



Regional District of Nanaimo
Agricultural Area Plan Implementation

*Bylaw and Policy Update Project
Draft Discussion Paper*



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1.0 Background

The Regional District of Nanaimo (RDN) Agricultural Area Plan (AAP) includes a number of action items related to bylaw and policy provisions that affect agriculture and aquaculture in the region. In response to the action items contained in the AAP, an implementation plan was created which identifies six projects to be considered during the 2014 – 2016 work plan. Project 1 – The Bylaw and Policy Update Project is the subject of this paper.

In accordance with the action items identified in the AAP, the purpose of the Bylaw and Policy Update Project is to review the Official Community Plans (OCP) and regulatory bylaws to:

- ensure consistency between policies and regulations;
- remove regulatory barriers and obstacles that hinder agriculture and aquaculture;
- promote sustainable practices that support agricultural production and preserve farm land; and,
- protect against the impacts of non-farm use.

In addition to reviewing RDN bylaws and policies, the intent is to analyze the obstacles identified and provide at least one potential approach for addressing each obstacle. It should be noted that some of the identified approaches are interrelated and are dependent on the outcome of other potential approaches. It is likely that there may be opportunities to combine approaches which are similar in nature or which address a common obstacle. It may also be appropriate to abandon certain approaches if interrelated approaches are pursued.

While at least one approach has been identified for each obstacle, an implied approach for each obstacle is to maintain the status quo. Maintaining the status quo may be an appropriate approach for any or all of the obstacles identified in this discussion paper if other priorities take precedence.

This paper presents the results of a comprehensive review of existing RDN policy and regulatory documents. Please note, although a range of potential approaches for addressing the identified obstacles and barriers have been presented, no recommendations for further actions have been included at this time. Recommendations will be brought forward for consideration by the Regional Board following a comprehensive public engagement process that provides opportunities to gauge community support and obtain feedback on the identified approaches.

1.1 RDN Support for Agriculture

Agriculture is recognized by the Board Strategic Plan, the Regional Growth Strategy, the Agricultural Area Plan, and the Electoral Area OCPs as an important contributor to the local economy and a desirable resource use.

The 2013 – 2015 Strategic Plan (Strategic Plan) recognizes agriculture as an important contributor to the regional landscape, culture, and economy. The Strategic Plan includes the following goals in support of Agricultural Area Plan Implementation and the Bylaw and Policy Review Project.

Goal 6a: *“Take actions to overcome the barriers and constraints to agricultural production in the region and explore opportunities to strengthen local food production”.*

Goal 6c: *“Prioritize and implement recommendations of the Agricultural Area Plan”.*

Goal 6d: *“Review the RDN’s regulatory framework to ensure policies and bylaws support local agriculture and aquaculture.....”*

The Bylaw and Policy Update project is supported by the Strategic Plan as it is a means of implementing the Agricultural Area Plan by reviewing the RDN regulatory and policy framework to ensure that policies and bylaws support agriculture and aquaculture in the region.

The Regional Growth Strategy (RGS) includes one goal and a number of policies that support agriculture and food security. Goal 8 of the RGS (Food Security) supports protecting and enhancing the capacity of the region to produce and process food. The Bylaw and Policy updates project is a way of implementing several RGS policies in support of Goal 8.

All of the RDN Electoral Area OCPs include language that supports agriculture. Although the approach and language between OCPs is different, it is clear that agriculture is recognized as a supported, and in some cases, a priority use. The Bylaw and Policy Update project is a way of achieving the goals and objectives in each of the RDN Electoral Area OCPs.

The AAP was approved by the Board on October 23, 2012. The AAP includes a number of action items related to reviewing RDN policies and bylaws for the purpose of identifying obstacles to agriculture in the region. The purpose of the Bylaw and Policy Update project is to implement several of the action items identified in the AAP.

Based on the above, it is clear that the Board has established a strong foundation of support at the policy level for agriculture in the region. The challenge associated with this project is to consider what regulatory changes, if any, are required to implement the various Board supported policies to protect and encourage agriculture in the region.

2.0 Bylaw and Policy Documents

A number of RDN bylaws and policy documents that affect agriculture have been identified including zoning bylaws, sign bylaws, and OCPs. RDN staff, with the assistance of the Ministry of Agriculture, reviewed each bylaw and policy document that could have an impact on agriculture. The result was that a number of obstacles and approaches to address those obstacles have been identified.

The following sections present the initial findings of the bylaw and policy review organized by bylaw. Additional obstacles and approaches may also be identified through discussions with the Agricultural Advisory Committee, the Electoral Area Directors, agricultural groups and organizations, and the community.

A brief explanation of each obstacle is provided which includes the rationale for why the obstacle presents potential challenges to agriculture. In addition, at least one potential approach is provided for how each obstacle could be addressed. As mentioned above, no recommendations are provided on the approaches to address the obstacles.

2.1 Land Use and Zoning Bylaws 500 and 1285

Zoning bylaws play a critical role in providing a fair and supportive regulatory climate for agriculture and aquaculture in the region. Zoning regulations have the ability to shape the landscape by determining what uses can occur and by controlling the scale, intensity, and general characteristics of land use and development. RDN zoning regulations can support agriculture and aquaculture by allowing a broad range of activities and by including regulations that protect against the impacts of land fragmentation and non-farm use.

The RDN has two land use and zoning bylaws that apply to RDN Electoral Areas. Regional District of Nanaimo Land Use and Subdivision Bylaw No 500, 1987 (Bylaw 500) and Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 (Bylaw 1285) provide land use and zoning regulations that apply to all participating Electoral Areas (A, C, E, F, G, and H)¹. These Bylaws specify where agriculture is a permitted use and provide the land use regulations that apply to all development, uses of land, and subdivision.

One of the key roles of Bylaws 500 and 1285 is to protect the future viability of agriculture and aquaculture and safeguard the capacity for local food production in the region. Bylaws 500 and 1285 also impact the nature of agricultural and aquaculture operations by limiting/determining the type and extent of accessory uses which can occur such as product processing, retail sales, value-added products, and other accessory uses which may supplement farm income and make agriculture more viable.

The following sections present the results of a thorough review of Bylaws 500 and 1285. Each section identifies a potential obstacle(s) and includes a discussion of each obstacle as well as at least one potential approach for how each obstacle could be addressed. Please note, the approaches identified represent a broad range of potential solutions and no recommendations provided at this time. The intent is to get feedback on the approaches before deciding which approaches to pursue.

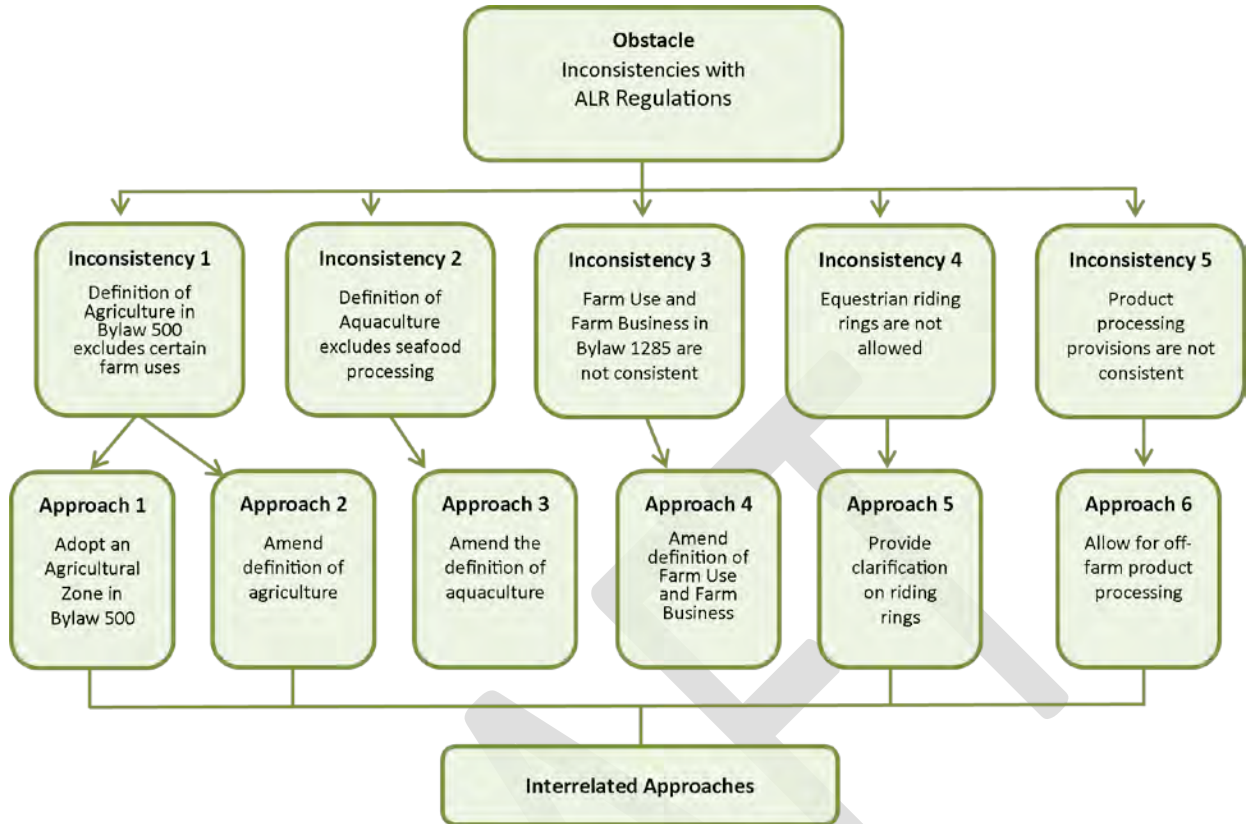
2.1.1 Inconsistencies with ALR Regulations

The following has been identified as a potential obstacle in relation to the regulation of agricultural uses in Bylaw 500.

Obstacle 1: RDN Zoning is not consistent with the Provincial Agricultural Land Reserve Use, Subdivision, and Procedure Regulation

The RDN zoning bylaws contain a number of inconsistencies with the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* (ALR Regulation). These inconsistencies create potential obstacles to agriculture in the region. The diagram below identifies the areas of inconsistency with the ALR regulation and six potential approaches for addressing the inconsistencies.

¹ Electoral Area 'B' receives planning services from the Islands Trust and therefore is not included in this review.



The following sections provide a description of each identified inconsistency and how it presents a potential obstacle to agriculture. Approaches for how to address the potential inconsistencies are also provided.

Inconsistency 1: The definition of agriculture in Bylaw 500:

- A. does not allow certain farm and permitted uses designated by the ALR Regulation;***
- B. is not clear on intensive agriculture on ALR lands;***
- C. creates confusion and uncertainty with respect to agricultural uses on ALR and non-ALR lands.***

Agriculture is defined as follows in Bylaw 500:

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

Notwithstanding the above, for Electoral Area 'G' only², the following accessory uses on lands classified as farm under the Assessment Act:

- retail sales of goods wholly produced on the farm where the sales are taking place;
- storing, packing, product preparation, or processing of farm products if at least 50 percent of the farm product is produced on the farm or is feed required for farm production purposes on the farm;
- temporary and seasonal accommodation on a farm in campsites, seasonal cabins, or short term use of bedrooms including bed and breakfast to a maximum of one accommodation unit per hectare not exceeding a maximum of 10 per parcel provided the total developed area for buildings, landscaping, and access for accommodation is less than 5 percent of the parcel;
- the breeding of household animals; and,
- agricultural research and education provided that the combined total of any associated buildings and structures required for education and/or research do not exceed 100 m².

A. Bylaw 500 does not allow certain farm and permitted uses designated by the ALR Regulation

The ALR Regulation establishes 'farm uses' that are outright permitted in the ALR. These uses cannot be prohibited by local government zoning, but they can be regulated (for example setback and height restrictions). The ALR Regulation also establishes 'permitted uses' which are considered non-agricultural uses that may occur on ALR lands without an application to the Agricultural Land Commission and may be regulated or prohibited by local government zoning.

Bylaw 500 does not permit a number of farm uses as designated in the ALR Regulation including the following uses that are not currently included within the definition of Agriculture in Bylaw 500:

1. *Farm retail sales* if all of the farm product offered for sale is produced on that farm or at least 50 percent of the retail sales area is devoted to the sale of on-farm product provided the total area used for retail sales does not exceed 300 m².
2. *B.C. licensed winery or cidery* if the wine or cider produced is made from farm product and:
 - a. at least 50 percent of that farm product is grown on the farm which the winery or cidery is located;
 - b. the farm that grows the farm products used to produce wine or cider is more than 2 ha in area (unless otherwise approved by the ALC) and at least 50 percent of the total farm product for processing is provided under a minimum three year contract from a farm in British Columbia.
3. *Storage, packing, product preparation or processing of farm products* if at least 50 percent of the farm product being stored, packed, or processed is produced on the farm or is feed required for farm production purposes on the farm.

² Electoral Area 'G' has a different definition of agriculture as a result of the implementation of OCP policies that encourage a broader range of agricultural uses in Electoral Area G.

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4. *Temporary and seasonal agri-tourism activities* (other than accommodation) that occur on land that is classified as a farm under the *Assessment Act*.
 5. *Horse riding, training and boarding*, including a facility for horse riding, training and boarding if:
 - a. the stables do not have more than 40 permanent stalls;
 - b. the facility does not include a racetrack licensed by the British Columbia Racing Commission.

Local governments can decide, through zoning, whether a particular permitted use (as defined by the ALR Regulation) should be allowed. Bylaw 500 allows a selection of permitted uses including secondary suite, home-based business, and bed and breakfast. In addition the Agriculture 1 zone, which is a zone specific to one property, allows for agri-tourism and accommodation for agri-tourism.

These Regulations allow a number of additional permitted uses which could provide farm operators with a wider range of income-generating opportunities. Permitted uses that could be added to Bylaw 500 generally include:

- operation of a temporary sawmill;
- passive recreation;
- breeding of pets or operating a kennel or boarding facility;
- agricultural education and research;
- production and development of biological products used in integrated pest management programs; and
- the production and storage of class A compost in compliance with the Organic Matter Recycling Regulation B.C. Reg. 18/2002.

Please refer to Appendix 1 for a comparison of uses designated in the ALR Regulation and uses permitted by Bylaw 500.

B. Bylaw 500 is not clear on intensive agriculture on ALR lands

Section 915 of the *Local Government Act* (LGA) requires that intensive agriculture be a permitted use on all land located within the ALR. As defined in the LGA, intensive agriculture means the use of land, buildings and other structures by a commercial enterprise or an institution for:

- the confinement of poultry, livestock or fur bearing animals;
- the growing of mushrooms.

The current definition of Agriculture in Bylaw 500 does not specifically list intensive agriculture as required by the LGA. Although intensive agriculture is not specifically mentioned, uses which are included in the definition such as housing livestock, poultry, and fur-bearing animals are included. In addition, feed parcel, intensive swine operation, fur farm, and mushroom farm are not allowed on lands within the Resource Management 3 and Rural 5 zones on lands located outside of the ALR. This may suggest that the intent of the definition is to allow intensive agriculture. However; the definition is unclear and is subject to interpretation.

C. Bylaw 500 creates confusion and uncertainty with respect to agricultural uses on ALR and non-ALR lands

Unlike Bylaw 1285 that designates all ALR lands within the Agriculture 1 zone, Agriculture is a permitted use within a number of rural zones that are both inside and outside of the ALR. This approach creates a number of challenges associated with managing and distinguishing amongst agricultural uses on lands that are within and outside of the ALR. This approach makes it difficult to permit all farm uses on ALR lands while still maintaining the ability to undertake a different set of agricultural uses on non-ALR lands.

Having a definition which applies to lands located inside and outside of the ALR creates an additional level of complexity. When Planning staff respond to public inquiries regarding an agricultural use, staff must explain what the definition of agriculture allows. In addition, they must, in cases where the subject lands are located in the ALR, explain the uses that are classified as Farm Use within the ALR. As a result, property owners must understand both the definition of agriculture in the zoning bylaw and the farm uses outlined in the ALR Regulation.

Inconsistency 2: The definition of Aquaculture does not allow seafood processing

Bylaw 500 defines Aquaculture as follows:

Aquaculture means the cultivation, rearing and harvesting of aquatic organisms on land or in the water, but specifically excludes seafood processing.

The current definition is a potential barrier, especially for land-based aquaculture operations that are located on ALR lands because it excludes seafood processing. Aquaculture is considered a Farm Use pursuant to the *Agricultural Land Commission Act* and as such includes the ability to process, pack, and prepare farm products if at least 50 percent of the farm product is produced on farm.

For aquaculture operations that are conducted on ocean, the farm product cannot be processed on a non-contiguous ALR parcel without a non-farm use approval from the Agricultural Land Commission (ALC). Essentially this means that all land-based aquaculture operations in the ALR have the ability to process farm product on site, while ocean-based operations which seek to process on a non-contiguous ALR parcel must seek approval from the ALC to allow for a non-farm use. In either scenario, the processing component is not currently allowed by Bylaw 500.

It should be noted that aquaculture operations are protected from nuisance claims under the *Farm Practices Protection Act* if the operator is following standard farming practices.

Inconsistency 3: The Bylaw 1285 definition of Farm Business and Farm Use are inconsistent with the ALR Regulations and are unclear

Bylaw 1285 includes the Agriculture 1 Zone (A-1) which is intended to apply to all ALR lands. Farm use is one of the permitted uses included in the A-1 zone and is defined as follows:

Farm Use means a use providing for growing, rearing, producing and harvesting of agricultural products; boarding of livestock; and includes the storage and sale on an

individual farm of the products harvested, reared or produced on that farm, the storage of farm machinery and implements used on that farm and includes temporary sawmill.

The current definition of Farm Use in Bylaw 1285 does not allow some of the farm uses that are designated by the ALR Regulation. The farm uses not supported by the A-1 zone are product processing where some product comes off-farm and agri-tourism. The use of the term 'Farm Use' in Bylaw 1285 is used in a way that is different than the same term in the ALR Regulation creates confusion and uncertainty with regards to what uses are allowed in the A-1 zone.

In addition, the A-1 Zone allows "any use designated or permitted pursuant to Section 2" of the ALR Regulation. The reference to the ALR regulation and the terminology used:

- creates additional uncertainty since the uses included in Bylaw 1285's definition of Farm Use are not consistent with the ALR Regulation;
- is not clear with its reference to Section 2 of the ALR Regulation and what the intent of the bylaw is.

The A-1 Zone allows Farm Business as an accessory use. In order to establish an accessory use, a permitted principal use must first be established on a parcel. Farm business is defined as follows:

Farm Business means a business in which one or more farm operations are conducted, and includes a farm education or farm research institution to the extent that the institution conducts one or more farm operations.

The definition of Farm Business is unclear with respect to what types of businesses would be allowed and what form the use may take. This definition may not be necessary or alternatively, more specific direction is required to ensure the definition provides sufficient detail to be effective. In addition, the definition uses the term 'farm operation' which is defined in the *Farm Practices Protection Act* and includes growing, rearing, agricultural activity, intensive cultivation, turf, aquaculture, and processing and direct marketing. All of the above activities are considered farm use by the ALR Regulation and therefore can occur on ALR lands regardless of zoning.

Inconsistency 4: Equestrian riding rings are not permitted in Bylaw 500

It is common for the RDN Planning Department to receive public inquiries regarding establishing equestrian riding rings and facilities on lands where agriculture is a permitted use. The definition of Agriculture in Bylaw 500 permits housing livestock (horses are considered livestock in Bylaw 500) which includes boarding horses. However, the definition of Agriculture does not mention horse training or equestrian riding rings.

On land located in the ALR, the ALR Regulation designates horse riding, training, and boarding, including a facility for such uses as a farm use. Therefore, the RDN cannot prohibit this use from occurring on ALR lands. As a result, the ALR Regulation allows equestrian riding rings, but Bylaw 500 does not.

Generally equestrian facilities include horse boarding, riding, and training and can include both indoor and outdoor facilities. These types of facilities can be for personal use or to host events. Although these

uses cannot be prohibited by zoning, they may be regulated to address potential impacts. Although it is not possible to limit who uses the facilities through zoning, regulations in regards to parcel coverage, parking, and intensity of use, floor area, and hours of operation could be established.

Inconsistency 5: Agricultural product processing provisions are not consistent with ALR Regulations

The ALR Regulation designates agricultural product storage, product preparation and processing of farm products as a farm use provided that up to 50 percent of the farm product being stored, prepared or processed originates from the farm where the above activities are occurring. This means that up to 50 percent of off-farm product can also be stored, prepared, or processed as a designated farm use on lands located in the ALR. As a designated farm use, the RDN can regulate, but not prohibit, these uses on ALR lands.

With the exception of Electoral Area 'G', the definition of *Agriculture* and the definition of *Farm Use* both limit the processing of agricultural products to only those products that are harvested, reared, or produced on the farm where the processing is to occur. As a result, RDN zoning is not consistent with the ALR Regulations.

In addition, with the exception of provisions that only apply to Electoral Area 'G', the definition of agriculture in Bylaw 500 does not allow for product storage or preparation.

Allowing agricultural product storage, preparation, and processing on a farm is a means of supporting value-added products and encouraging the creation of additional product storage, preparation, and processing capacity of the region. Not allowing any farm products to be stored, prepared, or processed that originate off-farm creates a potential barrier for a number of reasons including:

- it does not allow farm operations to take advantage of existing facilities, economies of scale, and potential opportunities for farmers to add value to their products;
- it creates confusion with respect to permitted agricultural uses on lands that are not located in the ALR.

Approaches

The following represents a range of potential approaches for addressing inconsistencies with the ALR Regulation. Please note, no recommendations are provided. Community, stakeholder, and Board input is required to gauge the level of support for each approach prior to considering any further actions.

Please note that approaches 1 and 2 below are directly related and provide two different approaches to address the inconsistencies with ALR Regulation. Approach 1 uses a combination of a new definition of Agriculture and new regulations contained in a new Agricultural zone while the second approach relies solely on a new definition of Agriculture. As a result of their similarity, a comparison of both approaches is provided along with a list of pros and cons for further consideration.

Approach 1: Adopt an agricultural zone in Bylaw 500

Many of the inconsistencies identified above could be addressed, either wholly or partially, through the implementation of an agricultural zone. An agricultural zone could also help achieve both OCP and RGS goals and objectives. In addition, an agricultural zone could create more consistency between RDN zoning regulations and Provincial policy.

This approach would involve amending Bylaw 500 to incorporate a new agricultural zone. The new zone would apply to all lands located within the ALR. All rural lands that currently allow agriculture that are not located in the ALR would continue to support agriculture (with potential amendments as described below). The purpose of an agricultural zone is to recognize agriculture as the priority use on lands located in the ALR. This approach is consistent with the Minister's Bylaw Standards which support the creation of a single zone that applies to all ALR land.

An Agricultural zone could strive towards consistency with the Guide for Bylaw Development in Farming Areas and the Minister's Bylaw Standards. In addition, the agricultural activities allowed in the zone could be consistent with the uses designated as farm use by the ALR Regulation. Uses designated as permitted by the ALR Regulation could also be included as accessory uses. Input from the Regional Board, Ministry of Agriculture, Agricultural Land Commission, agricultural organizations, and the community would help determine which uses designated permitted uses by the ALR Regulation would be included in the agricultural zone.

The adoption of an agricultural zone could also provide some level of protection against the impacts of non-farm use. This could include provisions for maximum setback requirements that apply to non-farm buildings and structures and maximum area provisions for a farm residential footprint. Details of this approach would be developed and refined with Regional Board, community, and stakeholder input.

This approach would provide clarification and an opportunity to fine tune the types of uses that are permitted on ALR land and some level of protection against the impacts of non-farm use.

Obstacle: RDN Zoning is not consistent with the Provincial Agricultural Land Reserve Use, Subdivision, and Procedure Regulation	
Approach: Introduce an Agricultural Zone that applies to ALR lands	
<u>Pros</u>	<u>Cons</u>
<ul style="list-style-type: none"> Easier to apply an Agricultural Zone to only ALR lands than it is to apply a definition to both ALR and non-ALR lands. 	<ul style="list-style-type: none"> Could result in more regulations.
<ul style="list-style-type: none"> Provides more consistency between RDN Zoning and Provincial policies and regulations. 	<ul style="list-style-type: none"> There would be a difference between permitted farm uses on ALR lands and non-ALR lands.
<ul style="list-style-type: none"> Provides more clarity with respect to what uses are permitted for Provincial Approving Officers and purchasers. 	<ul style="list-style-type: none"> OCP policies have not been updated to discourage non-farm use of ALR lands.
<ul style="list-style-type: none"> Provides an opportunity to prioritize agricultural uses and minimize non-farm uses without affecting non-ALR lands. 	<ul style="list-style-type: none"> Could result in more restrictions for non-farm uses in the ALR.
<ul style="list-style-type: none"> Simplifies the current approach to zoning for agriculture. 	<ul style="list-style-type: none"> Could result in more uses being permitted in the ALR.
<ul style="list-style-type: none"> Consistent with Provincial policy and ALR Regulation. 	
<ul style="list-style-type: none"> Provides clear distinction between ALR and non-ALR lands. 	
<ul style="list-style-type: none"> Consistent with the approach taken in Bylaw 1285 in Electoral Area 'F'. 	

Approach 2: Amend the definition of Agriculture and include a new definition that applies to agricultural uses that occur on lands located in the ALR in Bylaw 500

It should be noted this approach is related to the absence of an agricultural zone and is dependent on what happens with respect to the adoption of an agricultural zone. If an agricultural zone is adopted, it is likely that the current definition of agriculture would be amended in a way which addresses this obstacle.

Notwithstanding the above, if the agricultural zone approach is not pursued, this approach could be considered. Unlike Approach 1 which proposes both a new definition of Agriculture and a new Agricultural zone that would apply to ALR lands, this approach would rely solely on amending the definition of Agriculture to distinguish between agricultural activities that occur outside of the ALR and inside of the ALR. The intent is to provide more clarity with respect to use of ALR land and to strive towards consistency with the ALR Regulation.

Included in this approach are two primary parts which both require extensive input from the agricultural community, the Board, the AAC, and other stakeholders. The first part is to amend the definition of agriculture to reflect the types of activities that are deemed appropriate for non-ALR Lands. The second part involves creating a new use and definition that would apply to agricultural activities that are located on ALR land. For example, the new use could be titled 'Farm Use' and could be defined to reflect the

farm uses as designated by the ALR regulation as well as a selection of permitted uses as defined by the ALR regulation that are deemed, through community and stakeholder input, to be appropriate.

Obstacle: RDN Zoning is not consistent with the Provincial Agricultural Land Reserve Use, Subdivision, and Procedure Regulation	
Approach: Amend the definition of Agriculture	
<u>Pros</u>	<u>Cons</u>
<ul style="list-style-type: none"> All properties would maintain their current zoning designations. 	<ul style="list-style-type: none"> Adds an additional level of complexity into an already complex definition.
<ul style="list-style-type: none"> There would not be an additional zone in Bylaw 500. 	<ul style="list-style-type: none"> Has limited opportunities for encouraging agricultural uses.
<ul style="list-style-type: none"> The uses allowed on ALR lands would be more consistent with the ALR Regulations. 	<ul style="list-style-type: none"> Cannot address the impacts of non-farm use.
<ul style="list-style-type: none"> If land is removed from the ALR, agriculture would continue to be allowed under an amended definition that applies to non-ALR land. 	<ul style="list-style-type: none"> It would be difficult to capitalize on all the opportunities offered by a new Agricultural zone. Specifically the opportunities for permitted uses on ALR lands.

Approach 3: Amend the definition of Aquaculture to distinguish between activities on ALR lands and non-ALR lands.

This approach seeks to address inconsistencies identified by this obstacle by amending the definition of aquaculture to include the ability to process, pack, and prepare farm products if at least 50 percent of the farm product is produced on farm. This approach is consistent with the ALR regulation and would allow on-site processing of the products produced on-farm. It would also allow some products produced off-farm to be processed which could provide opportunities for smaller scale producers to share packaging, storage, and processing facilities to add value to their products.

