

REGIONAL DISTRICT OF NANAIMO
AGRICULTURAL ADVISORY COMMITTEE
AGENDA

Friday, September 22, 2017

2:00 P.M.

RDN Board Chambers

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 **Agricultural Advisory Committee Meeting - July 21, 2017**

That the minutes of the Agricultural Advisory Committee meeting held July 21, 2017, be adopted.
4. CORRESPONDENCE
 - 4.1 **Agricultural Land Commission Decision (August 23, 2017) on PL2017-048 ALR Non-Farm Use - 1430 Tyler Road - Electoral Area 'F'** 2
 - 4.2 **Agricultural Land Commission Decision (June 26, 2017) on PL2017-013 ALR Non-Farm Use - 3452 Jingle Pot Road - Electoral Area 'C'** 9
5. UNFINISHED BUSINESS
6. REPORTS
 - 6.1 **Request for Comment on Release of Covenant in the Agricultural Land Reserve Application No. PL2017-064 - Electoral Area 'A'** 20
 - 6.2 **Agricultural Land Commission Final Decisions - Verbal Report from RDN Staff (Table attached)** 55
7. NEW BUSINESS
 - 7.1 **Next Meeting (Verbal Update)**
8. ADJOURNMENT



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

August 23, 2017

ALC File: 55659

Hilary Tinkling
1430 Tyler Road, Box 38
Errington BC V0R 1V0

Dear Ms. Tinkling:

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #255/2017) as it relates to the above noted application. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Sara Huber at (Sara.Huber@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosure: Reasons for Decision (Resolution #255/2017)

cc: Regional District of Nanaimo (File: PL2017-048) Attention: Angela Buick
ALC Compliance and Enforcement

55659d1



AGRICULTURAL LAND COMMISSION FILE 55659

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicants:

**Raymond Tinkling
Hilary Tinkling
(the “Applicants”)**

Agent:

**Hilary Tinkling
(the “Agent”)**

Application before the Island Regional Panel:

**Linda Michaluk, Panel Chair
Honey Forbes
Clarke Gourlay**



THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 006-647-570

The East ½ of Block 24, District Lot 140, Nanoose District, Plan 1918 Except That
Part In Plan 22868

(the “Property”)

[2] The Property is 3.6 ha.

[3] The Property has the civic address 1384 Tyler Road, Errington BC.

[4] The Property is located within a designated agricultural land reserve (“ALR”) as defined in s. 1 of the *Agricultural Land Commission Act* (the “ALCA”).

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA*, the Applicants are applying to use 0.16 ha to continue to operate a topsoil salvaging business, as well as operate a permanent sawmill on the Property (the “Proposal”). The Proposal along with supporting documentation is collectively the application (the “Application”).

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

- 1. The Application
- 2. Local government documents
- 3. Agricultural capability map, ALR context map and satellite imagery

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] Regional District of Nanaimo (RDN) “Board Policy B1.8: Review of ALR Applications” includes a standing Board resolution for non-farm use of lands within the ALR to forward all applications to Agricultural Advisory Committee (AAC) and Area Director to provide comment or recommendation.

FINDINGS

[11] In assessing agricultural capability, the Panel referred to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), ‘Land Capability Classification for Agriculture in B.C.’ system. The improved agricultural capability ratings



identified on BCLI map sheet 92F.029 for the mapping units encompassing the Property are Class 3, 4, and 5, more specifically 55% (7:3AP 3:4PA), 20% 4T, and 25% (7:4PA 3:5AP).

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), P (stoniness), and T (topography).

Based on the ratings identified on the BCLI map, the Panel finds that the Property has agricultural capability.

[12] As stated in the Application, “[t]his proposal could be accommodated on lands outside of the ALR, but the cost of leasing or buying land in a commercial zone is too high to make it a viable business”. The Applicants purchased the Property in 1993 and developed it as such for commercial use despite the Property being located in the ALR and being designated for agricultural priority. The Panel finds that agricultural land is not intended to subsidize a commercial/industrial use.

[13] The Application states that there are two sawmills on the Property used to cut timber from the Property, as well as timber retrieved from other properties. The Panel is not amenable to allowing the use of the sawmills on the Property outside of what is permitted under s. 3(1)(e) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (the “Regulation”).



[14] In recognition that it will take some time to relocate the business, the Commission will defer enforcement actions against the contravention for a period of one (1) year from the date of the release of this decision. The Applicant must demonstrate compliance with the *ALCA* and Regulation, discontinue the non-farm uses activities, or remove the non-farm activities (soil mixing sites) and associated infrastructure (storage container, marshalling yard equipment, sawmills, etc.) to lands outside of the ALR at the end of this one year period.

DECISION

[15] For the reasons given above, the Panel refuses the Proposal.

[16] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[17] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

[18] This decision is recorded as Resolution #255/2017 and is released on August 23, 2017.

CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'Linda Michaluk', is written over a horizontal line.

Linda Michaluk, Panel Chair, on behalf of the Island Panel

END OF DOCUMENT



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

June 26, 2017

ALC File: 55883

Discover Montessori Society
1111 Dufferin Crescent
Nanaimo BC V9S 2B5

Attention: Diana Chalmers

Re: Application to Conduct a Non-Farm Use in the Agricultural Land Reserve (ALR)

Please find attached the Reasons for Decision of the Island Panel (Resolution #174/2017) as it relates to the above noted application. A sketch plan depicting the decision is also attached. As agent, it is your responsibility to notify the applicant accordingly.

Reconsideration of a Decision as Directed by the ALC Chair

Please note that pursuant to [s. 33.1 of the *Agricultural Land Commission Act*](#), the Chair may direct the Executive Committee to reconsider any panel decision if, within 60 days from the date of this decision, he considers that the decision may not fulfill the purposes of the commission as set out in s. 6, or does not adequately take into consideration s. 4.3.

You will be notified in writing if the Executive Committee is directed to reconsider your decision. The Commission advises you to take this 60 day period into consideration prior to proceeding with any actions upon this decision.

Reconsideration of a Decision by an Affected Person

We draw your attention to [s. 33\(1\) of the *Agricultural Land Commission Act*](#) which provides a person affected the opportunity to submit a request for reconsideration.

- 33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:
- (a) evidence not available at the time of the original decision has become available,
 - (b) all or part of the original decision was based on evidence that was in error or was false.

For further clarity, s. 33.1 and s. 33(1) are separate and independent sections of the *Agricultural Land Commission Act*.

Further correspondence with respect to this application is to be directed to Sara Huber at (Sara.Huber@gov.bc.ca).

Page 2 of 2

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

A handwritten signature in black ink, appearing to be 'Sara Huber', written in a cursive style.

Sara Huber, Land Use Planner

Enclosures: Reasons for Decision (Resolution #174/2017)
Sketch plan

cc: Regional District of Nanaimo (File: PL2017-013) Attention: Kristy Marks

55883d1



AGRICULTURAL LAND COMMISSION FILE 55883

REASONS FOR DECISION OF THE ISLAND PANEL

Application submitted pursuant to s. 20(3) of the *Agricultural Land Commission Act*

Applicant:

**565832 BC Ltd, Inc No
BC0565832
(the "Applicant")**

Agent:

**Diana Chalmers
(the "Agent")**

Application before the Island Regional Panel:

**Linda Michaluk, Panel Chair
Honey Forbes
Clarke Gourlay**

THE APPLICATION

[1] The legal description of the property involved in the application is:

Parcel Identifier: 009-456-295

The Easterly 60 Acres of Section 16, Range 3, Mountain District Except That Part In
Plan 29404, VIP68636 and VIP72060

(the "Property")

[2] The Property is 7.2 ha in area.

[3] The Property has the civic address 3452 Jingle Pot Road, Nanaimo BC.

[4] The Property is located within a designated agricultural land reserve ("ALR") as defined in s. 1 of the *Agricultural Land Commission Act* (the "ALCA").

[5] The Property is located within Zone 1 as defined in s. 4.2 of the *ALCA*.

