AAC comment on ALC applications.	Present report and recommendations to Board.	Complete	A report was presented to the RDN Board and the Terms of Reference was amended.
	7.2.b	Adopt ALC policy of not forwarding applications that are inconsistent with OCP and zoning	Amend Board Policy on ALC Applications.	Complete	Further changes to the Board policy on ALC Applications are not supported at this time.

Project	Action #	Brief Description	What's Required	Status	Comments
Project 3 Agricultural Promotion and Economic Development	2.2.a – Food Guide	Create a local food map	Research what is already being done. Meet with farmers, market organizers, and agricultural groups to find out what is being done and what the RDN's role should be.	In Progress	Conducted initial research and prepared a list of existing local food maps and examples from other local governments. Could prepare a report that summarizes all existing food maps and their pros and cons and what it takes for farmers to participate. Explore the possibility of the RDN recommending and promoting a single map for the region.
	2.2.d- Food Guide	Develop a food tour and other events that highlight farming in the region.	Contact Recreation and Parks about the possibility of assisting to organize/take the lead on this.	Remaining	Contact recreation programmer to discuss possibilities.
	1.1.f – Letter BCAA	Advocate for changes to farm tax assessment.	Send a letter to BCAA requesting that they consider including value-added and agri-tourism products in achieving farm class.	Complete	A letter was sent to BCAA. This issue has come up several times at UBCM with not much success. Therefore, no further actions are recommended at this time. BCAA presented to the AAC in January 2014.
	1.2.a - Website	Create an agricultural webpage	Investigate what information is currently available from other sources. Develop a website.	Complete (Ongoing maintenance and updates)	A website has been created which is designed to accommodate more information in the future. Consider adding more information to the website such as local farm directory or link to food map, farmer of the month, community groups and events
	1.2.c - Website	Upload soil information to the agricultural website.	Source and link or house the data.	In Progress	Consider adding this information to the website. Staff have had preliminary discussions with GIS to determine if soil, climate, precipitation and other data could be made available in a web based map dedicated to agriculture.
	1.2.f – Website	Assist farmers with information and funding that result in environmental farm management practices.	Find out what information farmers are looking for by meeting with them. Determine what portion of that information is already provided online by other agencies. Consider options for linking or providing requested information.	Remaining	Meet with farmers and AAC to discuss this project.
	1.3.a - Website	Create database which links people looking for land with land that is available for farming.	Find out if this system already exists. If it does link to it on the project website.	In Progress	Some initial research has been done to investigate whether a local resource already exists and what other local governments are doing. Could include a link to existing resources on the website or possibly include this information in a local food map, similar to Campbell River.
	1.3.c - Website	Provide information about the different types of land tenure (long term lease, fee simple, etc.)	Research the topic and draft a brief write up for the website. Look at the pros and cons and process for each.	In Progress	Some initial research has been done on this. Link to LLAF website, UBC, others?

Project	Action #	Brief Description	What's Required	Status	Comments
	1.3.e - Website	Provide information on alternative farm business arrangements such as strata, cooperatives, and corporations.	Research and find out what information is already being provided. Either develop content or link to existing content.	In Progress	Need to research this further and consider where to add this information on the website.
	3.2.a – Website	Provide an online agriculture and aquaculture job bank.	Research what is already being done and consider linking from the agriculture website.	Remaining	This may not be within the RDNs scope and would be difficult to maintain. Considering providing a link to other relevant resources
	4.1.a – Website	Advertise and share online map data available on RDN watersheds (WaterMap)	Unclear	In Progress	DWWP is working on updates to the RDN WaterMap and are not currently actively advertising it. Could also include a link on the Agriculture website directly to the RDN WaterMap once it's updated. There is a link on the Ag website under ALUI to the Ag Water Demand Model
	5.1.b – Website	Encourage farmers to enroll in the Environmental Farm Plan program.	Provide links to information on the project website.	Complete	A link to the EFP program has been included on the website.
	6.2.a - Website	Assist with the promotion of agricultural events and festivals in the RDN.	Consider using the agricultural website to help promote agricultural events.	In Progress	Staff are currently considering what information could be included. It could be difficult to maintain in the long term and may require significant staff time to ensure information is current.
	6.1.b – Website	Use social media to promote local agriculture and aquaculture business.	Find out what agricultural/aquaculture businesses are on social media - Consider liking their pages.	In Progress	Staff are considering what businesses to include and best methods for promoting.
	2.1.b – Ag Development Committee	Consider Establishing An Agriculture Development Committee possibly as an extension of the City of Nanaimo 's EDC	Meet with Member municipalities, EDC and other stakeholders to gauge level of interest	In Progress	Met with NEDC
	2.2.b – Farmers' Market	Support a year round indoor Farmers' Market possibly at VIEx grounds	Investigate what is currently being considered region wide	In Progress	Staff have met with IRMC representatives to discuss how the RDN could support the market and receive updates on project progress.
	6.1.a – Right to Farm Act Education	Partner with Realtors and Real Estate Foundation to encourage the real estate industry to provide education realtors to farmland for farming	Determine what information is currently available and what is currently being done.	In Progress	Have conducted research on materials used in other areas
	2.1.a –Agricultural Support Officer	Secure funding for and create a position of Agricultural Support Officer	Work with other agencies to consider need and benefit of the position	In Progress	Have met with other agencies. Source of funding to be identified.

Project	Action #	Brief Description	What's Required	Status	Comments
Project 4 On-farm water-related infrastructure	4.2.a and 4.2.c	Support farmers to develop on-farm water-related infrastructure.	Determine what the issues and concerns are and what information is currently available.	In Progress	Staff attended a workshop in Dec 2015 which discussed climate change and water related challenges for agriculture and attended a workshop and farm tour of on-farm water storage in the Cowichan Valley as part of the Islands Agriculture Show in Feb 2016 to learn more about the issue. Develop a demonstration project for water efficient irrigation, provide an incentive program or rebates for more efficient irrigation systems or use rainwater harvesting for agriculture or develop education materials on efficient irrigation methods for agriculture.
Project 5 Invasive Species Management	5.2.a	Develop a management strategy for over-abundant, alien and invasive species on agricultural lands	Research what senior governments and other organizations are doing already. Provide support where appropriate.	Remaining	
Project 6 Composting Facility	1.2.d	Distribute information regarding farm composting and the availability of local compost to farms	Compile information on nutrient needs and the rationale for shared compost facilities	Remaining	Meet with Solid Waste Services staff to discuss these projects.
	5.3.a	Work with member municipalities to identify a location for a composting facility	Meet with farmers and aquaculture operators to determine needs and next steps.	Remaining	
	5.3.b	Investigate opportunities to connect regional composting and zero waste initiatives with current nutrient cycling of farmers and aquaculture operators	Write an RFP and hire a consultant to conduct a study – coordinate the project and present the results to the Board.	Remaining	Funding needed for consultant