Approach 4: Amend the definition of Farm Use and Farm Business in Bylaw 1285

This approach would, through feedback with the AAC, Regional Board, Electoral Area residents, and other stakeholders, seek to amend Bylaw 1285 to create consistency between the definition of Farm Use and the ALR Regulation. This approach would also correct the reference to the ALR Regulation and clarify what is meant by farm business. This approach would also explore the approach of removing the definition of farm business.

Approach 5: Provide clarification on equestrian riding rings on both ALR and non-ALR Lands

This approach would identify and seek input on potential opportunities to provide clarification on where equestrian riding facilities are permitted and under what conditions. This may result in amendments to Bylaws 500 and 1285 that apply to both ALR and non-ALR lands. It should be noted that if an agricultural zone is pursued, provisions for equestrian facilities on ALR land may be considered as part of a new zone and separate provisions for equestrian riding facilities on non-ALR land would be required.

Approach 6: Allow product processing on ALR lands if at least some of the farm product being processed is produced on the farm

This approach would explore amending Bylaws 500 and 1285 to consider allowing a portion of off-farm product to be processed on-farm. As outlined by the ALR Regulation up to 50 percent of off-farm product may be processed on a farm. This process would seek community input on an appropriate amount of off-farm product allowed to be processed up to a maximum of 50 percent. This approach could be considered as part of Approach 1 (include provision for product processing in an Agriculture zone) or Approach 2 (include language in the definition regarding product processing).

2.1.2 Definition of Structure

The following obstacle has been identified in relation to the definition of structure.

Obstacle 2: The definition of structure may be too restrictive for agricultural fencing

All buildings and structures must meet the minimum setback and maximum height requirements specified in Bylaws 500 and 1285. Some uses are specifically exempt from these requirements. For example, fences under 2.0 m in height are exempt from the definition of structure and therefore do not need to meet minimum setback requirements. In Bylaw 500 chimney, flag pole, agricultural buildings, and structures are exempt from the definition of height meaning that these structures may exceed the maximum height requirements.

An agricultural operation may require a fence that exceeds 2.0 m in height to contain livestock or to keep wild game animals in or out. Under current regulations, a fence which is 2.0 m or more in height must meet minimum setback requirements. In many cases, on parcels that permit agriculture, this equates to an 8.0 m minimum setback requirement which could potentially result in a substantial loss of useable land. Although agricultural structures are exempt, it is not clear that fencing for agricultural purposes is specifically exempt. Providing additional clarification may be beneficial to reduce the likelihood of maximum fence height becoming an obstacle in the future.

Approaches

Approach 1: Amend the definition of structure to specifically exclude agricultural fencing

This approach would amend the definition of structure to exempt agricultural fencing. This approach is supported by the Guide for Bylaw Development in Farming Areas which indicates that crop protection and support structures such as deer fencing, netting supports, and trellises should be excluded from height requirements. This could include a provision that the exemption only applies on properties with farm status or a provision that specifies a maximum height could apply. AAC, Board, and community input would help determine an appropriate approach to addressing agricultural fencing.

In addition to the above, should the agricultural zone approach be pursued, this approach may become redundant as the new zone could include specific fence height provisions.

Approach 2: Increase height for agricultural fencing or do not specify a maximum height for agricultural fencing

This approach would amend the definition of height in Bylaw 500 to include specific provisions for agricultural fencing that allow taller fences or clarify that agricultural fencing is exempt from maximum height requirements.

In Bylaw 1285 this approach could clarify that agricultural fencing is exempt from maximum height requirements where it is required for the operation of the farm.

2.1.3 Minimum Parcel Size and Agricultural Viability

The following obstacle has been identified in relation to minimum parcel sizes and agricultural viability.

Obstacle 3: Potential loss of larger parcels that have the greatest likelihood of having farm status and the most opportunity to support a broad range of agricultural uses

Minimum parcel size requirements are a critical tool used to promote, protect, and encourage agriculture in the region. In the context of agricultural viability and productivity, larger minimum parcel sizes help protect agricultural viability and productivity.

The following provides some rationale, based on a thorough analysis of RDN property data and other research, for consideration when considering approaches for the retention of large parcels for agriculture.

1. Agriculture on smaller parcels

Although it is recognized that agriculture can be successful on smaller parcels, especially with high-value intensive agricultural practices, the range of agricultural activities that can occur diminishes as parcel size decreases. This is a result of a number of factors including the fact that many agricultural activities are land intensive and require extensive areas to provide for sustainable land management strategies and economies of scale that result in higher yields and profitability.

Maintaining larger minimum parcel sizes helps protect agricultural viability by ensuring that a broad range of agricultural activities can occur on a given parcel. This may help farm operators better respond to changing market conditions and demands. Maintaining larger parcels for agriculture also offers opportunities to provide a larger buffer between farm operations and existing residential encroachment. Larger parcels also help reduce conflicts between farm uses and residential and other non-farm uses which results in fewer nuisance claims and as a result a more productive landscape.

In the RDN Electoral Areas, agriculture is permitted within a broad range of zoning classifications. In areas covered by Bylaw 500 most zones located outside of the rural village centres allow agriculture as a permitted use. In Electoral Area 'F', agriculture is a permitted use within a number of zoning designations including Agriculture 1, Forestry/Resource 1, and a number of site-specific zones.

On parcels where agriculture is a permitted use there is a predominance of parcels that range from < 2.0 ha up to 4.0 ha. A significant proportion of parcels within that range are approximately 2.0 ha as a result

of Subdivision District D, a wide-ranging and common minimum parcel size designation which supports a 2.0 ha minimum parcel size. The following chart shows existing parcel area distribution on parcels where agriculture is a permitted use.

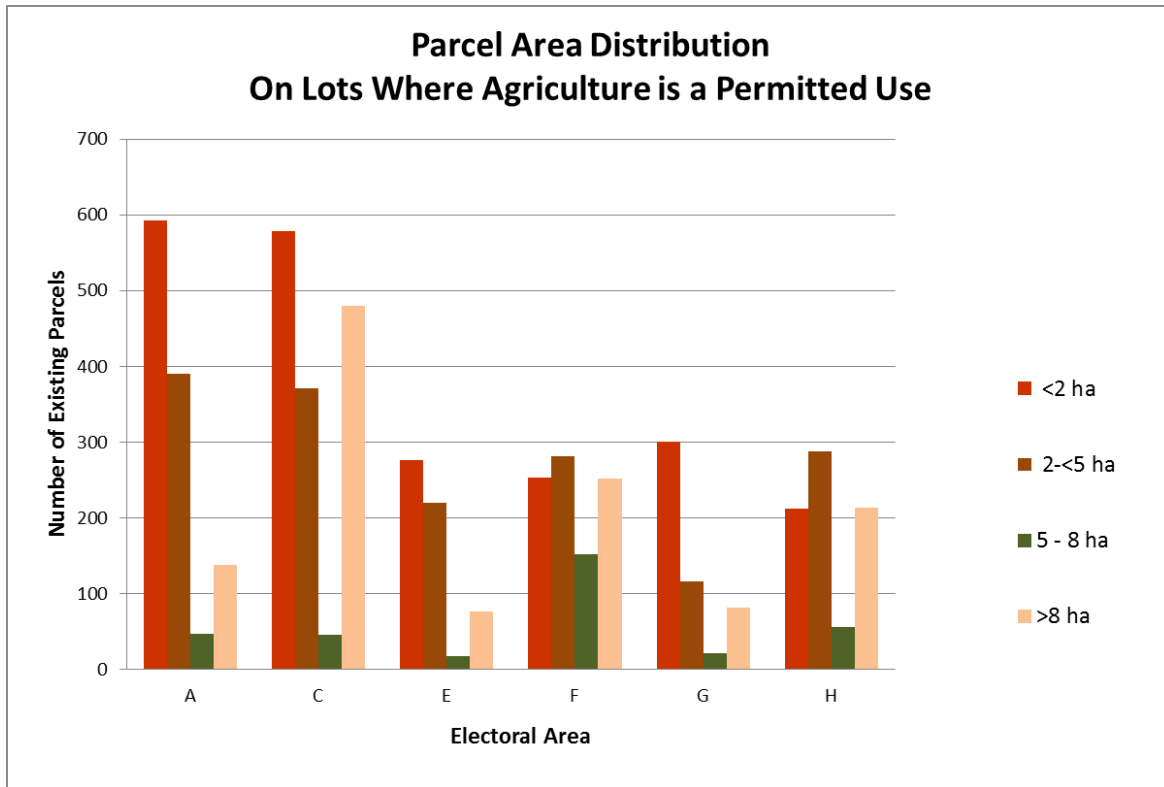


Figure 1 - Parcel Area Distribution

As shown in Figure 1 above, the majority of parcels are less than 4 ha. Based on the status quo, there is and will continue to be ample and increasing opportunities for small-parcel agriculture. However, opportunities for larger parcel agriculture are limited as there is a finite supply of parcels in the 5.0 ha – 8.0 ha and > 8.0 ha range.

2. Impact of Current and Historic Development

With the exception of Electoral Area 'F', which did not adopt zoning until 2002, most other Electoral Areas introduced zoning in the mid to late 1970's. At that time, growth management priorities appeared to favour growth over preserving large parcels of land for agriculture and resource uses.

As a result, Bylaw 500 supports a range of minimum parcel sizes though most rural lands are zoned for a 2.0 ha minimum parcel size. Although 2.0 ha is often seen as an adequate size for a typical rural acreage, this parcel size may not be conducive to a broad range of agricultural activities. In addition, there are areas that support a 1.0 ha or smaller minimum parcel size in rural areas that may pose a threat to agricultural viability.

Since the introduction of zoning in the RDN, community and Board priorities appear to have shifted more towards a desire to maintain large parcels of land for agriculture and resource uses. This is now

reflected in most of the RDN OCPs and the RGS. Over the years the RDN has implemented some of the OCP minimum parcel size policies by increasing minimum parcel size on lands which were previously in the Forest Land Reserve or which are now Private Managed Forest lands. The RDN has not done the same for lands that are valued for agriculture where the OCP supports an increase to the minimum parcel size.

Despite these efforts, the RDN continues to face a number of challenges that are directly attributable to the physical size of parcels allowed by Bylaw 500. The following provides a brief summary of some of these issues. It is recognized that the RDN may have a limited role to play in some of the identified issues.

Issue
<ul style="list-style-type: none"> • Small lots do not provide sufficient land area to buffer residential encroachment. This leads to increased nuisance complaints that consume RDN staff time and resources. For example complaints about a rooster crowing or other typical agricultural sights, sounds, and smells. Small lots adjacent to the ALR may also result in difficulty conducting day to day farm operations and may impact agricultural productivity and viability because of the spread of noxious weeds and the impact of dogs at large and dangerous dogs.
<ul style="list-style-type: none"> • It is more difficult for small lots to provide adequate buffer widths for organic farming certification.
<ul style="list-style-type: none"> • RDN staff time and resources spent processing applications for subdivision in the ALR that are not consistent with the OCPs.
<ul style="list-style-type: none"> • Smaller minimum parcel sizes create a sense of development entitlement on rural lands, which in some cases is not consistent with OCP policies.

3. *Likelihood that a parcel will be farmed*

In British Columbia farmers may apply to the British Columbia Assessment Authority to have their land classified as farm land for tax assessment purposes. To qualify for farm classification a farm operation must be conducting one of the recognized farm uses and must satisfy an applicable minimum income from the sale of farm products. Lands classified as farm may enjoy a reduced property tax assessment.

Farm classification is an indicator of agricultural activity on a given parcel at a recognizable scale. For the purpose of this paper, farm classification was used to determine if a property was being farmed. There are existing agricultural activities that do not qualify for farm status and have not been accounted for. However, it was determined that farm class is the best available indication of agricultural activity on a property.

There are 583 properties classified as farm in the RDN Electoral Areas. Of this, 405 (nearly 70%) are located in the ALR.

Table 1. Location of Properties with Farm Classification

Electoral Area	Percent Inside ALR	Percent Outside the ALR
A	70	30
C	64	36
E	56	44
F	81	19
G	68	32
H	71	29

As shown in Table 1 above, there is a higher proportion of parcels with farm status located in the ALR. This is consistent with the intent of the ALR which is to encourage agriculture as the priority use. This also highlights a potential need to focus planning efforts on ALR lands to protect existing agricultural operations and encourage more in the future.

Overall, larger parcels (5.0 - 8.0 ha and > 8.0 ha) have the highest percentage with farm class while smaller parcels (< 4.0 ha) have the lowest percentage with farm class. The following charts show the distribution of parcels with farm status for lands located in the ALR. As parcel size increases so does the likelihood that it will be used for farming.

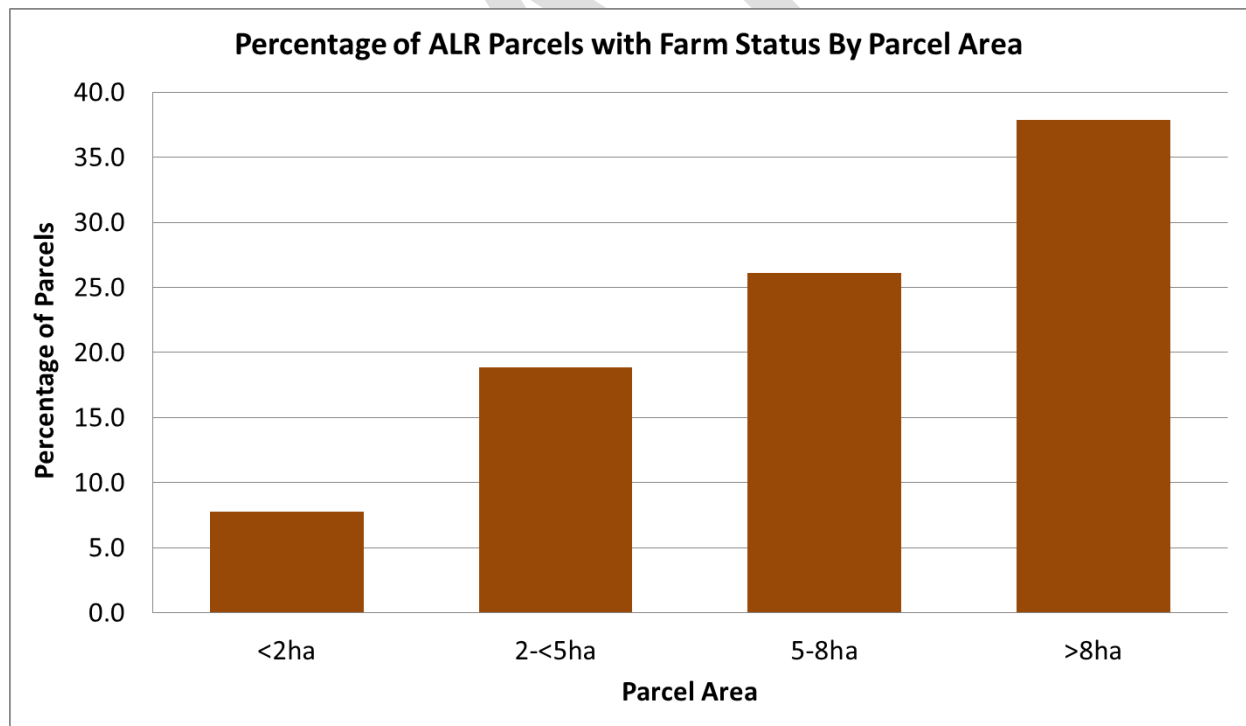


Figure 2 – Percent of parcels located in the ALR with farm status by Parcel Area

4. Land fragmentation and impact on larger parcels in the ALR

The data suggests that the majority of properties with farm status are located in the ALR and that the proportion of parcels with farm status increases with parcel size. Therefore it may be a higher priority to focus planning efforts on ALR lands. Of particular importance with respect to agricultural viability is the protection of large parcels and reducing the impacts of land fragmentation and the potential for non-farm use in agricultural areas.

Subdivision of ALR lands involves both the ALC and the RDN. While the ALC is the ultimate decision maker with respect to subdivision of ALR lands, the RDN plays a critical role by establishing the applicable minimum parcel sizes. Bylaws 500 and 1285 specify minimum parcel sizes that must be met when new parcels are being created through subdivision.

Although there is some variation by Electoral Area, overall the current zoning allows significant potential for additional 2.0 ha - < 5.0 ha parcels on lands zoned for agriculture (including both ALR and non-ALR lands). Despite variation by Electoral Area, overall, the number of lots >8.0 ha will increase. This is primarily a result of large land holdings in Electoral Areas C and F which are subdividable into primarily 50.0 ha parcels. Please refer to Appendix 2 for a property data summary that includes more detailed information on each Electoral Area.

The following table shows the potential impact of subdivision on parcels in the 5.0 ha – 8.0 ha and > 8.0 ha categories at build out based on current zoning. Please refer to Appendix 3 for Electoral Area based maps showing subdivision potential.

Table 2. Potential Impact of Subdivision on larger parcels based on current zoning for parcels where agriculture is a permitted use

Parcel Size Category	# of existing parcels	# of parcels with no subdivision potential	# of parcels with subdivision potential ³
5.0 -8.0 ha	341	215	126 (71 are in the ALR)
>8.0 ha	1,241	557	684 (434 are in the ALR)
Total	1,582	772	810 (505 are in the ALR)

The above table shows that almost 37 percent of the 5.0 ha – 8.0 ha parcels are subdividable of which more than half are in the ALR. In addition, 55 percent of parcels >8 ha are subdividable of which about 62 percent are in the ALR. Overall, about 62 percent of ALR parcels are subdividable based on current zoning.

Of particular concern is the existing potential to subdivide lands located in the ALR. Of all lands that are subdividable based on current zoning, 62 percent are located in the ALR. As indicated earlier in this paper, the data suggests that the likelihood of a parcel having farm status increases with parcel area. In other words, the larger a parcel is the more likely it is to have farm class, which is a measurable indication of agricultural activity. If these lands are not protected from land fragmentation the percentage of properties with farm status may be reduced as parcels are subdivided over time.

³ Yield based on standard method used for RDN build out estimates.

5. *Likelihood that ALR land will be subdivided.*

Despite minimum parcel sizes designated by current zoning, all subdivision of ALR lands must be approved by the Agricultural Land Commission (ALC). Since September 2009, there have been 35 applications to subdivide land in the ALR submitted to the ALC in the RDN Electoral Areas. All applications were received by the RDN and forwarded to the ALC for a decision. Of the 35 applications, only six were approved by the ALC. In addition, as of the date of this discussion paper, of the six approved applications, only three subdivisions have been registered. The data suggests that the ALC has been very effective in preventing fragmentation of ALR land.

In addition to the impacts of subdivision on agricultural viability and likelihood that a parcel will be farmed as discussed above, subdivision potential on ALR land is also a concern. Based on current zoning, a large proportion of subdivision potential is on ALR lands. Of particular concern is where the OCPs support larger minimum parcel sizes than current zoning permits as these are areas where the community has indicated a desire to protect agricultural lands from being subdivided which has not been reflected by current zoning.

Although relying on the ALC to control subdivision may be a viable short-term solution, continuing to be reliant on the ALC to protect large agricultural land holdings, in areas that are zoned for significant subdivision potential, carries an inherent level of risk. Should the ALR be dissolved, similar to how the Forest Land Reserve was dissolved, the RDN would no longer be able to rely on the ALC to protect large land holdings valued for agriculture and resource uses. This would result in significant opportunities for subdivision of agricultural lands that could have a devastating affect on agricultural viability in the region.

Most of the RDN Electoral Area OCPs support increasing the minimum parcel size on ALR lands. This presents an opportunity to work with the ALC in support of protecting farmland. An example of where this has already occurred is in Electoral Area F. The Electoral Area F OCP was developed in consultation with the ALC and the community. The OCP contemplates small lot agriculture by supporting a 4.0 ha minimum parcel size on all ALR lands. When zoning was first introduced in 2002, a 4.0 ha minimum parcel size was applied to all ALR lands. In this way the community's vision for agriculture was implemented.

Approaches

Approach 1: Maintain agricultural potential by increasing minimum parcel size on ALR lands

Based on the information provided above which suggests that large (5.0 ha – 8.0 ha or > 8.0 ha) properties in the ALR are most likely to have farm status, this approach is intended to protect future agricultural viability by maintaining the number of 5.0 ha – 8.0 ha parcels. Maintaining the number of 5.0 – 8.0 ha parcels may help protect future agriculture viability by maintaining larger parcels that are, based on current BCAA data, more likely to be used by farming. This approach is also intended to ensure that the RDN is well-positioned to protect large land holdings and agricultural viability should the ALR be dissolved or the ALC's mandate be changed.

This approach would amend Bylaw 500 by increasing the minimum parcel size of ALR lands to 8.0 ha. Lands that are in the ALR and are already zoned for minimum parcel sizes of 8.0 ha or greater would not be affected. This approach is consistent with most RDN Electoral Area OCPs.

All lands located outside the ALR would be unaffected and would maintain their current minimum parcel size and development potential. This approach would create more consistency across the Electoral Areas with respect to minimum parcel size for ALR lands.

Under this approach there would continue to be ample opportunities for small-parcel agriculture as the vast majority of parcels zoned for agriculture are already less than 4 ha.

Approach 2: Consider opportunities to support alternate land tenure opportunities

One of the challenges facing new farmers is high land prices. This combined with an aging farming community creates a need to consider alternate land tenure approaches. This approach seeks to identify and better understand the available land tenure approaches and the implications they have for the zoning bylaws and RDN policies. The intent of this approach is to identify alternative land tenure approaches and address any potential barriers that are present.

2.1.4 Parcel Shape and Dimensions

The following obstacle has been identified in relation to parcel shape and dimensions.

Obstacle 4: There are no bylaw provisions that apply at the time of subdivision to ensure that parcels that are zoned for agriculture have adequate dimensions to allow the siting of a building for housing livestock or storing manure which meets minimum setback requirements

Parcel shape and dimensions are important determinants for the future use of a parcel and its ability to support a broad range of agricultural activities. Provincial legislation and RDN zoning bylaws direct parcel shape and dimensions. Section 944 of the *Local Government Act* requires that a minimum of 10 percent of the perimeter of a parcel front a highway. Bylaw 500 requires that the depth of a parcel not exceed 40 percent of the length of the perimeter. Bylaw 1285 does not include any parcel shape or dimension requirements.

Buildings that house livestock and store manure are subject to a 30.0 metre minimum setback requirement from all parcel lines in Bylaws 500 and 1285. On a typical 2.0 ha rectangular-shaped parcel, this could be problematic especially on long narrow parcels.

Despite the existing regulations, there is no guarantee that new parcels being created will have adequate dimensions to allow the placement of a building that meets the minimum setback requirements. This could limit the future agricultural viability of some new parcels being created.

Approaches

Approach 1: Establish minimum parcel width and depth provisions that apply to all parcels where agriculture and farm use is a permitted use

This approach would amend Bylaws 500 and 1285 to introduce minimum parcel width and depth provisions that apply to all lands where agriculture and farm use is a permitted use. This would help ensure that each new parcel being created through subdivision would have adequate width and depth to locate a building that houses livestock or stores manure that meets the minimum 30 metre setback requirement. It should be noted that this would be a general approach that would not take into account significant natural or man-made constraints that may result in limited building envelopes.

Approach 2: Provide comments to the Provincial Subdivision Approving Officer

This approach would establish a policy that RDN staff, in the subdivision review report that gets forwarded to the Ministry of Transportation and Infrastructure as part of a subdivision application, includes comments to the Provincial Subdivision Approving Officer that highlights the minimum setback requirements for agricultural buildings that house livestock or store manure. This approach may highlight the minimum setback requirements, however, the Provincial Subdivision Approving Officer would not be bound by these comments.

2.1.5 Height of Buildings and Structures in Water 1 Zone

The following obstacle has been identified with respect to the height of buildings and structures in the Water 1 zone.

Obstacle 5: The maximum height of buildings and structures in the Water 1 zone may be too restrictive

The Water 1 (WA1) zone applies to most coastal areas in the RDN. Permitted uses in WA1 include Aquaculture and Boat Ramp. All buildings and structures are limited to 1.0 m in height above the surface of the water measured from the natural boundary. With respect to aquaculture operations, a 1.0 m height requirement may be too restrictive as it may not allow buildings and structures typically associated with the aquaculture industry. A 1.0 m maximum height requirement may prohibit operations which require buildings or structures over this height.

In addition, although agricultural buildings and structures are exempt from maximum height requirements, aqua-cultural buildings and structures are not.

Approaches

Approach 1: Increase the maximum height requirements for aqua-cultural buildings and structures

This approach involves working with the aquaculture industry and coastal communities to consider an amendment to Bylaw 500 to allow an increase to the maximum height requirements for aqua-cultural buildings and structures. This approach would strive to find a balance between meeting the needs of the

industry and reducing the potential aesthetic and viewscape impacts that these buildings and structures may have on adjacent upland properties.

Approach 2: Amend the OCPs or Zoning Bylaws to support the issuance of a Temporary Use Permit to allow building and structures over 1.0 m in height

A Temporary Use Permit (TUP) allows an applicant to conduct a use normally not permitted by the zoning bylaw for a specified amount of time not to exceed three years. A TUP may be renewed once for up to an additional three years. In order for a TUP to be supported language must be included in either the applicable OCPs or zoning bylaws. A TUP requires that an applicant submit an application to the RDN, pay a processing fee, and potentially provide information and security to ensure that the impacts of the use are identified and mitigated.

This approach involves amending the applicable OCPs or zoning bylaws to include support for the issuance of a TUP to allow buildings and structures over 1.0 metre in height for a period not exceeding three years plus the possibility of one renewal for an additional three years⁴. This approach may help address concerns related to aesthetic and viewscape impacts as the duration of the over height building or structure can be controlled.

Approach 3: Site-specific zoning amendment

This approach would involve working with aquaculture operations to identify areas where increasing the maximum height requirements would be beneficial. If there are areas identified, this approach would consider an amendment to Bylaw 500 to allow an increased maximum height in identified locations within the Water 1 zone.

An important component of this Approach is to work closely with both Aquaculture operators and adjacent residents to identify and address any concerns that arise.

2.1.6 Minimum Setback Requirements for Agricultural Buildings

Obstacle 6: The minimum setback requirements for agricultural buildings are unclear and do not take into consideration the scale or type of operation

Appropriate minimum setback requirements can help prevent land use conflicts, reduce nuisance complaints, protect natural resources, and safeguard human health. On the other hand excessive minimum setback requirements can present significant barriers to agriculture in the region by sterilizing productive lands.

Bylaw 500 requires a 30.0 minimum setback for all buildings used to house livestock or to store manure. Bylaw 500 also requires a 30.0 m minimum setback requirement for all buildings and structures for housing animals, other than pets, and for the storage of manure from any watercourse or any property line adjoining a residential zone. The definition of livestock reads as follows:

“Animals used for agricultural purposes, which are used or the products of which are sold, and includes any horse, donkey, mule, cow, goat, sheep, or pig.”

⁴ An applicant may submit a new application to further extend the timeframe.

The definition of livestock is unclear as there is uncertainty with respect to whether or not other farm animals that are sold or the products of which are sold are considered livestock including poultry, rabbits, llamas, bison, etc. In addition, there is ambiguity with respect to the distinction between farm animals used for household use and farm animals used for commercial use.

Although the impacts of a large-scale commercial operation are likely more impactful than a small farm operation or hobby farm for household use, the minimum setback requirements do not recognize these impacts. For example, a small chicken coop containing a few birds⁵ for household use must, under Bylaw 500 requirements, satisfy the same minimum setback requirement as a building used for a large-scale commercial chicken operation. More clarification and a reasonable approach to addressing a range of farm operations is needed to ensure that small-scale farmers are not faced with regulatory obstacles and that the impacts of large commercial operations are addressed. Alternatively a property owner housing a few horses would need to meet the same minimum setback requirement as a commercial stable with 40 stalls.