[6] Pursuant to s. 20(3) of the *ALCA* the Applicant is applying to use 1.6 ha for a Montessori Farm School on a portion of the current gravel parking lot with the goal to offer a hands-on Montessori education in a working agricultural farm setting (the "Proposal"). The Proposal along with supporting documentation is collectively the application (the "Application").

RELEVANT STATUTORY PROVISIONS

[7] The Application was made pursuant to s. 20(3) of the *ALCA*:

20(3) An owner of agricultural land or a person with a right of entry to agricultural land granted by any of the following may apply to the commission for permission for a non-farm use of agricultural land.

[8] The Panel considered the Application within the context of s. 6 of the *ALCA*. The purposes of the Agricultural Land Commission (the “Commission”) set out in s. 6 are as follows:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

EVIDENTIARY RECORD BEFORE THE PANEL

[9] The Panel considered the following evidence:

1. The Application
2. Local government documents
3. Agricultural capability map, ALR context map and satellite imagery
4. Site Visit Report

All documentation noted above was disclosed to the Agent in advance of this decision.

[10] Regional District of Nanaimo (RDN) “Board Policy B1.8: Review of ALR Applications” includes a standing Board resolution for non-farm use of lands within the ALR to forward all applications to the Agricultural Advisory Committee (AAC) and Area Director to provide comment or recommendation.

[11] At its meeting of March 17, 2017, the RDN AAC resolved:

That ALR Application No. PL2017-013 Non-Farm Use – 3452 Jingle Pot Road – Electoral Area ‘C’ be forwarded to the Agricultural Land Commission with recommendation to approve the non-farm use with in the Agricultural Land Reserve.

[12] With respect to this application, RDN Electoral Area C Director Young provided the following comment:

I had an opportunity to visit the site with the applicants and AAC members on March 8, 2017 to hear about their proposal for a Montessori Farm School on the property. The Discover Montessori Society offered an excellent presentation of their plans for the hands-on Montessori Farm School which will further education in nature in an agricultural setting as well as promote agriculture for the students, their families and the community. I would like to state that I am in favour of supporting this application.

SITE VISIT

[13] On May 24, 2017, the Panel conducted a walk-around and meeting site visit in accordance with the *Policy Regarding Site Visits in Applications* (the “Site Visit”).

[14] A site visit report was prepared in accordance with the *Policy Regarding Site Visits in Applications*. The site visit report was certified as accurately reflecting the observations and discussions of the Site Visit by Karin Barker (the “Discover Montessori Representative”), on behalf of the Agent who was unable to attend the Site Visit, on May 31, 2017 (the “Site Visit Report”).

FINDINGS

[15] A farmers market was operated on the Property until its closure in 2004. In 2016, the Discover Montessori entered into a lease agreement with the Applicant to use ±3 ha of the Property to provide students with hands-on work experience in an agricultural farm setting.

The remainder of the Property (4.2 ha) is used by the Applicant for hay. The Property currently contains a dwelling unit, farm market building, barn, and several accessory buildings. While the Proposal consists of multiple phases ultimately requiring 1.6 ha, the request at this time includes only Phase One of the school development plan.

[16] Phase One would repurpose the existing farm market building for a classroom and utilize the existing 0.95 ha gravel parking area fronting Jingle Pot Road for the remainder of the school buildings. A total of 10 school buildings, each 1200 ft² (or a variation of buildings up to 12,000 ft²) are proposed to be constructed. The 10 school buildings are designed to be a single level and modular so they may be removed in the case that they are no longer required.

[17] In assessing agricultural capability, the Panel referred to agricultural capability mapping and ratings. The ratings are identified using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheet 92F.020 for the mapping units encompassing the Property are Class 2, 3, 5, and 7, more specifically 75% 5AP, 23% 5:2W 5:3A, and 2% 7T.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

Class 7 - land has no capability for soil bound agriculture.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), P (stoniness), W (excess water), and T (topographic limitations).

[18] With regard to the need to site the Proposal in the ALR, the Application provides the following rationale:

- The Property is protected by the ALR which ensures the agricultural nature of the Farm School
- The Property is surrounded by agricultural areas making it possible for future agricultural expansion;
- There are various eco-systems (i.e. streams, wetlands, fields) that allow students to learn about the interconnectedness of the Earth's systems;
- The Property has existing infrastructure that will reduce the need to disturb arable lands through new construction;
- The Property is located outside of city limits, making it affordable and accessible for families, and requires Discover Montessori to design a school that is "light on the land";
- The Property is the most suitable as it allows for classroom space and agricultural space.

[19] During the Site Visit, the Discover Montessori Representative provided details of the agricultural endeavours the school is currently undertaking, including preparing the fields for planting and making plans for future agricultural improvements and the addition of farm animals. As stated in the Application, the Farm School is proposed to include:

- Growing and selling agricultural products;
- Entrepreneurship through the operation of a farm market and community pumpkin patch;
- Beekeeping and animal husbandry;
- A lunch program using farm produce;
- Composting and soil management;
- Streamkeeping and riparian zone management;
- Permaculture design and gardens;
- Renewable energy systems;
- Machine and tool maintenance; and,



- Music and visual arts.

[20] The Panel finds that agriculture is a fundamental component of the school's operation. Additionally, the Proposal increases the agricultural productivity on the Property, and is supportive of agriculture through the provision of education on agricultural practices.

[21] The Panel finds that the Proposal repurposes the existing farm market building, is located on an existing parking lot that is situated close to the roadway, and does not negatively impact the existing agricultural operation on the Property.

[22] The Panel considered the impact of the buildings included in the proposed school development plan and finds that they do not negatively impact the existing agricultural operation on the Property. The Panel requires that the school buildings be a single level and of a modular design, so that they may be removed once no longer required, and that the parking area for the school remain gravel or of a similar permeable surface so as to mitigate the impact on agricultural land.

[23] The Panel notes that there is an existing access to the hay fields to the east of the existing farm market building. The Panel requires that this access be maintained, so as not to impact the current farming operation on the Property.

DECISION

[24] While the Panel refuses the Proposal as proposed, the Panel approves the use of 0.95 ha for the Montessori Farm School on the gravel parking lot, as well as the repurposing of the existing farm market building for a classroom for the purpose of providing a hands-on Montessori education in a working agricultural farm setting.

[25] The approval is subject to the following conditions:

- a. Siting of the non-farm use as per the Sketch Plan attached to Resolution 174/2017;
- b. Approval for non-farm use is granted for the sole benefit of the Applicant and is non-transferable.



- c. A maximum of 12,000 ft² of school buildings of a single level and modular design;
- d. That the existing farm access be maintained as per the Sketch Plan attached to Resolution 174/2017; and
- e. That the parking lot be made of gravel or a similar permeable surface.

[26] The Panel advises that approval for Phase One of the Proposal does not compel future approvals for school expansion or additional non-farm uses.

[27] This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

[28] These are the unanimous reasons of the Island Panel of the Agricultural Land Commission.

[29] A decision of the Panel is a decision of the Commission pursuant to s. 11.1(5) of the *Agricultural Land Commission Act*.