The *Guide for Bylaw Development in Farming Areas* offers standards for developing and amending bylaws affecting farming areas. The Guide suggest a 15.0 m – 30.0 m maximum⁶ setback requirement for a building used to house livestock, poultry, and other fur animals. A range in setback requirements is intended to allow for setback reductions for enclosed animal facilities and for narrower walls that are oriented to parcel lines. The Guide suggests a maximum 30.0 m setback requirement for buildings that store manure and other agricultural wastes.

A Guide to Edge Planning Published in 2009 by the Ministry of Agriculture also provides guidance for specific types of agricultural buildings. The recommended setback distances apply to the ALR/Urban Boundary and range from 15 m – 100 m.

Approaches

Approach 1: Consider Amendments to the minimum setback requirements for small operations which are unlikely to impact adjacent property owners

This approach would explore the possibility of establishing minimum setback requirements which are based on the type and intensity of use and/or the use of the adjacent property. This approach could result in an amendment to Bylaws 500 and 1285 to allow reduced minimum setback requirements for small operations that are unlikely to result in impacts to adjacent properties. For example a reduced minimum setback requirement may allow a small chicken farm to be established on a property that otherwise would not have been possible given current minimum setback requirements. This approach may increase the number of parcels where certain agricultural activities are possible.

One example may be to establish a 15.0 m minimum setback requirement for all buildings and structures used to house livestock adjacent to a property line located in the ALR and a 30.0 m setback to a property line which is not in the ALR and for all buildings and structures that store manure regardless

⁵ The RDN has historically interpreted the agricultural building setbacks in Bylaw 500 to apply to buildings used to house poultry because the animals are considered livestock if they are being raised for sale or profit.

⁶ The Guide suggests maximum setback requirements. The intent is to provide guidance on how large a minimum setback should be to reduce the impact on farming.

of ALR status. This approach would explore, evaluate, and obtain feedback on the feasibility of this example and would seek to identify other viable approaches.

2.1.7 Farmer's Markets

The following obstacle has been identified in relation to farmer's markets.

Obstacle 7: Farmer's market is not permitted in any zone where agriculture is a permitted use

Farmer's markets provide a venue for local producers to market their goods. Farmer's markets often include live music and the sale of various arts, crafts, and baking including items that do not originate from a local farm. From a zoning perspective farmer's markets do not neatly fall within any one traditional use as they include both retail sales and public assembly.

As one of the most visible and accessible components of the local food system, farmer's markets help meet increasing consumer demand for locally produced fresh, nutritious food. There are at least two well-established and popular farmer's markets operating in the RDN Electoral Areas. One is located in Electoral Area 'F' at the Errington Community Park and the other is located in the field at the Crow and Gate Pub in Electoral Area A. Due to their popularity, farmer's markets attract high numbers of shoppers and vehicular traffic which, if not properly managed, can create issues with parking and traffic congestion for short durations of time during market hours. Therefore, it is important to ensure that farmer's markets are located on parcels with adequate parking and separation from adjacent residential uses to reduce neighbourhood impacts.

Currently, Bylaw 500 does not allow farmer's market in any zone including zones where agriculture is a permitted use. The current regulations could be a potential barrier to the future expansion of local food production in the region as proposals for both new farmer's markets and improvements to existing farmer's markets are not supported. The result may be that as the popularity and demand for farmer's markets increases, the existing farmer's markets may be stretched beyond capacity and may no longer be able to serve the region in an efficient manner.

There are examples of successful farmer's markets both in urban and rural settings. In the context of the RDN Electoral Areas, there appears to be some desire, and a long-standing history, of successful farmer's markets being located in the rural areas.

Approaches

Approach 1: Consider allowing farmer's market in some zones

This approach would seek to identify appropriate zones for farmer's markets to be either a permitted or accessory use. Amendments to Bylaws 500 and 1285 may be proposed and general regulations pertaining to parking, parcel coverage, site area requirements, minimum setback requirements, etc. would also be explored in consultation with the AAC, the Board, Electoral Area residents, and other stakeholders. This would help ensure that the potential impacts of farmer's markets are minimized. Overall this approach would provide for the ability to establish and maintain farmer's markets in appropriate zones as determined through input from the Agricultural Advisory Committee, the Electoral Area Directors, agricultural groups and organizations, and the community.

Approach 2: Support the Provision of a Temporary Use Permit for farmer’s markets

A Temporary Use Permit (TUP) allows an applicant to conduct a use normally not permitted by the zoning bylaw for a specified amount of time not to exceed three years. This Approach provides more flexibility and site-specific evaluation on a case by case basis that is provided by a general zoning amendment. A TUP may be renewed once for up to an additional three years and a new application may be submitted upon expiration of the TUP. In order for a TUP to be supported language must be included in either the applicable OCPs or zoning bylaws. A TUP requires that an applicant submit an application to the RDN, pay a processing fee, and potentially provide information and security to ensure that the impacts of the use are identified and mitigated.

2.1.8 Maximum Parcel Coverage

The following has been identified as a potential obstacle in relation to maximum parcel coverage.

Obstacle 8: The maximum parcel coverage for farm buildings is too low

The Ministry of Agriculture’s Minister’s Bylaw Standards recommends that the maximum parcel coverage that applies to buildings and structures for farm use is established at a minimum of 35 percent and at a minimum of 75 percent for greenhouses. This allows for intensive agricultural operations that require a large building footprint.

Currently the maximum parcel coverage is as follows:

Table 3. Maximum parcel coverage in Bylaws 500 and 1285

Bylaw	Maximum Parcel Coverage
500	10% - Resource Management Zones 25% - Rural Zones
1285	10%

The current requirements may be too restrictive and may not allow intensive building-dependent agricultural uses. It is likely that the existing regulations do not pose a problem for large parcels. However, it could prove problematic for agriculture on small parcels.

Approaches

Approach 1: Increase the maximum parcel coverage provisions that apply to agricultural buildings

This approach would consider amending the provisions in Bylaws 500 and 1285 for maximum parcel coverage that apply specifically to agricultural buildings. This would allow for more intensive agricultural uses which require activities to be contained within a building such as a greenhouse operation.

There are a number of factors that should be considered for this approach including whether the increased parcel coverage would be limited to ALR lands (possibly within an agricultural zone), runoff control, minimum setback requirements, etc. Also it is important to explore approaches for how to ensure that increased parcel coverage provisions only apply to legitimate farm buildings.

Approach 2: Adopt Variance Policy Provisions

This approach would consider amending RDN Board Policy B 1.5 - Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation to include support for variances that are required to the maximum parcel coverage to facilitate legitimate farm buildings. This approach is more onerous to a farm operator as it would require a Development Variance Permit application to be made to the RDN. However, this approach offers more flexibility and site-specific evaluation on a case by case basis which may better address the potential impacts of agricultural buildings.

2.1.9 Regulations for Signs on Private Property and within the Road Right-of-Way

Obstacle 9: Farmers are unable to have signs directing customers to their farms

Many farms are located off the beaten path on rural roads well removed from a provincial highway or other well-used public roadway. As a result it can become challenging for farmers to direct traffic to their farms to conduct business. Although modern technology such as GPS enabled smartphones have provided new opportunities for mobile marketing and direction-finding, directional signage continues to be a reliable way of directing traffic to a farm. A farmer may not be able to provide effective signage if the farm is not located on a highly visible and well-travelled public roadway. In addition, as described below, signs must only advertise a use located on the same property as the sign. This means that a farmer cannot locate a sign on a neighbouring property or some other visible off-farm location.

The following provides an overview of how signs are regulated and how existing regulations create an obstacle to agriculture.

Signs are regulated at both the Provincial and local level depending on whether a sign is located on private property or within the public road right-of-way.

In Electoral Areas A, C, E, G, and H signs located on private property are regulated by the RDN through Bylaw 993, and in Electoral Area F through Bylaw 1285. These bylaws contain the regulations that specify specific sign parameters such as sign type, minimum setback requirements, number of signs, and sign face area. All signs on private property must comply with these bylaws.

RDN bylaws only allow signage to advertise a use located on the same property as the sign. Third party signage which advertises uses not located *on* the parcel are prohibited. Third party signage is prohibited by the RDN for two primary reasons. The first is to limit clutter from signage and to increase public safety by reducing distractions along roadways and protecting sight lines at intersections. The second is that the RDN cannot regulate the content of signage in its bylaws as it would infringe on the freedom of expression protected in the *Canadian Charter of Rights and Freedoms*. For example, the RDN can regulate the physical aspects of signage such as its location on private property, dimensions, height, size, and type but cannot regulate the content of a sign. This means that there is no guarantee that only agricultural uses would be advertised. A farmer may be outbid for sign space by other uses willing to pay more. As a result it is challenging to direct the travelling public to farms that have farm gate sales that are not visible from a well-used public roadway.

Although it is technically possible to amend RDN sign bylaws to permit third party signs, there is an inherent level of risk involved. Based on the RDN's current experience with signage in the region, these risks include increasing amounts of driver distractions as third party signs are established, commercialization of the rural areas, pressure to push the limits and request variances to allow bigger and bigger signs once third party signs are allowed, aesthetic impacts, and vegetation removal to increase sign visibility. As a result of these risks, an approach to amend the sign bylaws has not been identified as it is not advisable at this time.

All signs located within the public road right-of-way are governed by Provincial government regulations administered by the Ministry of Transportation and Infrastructure (MOTI). All signs proposed within the road right-of-way must comply with MOTI policies which specifies the types of uses that can be advertised, design criteria, and sign location.

In general, directional signage for services and attractions near provincial highways is supported. However, the provision of signage within the road right-of-way is primarily geared towards providing information for the travelling public not local residents looking for farm products. In some cases, local governments, community groups, or farm operators may apply for directional signage under permit, provided the signage is consistent with the Ministry's policies. Signage that may be considered under the policy is very specific and includes advertising uses such as farm tours signs, community welcome sign, farmer's market signs, scenic route or circle tour signs, and wine route signs.

MOTI signage policies do not support directional signage for an individual farm unless it offers a farm tour, or other activity specified in MOTI's policies. This could be problematic for farm operations seeking approval for a sign in the road right-of-way advertising farm gate sales.

Although two regulatory barriers have been identified above, there does not appear to be any practical way of addressing the obstacle within the RDN's jurisdiction. However, an approach has been identified below which may help provide clarification and certainty with respect to signage within the road right-of-way.

Approach: Work with Farmer's Institutes and the Ministry to develop a region-wide signage plan for agriculture signage within the road right-of-way

This approach would involve the RDN working with farmer's institutes, agricultural organizations, and the Ministry of Transportation and Infrastructure to develop a regional signage and agricultural promotion plan. This plan would create regional consistency, identify appropriate signage locations, specify the process for farmers to apply for signage from MOTI, and could include design guidelines that would apply to signs on private property.

Some of the objectives of the plan could be to promote agricultural areas as a tourist attraction, such as 'wine routes' or 'circle farm tour' and to identify the location and hours of operation for farmer's markets. The plan could also identify ways of promoting local farm businesses without signage such as brochures, local food maps, and websites. This approach could become part of the Agriculture Promotion and Economic Development Project identified in the 2014 – 2016 Agricultural Area Plan Implementation Plan.

This approach could be expanded to include directional signage for the RDN's Rural Village Centres and other signage requirements that serve the travelling public.

2.1.10 Siting of Residential Uses

The following obstacle has been identified in relation to residential use of land in the ALR.

Obstacle 10: The potential impacts of estate residential and accessory non-farm uses threaten agricultural viability and productivity

Discussion:

The Agricultural Land Commission Act and most zoning bylaws in the province do not limit the size or location of residential homes in the ALR. Farm dwelling units come in every shape and size, and it is not uncommon for them to be larger than their urban or suburban counterpart. The size of agricultural parcels affords greater siting flexibility and is less confining than urban residential lots.

Although residential siting regulations are not included in RDN zoning, both zoning bylaws include minimum setback requirements and maximum parcel coverage. The typical minimum setback requirements for residential buildings vary from 2.0 m to 8.0 m while parcel coverage generally ranges from 10 percent to 25 percent depending on the zone. Neither zoning bylaw includes siting regulations that are intended to protect agriculture.

At present, on larger parcels which are zoned for agriculture, the maximum size of a dwelling unit is only limited by the maximum parcel coverage specified by the applicable zoning classification. From a practical perspective, this means that the current zoning has little influence over dwelling unit size. For example, on a typical 2.0 ha parcel on a property zoned for 10 percent maximum parcel coverage, a dwelling unit could occupy 2,000 m² of land (provided there are no other buildings or structures on the parcel). This could translate into a two-story dwelling unit with a floor area up to about 4,000 m² (43,056 ft²). Although this is unlikely, it illustrates that an exorbitantly large dwelling unit is permitted based on current zoning on a potential 2.0 ha parcel.

In Bylaw 500 areas many of the properties that permit agriculture also allow for two dwelling units to be constructed on the same parcel. In Bylaw 1285 areas, many of the properties that permit agriculture allow one site built and one manufactured home. Allowing a second dwelling unit whether site built or manufactured home, which is not for farm use, can also contribute towards the impacts of non-farm use.

In addition, there are no requirements other than minimum setback requirements to direct residential development in a way which minimizes its impact on agricultural operations. There are also no limits to the extent of non-farm use that can occur in association with a dwelling unit on ALR lands. This could include improvements such as large expanses of lawn, private tennis court, swimming pools and recreational improvements, extravagant landscaping displays, large impervious surfaces, etc.

There are a number of factors that contribute towards this obstacle including:

- many parcels zoned for agriculture are also attractive for or used as large rural residential estates contributing to increasing cost of farmland making it difficult for farmers to afford land to be used for agriculture;

- siting that creates a building footprint that is land consumptive and makes farm management more difficult;
- loss of arable land to residential estate and non-farm use;
- non-farm ownership that contributes to the exclusion of farm land from agricultural production; and,
- conflicts between rural estate/non-farm uses and bona fide agricultural uses.

Approaches

Approach 1: Consider adopting residential siting regulations in Bylaws 500 and 1285

This approach is intended to reduce the impacts of estate residential and non-farm use on agricultural lands, specifically on lands located in the ALR, by introducing residential siting regulations in Bylaws 500 and 1285. Note that this approach is supported by the *Guide to Bylaw Development in Farming Areas* as a way of reducing the impacts of residential development on farming operations.

Based on the *Guide to Bylaw Development in Farming Areas*, a number of different approaches would be explored including regulating the siting of residential uses, restricting the size of the residential footprint, and restricting the size of the farm residence.

This approach would explore the requirement for a 'farm home plate' on parcels that permit agriculture or on parcels located in the ALR. A farm home plate (FHP) is a portion of the property that is designated for a principal dwelling unit and accessory residential buildings. The FHP limits non-farm use activities to the home plate and preserves the balance of the parcel for agricultural activity. The FHP could include new setbacks to lot lines, have one side be defined by at least one lot line to ensure the FHP is not sited in a way that impedes farm use on the property, ensure an adequate land area for farm use, and other approaches. This approach would involve the RDN working with farmers, rural residents and other governmental agencies to develop FHP regulations.

If this approach is pursued in conjunction with an Agriculture zone, provisions for a FHP could be included within the Agriculture zone.

2.2 Official Community Plans

The RDN has seven Official Community Plans (OCP) which provide staff and the Regional Board direction on a number of land use issues including suggested minimum parcel sizes, environmental protection, and future land use. OCPs also include development permit area guidelines that help ensure future development activities are consistent with and help achieve the goals and objectives of the OCPs. Table 4 below lists the RDN Electoral Area OCPs and where they apply.

Table 4 - RDN Electoral Area OCPs

Official Community Plan (OCP)	Applicable Area
Electoral Area A OCP	Electoral Area A (Cedar, South Wellington, Cassidy, Yellow Point)
Arrowsmith Benson – Cranberry Bright	Electoral Area C (Nanaimo River, Extension)
East Wellington – Pleasant Valley	Electoral Area C (Doumont Road, Jingle Pot Road areas)
Nanoose Bay	Electoral Area E (Nanoose, Fairwinds, Schooner Cove, Red Gap)
Electoral Area F	Coombs, Errington, Hilliers, Qualicum River Estates
Electoral Area G	French Creek, San Pareil, Dashwood, Rivers Edge
Electoral Area H	Deep Bay, Bowser, Qualicum Bay, Dunsmuir

With respect to agriculture and aquaculture goals, objectives, and policies, each OCP supports agriculture using a slightly different approach. Please refer to Appendix 4 for a summary of OCP agriculture and aquaculture goals and objectives.

2.2.1 Farmland Protection Development Permit Areas

Obstacle 11: Farmland Protection Development Permit Areas may not provide an adequate level of protection and are not consistent across all Electoral Areas

A Development Permit Area (DPA) is an important planning tool used to achieve the community’s development objectives as outlined in the applicable Official Community Plan (OCP). DPAs may be designated for any of the reasons outlined in Section 919.1 of the *Local Government Act* which includes the protection of farming. DPAs and the applicable guidelines are the primary regulatory component of an OCP and are the only mechanism local governments have to address components of development that are not typically addressed by zoning⁷. Development activities, including alteration of land, within a DPA triggers the requirement for an applicant to obtain a Development Permit. In doing so, the applicant must demonstrate how the proposal satisfies the DPA guidelines. The result is development which is intended to help implement the OCP policies and work towards achieving community objectives.

Farm Land Protection DPAs are intended to promote land use compatibility and protect agricultural operations from nuisance claims. With the exception of the Electoral Area F and H OCPs, all Electoral Area OCPs include a Farm Land Protection DPA. Generally, the method to prevent land use conflicts is to require a 15.0 m vegetated buffer to be established and/or maintained. The RDN Farm Land Protection DPAs generally apply to all non-ALR lands within 15.0 m of the ALR boundary.

The purpose of a 15.0 m vegetated buffer is to separate activities which may occur on ALR land from non-farm activities that are proposed to occur on non-ALR land.

The existing Farm Land Protection DPA guidelines are based on the Ministry of Agriculture’s Landscape Buffer Guidelines (The Guidelines) which were published in 1993. As a result, the 15.0 m vegetated buffer requirements identified in most OCP’s is intended to be an ‘*Airborn Particle and Visual Screen*’

⁷ Zoning does not typically address land alteration, environmental protection, or removal of vegetation.

which buffers agricultural operations from trespass and vandalism while offering a greater physical separation between potential conflicting land uses. Research undertaken by the Ministry of Agriculture and indicates that the most effective buffer combines spatial separation, vegetation, and fencing.

The 1993 Guidelines were replaced by A Guide to Edge Planning Promoting Compatibility Along the Urban-Agricultural Edges published in 2009. The new guide includes a different approach to providing separation between farm and non-farm uses. The new guide suggests a minimum setback distance of 30.0 m (15.0 m of which is a vegetative buffer) between a dwelling unit and ALR boundary. The guide also supports a total minimum setback distance of 15.0 m (8.0 m of which is a vegetative buffer) for residential parcels that are separated from the ALR by a road allowance. The guide also includes design specifications and layouts.

Only the Farm Land Protection DPA in the Electoral Area A OCP makes reference to the new document. While DPA guidelines support the retention or establishment of a 15.0 m vegetated buffer, in many cases this is not possible or practical because of existing site constraints and parcel area. What has happened is that a narrower buffer width that generally satisfies the intent of the DPA guidelines is established. However, this is not consistent with provincial guidelines and may not provide an adequate level of separation.

One of the challenges with the existing DPAs is that the requirement for a Development Permit (DP) is triggered when development activities are proposed within 15.0 m of a property line adjacent to the ALR. This makes it very difficult to achieve the objective of maintaining or establishing a 15.0 m vegetated buffer and establishes an expectation that a buffer width of less than 15.0 m would be supported.

Another related challenge is the minimum setback requirements that apply to all buildings and structures. Minimum setback requirements are zone-dependent but are generally 2.0 m, 4.5 m, or 8.0 m from the closest property line. The minimum setback requirements are not consistent with the DPA guidelines which gives the impression that buildings can be located within the DPA. This makes it more difficult to preserve or establish a 15.0 m vegetated buffer. This inconsistency also creates confusion and can result in development being delayed when proponents discover that a DP is required for a building that meets the minimum setback requirements.

Approaches

Approach 1: Amend the Farm Land Protection DPAs to provide more protection against the impact of non-farm use and consider Farm Land Protection DPAs in Electoral Areas F and H

This approach would, in consultation with the AAC, Regional Board, and other stakeholders, amend the existing Farm Land Protection DPAs to be more consistent with a Guide to Edge Planning and include stronger language that is intended to support retention of a 15.0 m vegetated buffer. This amendment may also consider a reduced buffer width, as supported by the Guide, in situations where a parcel is separated from the ALR by a road. Provisions for small parcels where a 15.0 m buffer is not practical would also be considered.

This approach could also refocus the DPA guidelines towards the subdivision of land to maximize buffer widths as the best opportunity to secure a vegetated buffer is at the time of subdivision as this becomes part of the subdivision layout and design. In recognition that it is more difficult to address the DPA

guidelines on smaller existing lots, this approach could consider including additional exemptions (development that would not require a DP) such as for accessory buildings, land clearing, redevelopment of an existing dwelling, and other non-residential uses.

The result would be an updated Farm Land Protection DPA that applies to all Electoral Areas which has more emphasis on the subdivision of land and provides a more consistent and practical approach to providing protection against the impacts of non-farm use.

Approach 2: Explore the approach of requiring a vegetated buffer adjacent to the ALR within the zoning bylaws

This approach would explore the possibility of using the zoning bylaws, instead of farmland protection DPAs, to require the installation or preservation of a vegetated buffer adjacent to all ALR land. If this approach is supported, the Farm Land Protection DPAs could be removed from the OCPs and replaced by landscaping regulations contained in the zoning bylaws.

The benefit of this approach is that a Development Permit would not be required. Instead, development would have to comply with the landscaping regulations. In cases where a development could not meet the minimum requirements, the proponent would have the approach of applying for a Development Variance Permit or potentially a relaxation through the Board of Variance.

It should be noted that for this approach the RDN would only become involved when an RDN approval or review is triggered. This may include a building permit, subdivision, or rezoning application. Generally this approach would not apply to land alteration that is not a precursor to development.

Approach 3: Create new minimum setback requirements that apply to buildings and structures adjacent to the ALR

This approach would create a new minimum setback requirement that would apply to property lines adjacent to the ALR. All other minimum setback requirements would not be affected by this approach. The intent is to provide more specific separation between non-farm and farm uses and to create more consistency between the DPA Guidelines and the minimum setback requirements.

2.2.2 OCP Policies that Apply to Lands Adjacent to the ALR

Obstacle 12: The impacts of non-farm use and development adjacent to the ALR is not contemplated or addressed by RDN OCPs or Zoning Bylaws

Residential or non-farm subdivision and development adjacent to ALR lands has potential to impact agricultural productivity and viability. Residential encroachment raises a number of planning concerns including increased traffic, the spread of noxious weeds, an additional burden being placed on farmers to address liability and trespass, threats to livestock (dogs at large, garbage, environmental degradation), and an increase in the number of complaints from adjacent property owners. As mentioned earlier in this paper, these concerns sometimes also lead to RDN staff spending time and resources investigating and responding to complaints regarding typical agricultural activities such as keeping roosters or spreading manure which are expected to occur on ALR lands.

With the exception of the Farm Land Protection DPAs, which apply to most Electoral Area OCPs, there are few, if any, OCP policies that address the impacts of non-farm use and subdivision of lands adjacent to the ALR. In addition, RDN zoning bylaws generally specify requirements for minimum parcel size, road frontage, servicing, and basic lot shape and dimensions. There are no requirements that factor in the impacts of subdivision on farm land.

RDN planning efforts are generally focused on growth containment - limiting growth in rural areas and encouraging growth within defined growth containment boundaries. As a result, land use decisions have been made to allow development to proceed in a manner which could affect the region's agricultural viability. A significant challenge faced by the RDN is some OCP policies (recommended minimum parcel sizes) and some minimum parcel sizes permitted by current zoning bylaws enable residential encroachment into agricultural areas or directly adjacent to ALR lands.

Although there continues to be development potential on lands adjacent to the ALR, an important factor is how development and subdivision are designed. Good planning and design can reduce the impact of non-farm use, especially at the time of subdivision when lot layout and configuration is being considered.

If the RDN wishes to support agriculture in the region, it is important to consider the impacts of non-farm development adjacent to ALR lands. It is particularly important to align efforts to remove obstacles to agriculture on ALR land with efforts to reduce the impacts of adjacent non-farm development. An overall strategy that shares responsibility for agricultural protection between the farm and non-farm community by addressing both obstacles to agricultural on ALR land and the potential impacts of non-farm uses adjacent to the ALR is needed.

The Ministry of Agriculture published a Guide to Edge Planning – Promoting Compatibility Along Urban-Agricultural Edges in 2009. This document provides a broad range of information to assist local governments in the development of OCPs and zoning bylaws. The Guide could be used to inform potential approaches for how to address this obstacle.

Approaches

Approach 1: Amend OCP policies to include direction on how to reduce the impacts of non-farm use

This approach would amend RDN OCP policies to provide direction on how subdivision of lands adjacent to the ALR should be designed to promote greater compatibility between farm and non-farm use and reduce the impacts of residential encroachment into agricultural areas. Such policies could inform future subdivision and could be included in future subdivision review reports that are considered by the Provincial Subdivision Approving Officer.

As part of this option, research would be undertaken to identify potential approaches to addressing the impacts of non-farm use and development.

Approach 2: Amend zoning bylaws to include requirements that apply to subdivision of lands adjacent to the ALR

In the absence of a subdivision servicing bylaw, this approach would amend the RDN zoning bylaws to include requirements such as buffering, suggested road design, minimum setback requirements, building placement, etc. The intent is to identify potential impacts of non-farm use and consider regulations that would help address them.

This option may also consider amending Bylaws 500 and 1285 to allow density neutral alternative forms of rural development that cluster housing and preserve large areas of green space which could be set aside to provide a buffer between ALR and non-ALR lands.

2.3 Dangerous Dogs and Dogs at Large

Obstacle 13: RDN animal control bylaws do not appear to be adequately addressing concerns regarding the impacts that dangerous dogs and dogs at large are having on livestock

In recent months, the RDN has been made aware of an on-going and periodic issue of dogs harassing and/or killing livestock. Dangerous dogs and dogs at large are regulated at both the Provincial and local level. The following provides a summary of the regulations that address dog control.

At the Provincial level the *Community Charter*, *Local Government Act*, and the *Livestock Act* address dangerous dogs.

Section 49 of *The Community Charter* allows a local government to seek a warrant to seize a dangerous dog and seek an order from a Provincial court to have the dog destroyed in the manner specified by the court. Dangerous dog is defined by the *Community Charter* as follows:

“dangerous dog” means a dog that:

- a) has killed or seriously injured a person,
- b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
- c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person.

Section 703 of the *Local Government Act* establishes the authority for local governments to require dogs to be licensed. This section allows local governments to establish requirements for the payment of compensation to the owner of any domestic animal that is killed or injured by a dog over the age of four months where the owner of the dog is either unknown or cannot be located. The authority to establish compensation is limited to areas that require dogs to be licensed by the local government.

Section 11.1 of the *Livestock Act* allows a person to kill a dog if the person finds the dog

- running at large, and
- attacking or viciously pursuing livestock.

In the RDN Electoral Areas, animal control, including the control of dogs, is addressed in the following three animal control bylaws:

Bylaw	Applicable Electoral Area	Scope
Bylaw 939	E, G, and H	Control and licensing of dogs
Bylaw 941	F	Control of dogs
Bylaw 1066	A, B, C, and Lantzville	Control of dogs

Despite the existing Provincial legislation and local regulations, it has been suggested by some Electoral Area residents that the RDN should do more to control dogs to reduce the impacts on farmers and put more onus on dog owners to keep their dogs under control.

The RDN animal control bylaws include provisions to address “Dangerous Dogs” and dogs “at large⁸”. These bylaws generally require dog owners to keep their dog under control (on the lands or premise of the owner or under the control of a responsible person) and require the owner of dangerous dogs to not be at large, be on a leash, be confined, and other requirements intended to reduce the likelihood of injury or harm to people, other dogs, or livestock.