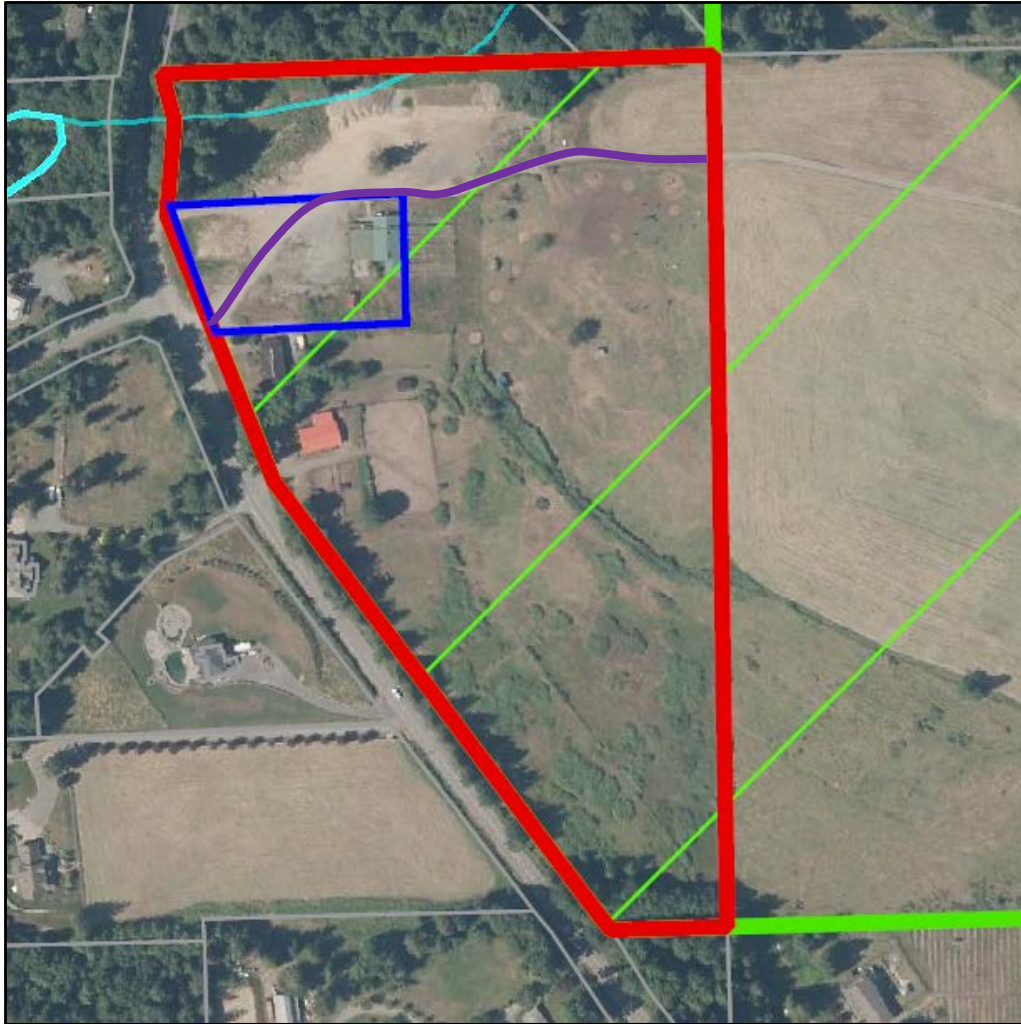
[30] This decision is recorded as Resolution #174/2017 and is released on June 26, 2017.




CERTIFICATION OF DECISION

A handwritten signature in black ink, appearing to read 'Linda Michaluk', is written over a horizontal line.

Linda Michaluk, Panel Chair, on behalf of the Island Panel

END OF DOCUMENT



	Conditionally Approved Non-Farm Use (0.95 ha)
	The Property
	Farmer Access Road

TO: Agricultural Advisory Committee **MEETING:** September 22, 2017

FROM: Greg Keller
Senior Planner **FILE:** PL2017-064

SUBJECT: **Request for Comment on Release of Covenant in the Agricultural Reserve**
Application No. PL2017-064
Ronald Benson and Moira Benson
Lot 1 Quennell Road
Lot 1, Section 8, Range 3, Cedar District, Plan 12737, Except Part in Plan 44022 and the
North ½ of Section 8, Range 2, Cedar District, Except That Part in Plan 8303
Electoral Area 'A'

SUMMARY

This is an application for the release of a covenant which binds the titles of two parcels located in Electoral Area 'A' in order to allow for the subject properties to be sold independently. Should the Agricultural Advisory Committee (AAC) wish to provide comments to the Provincial Agricultural Land Commission (ALC) on the application, it may do so through approval of a motion. Any comments provided by the Committee will be forwarded to the ALC for consideration in its decision.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for the release of a covenant which prohibits the subject properties from being sold separately. The Benson family has significant land holdings in the area including the subject properties as well as a number of adjacent parcels. At one time the Bensons ran a dairy operation and now the subject properties are used to produce hay, blueberries, and rhubarb. The subject properties are identified on Attachments 1-3.

The covenant (R66083) in question was registered in 1986 as a condition of subdivision imposed by the Agricultural Land Commission. The subdivision was for the purpose of allowing a separate parcel for a family member. As the Bensons owned a number of adjacent parcels, the ALC approved the subdivision to create an additional parcel for a family member subject to binding the titles of the subject properties by restrictive covenant.

The applicants wish have covenant R66083 released from title to the subject properties and the ALC requires an application for subdivision within the ALR in order to consider the release of the covenant. The applicants are not proposing to further subdivide the land, but wish to remove the covenant so that the subject properties, which are comprised of two separately titled parcels, can be sold independently in the future.

Lot 1 is approximately 10.38 hectares in area and is located west of Yellow Point Road. The North ½ of Section 8 is approximately 15.8 hectares in area and is located between Cedar and Quennell Roads and is hooked across to the east of Quennell Road and abuts the west side of Lot 1. Both parcels are located entirely within the ALR (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

A copy of the applicants' submission package is included as Attachment 10. Personal Information has been redacted in accordance with the Freedom of Information and Protection Policy Act.

Agricultural Advisory Committee members were provided an opportunity to attend the site on August 29, 2017.

REGIONAL GROWTH STRATEGY

The subject property is currently designated 'Resource Land and Open Spaces' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). As this proposal does not involve subdivision, the RGS land use policies that relate to minimum parcel size are not applicable. The Resource Lands and Open Spaces policies have been provided for information (see Attachment 7). Further to this, the RGS 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 as Attachment 10.

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Agricultural' pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1620, 2011" (see Attachment 6). As subdivision is not being proposed, the policies of this designation are not applicable.

ZONING

The parcel is currently zoned Agriculture 1 (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500) (see Attachments 4 and 5 for zoning regulations and minimum parcel size). The AG1 zone applies to lands located within the ALR. The AG1 zone permits farm use, home based business, secondary suite, temporary sawmill, agriculture research and education, agri-tourism accommodation, the production of Biological Integrated Pest Management Products, and allows two dwelling units on parcels greater than 2.0 hectares in area.

BOARD POLICY AND AAC PROCEDURE

Regional District of Nanaimo "Board Policy B1.8: Review of ALR Applications" (Board Policy B1.8) 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. Board Policy B1.8 also includes a standing Board resolution for subdivision of lands within the ALR which reads as follows:

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.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the 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 input, comment on ALR applications may be guided by Board approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable Official Community Plan along with the relevant land use bylaws. Members of the AAC 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 from the AAC is consensus based, through Committee adoption of a motion. If an AAC member has comments regarding an application being submitted to the ALC, the appropriate time to provide those comments is in the Committee meeting, during discussion on the application, and prior to the Committee's adoption of its motion. Only motions approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the staff 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. As per Board Policy B1.8 any comment from the AAC is provided in addition to the applicable standing Board resolution and Electoral Area Director's comment (if provided). The ALC is the authority for decisions on matters related to the ALR and will consider comments in making its decision on an application.

ELECTORAL AREA DIRECTOR COMMENT

As per Board Policy B1.8, all applications under the *Agriculture Land Commission Act* for exclusion, subdivision, or non-farm use of ALR land are to be forwarded to the applicable subject property's Electoral Area Director, for comment.

With respect to this application, Director McPherson has no comment.



Greg Keller
gkeller@rdn.bc.ca
September 12, 2017

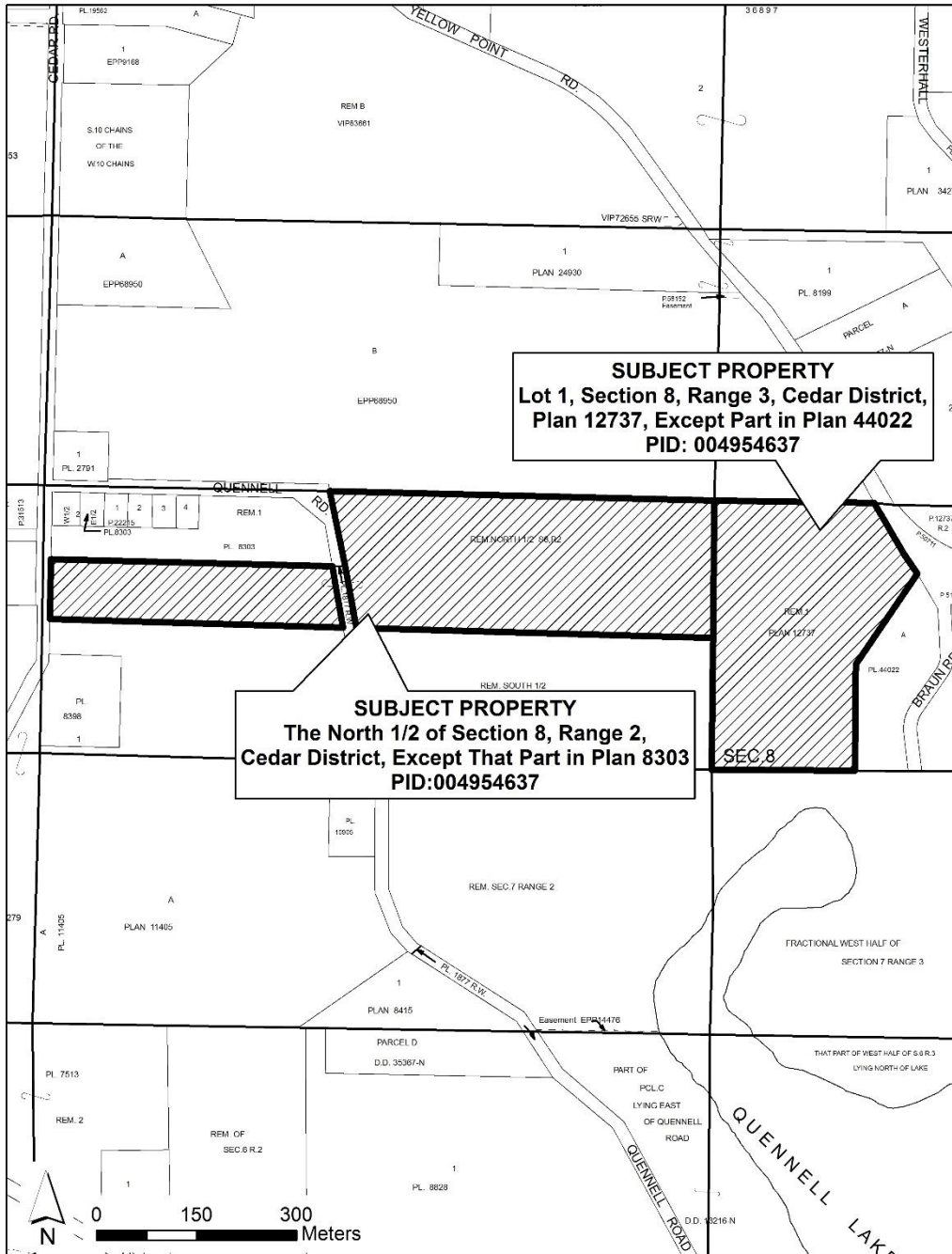
Reviewed by:

- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

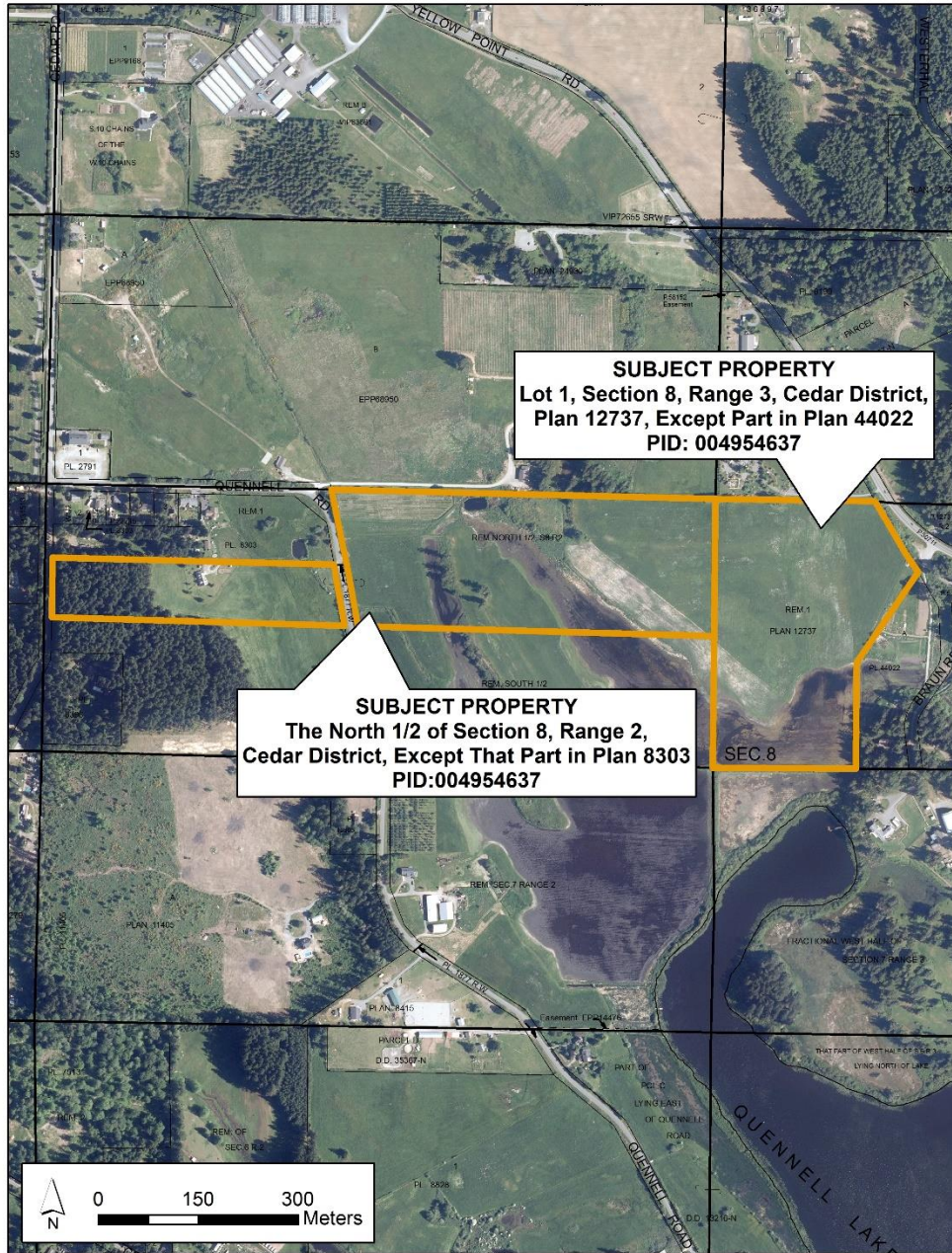
Attachments

1. Subject Property Map
2. 2016 Aerial Photo
3. Proposed Site Plan
4. Existing Zoning
5. Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size
6. Official Community Plan Land Use Designation
7. Regional Growth Strategy Land Use Designation
8. Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture
9. Regional Growth Strategy Goal 8 – Food Security
10. Applicant's Submission