Approaches

Approach 1: Consider and evaluate all available approaches for addressing dangerous dogs and dogs at large.

This approach is intended to explore all available approaches for addressing dangerous dogs and dogs at large. Research would be conducted to identify what approaches are currently available under existing bylaw authority and what additional approaches could be made available. It is envisioned that these approaches could include the following:

Dog Licensing: Dog licensing could be considered in Electoral Areas A, B, C, and F. This may help address the issue of dog identification and provide the ability to locate a dog’s owner. If dog licensing was implemented in these areas, it would also provide an opportunity to include provisions for compensation to owners of livestock resulting from the actions of dangerous dogs or dogs at large where the owner of the dog is either unknown or cannot be located. The potential benefits of dog licensing would have to be weighed against the administrative costs and regulatory requirement imposed on dog owners associated with dog licensing. It should be noted that the introduction of dog licensing may require approval from the electorate.

Consider dog at large provisions in Electoral Area F: Unlike Bylaws 939 and 1066, Bylaw 941 that applies only to Electoral Area F does not include provisions that apply to dogs at large. Only dangerous dogs at large are addressed in Bylaw 941.

Review existing Penalties: The existing bylaws pertaining to animal control could be reviewed to consider changes to the current penalty structure. This could include different fines for offences related to dangerous dogs and dogs at large. There could also be an increasing fine levied against repeat

⁸ Bylaw 941 only contains provisions that apply to dangerous dogs. There are no requirements in regards to dogs at large.

offenders. This may create an incentive for owners of dangerous dogs or dogs at large to keep their dog within their control.

Approach 2: Develop an animal control education program

This approach proposes to take a proactive approach to dog control by developing an Electoral Area dog control education program. The purpose of this program would be to raise public awareness of the potential impacts of dogs at large and dangerous dogs and to remind dog owners of their responsibilities. This approach could be pursued either in association with Approach 1 or as a standalone approach. The program could include a range of different approaches to raising awareness such as brochures sent or delivered door to door, workshops, website content, or short video.

3.0 Food Security Workshop

The RDN hosted a workshop on October 24, 2014. The purpose of the workshop was:

1. to learn about agriculture in the region;
2. to present the draft discussion paper;
3. to obtain participant feedback on a set of 13 obstacles that have been identified by the RDN in this paper;
4. to obtain participant feedback on a range of potential approaches for addressing the obstacles; and,
5. to provide an opportunity for workshop participants to identify additional obstacles and approaches.

There were about 35 participants in attendance which included RDN Elected Officials, the Agricultural Advisory Committee, RDN staff, the Ministry of Agriculture, the Agricultural Land Commission, Nanaimo Economic Development, staff from adjacent municipalities, agricultural organizations, and local area farmers.

The workshop provided an opportunity to obtain initial feedback on the draft obstacles and approaches. Overall, the workshop suggests that all of the identified obstacles are considered important and the RDN should consider taking action on most of the obstacles. Please refer to Appendix 5 for more detailed workshop results.

4.0 Conclusion

The RDN Bylaws and Policy updates project is an Agricultural Area Plan implementation project aimed at removing barriers to agriculture in the region. This paper presents the findings of a thorough review of RDN bylaws and policies that may affect agriculture. The purpose of the review was to identify potential obstacles to agriculture in the region and to identify potential approaches for how they could be addressed. The review has identified 12 potential obstacles to agriculture and approaches for how they could be addressed.

Although a number of discussion topics have been provided, no staff recommendations have been included. The approaches identified are intended to be feasible actions within the RDN's jurisdiction that could be considered to address the obstacles identified. It is anticipated that additional approaches may be identified through input from the AAC, the Regional Board, Stakeholder Groups, and Electoral Area residents. It is not anticipated that there will be action taken on all of the identified approaches.

The next step in the project is to seek input from the AAC, Regional Board, Stakeholder Groups, and Electoral Area residents on the identified approaches. The intent of the next phase of the project is to gauge the level of support for each approach and obtain input that will help refine and prioritize the identified approaches. If there is support for one or more approaches, the next phase will be to further develop and refine those approaches before initiating the applicable bylaw amendments.

Note that a number of barriers have been identified, but this paper only focuses on topics that are within local government jurisdiction.

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Appendix 1
Comparison of Uses Permitted by Bylaw 500 and the ALR Regulation

Farm Defined by ALR Regulation	Agricultural Uses Permitted By Bylaw 500			
	Permitted	Not Permitted	Unclear Direction	Notes
Retail sales of product produced on the farm.	✓			
Retail sales of up to 50 percent of farm products produced off farm.		✓		Bylaw 500 limits sales to products grown on the farm where the sales are being conducted.
Accessory processing, preparation, and storage of agricultural products produced on the farm.	✓			
BC licensed winery or cidery and an ancillary use.		✓		
Storage, packing, product preparation or processing of farm products if at least 50 percent of the farm product is produced on the farm where the storage, preparation, or processing is taking place.		✓		Bylaw 500 does not allow any farm products to be processed from off-farm.
Agri-tourism other than accommodation on land that is classified as farm.			✓	<ul style="list-style-type: none"> • The definition of agriculture does not include agri-tourism. • There are general regulations that allow agri-tourism on all ALR lands with farm status. • Other than the recently adopted AG1 zone that applies to one property, no other zones which permit agriculture list agri-tourism as a permitted use.
Timber production, harvesting, silviculture, and forest production.	✓			
Agro-forestry.			✓	By interpretation, agro-forestry may be included

Farm Defined by ALR Regulation	Agricultural Uses Permitted By Bylaw 500			
	Permitted	Not Permitted	Unclear Direction	Notes
				in the growing of trees and shrubs included in the definition of agriculture. However, more clarification that the use is permitted may be beneficial.
Horse riding, training, and boarding.		✓		
Intensive Agriculture.			✓	It is not clear whether Bylaw 500 allows intensive agriculture on ALR lands. Section 915 of the <i>Local Government Act</i> states that local government cannot prohibit intensive agriculture on ALR land.

Permitted Defined by ALR Regulation	Agricultural Uses Permitted By Bylaw 500			
	Permitted	Not Permitted	Unclear Direction	Notes
Accommodation for agri-tourism.			✓	Agri-tourism accommodation is not included in the definition of agriculture however it is permitted by a general regulation that allows the use on ALR land that has farm status. Also the use is only permitted in the recently adopted AG1 zone which applies to one property.
Secondary Suite.	✓			
Manufactured home.			✓	Bylaw 500 allows for two dwelling units on most properties which are greater than 2.0 ha. However, the bylaw does not require the second dwelling unit to be a manufactured home as specified in the ALR

Permitted Defined by ALR Regulation	Agricultural Uses Permitted By Bylaw 500			
	Permitted	Not Permitted	Unclear Direction	Notes
				Regulation. This provision may create confusion and could be addressed by an agricultural zone that applies to all land in the ALR.
Home Based Business.	✓			
Bed and Breakfast.	✓			
Temporary sawmill if at least 50 percent of the timber is harvested from the farm where the sawmill is located.			✓	Bylaw 500 allows rough sawing of logs.
Biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing.			✓	Although these uses are not specifically permitted, parks are permitted in every zone.
Park for conservation, passive recreation, heritage, wildlife, and scenery viewing.	✓			
Breeding pets or kennel.		✓		
Education and research other than schools under the <i>School Act</i> .		✓		
Production and development of biological integrated pest management products			✓	
Aggregate extraction.			✓	Aggregate extraction is not subject to zoning as it falls under Provincial jurisdiction.
Unpaved airstrip or helipad.		✓		
Production, storage and application of Class A Compost if at least 50 percent is used on the farm.			✓	

Appendix 2
Electoral Area Property Data Summaries

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Electoral Area A

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Background

One of the projects identified in the Agricultural Area Plan Implementation Plan is the Bylaw and Policy Updates Project. The purpose of the project is to review Regional District of Nanaimo (RDN) bylaws and policies with the purpose of identifying and taking action on obstacles and barriers to agriculture in the region.

As part of the Bylaw and Policy Updates Project, a detailed analysis of property data was completed. The purpose of the analysis was to gain a better understanding of agriculture in the region. This document represents a summary of the findings of the analysis for Electoral Area A.

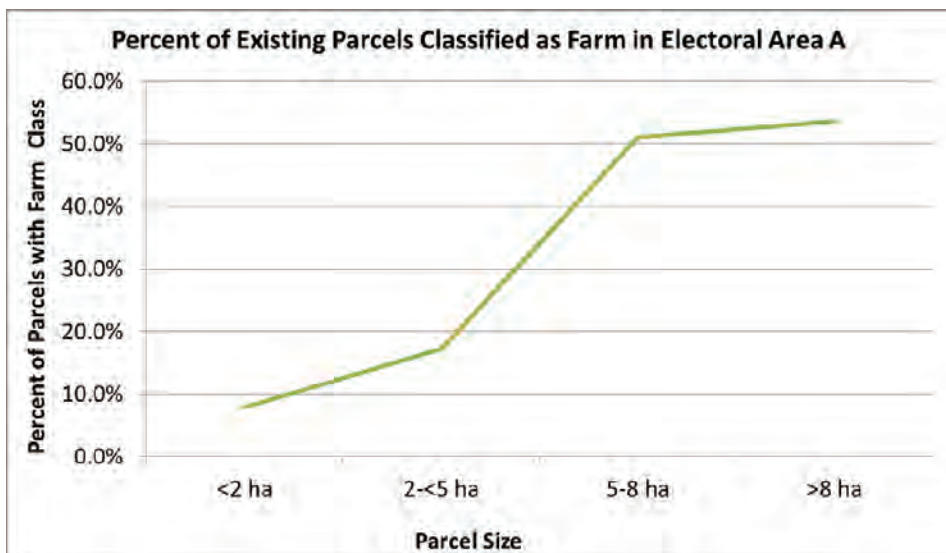
Farm Classification

In British Columbia, farmers may apply to the BC Assessment Authority to have their land classified as farm land for tax assessment purposes. To qualify for farm classification, farmers must be using the land for agriculture and must generate a minimum amount of income from their farm operation.

Farm classification is an established source of data that provides an indication that agricultural activity is occurring on a given parcel. For the purpose of this project, farm class was used to determine if a property was being farmed. It is recognized that there

are existing agricultural activities that do not qualify for farm class and have not been included here.

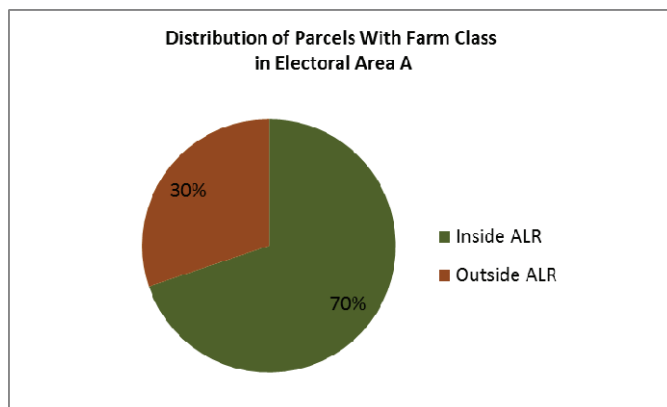
The chart to the left shows the percent of parcels classified as farm based on parcel size. As the parcel size increases, the proportion of properties with farm class



Parcel Size	# of Parcels with Farm Class
< 2 ha	47
2-<5 ha	67
5-8 ha	24
>8 ha	74

In Electoral Area A 78% of the parcels with Farm Class are larger than 2 ha.

The pie chart to the right shows the distribution of parcels with farm class. In Electoral Area A, the vast majority (70%) of parcels with farm class are located in the Agricultural Land Reserve (ALR).

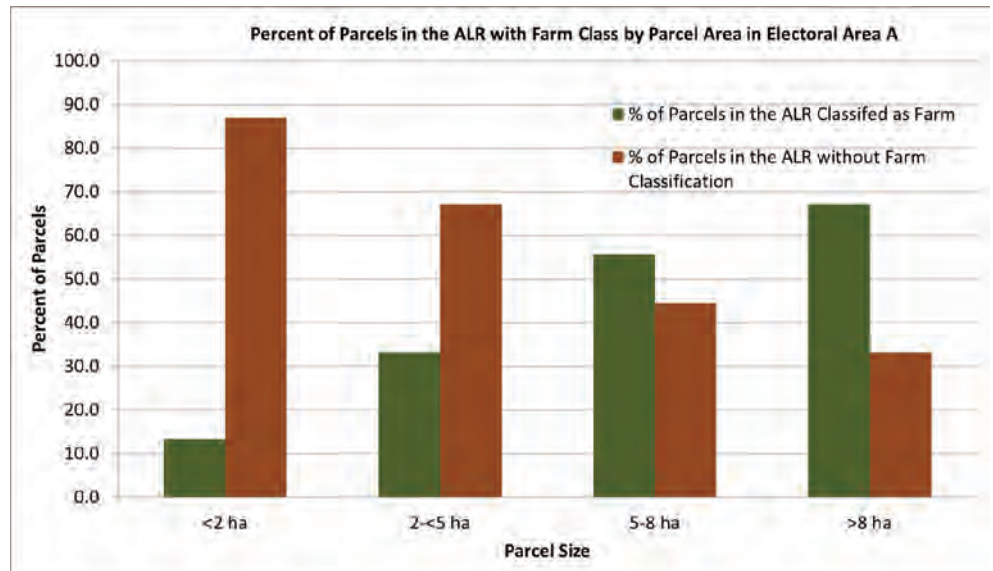


Electoral Area A

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Farm Class Continued

While most parcels with farm class are in the ALR, there is also a relationship between parcel size and farm class. The chart to the right shows the percent of parcels with farm class in the ALR organized by parcel size. As can be seen from the chart, in Electoral Area A, the proportion of properties with farm class located in the ALR increases as parcel size increases.

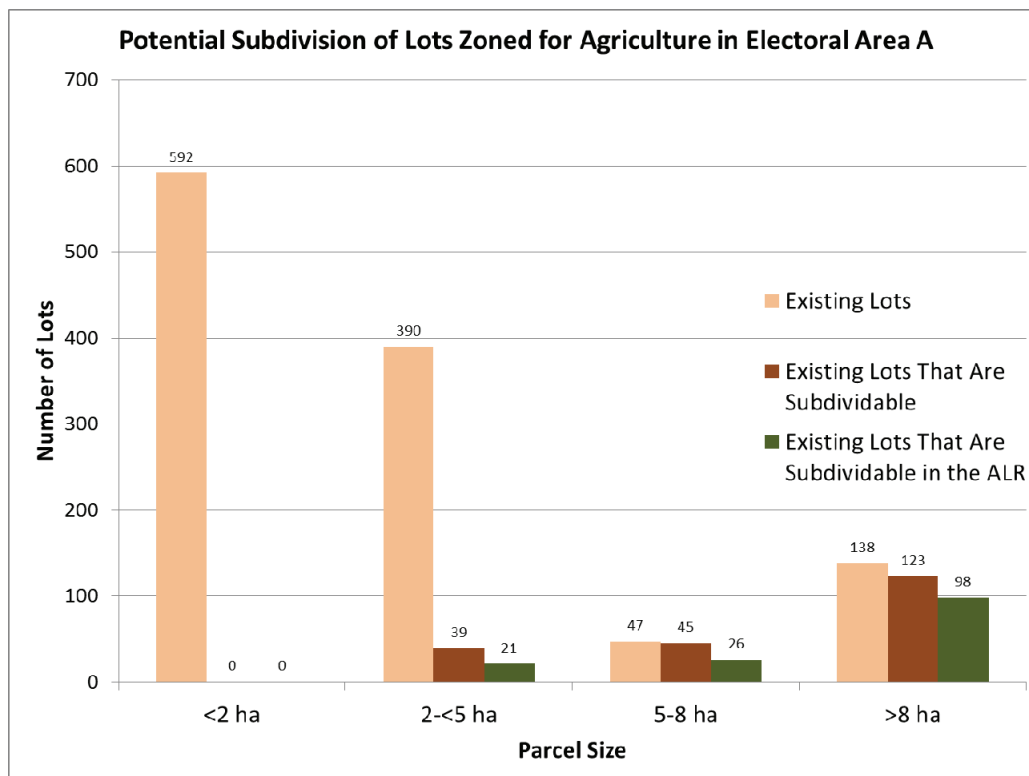


Subdivision of Lands Zoned for Agriculture

As indicated in the previous section, the likelihood of farming being conducted on a parcel decreases as parcel size decreases. In Electoral Area A there is significant potential for subdivision of lands zoned for agriculture into smaller parcels. As shown in the chart below, the majority of the larger parcels zoned for agriculture can still be subdivided under current zoning. In addition, many of the parcels with subdivision potential are located in the ALR.

If all of the parcels zoned for agriculture were subdivided to the smallest permitted parcel size there would be far fewer of the larger parcels.

It should be noted that approval from the Agricultural Land Commission is required for subdivision of ALR lands.



Electoral Area A

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

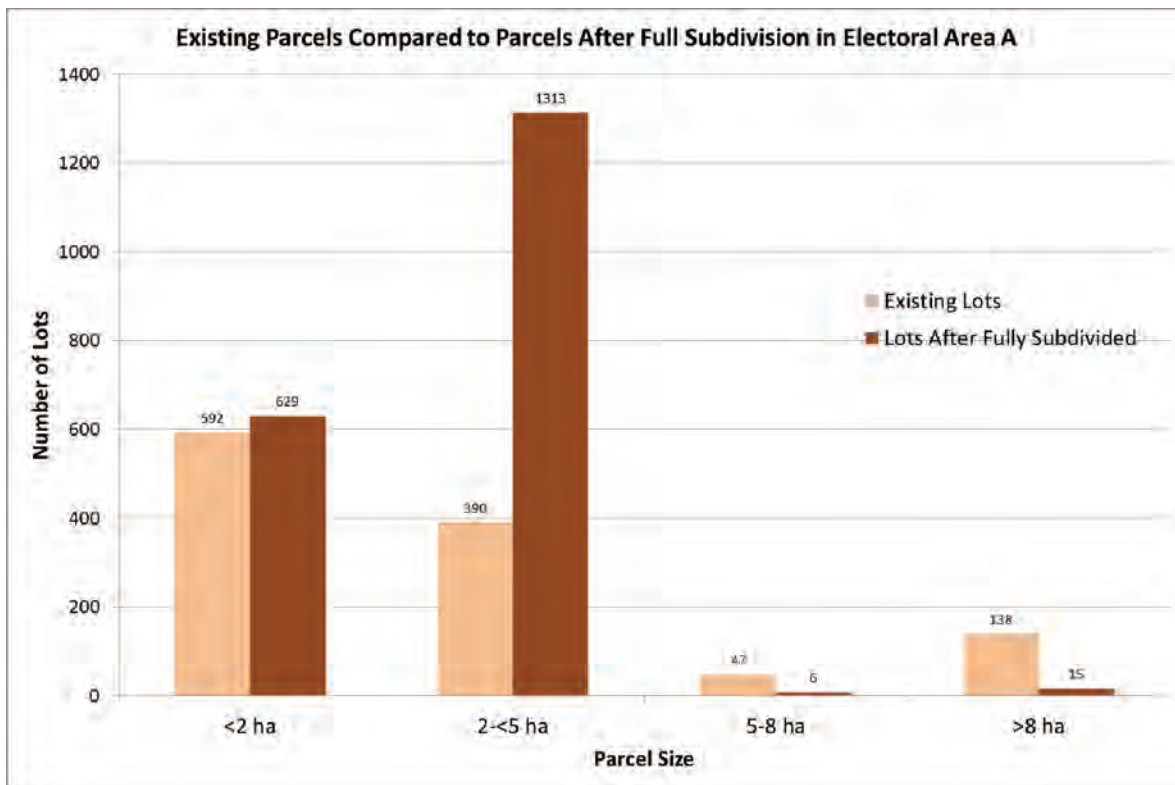
Subdivision of Lands Zoned For Agriculture Continued....

The chart below shows the number of parcels in each of the four parcel size categories now compared to the number of parcels if all of the subdividable parcels are subdivided into the smallest parcels permitted under zoning. As can be seen from the chart, there would be a significantly greater number of parcels that are 2-<5 ha and far fewer parcels that are greater than 5 ha.

Of particular concern is the limited number of 5-8 ha parcels as this parcel area category is more likely to have farm class than 2-<5 ha parcels. In addition, research has shown that as parcel size increases so does the likelihood of agricultural activity at a measurable scale. Therefore, it is important to maintain and/or increase the number of larger parcels.

Many of the existing parcels that are 5-8 ha or >8 ha are currently zoned for a 2.0 ha minimum parcel size. As these parcels are subdivided, the number of larger parcels in the 5-8 ha and >8 ha categories will be reduced.

At full buildout, the number of 5-8 ha parcels decreases from 47 to only 6 and the number of parcels >8 ha decreases from 138 to only 15. At full buildout the number of 2-<5 ha parcels increases from 390 to 1,313. If this were to occur, it could have significant consequences with respect to protecting agricultural viability and productivity.



Farm Facts



There are 1,167 parcels that are zoned to allow agriculture that occupy approximately 4,503 ha of land.



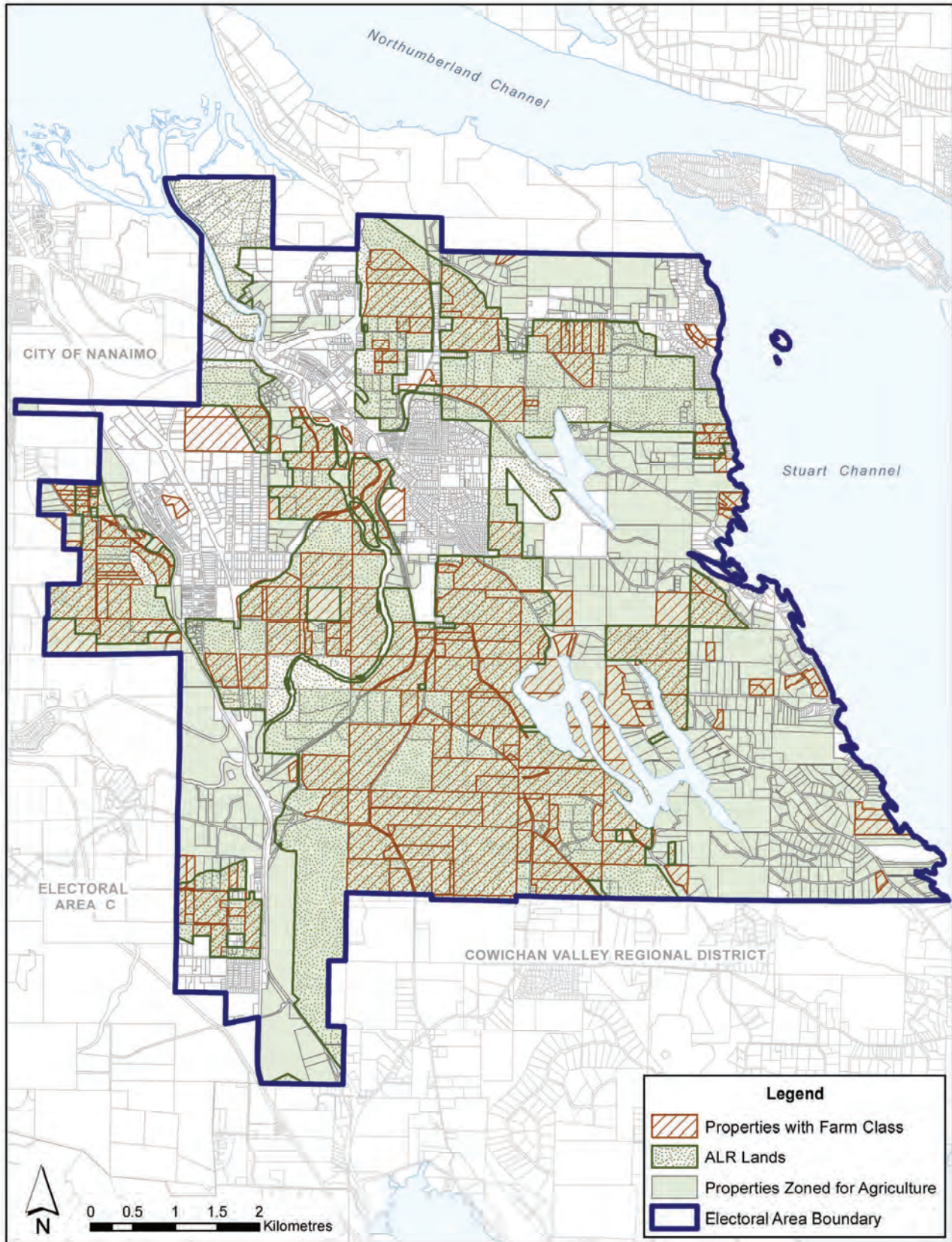
There are 2,758 ha of land located in the Agricultural Land Reserve. This represents 61 % of the total land base where agriculture is a permitted use.



Agriculture is a permitted use on most lands in Electoral Area A.

Electoral Area A

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary





Electoral Area C

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Background

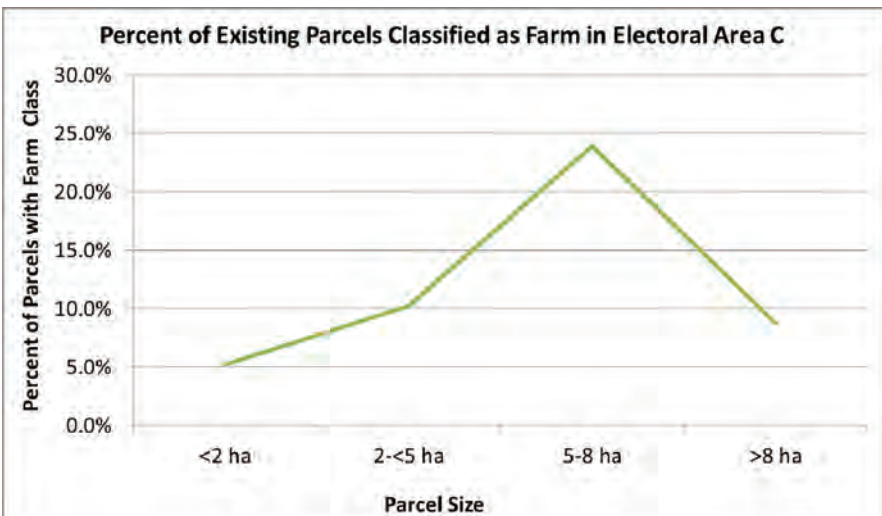
One of the projects identified in the Agricultural Area Plan Implementation Plan is the Bylaw and Policy Updates Project. The purpose of the project is to review Regional District of Nanaimo bylaws and policies with the purpose of identifying and taking action on obstacles and barriers to agriculture in the region.

As part of the Bylaw and Policy Updates Project, a detailed analysis of property data was completed. The purpose of the analysis was to gain a better understanding of agriculture in the region. This document represents a summary of the findings of the analysis for Electoral Area C.

Farm Classification

In British Columbia, farmers may apply to the BC Assessment Authority to have their land classified as farm land for tax assessment purposes. To qualify for farm classification, farmers must be using the land for agriculture and must generate a minimum amount of income from their farm operation.

Farm classification is an established source of data that provides an indication that agricultural activity is occurring on a given parcel. For the purpose of this project, farm class was used to determine if a property was being farmed. It is recognized that there are existing agricultural activities that do not qualify for farm class and have not been included here.



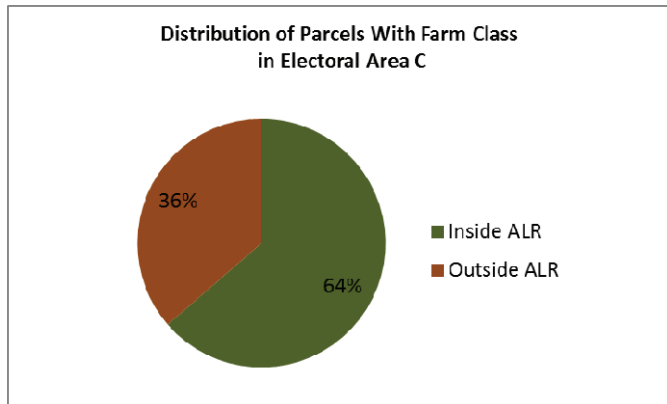
There are existing agricultural activities that do not qualify for farm class and have not been included here.