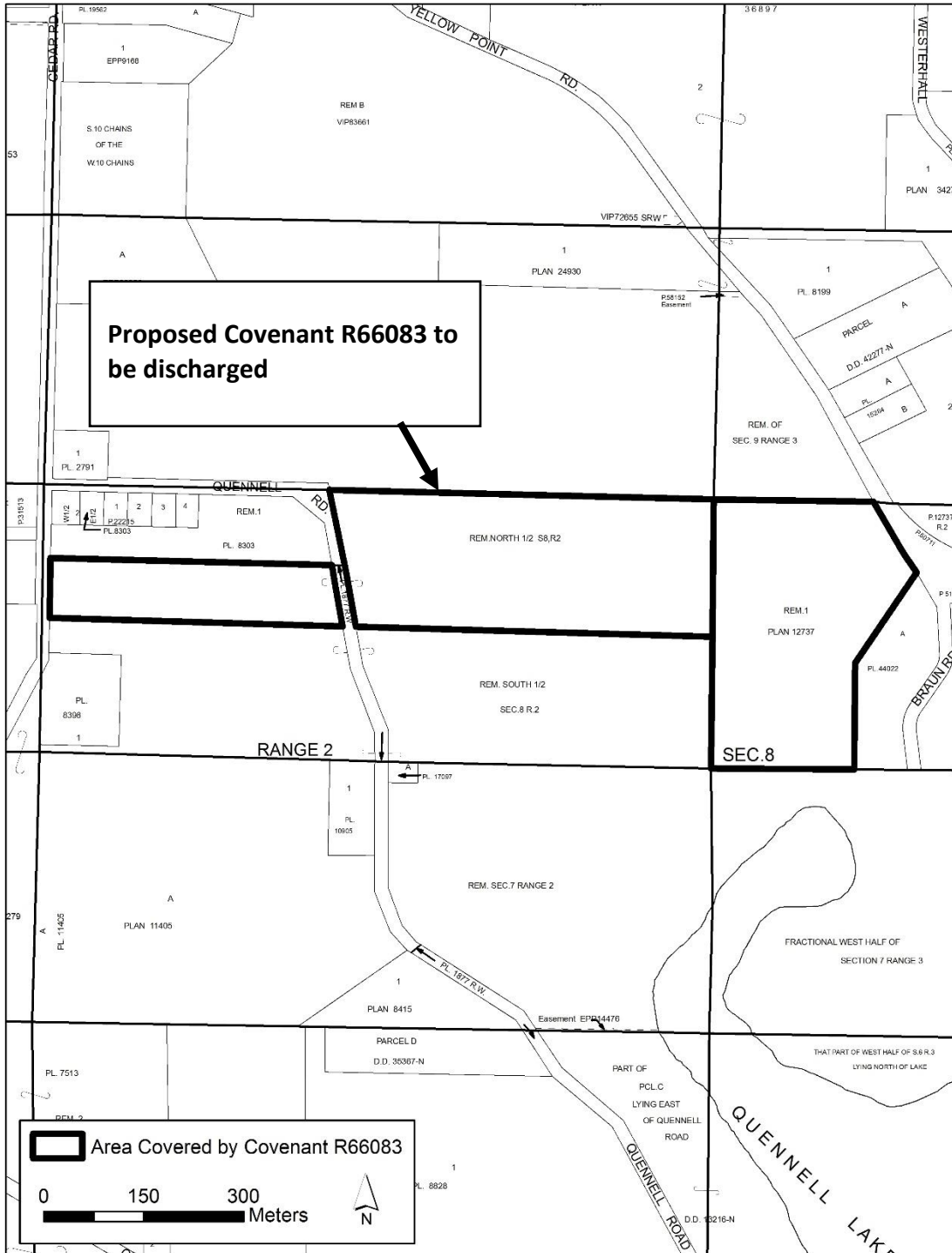
Attachment 1
Subject Property Map



Attachment 2
2016 Aerial Photo



**Attachment 3
Proposed Site Plan**



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

Section 3.4.1

AGRICULTURE 1

AG1³⁴³⁵

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses

- a) Farm Use – on lands located in the Agricultural Land Reserve
- b) Agriculture – on lands not located in the Agricultural Land Reserve
- c) Residential Use

Permitted Accessory Residential Uses

- a) Home Based Business
- b) Secondary Suite

Permitted Accessory Farm Uses

- a) Temporary Sawmill
 - b) Agricultural Education and Research
 - c) Agri-tourism Accommodation
 - d) Production of Biological Integrated Pest Management Products
-

3.4.1.2 Maximum Number and Size of Buildings and Structures

- | | |
|--|---|
| 1) Accessory residential buildings | combined floor area of 400 m ² |
| 2) Dwelling units/parcel | |
| a) on a parcel having an area of 2.0 ha or less | 1 |
| For Electoral Areas 'A', 'C', 'E', and 'H' | |
| b) on a parcel having an area greater than 2.0 ha | 2 |
| For Electoral Area 'G' | |
| c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' | 2 |
| d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. | 2 |
| 3) Height (non-farm and accessory farm buildings and structures) | 9.0 m |

³⁴ Bylaw No. 500.383, Adopted June 25, 2013

³⁵ Bylaw No. 500.402, adopted June 28, 2016

Attachment 4
Existing Zoning (page 2 of 3)

AGRICULTURE 1 continued

- 4) Parcel coverage
- | | |
|---|-----|
| a) Non-farm buildings and structures | 10% |
| b) Farm or agriculture buildings and structures | 25% |
| c) Greenhouses | 75% |
- d) In no case shall the combined parcel coverage exceed 75%.
- e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
- i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.

3.4.1.3 Minimum Setback Requirements

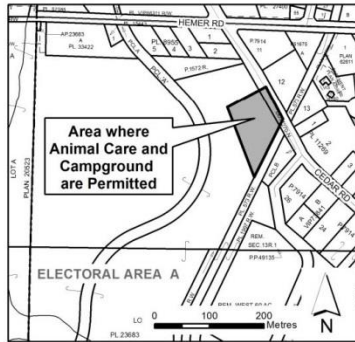
- 1) All non-farm buildings and structures – All lot lines 8.0 m
except where:
- a) the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from other lot lines, excluding the front lot line;
 - b) any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.3.8 and 3.3.9 shall apply.
- 2) All agriculture or farm buildings, structures and uses – in accordance with Section 3.3.10.

3.4.1.4 Other Regulations

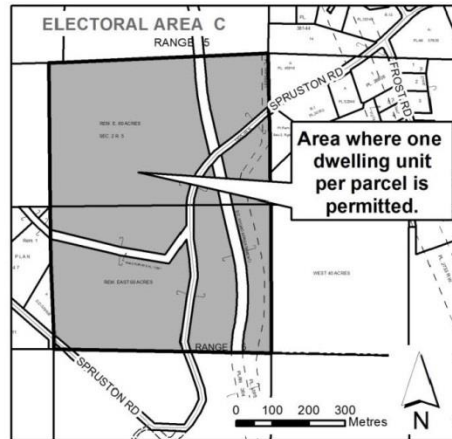
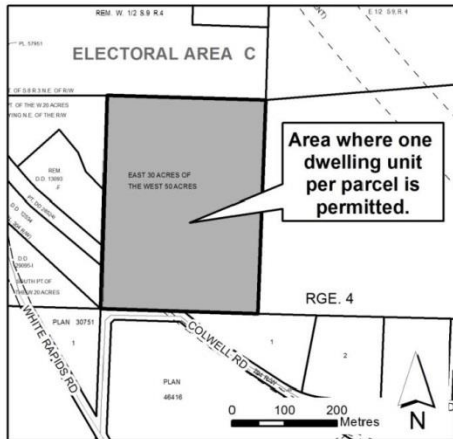
- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- 3) Specific 'Farm' and 'Permitted' uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* shall be developed in accordance with Section 3.3.15 and 3.3.16 of this Bylaw.
- 4) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act* is subject to the *Agricultural Land Commission Act* and *Regulations*, and applicable orders of the Land Reserve Commission.

Attachment 4
Existing Zoning (page 3 of 3)

- 5) Animal Care and Campground shall be permitted in the shaded area outlined in bold in the map below.



- 6) Notwithstanding Section 3.4.1.2 Dwelling units/parcel the maximum number of dwelling units permitted in the shaded areas outlined in bold in the maps below shall be limited to one dwelling unit per parcel.



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
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 6
Official Community Plan Land Use Designation
(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
(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 ALR, Subdivision and Procedure Regulation (BC Regulation 171-2002) , 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
(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 Strata Property Act 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 ALR, Subdivision and Procedure Regulation (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 “A Guide to Edge Planning Promoting Compatibility Along Urban-Agricultural Edges” 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.



**Official Community Plan Land Use Designation
(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
 (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 '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

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 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;
 - 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 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.

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).

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)

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 3)

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;
- 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.