The chart to the left shows the percent of parcels classified as farm based on parcel size. Generally as the parcel size increases, the proportion of properties with farm class also increases up to about 8 ha. The data shows a drop in the percentage of >8ha parcels with farm class, primarily because of the large proportion of parcels with Private Managed Forest Land class that are zoned to allow agriculture.

The pie chart below shows the distribution of parcels with farm class. In Electoral Area C, nearly 2/3 (64%) of parcels with farm class are located in the Agricultural Land Reserve (ALR).

Parcel Size	# of Parcels with Farm Class
< 2ha	30
2-<5ha	38
5-8ha	11
>8ha	42

In Electoral Area C 75% of parcels with Farm Class are larger than 2 ha.



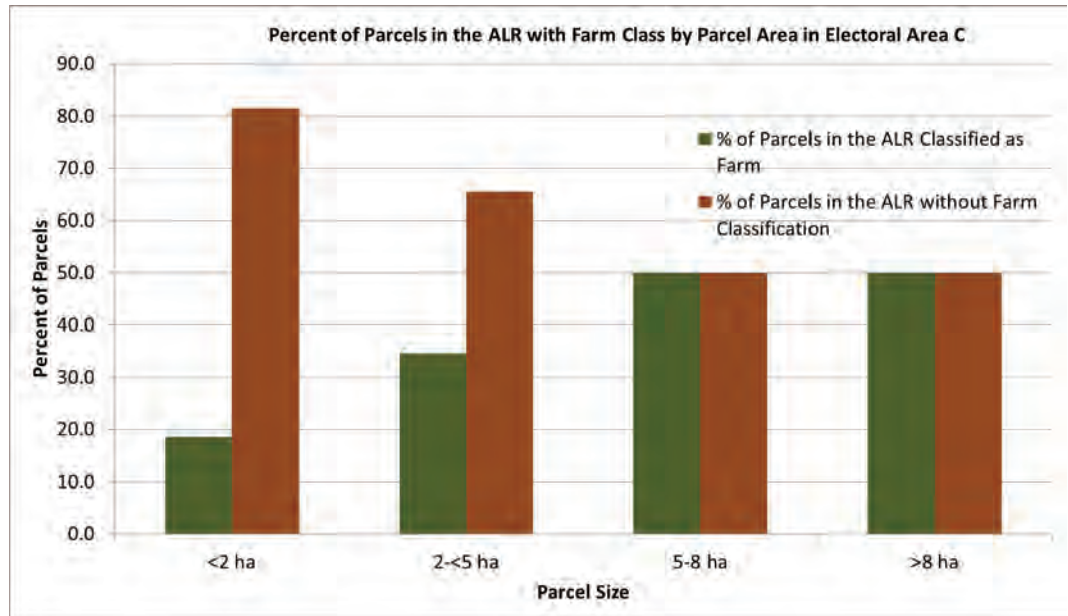
Electoral Area C

Agricultural Bylaw and Policy Updates Project

Draft Property Data Summary

Farm Class Continued

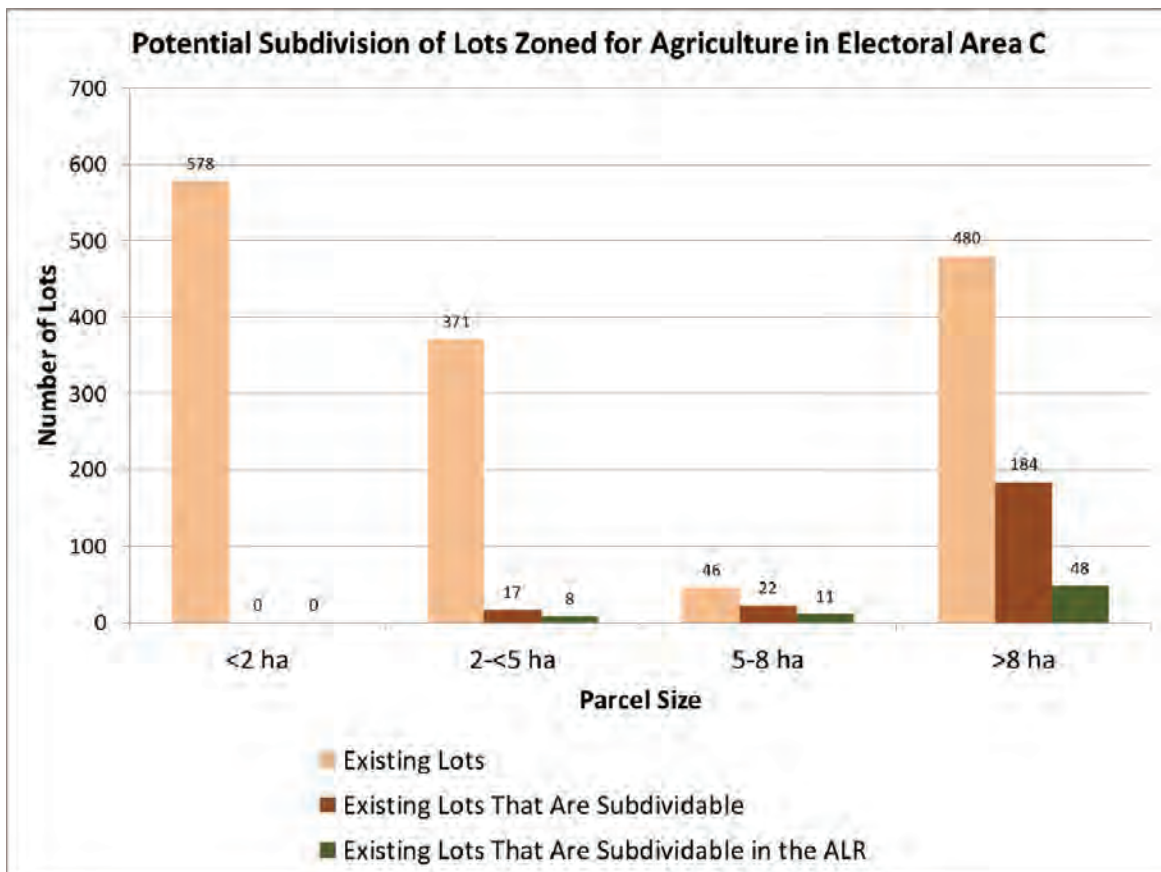
While most parcels with farm class are in the ALR, there is also a relationship between parcel size and farm class. The chart to the right shows the percent of parcels with farm class in the ALR organized by parcel size. As can be seen from the chart, in Electoral Area C, the proportion of parcels with farm class located in the ALR generally increases as parcel size increases.



Subdivision of Lands Zoned for Agriculture

As indicated in the previous section, the likelihood of farming being conducted on a parcel decreases as parcel size decreases. In Electoral Area C a number of the existing parcels zoned for agriculture are subdividable. As shown in the chart below, many of the larger parcels can be subdivided under current zoning.

It should be noted that approval from the Agricultural Land Commission is required for subdivision of ALR lands.

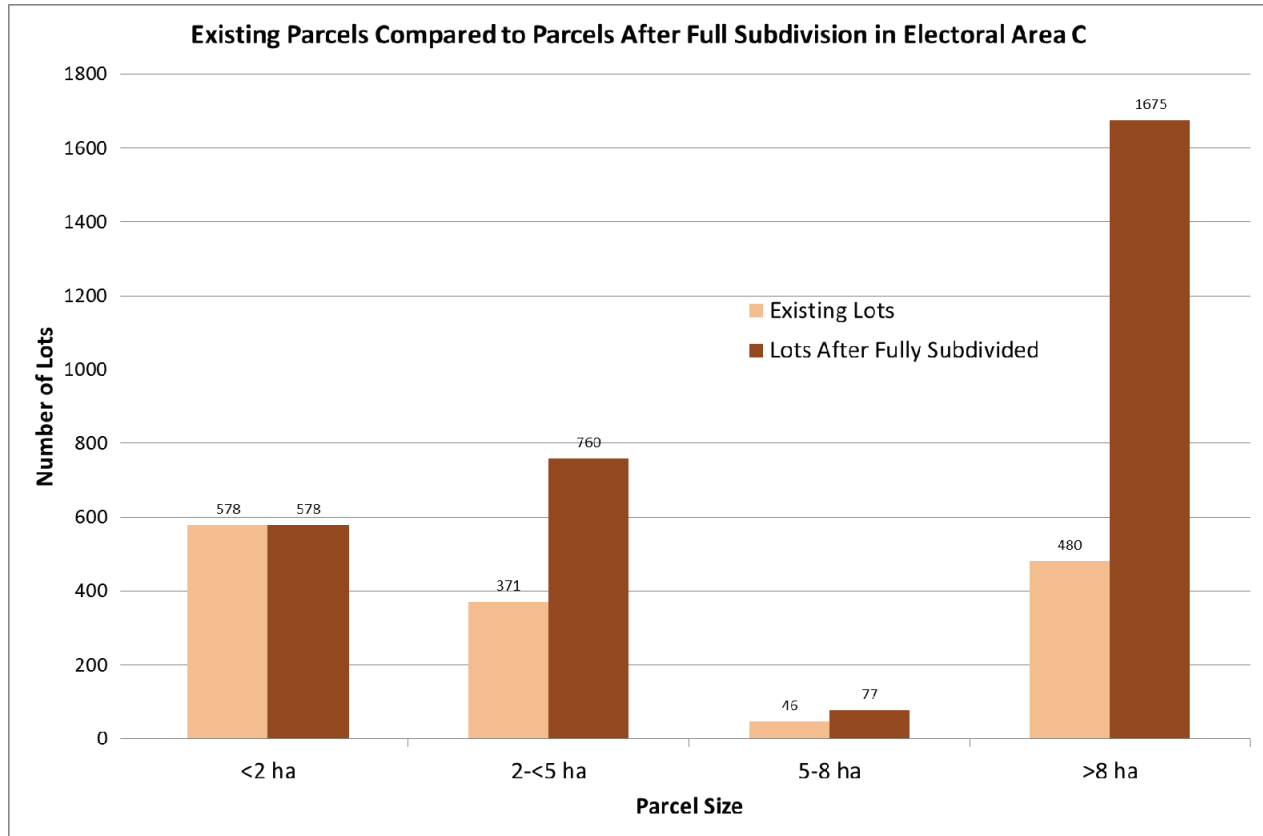


Subdivision of Lands Zoned For Agriculture Continued....




The chart below shows the number of parcels in each of the four parcel size categories now compared to the number of parcels if all of the subdividable parcels are subdivided into the smallest parcels permitted under zoning. As can be seen from the chart, there would be a significantly greater number of parcels that are 2-<5 ha and >8 ha.

Of particular concern is the limited number of 5-8 ha parcels as this parcel size category is most likely to have farm class. In addition, research has shown that parcels which are between 5-8 ha have the highest likelihood of agricultural activity at a measurable scale. Therefore, it is important to maintain and/or increase the number of 5-8 ha parcels. In Electoral Area C there is a high proportion of Private Managed Forest lands/large land holdings with significant potential to create 50 ha parcels. Although the zoning of these parcels permits agriculture, it is unlikely that most would be used for agriculture due to a number of factors such as topography, limited access, and affordability.

At full buildout, the number of 5-8 ha parcels increases from 46 to 77 and the number of parcels >8 ha increases significantly from 480 to 1,675. At full buildout the number of 2-<5 ha parcels increases from 371 to 760.

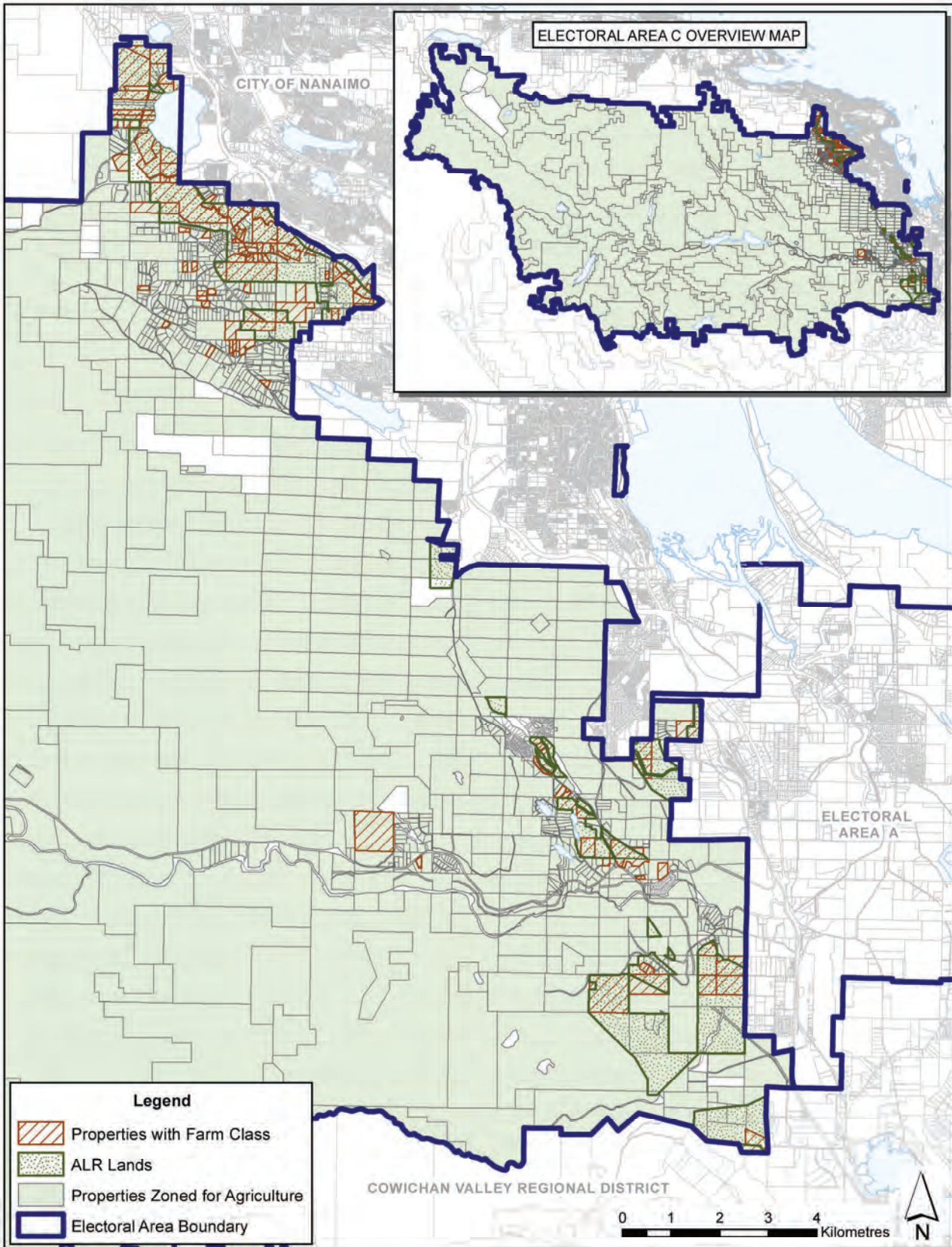


Farm Facts

-  There are 1,475 parcels that are zoned to allow agriculture that occupy approximately 108,300 ha of land.
-  There are 2,733 ha of land located in the Agricultural Land Reserve. This represents 2.5% of the total land base where agriculture is a permitted use.
-  Agriculture is permitted on most of the land base in Electoral Area C.

Electoral Area C

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary





Electoral Area E

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Background

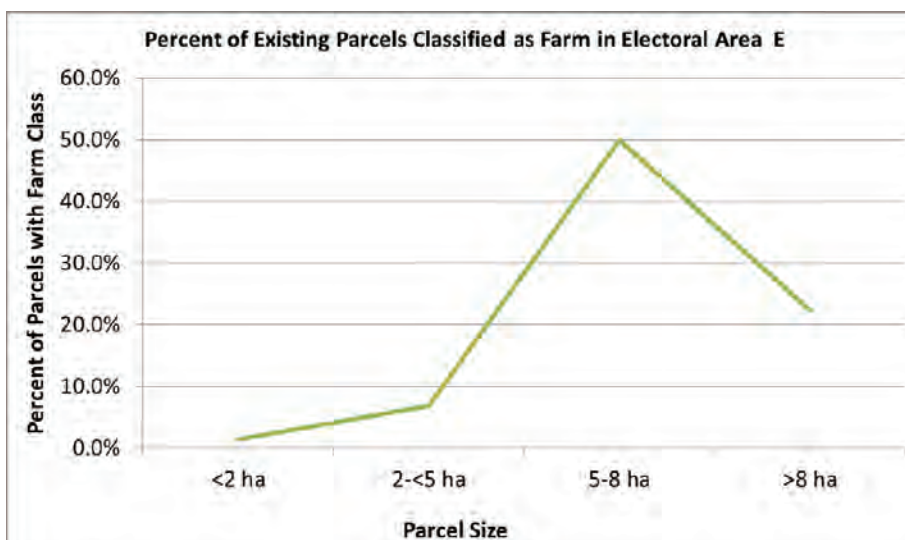
One of the projects identified in the Agricultural Area Plan Implementation Plan is the Bylaw and Policy Updates Project. The purpose of the project is to review Regional District of Nanaimo bylaws and policies with the purpose of identifying and taking action on obstacles and barriers to agriculture in the region.

As part of the Bylaw and Policy Updates Project, a detailed analysis of property data was completed. The purpose of the analysis was to gain a better understanding of agriculture in the region. This document represents a summary of the findings of the analysis for Electoral Area E.

Farm Classification

In British Columbia, farmers may apply to the BC Assessment Authority to have their land classified as farm land for tax assessment purposes. To qualify for farm classification, farmers must be using the land for agriculture and must generate a minimum amount of income from their farm operation.

Farm classification is an established source of data that provides an indication that agricultural activity is occurring on a given parcel. For the purpose of this project, farm class was used to determine if a property was being farmed. It is recognized that there are existing agricultural activities that do not qualify for farm class and have not been included here.

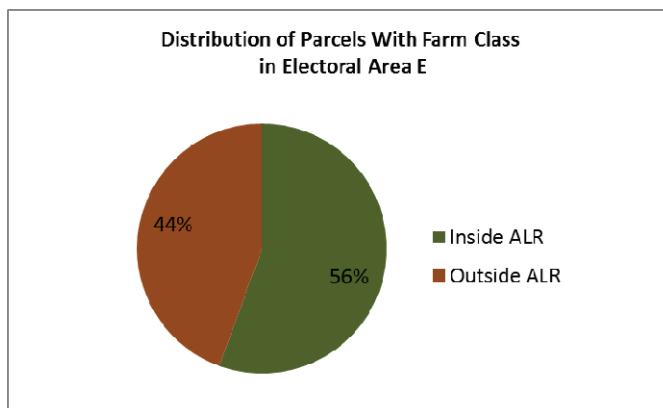


The chart to the left shows the percent of parcels classified as farm based on parcel size. As the parcel size increases, the proportion of properties with farm class also increases up to about 8 ha. The data shows a drop in the percentage of >8ha parcels with farm class, primarily because of the large proportion of parcels with Private Managed Forest Land class that are zoned to allow agriculture.

Parcel Size	# of Parcels with Farm Class
< 2ha	4
2-<5ha	15
5-8ha	9
>8ha	17

In Electoral Area E 91% of the parcels with Farm Class are larger than 2 ha.

The pie chart to the right shows the distribution of parcels with farm class. In Electoral Area E, more than half (56%) of parcels with farm class are located in the Agricultural Land Reserve (ALR).

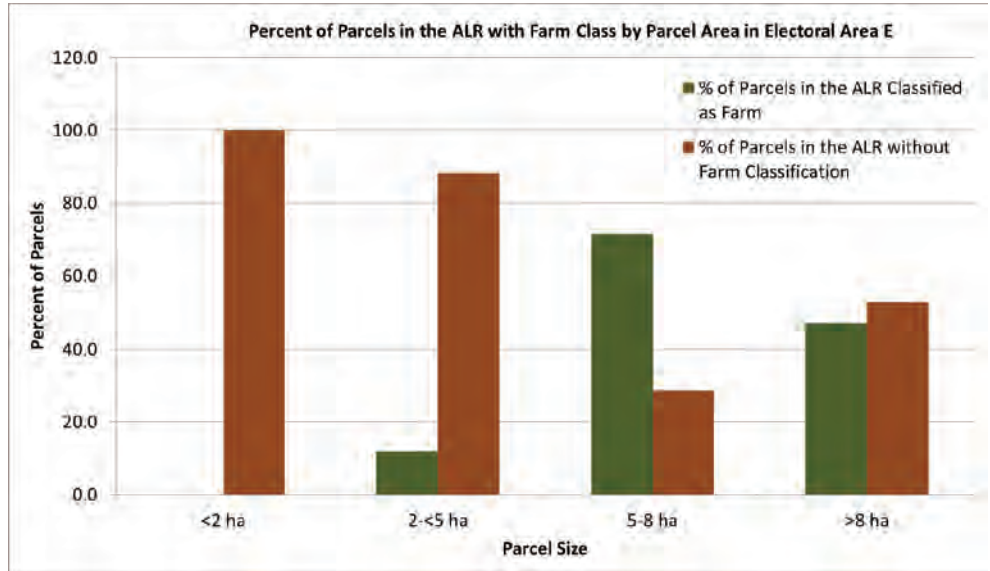


Electoral Area E

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Farm Class Continued

While most parcels with farm class are in the ALR, there is also a relationship between parcel size and farm class. The chart to the right shows the percent of parcels with farm class in the ALR organized by parcel size. As can be seen from the chart, in Electoral Area E, the proportion of properties with farm class located in the ALR generally increases as parcel size increases.

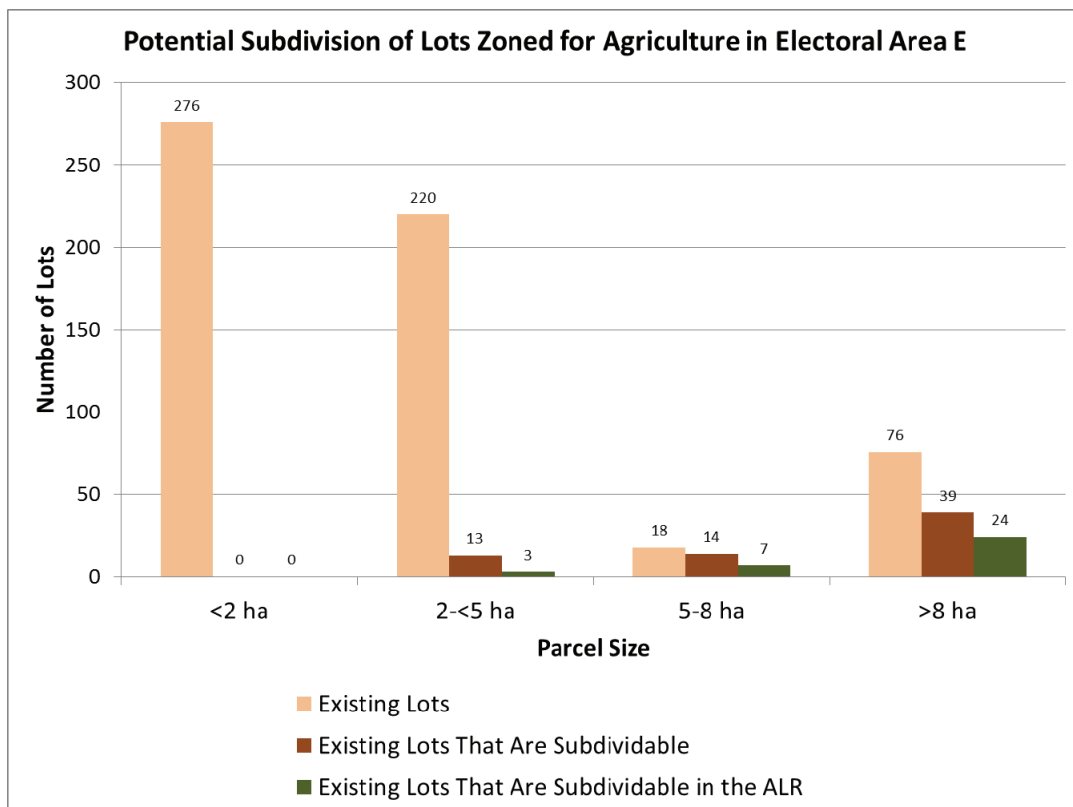


Subdivision of Lands Zoned for Agriculture

As indicated in the previous section, the likelihood of farming being conducted on a parcel decreases as parcel size decreases. In Electoral Area E, many of the 5-8 ha and > 8ha parcels zoned for agriculture are subdividable. As shown in the chart below, the majority of the larger parcels can still be subdivided under current zoning.

If all of the parcels zoned for agriculture were subdivided to the smallest permitted parcel size there will be more 2-<5 ha parcels and slightly fewer of the larger parcels.

It should be noted that approval from the Agricultural Land Commission is required for subdivision of ALR lands.

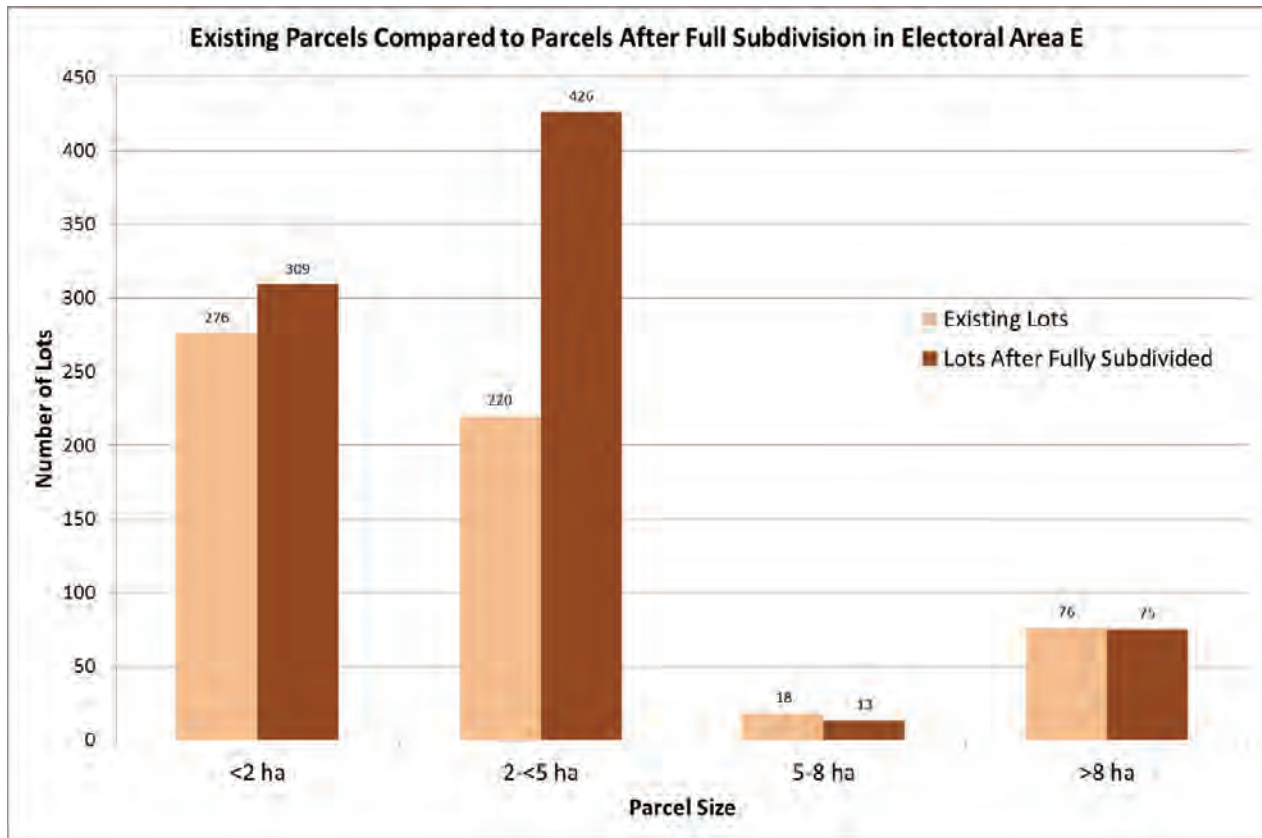


Subdivision of Lands Zoned For Agriculture Continued....