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

- 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 10
Applicant's Submission

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 56488

Application Status: Under LG Review

Applicant: [REDACTED]

Section 22

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 05/16/2017

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

Proposal Type: Subdivision

Proposal: [REDACTED] We would like to remove the covenant that was placed on the properties in 1986. NO subdivision is proposed at this time. We only want to remove the covenant so the parcels are two separate parcels with no covenants.

Mailing Address:

[REDACTED]

Section 22

Primary Phone: [REDACTED]

Mobile Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 004-406-991

Legal Description: L 1 SEC 8 R 3 CEDAR DISTRICT PL 12737 EXC PT IN PL 44022

Parcel Area: 9.9 ha

Civic Address: Yellow Point Road

Date of Purchase: 07/01/1977

Farm Classification: Yes

Owners

1. **Name:** Moira Benson

Address:

[REDACTED]

Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

Section 22

2. **Ownership Type:** Fee Simple

Parcel Identifier: 004-954-637

Legal Description: THE NORTH 1/2 OF SEC 8 R 2 CEDAR DISTRICT EXC PT IN PL 8303

Parcel Area: 15.3 ha
Civic Address: 2437 Quennell Road
Date of Purchase: 07/01/1977
Farm Classification: Yes
Owners

1. **Name:** Moira Benson

Address:

[REDACTED]

Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

Section 22

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 004-954-637
Owner with Parcel Interest: Moira Benson
Parcel Area: 15.3 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

2. **Ownership Type:** Fee Simple
Parcel Identifier: 004-406-991
Owner with Parcel Interest: Moira Benson
Parcel Area: 9.9 ha
Land Use Type: Agricultural/Farm
Interest Type: Partial Ownership

Current Use of Parcels Under Application

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

Hay crops

1700 blueberry bushes (approximately)

100 rhubarb plants (approximately)

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

planted blueberry bushes

fertilizer yearly for crop production

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

none

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: hop farm and hay

East

Land Use Type: Agricultural/Farm
Specify Activity: Yellow Point Road

South

Land Use Type: Agricultural/Farm
Specify Activity: potato farm and our adjoining property

West

Land Use Type: Agricultural/Farm
Specify Activity: Cedar Road

Proposal


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

15.8 ha

9.4 ha

Section 22

2. What is the purpose of the proposal?

 *We would like to remove the covenant that was placed on the properties in 1986. NO subdivision is proposed at this time. We only want to remove the covenant so the parcels are two separate parcels with no covenants.*

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

not applicable

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

yes, it will still be used as a hay field and berry farm

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

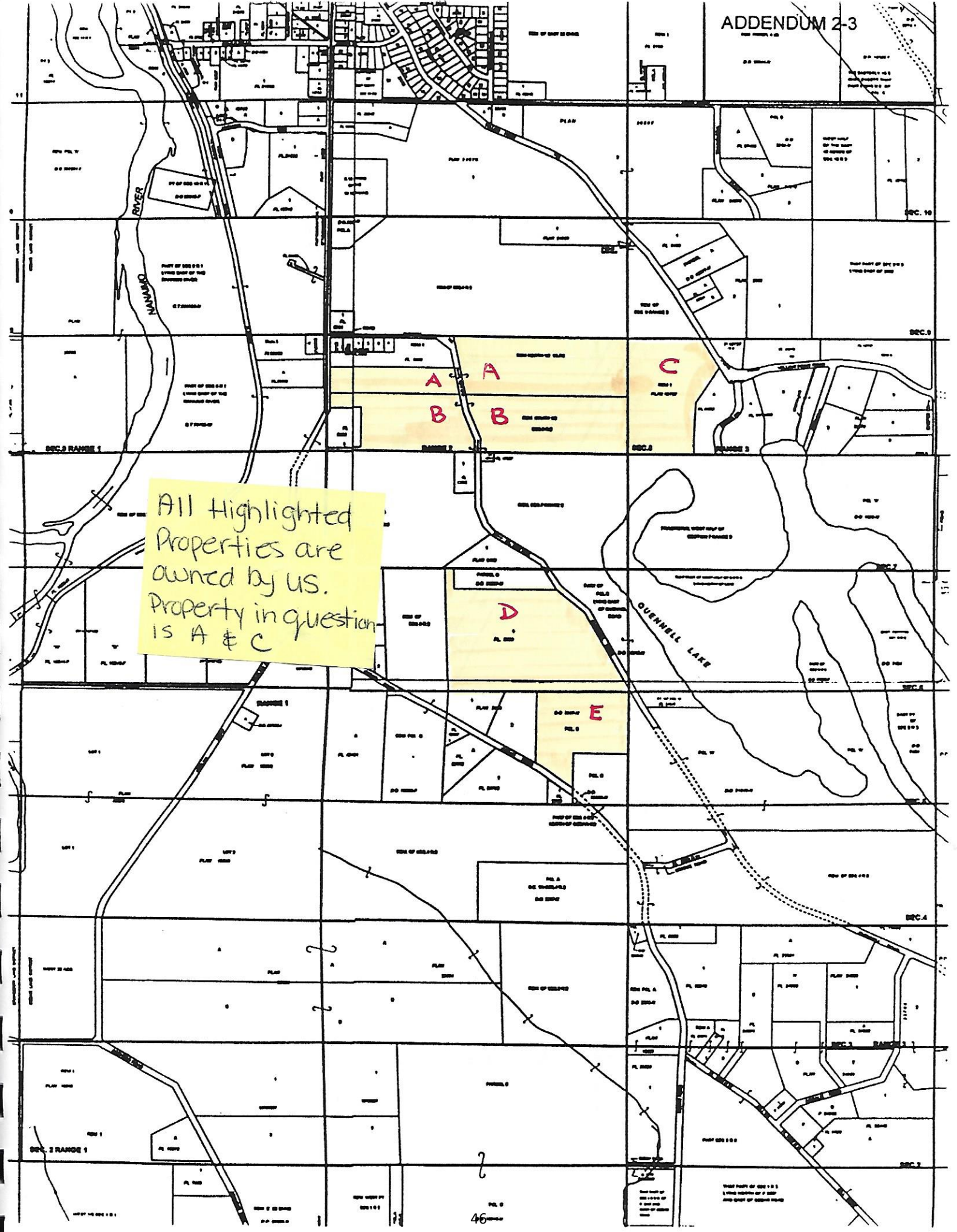
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- Other correspondence or file information - Covenant
- Other correspondence or file information - Covenant
- Other correspondence or file information - Covenant
- Other correspondence or file information - Covenant
- Other correspondence or file information - Covenant
- Other correspondence or file information - land title page 2
- Other correspondence or file information - title search page 2
- Certificate of Title - 004-406-991
- Certificate of Title - 004-954-637

ALC Attachments

None.

Decisions

None.



All Highlighted Properties are owned by us. Property in question is A & C

TITLE SEARCH PRINT

File Reference: Benson/REM/tr
Declared Value \$297990

2016-12-05, 15:55:42
Requestor: Trish Rush

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

Land Title District VICTORIA
Land Title Office VICTORIA

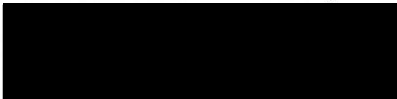
Title Number CA5660105
From Title Number CA3522663

Application Received 2016-11-21

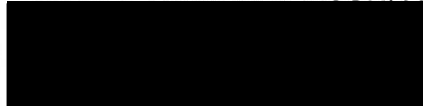
Application Entered 2016-12-05

Registered Owner in Fee Simple
Registered Owner/Mailing Address:

MOIRA MARY BENSON, FARMER



RONALD WILLIAM BENSON, FARMER



AS JOINT TENANTS

Section 22

Taxation Authority NANAIMO/COWICHAN ASSESSMENT AREA
NORTH CEDAR IMPROVEMENT DISTRICT

Description of Land

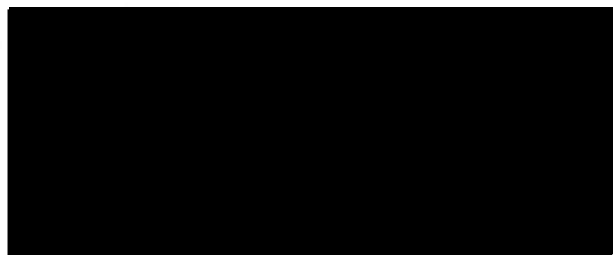
Parcel Identifier: 004-954-637

Legal Description:
THE NORTH 1/2 OF SECTION 8 RANGE 2 CEDAR DISTRICT EXCEPT THAT PART IN PLAN 8303

Legal Notations NONE

Charges, Liens and Interests

Nature:
Registration Number:
Registered Owner:
Remarks:



SECTION 21

TITLE SEARCH PRINT

2016-12-05, 15:55:42

File Reference: Benson/REM/tr

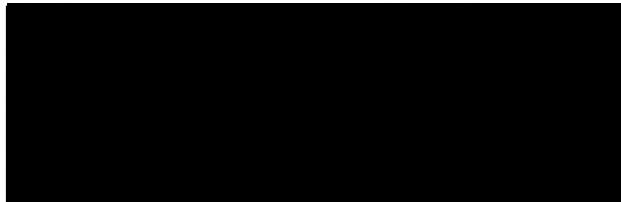
Requestor: Trish Rush

Declared Value \$297990

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



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

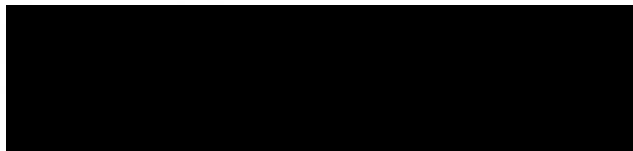


SECTION 21

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

COVENANT
R66083
1986-07-31 10:47
PROVINCIAL AGRICULTURAL LAND COMMISSION
INTER ALIA; AS TO RESTRICTIONS ON
DEALINGS SEE SEC. 17 (1) AND 2 (C)
AGRICULTURAL LAND COMMISSION

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



SECTION 21

Duplicate Infeasible Title

NONE OUTSTANDING

Transfers

NONE

Pending Applications

NONE

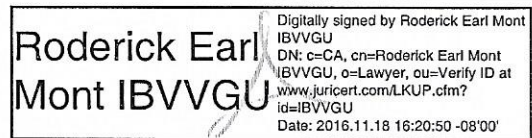
VICTORIA LAND TITLE OFFICE

LAND TITLE ACT BRITISH COLUMBIA Nov-21-2016 11:43:50.003
FORM 17 FEE SIMPLE
LAND TITLE AND SURVEY AUTHORITY

CA5660107

PAGE 1 OF 3 PAGES

- Your electronic signature is a representation by you that:
 - you are a subscriber; and
 - you have incorporated your electronic signature into
 - this electronic application, and
 - the imaged copy of each supporting document attached to this electronic application,
 and have done so in accordance with Sections 168.3 and 168.41(4) of the *Land Title Act*, RSBC 1996, C.250.



- Your electronic signature is a declaration by you under Section 168.41 of the *Land Title Act* in respect of each supporting document required in conjunction with this electronic application that:
 - the supporting document is identified in the imaged copy of it attached to this electronic application;
 - the original of the supporting document is in your possession; and
 - the material facts of the supporting document are set out in the imaged copy of it attached to this electronic application.

Each term used in the representation and declaration set out above is to be given the meaning ascribed to it in Part 10.1 of the *Land Title Act*.

1. APPLICANT: (Name, address, phone number of applicant, applicant's solicitor or agent)

MONT & WALKER LAW CORPORATION
BARRISTERS & SOLICITORS
201 SELBY STREET
NANAIMO BC V9R 2R2

FILE NO.: 43711-42/REM/tr
TELEPHONE: 250-753-6435

Document Fees: \$71.58

Deduct LTSA Fees? Yes

2a. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID] [legal description]

004-406-991 LOT 1, SECTION 8, RANGE 3, CEDAR DISTRICT, PLAN 12737, EXCEPT PART IN PLAN 44022

STC? YES

2b. MARKET VALUE: \$ 26,464.00

3. NATURE OF INTEREST: Fee Simple

TRANSMISSION TO SURVIVING JOINT TENANT(S)

ADDITIONAL INFORMATION:

4. PERSON ENTITLED TO BE REGISTERED AS OWNER: (including occupation(s), postal address(es) and postal code(s))

SEE SCHEDULE

AND:

PROVINCIAL AGRICULTURAL LAND COMMISSION,
having its office at 4940 Canada Way,
Burnaby, British Columbia, V5G 4K6;

(hereinafter referred to as the "Commission")

OF THE SECOND PART

AND:

*(Insert
name &
address
of
mortgagee
if applicable)*

OF THE THIRD PART

WHEREAS:

A. The Covenantor is the registered and beneficial owner of certain lands and premises set forth in the FIRST SCHEDULE attached hereto (hereinafter referred to as the "Charged Lands");

B. All or part of the Charged Lands consist of agricultural land situate in the Agricultural Land Reserve of the Regional District of (the "Regional District") and are subject to the provisions of the Agricultural Land Commission Act (the "Act") and the Regulations thereto;

C. The Covenantor is desirous of depositing a Plan of Subdivision of the Charged Lands (hereinafter referred to as the "Plan"), a true copy of which Plan is attached to the FIRST SCHEDULE hereto;

D. The Covenantor has applied to, or caused an application to be made to, the Commission for authorization to deposit the Plan;

E. The Commission is empowered to authorize the deposit of the Plan and to impose terms it considers advisable pursuant to the Act and Regulations thereto; and

F. The Commission, by execution of this Indenture, has authorized the Registrar of Titles to accept the deposit of the Plan in the Land Title Office at _____, British Columbia, upon terms considered advisable by the Commission, which terms are hereinafter more particularly set forth, and the Covenantor has agreed and consented to the imposition of these terms and to the execution and registration of this Indenture.

THEREFORE in consideration of the premises and of the sum of ONE DOLLAR (\$1.00) of lawful money of Canada, now paid by the Commission to the Covenantor and the Mortgagee, the receipt of which is hereby acknowledged, and other good and valuable consideration:

1. The Covenantor hereby covenants, consents, and agrees with the Commission pursuant to Section 17.(1) and (2)(c) of the Act that:

(Insert
number of
parcels)

- a) the Covenantor will not transfer separately the _____ parcels of land comprising the Charged Lands more particularly set forth in the FIRST SCHEDULE attached hereto;
- b) the covenants aforesaid shall run with the Charged Lands and be binding upon the successors in title and assignees of the Charged Lands, and shall be registered as a charge against the Charged Lands in favour of the Commission.

2. None of the covenants herein shall be personal or binding upon the Coventor, save and except during the Covenantor's seisin or ownership of any interest in the Charged Lands.

3. The Covenantor covenants with the Commission that he has done no acts to charge or encumber the Charged Lands, save the charges or encumbrances set forth in the FIRST SCHEDULE attached hereto.

4. The Covenantor and the Mortgagee hereby consent to the registration of this Indenture in the Land Title Office at _____ British Columbia, as a charge against the Charged Lands in favour of the Commission.

5. the Mortgagee, as mortgagee of the Charged Lands by virtue of its mortgage registered in the Land Title Office aforesaid on _____ 198 __, under _____

(date) *(number)*

(hereinafter called the "Mortgage"), joins herein for the purpose of consenting to the covenants given by the Covenantor to the Commission, and further the Mortgagee as aforesaid DOES HEREBY GRANT to the Commission in respect of such covenants priority over the interests of the Mortgagee in the Charged Lands by virtue of the Mortgage and DOES HEREBY postpone the Mortgage and all the Mortgagee's right, title and interest thereunder in and to the Charged Lands with the intent that the interests of the Mortgagee in the Charged Lands shall be wholly subject to the rights and interests of the Commission under this Indenture to the same effect and extent as if this Indenture had in fact been dated, executed, delivered and registered before the Mortgage.

6. The Commission by execution of this Indenture hereby authorizes the Registrar of Titles to accept an application for deposit of the Plan.