The table below shows the number of existing parcels in each of the four parcel size categories now compared to the number of parcels if all of the subdividable parcels are subdivided into the smallest parcels permitted under zoning. As can be seen from the table, there would be a significantly greater number of parcels that are 2-<5 ha and fewer parcels that are >5 ha. Based on the analysis in the previous section, the likelihood that these smaller parcels will be farmed is less than if they were retained as larger parcels.

Of particular concern is the limited number of 5-8 ha parcels as this parcel area category is more likely to have farm class than 2-<5 ha parcels. In addition, research has shown that as parcel size increases so does the likelihood of agricultural activity at a measurable scale. Therefore, it is important to maintain and/or increase the number of larger parcels.

At full buildout, the number of 5-8 ha parcels decreases from 18 to 13 and the number of parcels >8 ha decreases slightly from 76 to 75. At full buildout the number of 2-4 ha parcels increases from 220 to 426. If this were to occur, it could have significant consequences with respect to protecting agricultural viability and productivity.



Farm Facts



There are 590 parcels that are zoned to allow agriculture that occupy approximately 5,388 ha of land.



There are 1,254 ha of land located in the Agricultural Land Reserve. This represents 23.2 % of the total land base where agriculture is a permitted use.

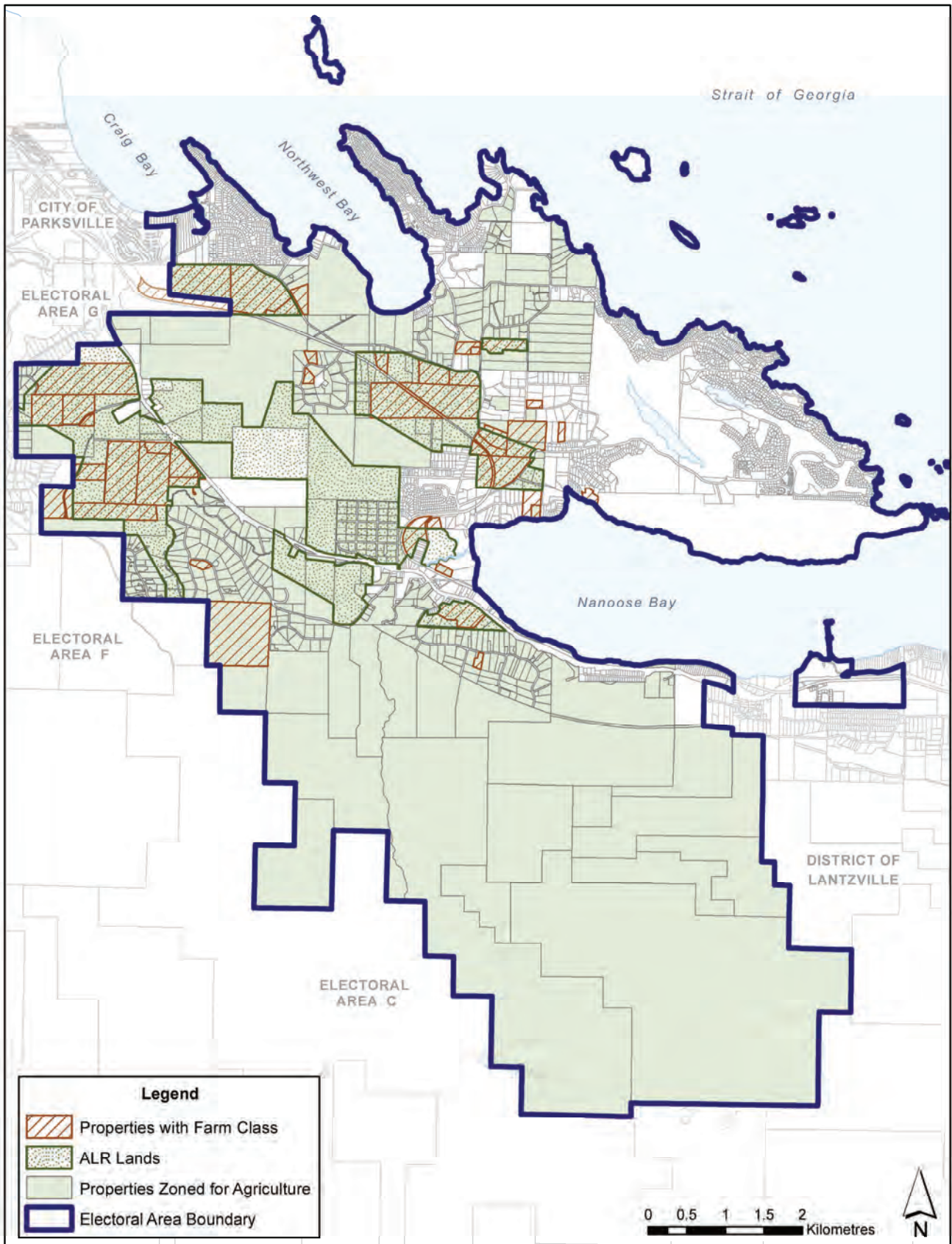


Agriculture is a permitted use on most the land base in Electoral Area E.

Electoral Area E

Agricultural Bylaw and Policy Updates Project

Draft Property Data Summary





Electoral Area F

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Background

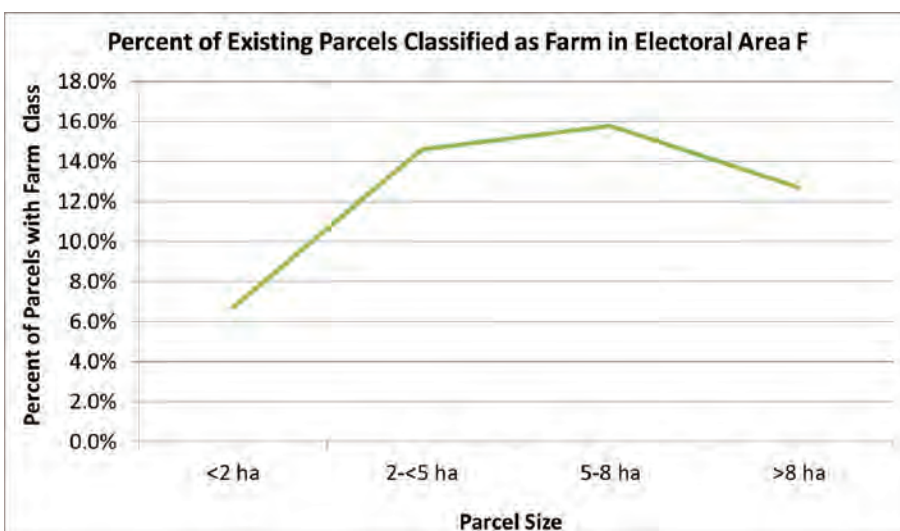
One of the projects identified in the Agricultural Area Plan Implementation Plan is the Bylaw and Policy Updates Project. The purpose of the project is to review Regional District of Nanaimo bylaws and policies with the purpose of identifying and taking action on obstacles and barriers to agriculture in the region.

As part of the Bylaw and Policy Updates Project, a detailed analysis of property data was completed. The purpose of the analysis was to gain a better understanding of agriculture in the region. This document represents a summary of the findings of the analysis for Electoral Area F.

Farm Classification

In British Columbia, farmers may apply to the BC Assessment Authority to have their land classified as farm land for tax assessment purposes. To qualify for farm classification, farmers must be using the land for agriculture and must generate a minimum amount of income from their farm operation.

Farm classification is an established source of data that provides an indication that agricultural activity is occurring on a given parcel. For the purpose of this project, farm class was used to determine if a property was being farmed. It is recognized that there are existing agricultural activities that do not qualify for farm class and have not been included here.

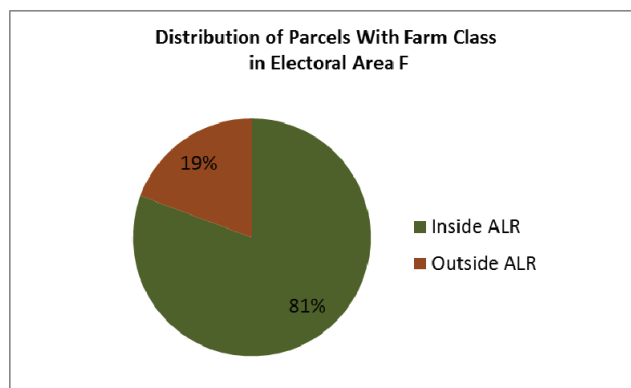


The chart to the left shows the percent of parcels classified as farm based on parcel size. Generally as the parcel size increases, the proportion of properties with farm class also increases up to about 8 ha. The data shows a drop in the percentage of >8 ha parcels with farm class, primarily because of parcels zoned Forestry/Resource 1 that allow Farm Use.

Parcel Size	# of Parcels with Farm Class
< 2ha	17
2-<5ha	41
5-8ha	24
>8ha	32

In Electoral Area F 85% of the parcels with Farm Class are larger than 2 ha.

The pie chart to the right shows the distribution of parcels with farm class. In Electoral Area F, more the majority (81%) of parcels with farm class are located in the Agricultural Land Reserve.

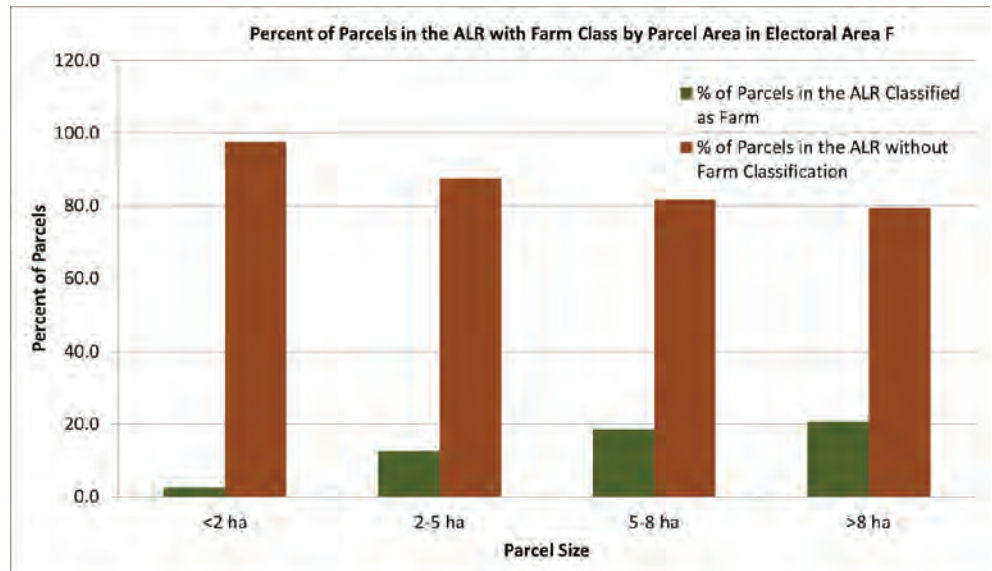


Electoral Area F

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Farm Class Continued

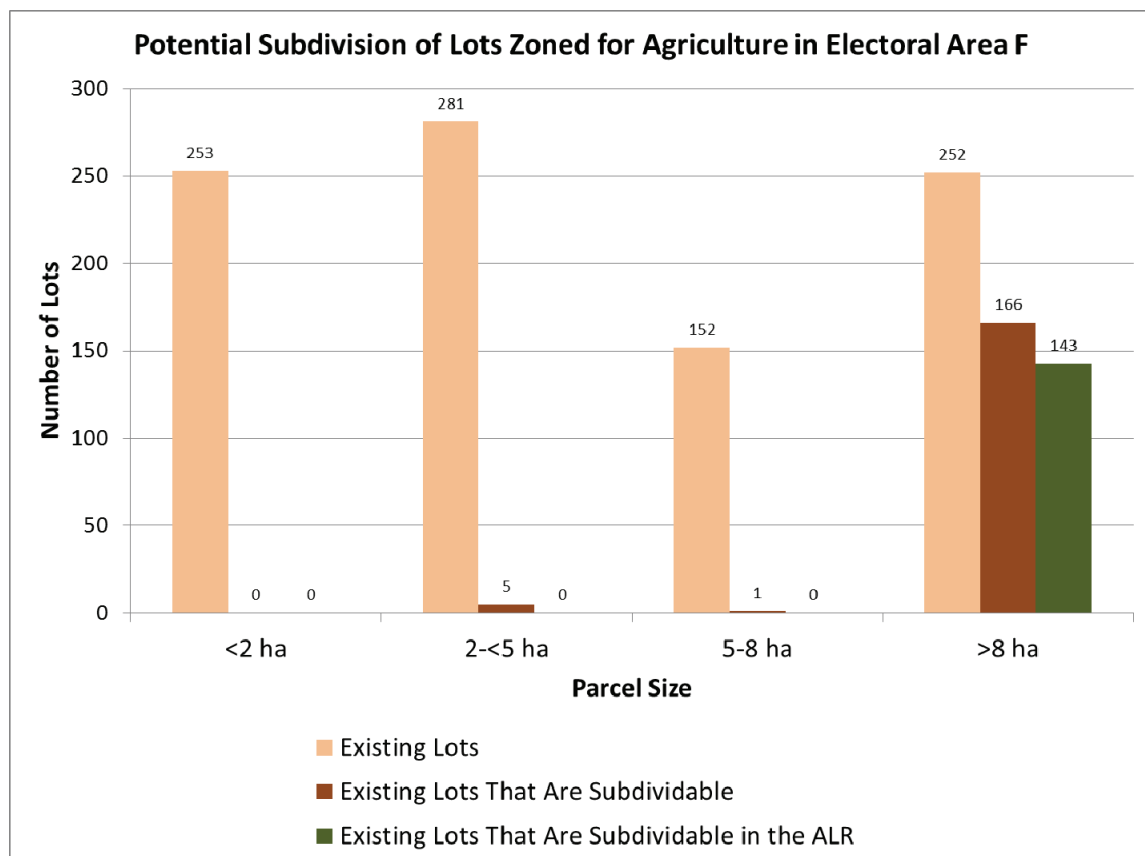
While most parcels with farm class are in the ALR, there is also a relationship between parcel size and farm class. The chart to the right shows the percent of parcels with farm class in the ALR organized by parcel size. As can be seen from the chart, in Electoral Area F, the proportion of properties with farm class located in the ALR increases as parcel size increases.



Subdivision of Lands Zoned for Agriculture

As indicated in the previous section, the likelihood of farming being conducted on a parcel decreases as parcel size decreases. In Electoral Area F more than half (66%) of lands zoned for agriculture which are >8 ha are subdividable with the majority of subdividable lands being in the ALR.

It should be noted that approval from the Agricultural Land Commission is required for subdivision of ALR lands.

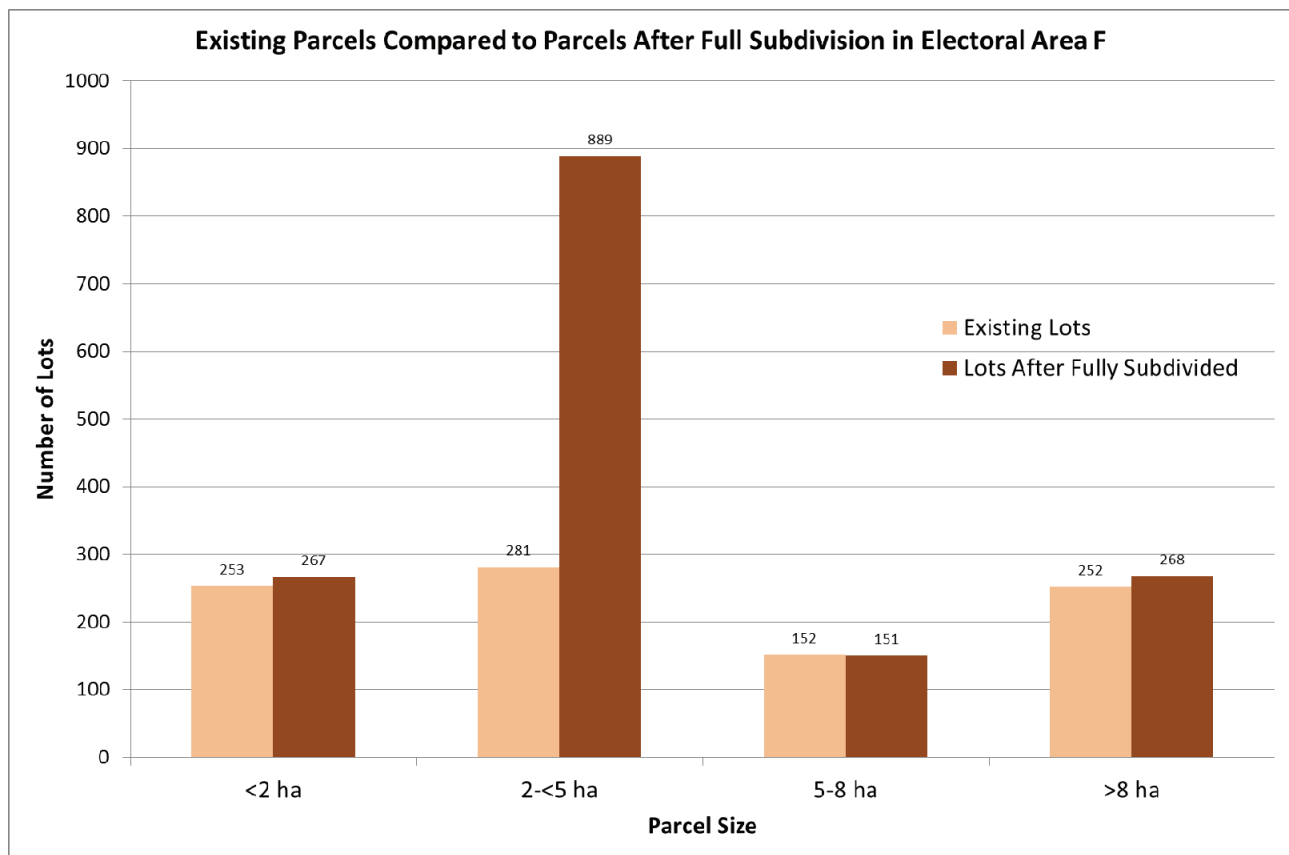


Subdivision of Lands Zoned For Agriculture Continued....

The chart below shows the number of parcels in each of the four parcel size categories now compared to the number of parcels if all of the subdividable parcels are subdivided into the smallest parcels permitted under zoning. As can be seen from the chart, there would be a significantly greater number of parcels that are 2-<5 ha.

Of particular concern is the limited number of 5-8 ha parcels as this parcel area category is more likely to have farm class than 2-<5 ha parcels. In addition, research has shown that as parcel size increases so does the likelihood of agricultural activity at a measurable scale. Therefore, it is important to maintain and/or increase the number of larger parcels.

Many of the existing parcels that are 5-8 ha or >8 ha are currently zoned for a 4.0 ha minimum parcel size. At full buildout, the number of 5-8 ha parcels decreases slightly from 152 to 151 and the number of parcels >8 ha increases slightly from 252 to 268. At full buildout the number of 2-<5 ha parcels increases from 390 to 889. If this were to occur, it could have significant consequences with respect to protecting agricultural viability and productivity.



Farm Facts



There are 938 parcels that are zoned to allow agriculture that occupy approximately 20,822 ha of land.



There are 6,927 ha of land located in the Agricultural Land Reserve. This represents 33% of the total land base where agriculture is a permitted use.

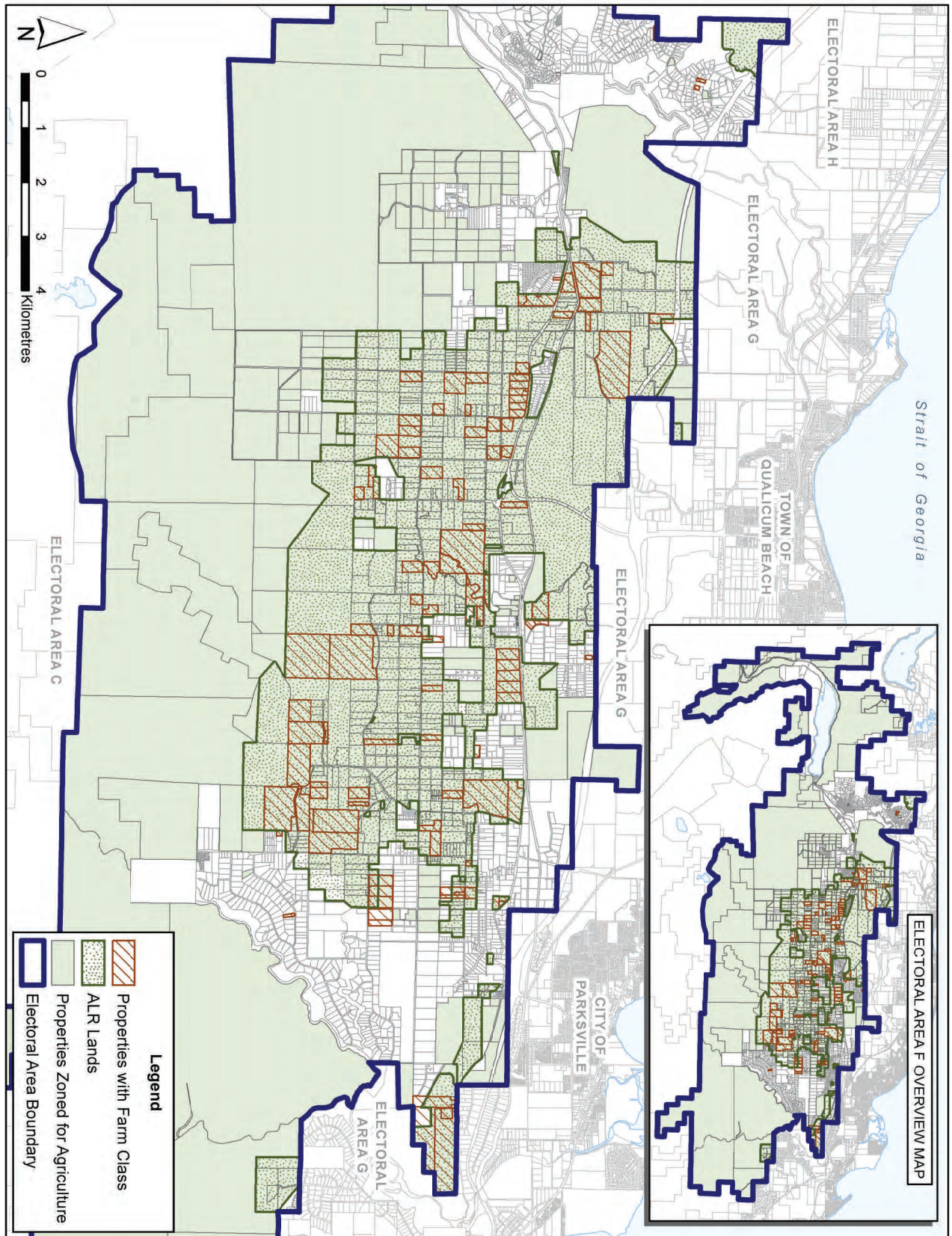


Though most properties zoned for agriculture are not in the ALR, the majority (81%) of properties with farm class are located in the ALR.

Electoral Area F

Agricultural Bylaw and Policy Updates Project

Draft Property Data Summary





Electoral Area G

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Background

One of the projects identified in the Agricultural Area Plan Implementation Plan is the Bylaw and Policy Updates Project. The purpose of the project is to review Regional District of Nanaimo bylaws and policies with the purpose of identifying and taking action on obstacles and barriers to agriculture in the region.

As part of the Bylaw and Policy Updates Project, a detailed analysis of property data was completed. The purpose of the analysis was to gain a better understanding of agriculture in the region. This document represents a summary of the findings of the analysis for Electoral Area G.

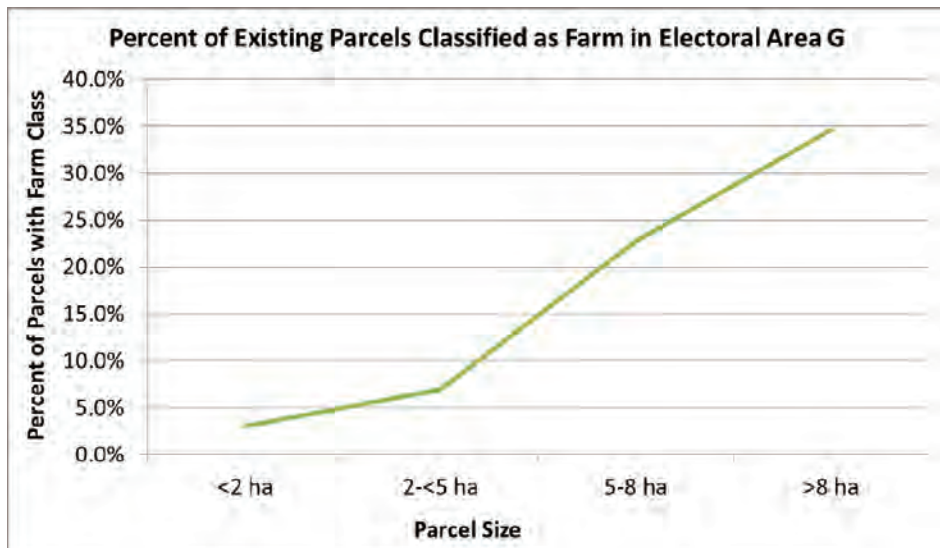
Farm Classification

In British Columbia, farmers may apply to the BC Assessment Authority to have their land classified as farm land for tax assessment purposes. To qualify for farm classification, farmers must be using the land for agriculture and must generate a minimum amount of income from their farm operation.

Farm classification is an established source of data that provides an indication that agricultural activity is occurring on a given parcel. For the purpose of this project, farm class was used to determine if a property was being farmed. It is recognized that there

are existing agricultural activities that do not qualify for farm class and have not been included here.

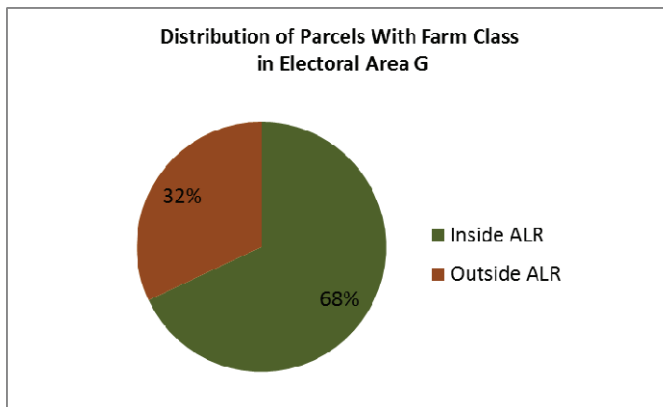
The chart to the right shows the percent of parcels classified as farm based on parcel size. As the parcel size increases, the proportion of properties with farm class also increases.



Parcel Size	# of Parcels with Farm Class
< 2ha	9
2-<5ha	8
5-8ha	5
>8ha	28

In Electoral Area G 82% of the parcels with Farm Class are larger than 2 ha.

The pie chart to the right shows the distribution of parcels with farm class. In Electoral Area G, more than two thirds (68%) of parcels with farm class are located in the Agricultural Land Reserve.