7. Any authorization given by the Commission to the Registrar of Titles to accept an application for deposit of the Plan shall in no way relieve the Covenantor, his successors in title and assignees of the Charged Lands, or any occupier thereof, from the responsibility of adhering to any rule or provision, now or hereafter contained in any statute of the Legislature of the Province of British Columbia, any zoning, subdivision, and land use by-laws, regional plans of the Regional District, and the decisions of any responsible authorities which may apply to the Charged Lands.

8. The Charged Lands shall remain in the Agricultural Land Reserve of the Regional District and remain subject to the provisions of the Act and the Regulations thereto.

9. The Covenantor and the Mortgagee will, upon the request of the Commission, make, do, execute or cause to be made, done or executed all such further and other lawful acts, deeds, documents and assurances whatsoever, for the better and more perfect and absolute performance of the grants, covenants, provisos and agreements herein set forth as may be requisite.

10. This Indenture shall ensure to the benefit of and be binding upon the respective heirs, executors, administrators, successors and assigns of the parties hereto.

EXECUTED by the Covenantor and the Commission and the Mortgagee.

SIGNED, SEALED AND DELIVERED by the)
 Covenantor, this day of)
 198_, in the presence of:)
)
)
)
 _____)
 (Name))
 _____)
 (Address))
 _____)
 _____)
 (Occupation))

AAC Comment and ALC Decisions – February 2014 to September 22, 2017

AAC has been providing comment on applications to the Provincial ALC in accordance with RDN Board Policy B1-08 *Review of Provincial Agricultural Land Reserve Applications* since February 2014. In that time the AAC has provided comment on 22 applications to the ALC. For information on recent and archived ALC applications and decisions, visit the ALC webpage at <http://www.alc.gov.bc.ca/alc/content/applications-and-decisions/search-for-applications-and-decisions>. The applications, AAC comment and ALC decisions are summarized in the following table:

Application No	Application Type	Agent, Owner	Civic Address , Property Legal	EA	AAC Recommendation	ALC File No	ALC Decision
PL2014-005	Inclusion	C & F Land Resource Consultants Ltd; 0848214 BC LTD	Island Highway, Lot A District Lot 90 and of Block 359 Newcastle District Plan VIP67156	H	None provided	53673	Approved 06/06/2014
PL2014-010	Subdivision	Ken and Shannon Carifelle, and Shirley Daines	2455 Holden Corso Road & 1617 Rugg Road, East 40 Acres Of Section 16, Range 2, Cedar District, Except Part In Plan 29623 And 42171	A	Approval	53680	Refused 04/28/2015
PL2014-013	Subdivision	Donna and Walter Paravicini	531, 533, 539 Parker Road West, Lot 10, District Lot 78, Newcastle District, Plan 2047	G	None provided	53681	Refused 08/31/2015
PL2014-017	Subdivision	Turner Land Surveying; Dennis Paugh	2670 McLean's Road, The East 20 Chains Of Section 7, Range 3, Cranberry District, Except That Part In Plan 36845	C	Approval	54215	Refused 06/03/2016
PL2014-027	Subdivision	Fern Road Consulting Ltd; Maz-Can Investments Ltd.	2729 Parker Road, Lot 3, District Lot 67, Nanoose District, Plan 29941, Except Part In Plan Epp51762	E	Approval	53723	Approved 05/13/2015
PL2014-051	Subdivision	J. E. Anderson & Associates; Steve Vogel	2560 Grafton Ave. & 2555 Tintern Road, Lot 51, District Lot 8, Cameron District, Plan 1981 Except The Westerly 4.96 Chains	F	Approval	53789	Refused 05/07/2015
PL2015-057	Nonfarm Use	John, Allan and Joan Wild	640 Grovehill Road, LOT 9 (DD 51005N), District lot 90, Newcastle District, Plan 1874, Except Part in Plan VIP52920 AND Plan VIP73941	H	Approval	54288	Approved 11/05/2015

PL2015-160	Subdivision	Wendy Hutbatch	2116 Alberni Highway, Lot 12, Salvation Army Lots, Nanoose District, Plan 1115, Except Part In Plan 734 RW	F	None provided	55109	Refused 08/25/2016
PL2015-177	Subdivision	Elizabeth Puckering; Howard Fowler	Virginia Road, That Part of Lot 1, District Lot 141, Nanoose and Newcastle Districts, Plan 2273	F	None provided	54599	Refused 09/09/2016
PL2016-034	Subdivision	RDN; Eric and Betty Hodgson, Sucha Ollek	2070 Akenhead Road, Section 12, Range 8, Cranberry District, Except Parcel A	A	Approval	54876	Refused 11/21/2016
PL2016-035	Nonfarm Use	Sims and Associates/Fern Road Consulting; Earthbank Resource Systems Ltd.	1330 Hodge's Road, Lot 1, Plan EPP16024 & Lot C, Plan VIP80909	G	Approval	54982	Refused 08/24/2016
PL2016-042	Nonfarm Use	Corinna Kral, Victor Lassam, Doreen Lassam, Tammy Raynor, Shane Lassam	2602 Holden Corso Road, 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	A	Approval	55086	Refused 08/08/2016
PL2016-064	Nonfarm Use	Arbor Memorial Inc.	2347 & 2419 Cedar Road, Lot A Sections 8, 9 And 10 Range 1 Cedar District Plan Vip76153	A	Approval Area 1 Non Approval Area 2	55251	Approved Area 1 11/21/2016 Refused Area 2 11/21/2016
PL2016-096	Subdivision	Rodney Edwards & Laurie Kallin	6617 Doumont Road, That Part of Lot 1, District Lot 35, Wellington District, Plan 3225	C	Non Approval	55410	Refused 01/30/2017
PL2016-097	Nonfarm Use	Culverden Holdings Ltd. / Seven Springs Camp and Retreat Centre	1888 Kaye Rd, Lot 1, District Lot 171 and Block 564, Nanoose District, Plan VIP71158	E	Approval	55354	Refused 12/21/2016
*PL2016-151	Exclusion	Mazzoni & Associates Planning; Ezra Cook Holdings Ltd. Inc. No. 458302	7955 Island Highway West, District Lot 14, Newcastle District, Except The Esquimalt And Nanaimo Railway Company Right Of Way As Said Right Of Way Is Shown Coloured Red On DD 4433n	H	Approval	55717	Cancelled 07/13/2017

PL2016-155	Non-Farm Use (Placement of Fill)	Dean Kauwell, Erica Rudischer	2642 Maxey Road, Lot 2, Sections 17, And 18, Range 5, Mountain District, Plan 40319	C	Approval	55804	Approved 05/15/2017
PL2016-158	Non-Farm Use	Clarke Gourlay, Morningstar Springs Farm Ltd.	403 Lowry's Road, Lot 2, District Lots 19 & 83, Nanoose District, Plan EPP16024	G	Approval	55827	Approved 02/28/2017
PL2016-189	Exclusion	Cox Taylor; Gene and Gloria Martini	1155 and 1169 Leffler Road, Lot 1, District Lot 139, Nanoose District, Plan 18583	F	Approval	55899	Pending
*PL2017-013	Non-Farm Use	Discover Montessori Society / 565832 BC Ltd., Inc. No.BC0565832	3452 Jingle Pot Road, The easterly 60 acres of section 16, range 3, mountain district, except that part in plan 29404, VIP68415, VIP68636 and VIP 72060	C	Approval	55883	Approved Alternate 06/26/2017
PL2017-030	Subdivision	Glenn Dawson/Thomas Hoyt	2298 Northwest Bay Road, Lot 1 District Lot 62 Nanoose District Plan 37368	E	None Provided	56569/ 55706	Pending
*PL2017-048	Non-Farm Use	Raymond and Hilary Tinkling	1384 Tyler Road, The East 1/2 of Block 24, District Lot 140, Nanoose District, Plan 1918 Except That Part In Plan 22868	F	None Provided	55659	Refused 08/23/2017

**New decision/change (three) since the last regular AAC meeting of May 26, 2017.*