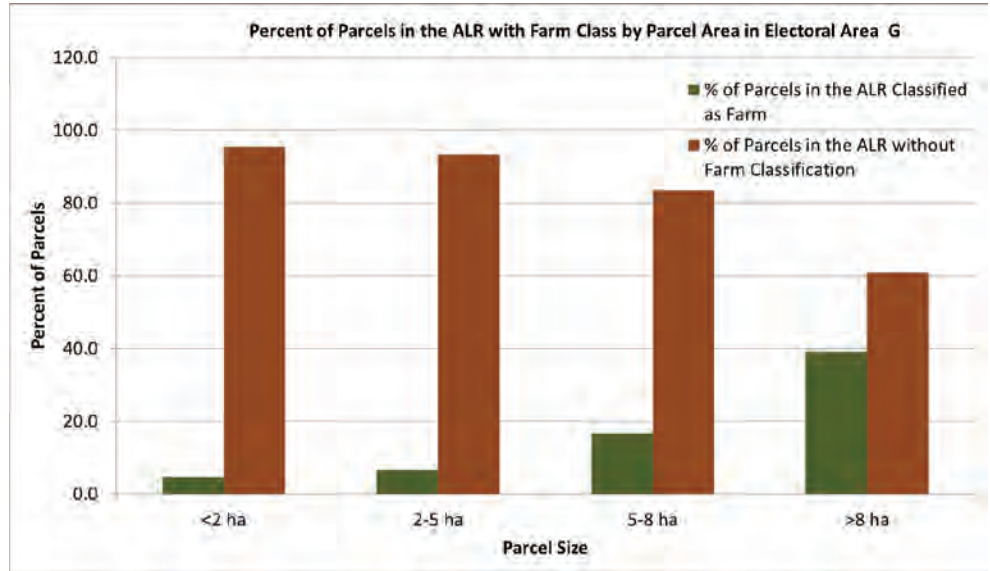


Electoral Area G

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Farm Class Continued

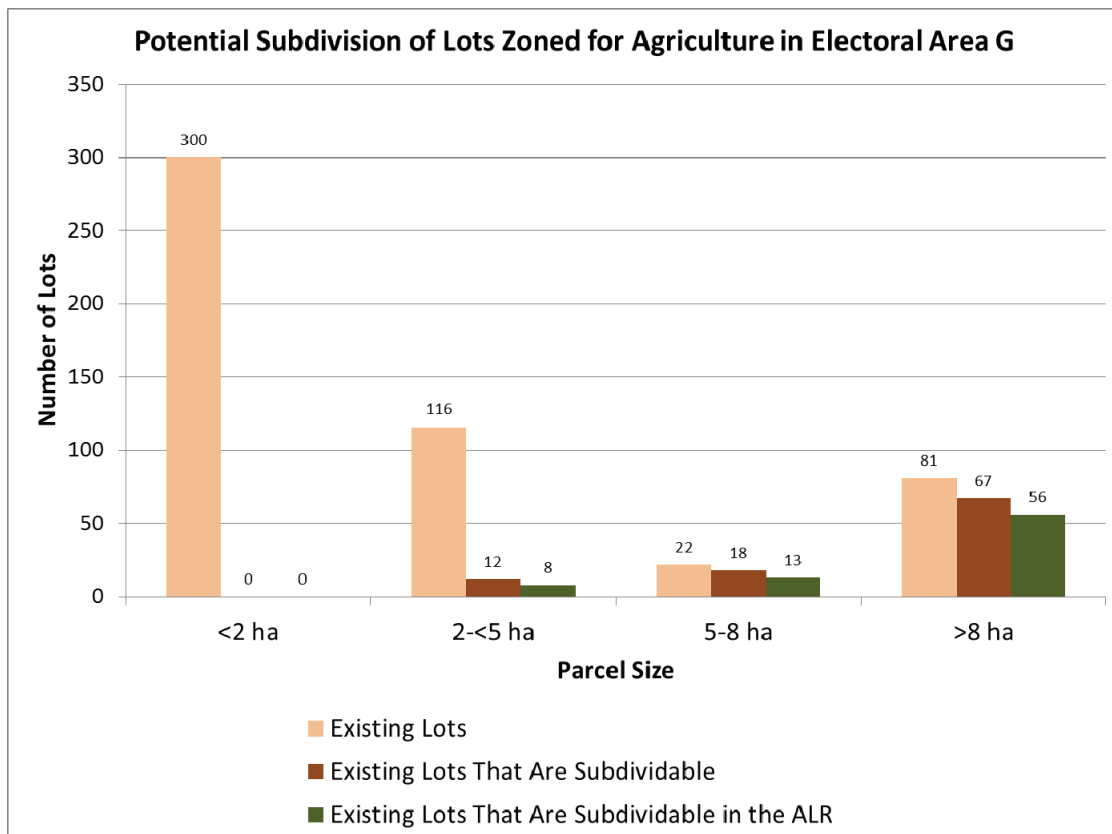
While most parcels with farm class are in the ALR, there is also a relationship between parcel size and farm class. The chart to the right shows the percent of parcels with farm class in the ALR organized by parcel size. As can be seen from the chart, in Electoral Area G, the proportion of properties with farm class located in the ALR increases as parcel size increases.



Subdivision of Lands Zoned for Agriculture

As indicated in the previous section, the likelihood of farming being conducted on a parcel decreases as parcel size decreases. In Electoral Area G there is significant potential for subdivision of lands zoned for agriculture into smaller parcels. As shown in the table below, in the 5-8 ha and >8 ha parcel size categories, the majority of parcels zoned for agriculture can still be subdivided under current zoning.

It should be noted that approval from the Agricultural Land Commission is required for subdivision of ALR lands.



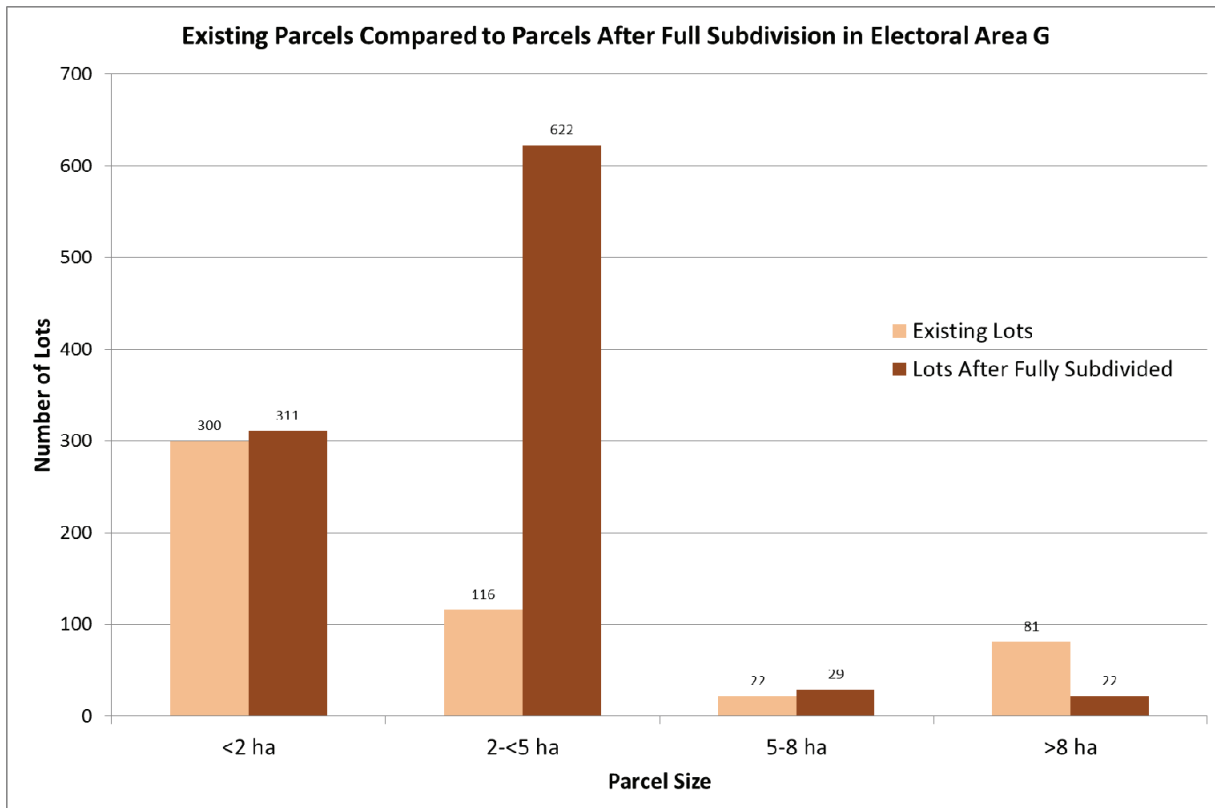
Subdivision of Lands Zoned For Agriculture Continued....

The chart below shows the number of existing parcels in each of the four parcel size categories now compared to the number of parcels if all of the subdividable parcels are subdivided into the smallest parcels permitted under zoning. As can be seen from the chart, there will be a significantly greater number of parcels that are 2-<5 ha. While the number 5-8 ha parcels would remain relatively unchanged, there would be a significant reduction in the number of parcels that are >8 ha.

Research has shown that as parcel size increases so does the likelihood of agricultural activity at a measurable scale. Therefore, it is important to maintain and/or increase the number of larger parcels.

Many of the existing parcels that are 5-8ha or >8 ha are currently zoned for a 2.0 ha minimum parcel size. As these parcels are subdivided, the number of larger parcels in the 5-8 ha and >8 ha categories will be reduced. The reduction in the number of 5-8 ha parcels is offset by an increase in the number of 5-8 ha parcels which originate from parcels >8 ha. The net result is that the number of 5-8 ha parcels would increase slightly, while there would be a significant reduction in the number of >8 ha parcels.

At full buildout the number of 2-<5 ha parcels increases from 116 to 622. If this were to occur, it could have significant consequences with respect to protecting agricultural viability and productivity.



Farm Facts



There are 519 parcels that are zoned to allow agriculture that occupy approximately 3,321 ha of land.



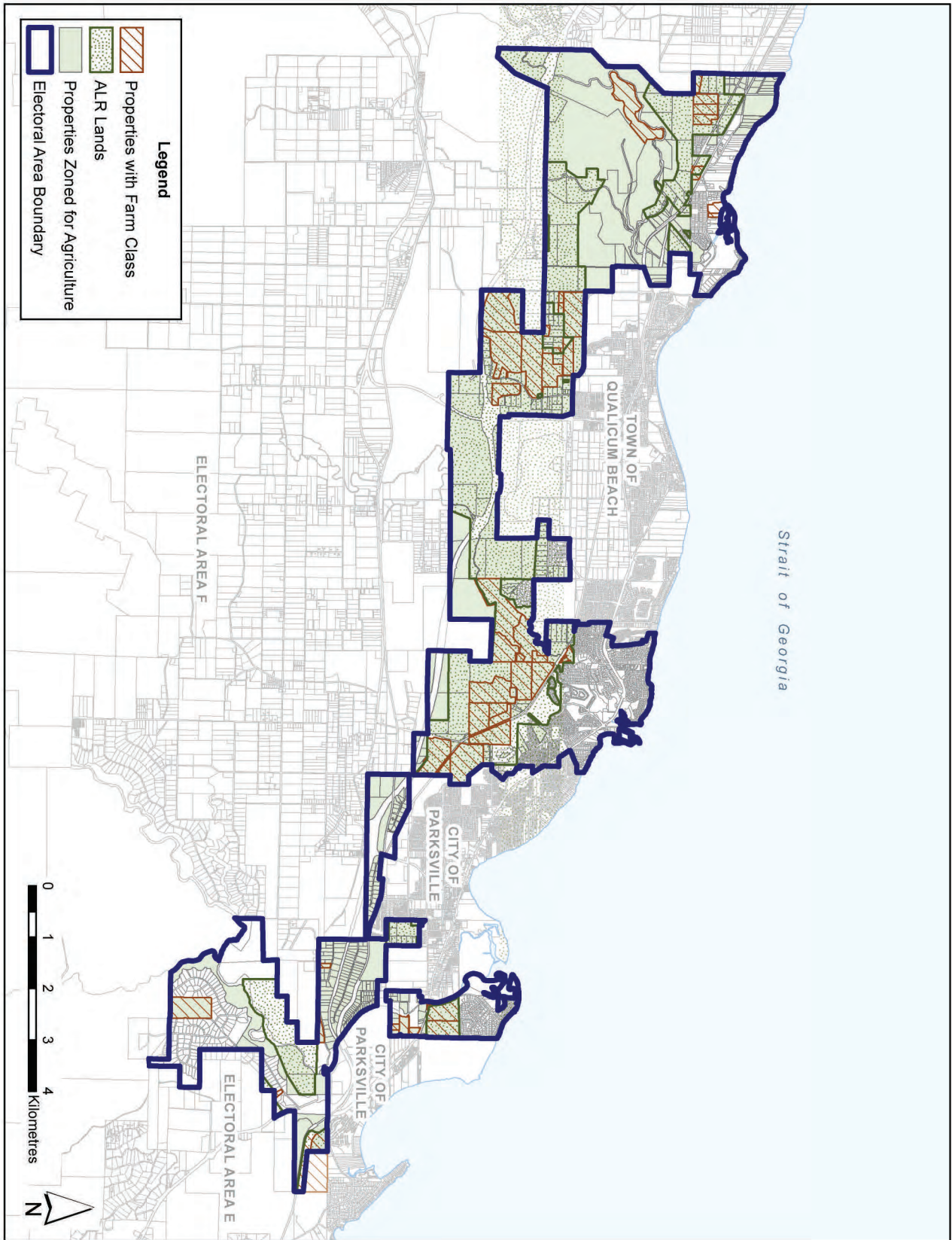
There are 2,496 ha of land located in the Agricultural Land Reserve. This represents 75.1 % of the total land base where agriculture is a permitted use.



Agriculture is a permitted use on most the land base in Electoral Area G.

Electoral Area G

Agricultural Bylaw and Policy Updates Project
Draft Property Data Summary





Electoral Area H

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Background

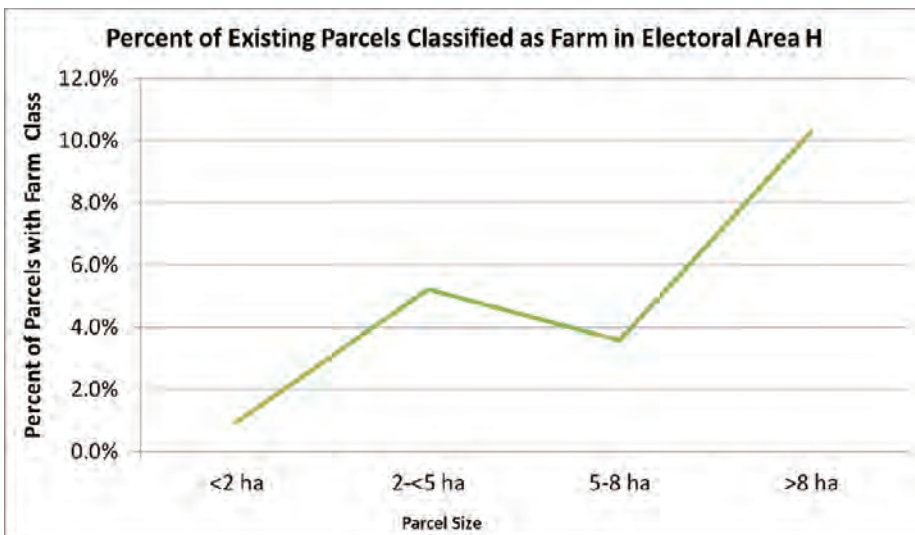
One of the projects identified in the Agricultural Area Plan Implementation Plan is the Bylaw and Policy Updates Project. The purpose of the project is to review Regional District of Nanaimo bylaws and policies with the purpose of identifying and taking action on obstacles and barriers to agriculture in the region.

As part of the Bylaw and Policy Updates Project, a detailed analysis of property data was completed. The purpose of the analysis was to gain a better understanding of agriculture in the region. This document represents a summary of the findings of the analysis for Electoral Area H.

Farm Classification

In British Columbia, farmers may apply to the BC Assessment Authority to have their land classified as farm land for tax assessment purposes. To qualify for farm classification, farmers must be using the land for agriculture and must generate a minimum amount of income from their farm operation.

Farm classification is an established source of data that provides an indication that agricultural activity is occurring on a given parcel. For the purpose of this project, farm class was used to determine if a property was being farmed. It is recognized that there are existing agricultural activities that do not qualify for farm class and have not been included here.

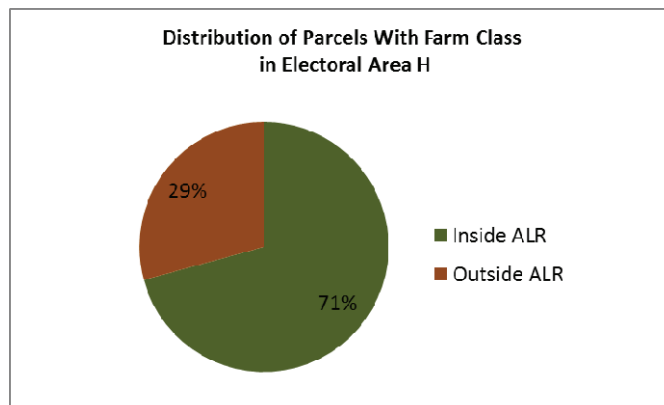


The chart to the left shows the percent of parcels classified as farm based on parcel size. In general, as the parcel size increases, the proportion of properties with farm class also increases.

In Electoral Area H 95% of the parcels with Farm Class are larger than 2 ha.

Parcel Size	# of Parcels with Farm Class
< 2ha	2
2-<5ha	15
5-8ha	2
>8ha	22

The pie chart to the right shows the distribution of parcels with farm class. In Electoral Area H, almost three quarters (71%) of parcels with farm class are located in the Agricultural Land Reserve.

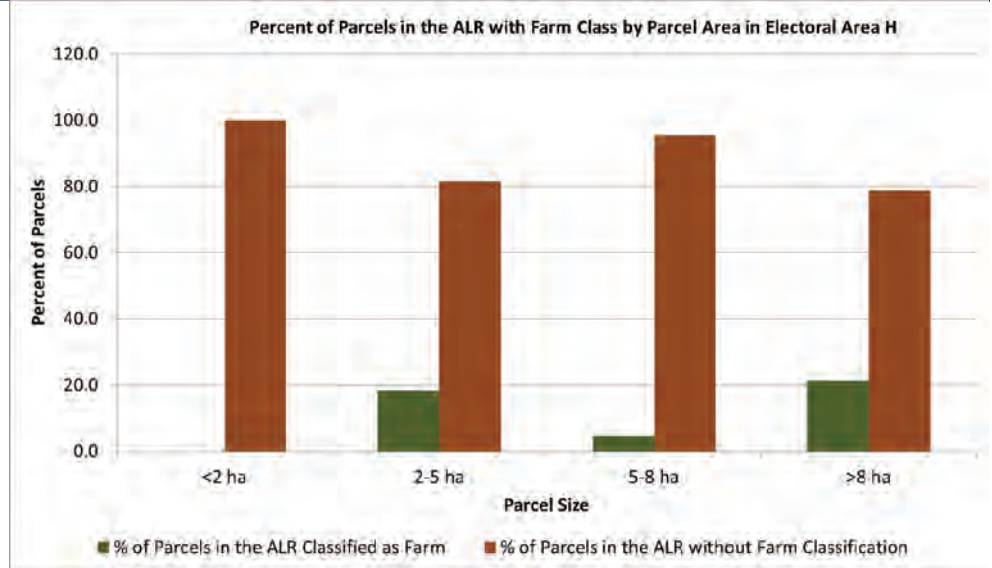


Electoral Area H

Agricultural Bylaw and Policy Updates Project Draft Property Data Summary

Farm Class Continued

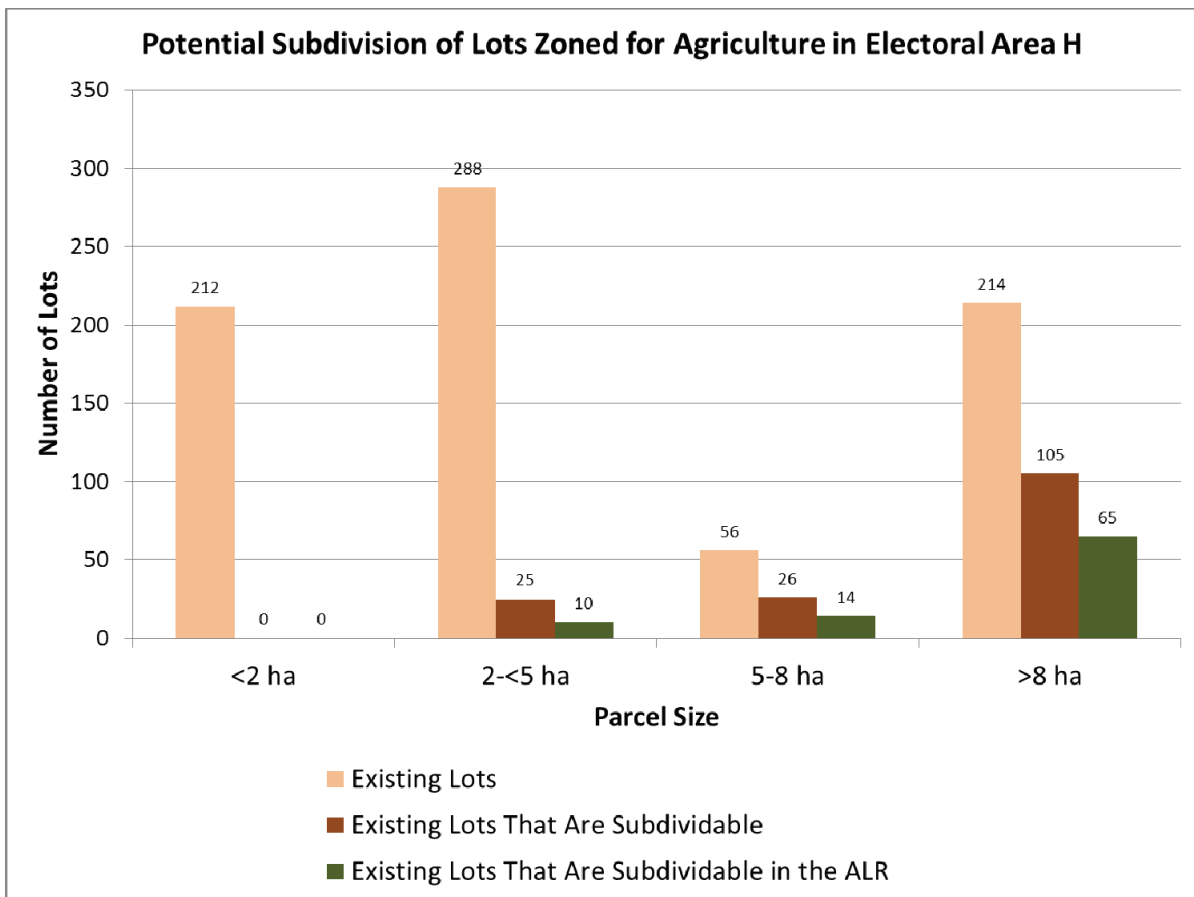
While most parcels with farm class are in the ALR, there is also a relationship between parcel size and farm class. The chart to the right shows the percent of parcels with farm class in the ALR organized by parcel size. As can be seen from the chart, in Electoral Area H, the proportion of properties with farm class located in the ALR increases as parcel size increases.



Subdivision of Lands Zoned for Agriculture

As indicated in the previous section, the likelihood of farming being conducted on a parcel decreases as parcel size decreases. In Electoral Area H, there are lands zoned for agriculture that can still be subdivided under current zoning. Of those lands with subdivision potential, almost half are located in the ALR in each parcel size category.

It should be noted that approval from the Agricultural Land Commission is required for subdivision of ALR lands.

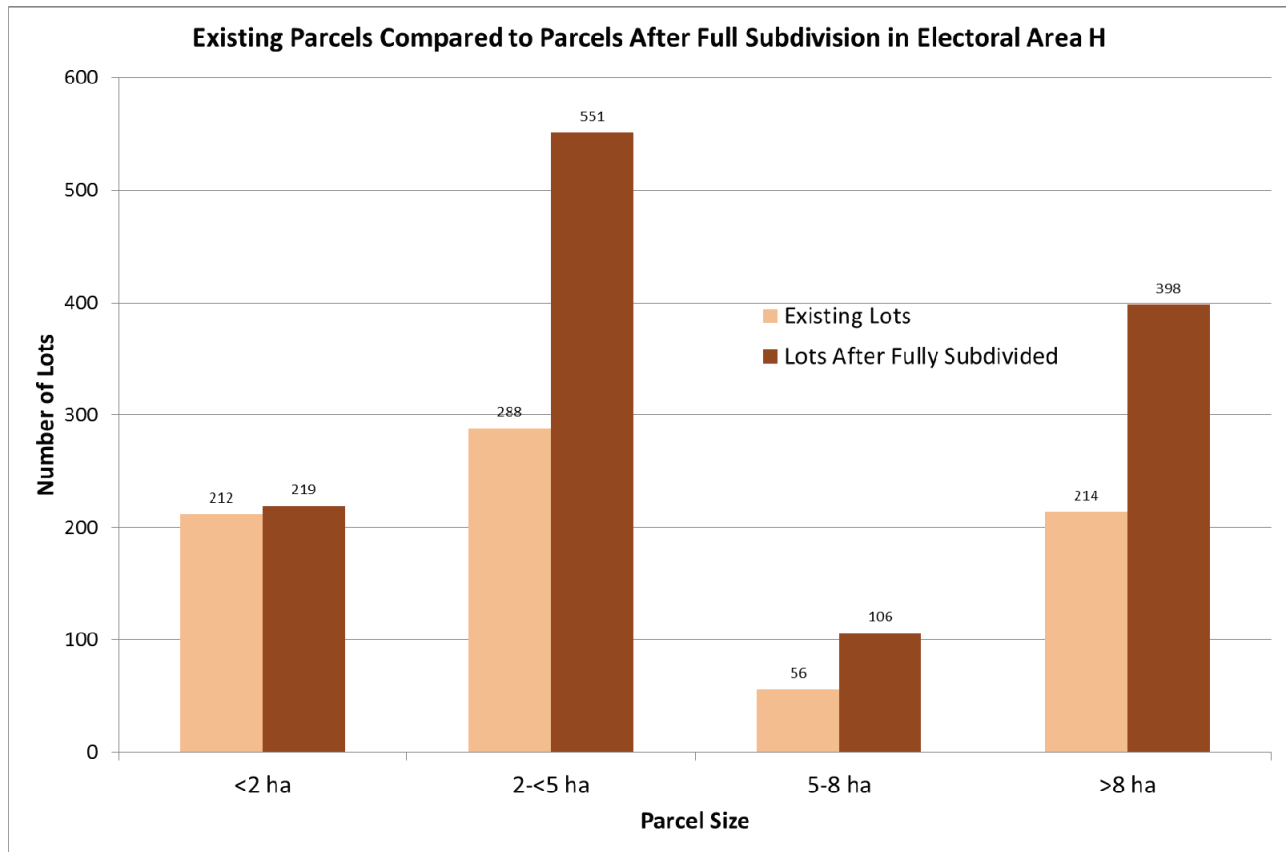


Subdivision of Lands Zoned For Agriculture Continued....

The chart below shows the number of parcels in each of the four parcel size categories now compared to the number of parcels if all of the subdividable parcels are subdivided into the smallest parcels permitted under zoning. As can be seen from the chart below, there would be a significantly greater number of parcels that are 2-<5 ha. Based on the analysis in the previous section, the likelihood that these smaller parcels will be farmed is less than if they were retained as larger parcels.

In addition to the above, there would be an increase in the number of 5-8 ha as a result of a large proportion of the existing >8 ha parcels which support an 8 ha minimum parcel size. There would also be an increase in the number of >8 ha parcels as a result of large land holdings currently classified as Private Managed Forest Land which can be subdivided into 50 ha parcels.

At full buildout, the number of 5-8 ha parcels increases from 56 to 106 and the number of parcels >8 ha increases from 214 to 398. At full buildout the number of 2-<5 ha parcels increases from 288 to 551. An increase in the number of 2-<5 ha parcels could have significant consequences with respect to protecting agricultural viability and productivity.



Farm Facts



There are 770 parcels that are zoned to allow agriculture that occupy approximately 25,731 ha of land.



There are 6,285 ha of land located in the Agricultural Land Reserve. This represents 24 % of the total land base where agriculture is a permitted use.

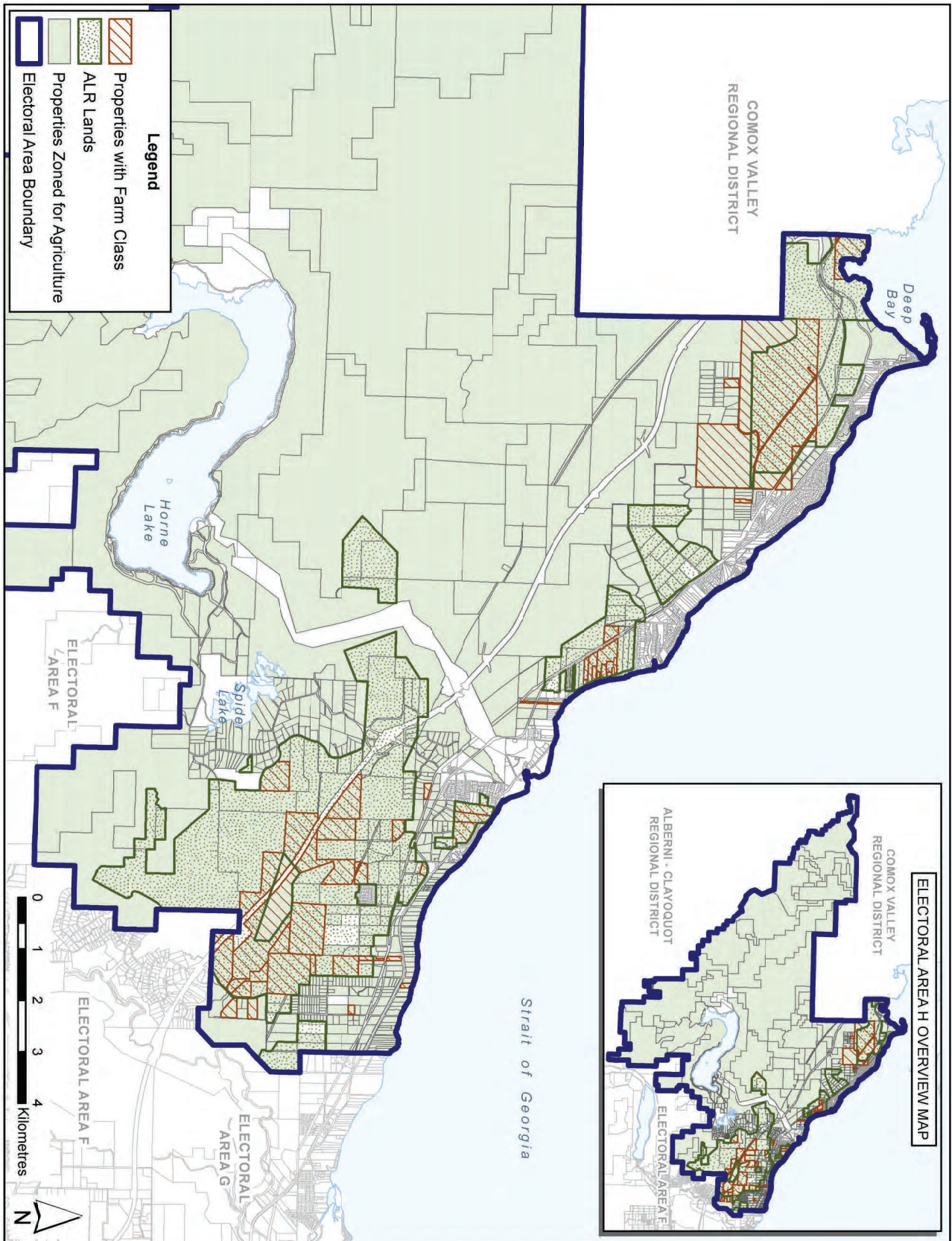


Agriculture is permitted on most lands in Electoral Area H.

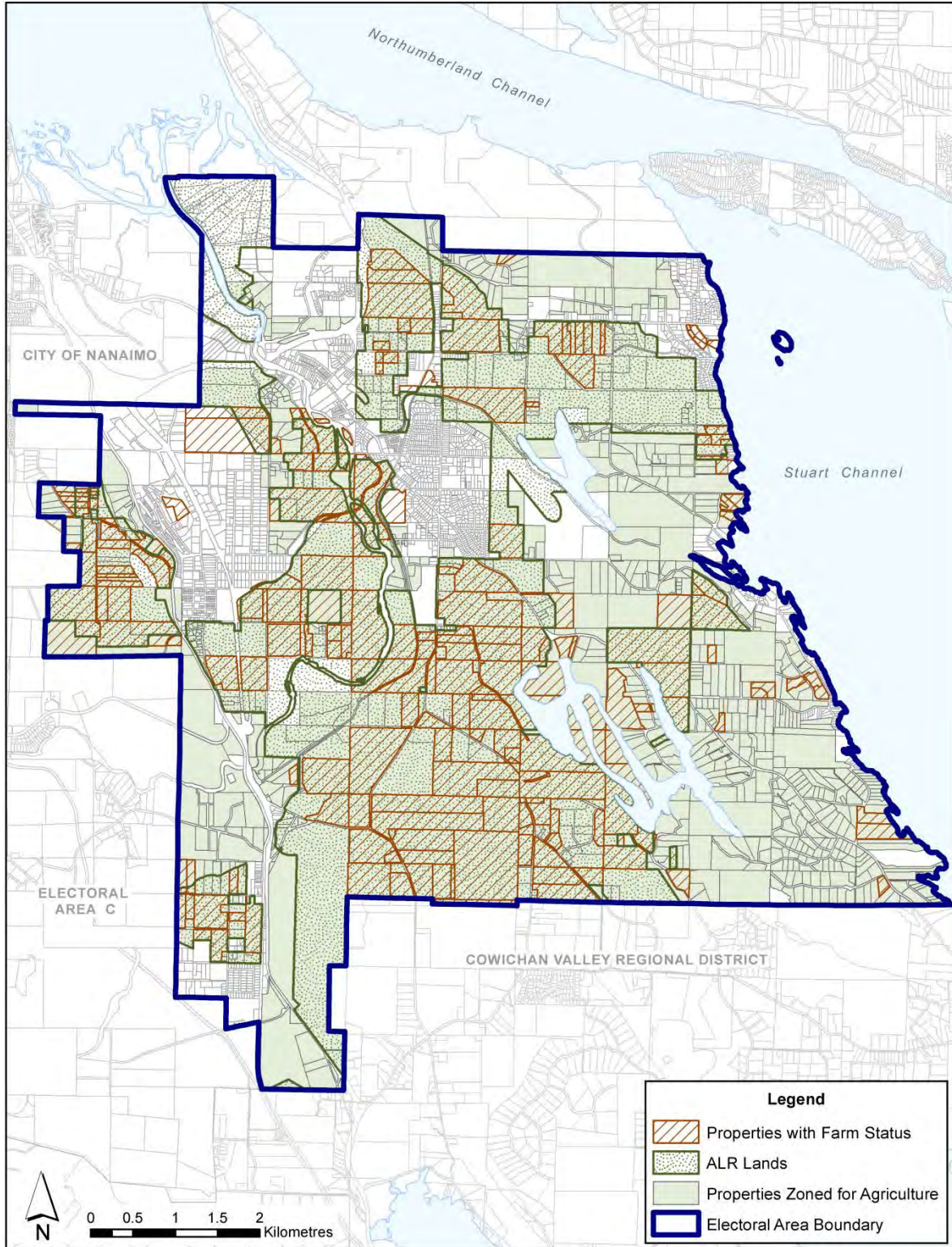
Electoral Area H

Agricultural Bylaw and Policy Updates Project

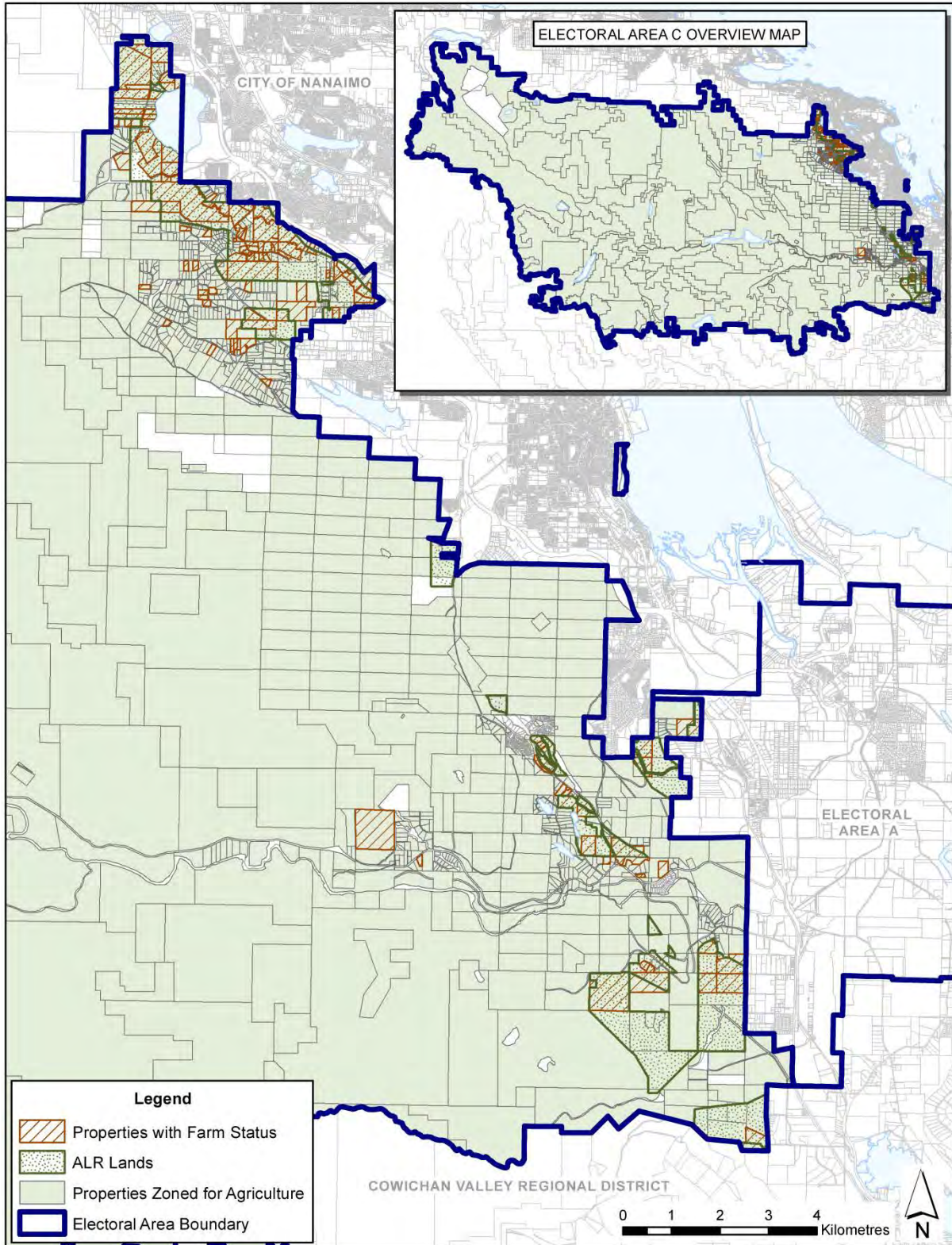
Draft Property Data Summary



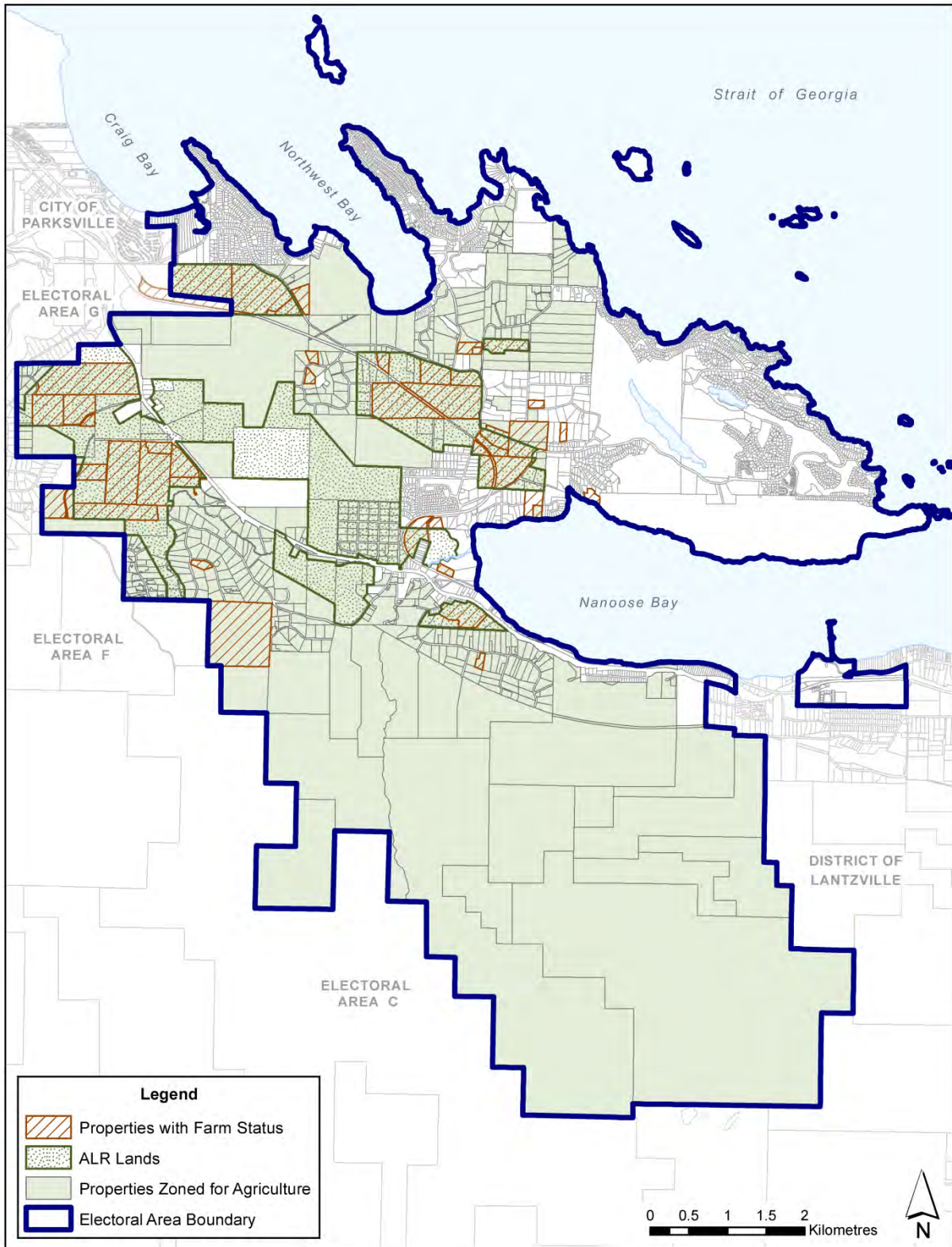
Appendix 3
Electoral Area Subdivision Potential Maps
Page 1 of 6 – Electoral Area A



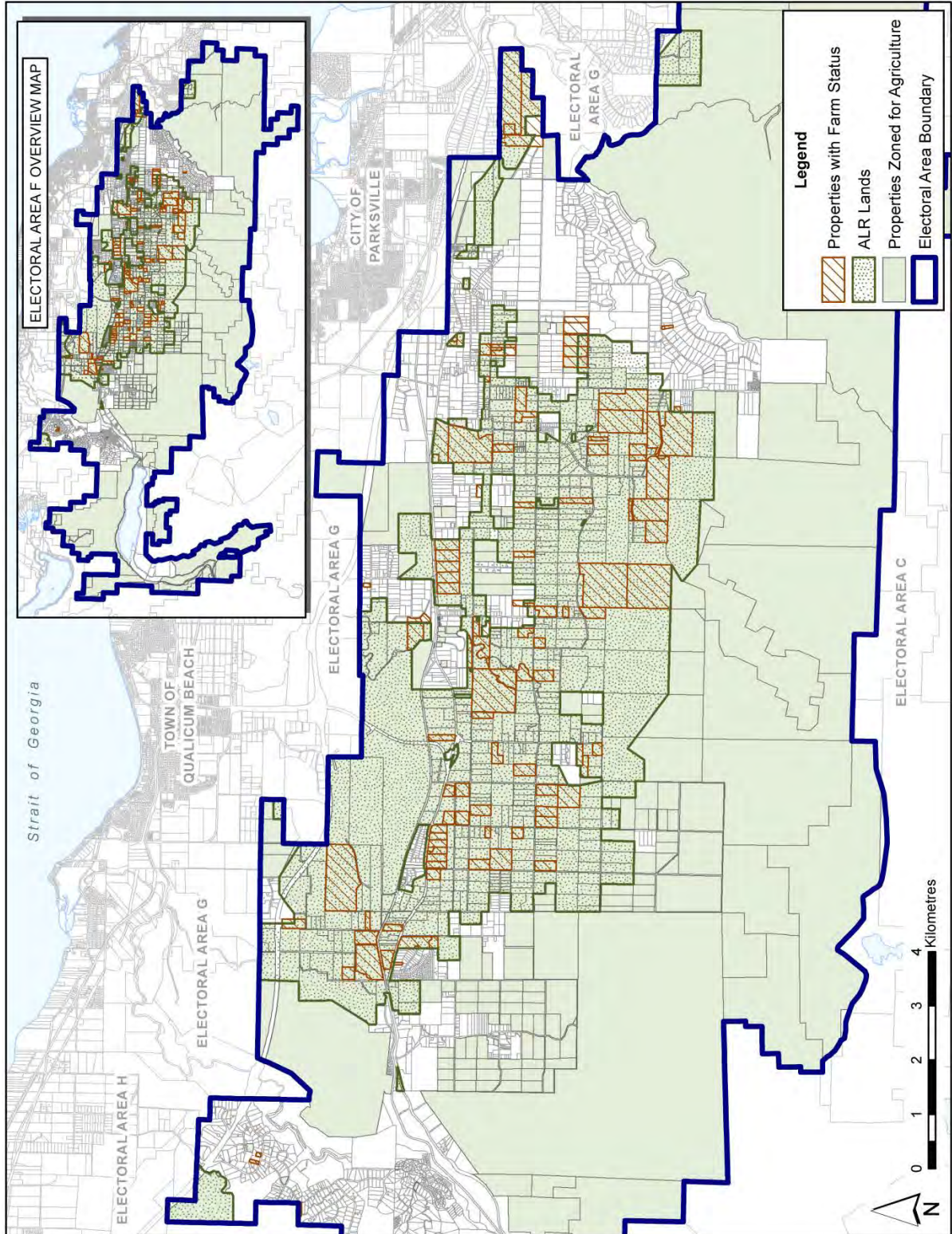
Appendix 3
Electoral Area Subdivision Potential Maps
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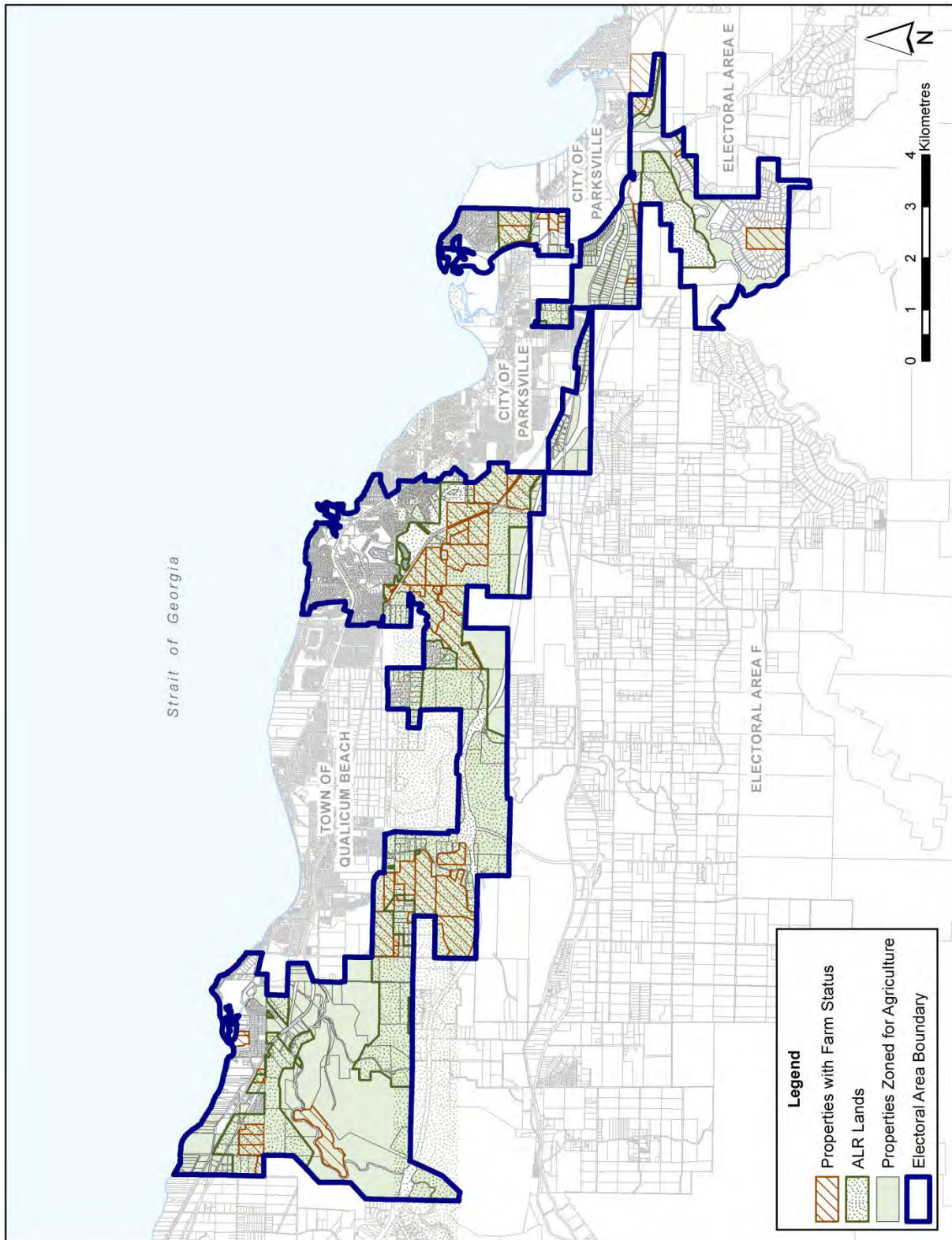
Appendix 3
Electoral Area Subdivision Potential Maps
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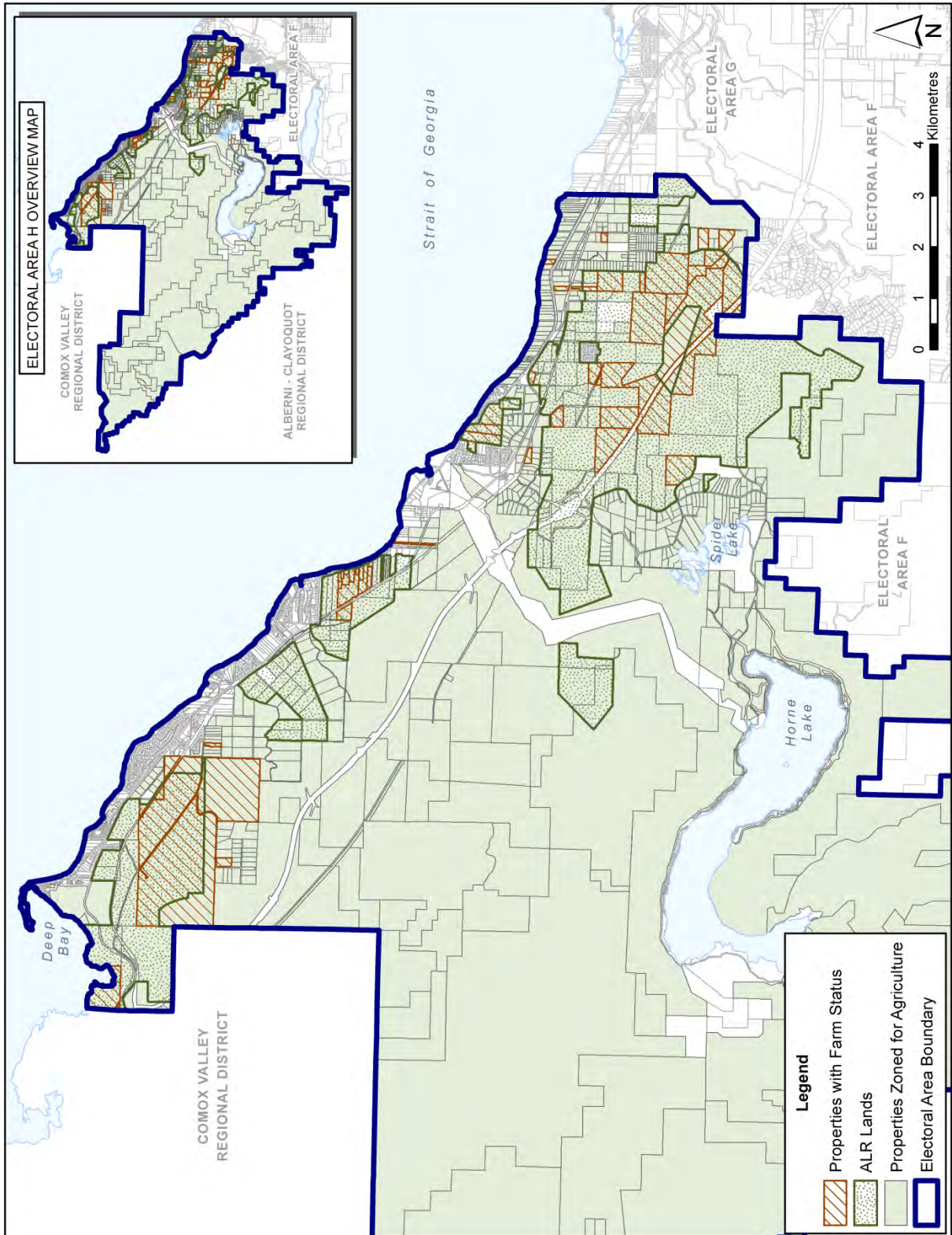
Appendix 3
Electoral Area Subdivision Potential Maps
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Electoral Area Subdivision Potential Maps
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Appendix 3
Electoral Area Subdivision Potential Maps
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Appendix 4

Summary of Agriculture and Aquaculture in the Goals, Objectives, Land Use Designations, and Development Permit Areas by Electoral Area OCPs

Official Community Plan	Goals and Priorities for Agriculture and Aquaculture	Land Use Designations that include Agriculture (Minimum parcel size)	DPAs and Farmland Protection
Electoral Area 'A' <ul style="list-style-type: none"> Cassidy Cedar Yellow Point South Wellington Bylaw No. 1620 (2011)	Goal #1: Growth Management Priorities include: <ul style="list-style-type: none"> Creating a Local Food System; Protecting Rural Integrity and Functioning Rural Landscapes. 	<ul style="list-style-type: none"> Agriculture Lands - all ALR (8.0 ha). Smaller parcels may be approved through rezoning with ALC approval, no less than 1.0 ha if conditions are met (policy 5.1.13). Rural Lands – all farmland outside ALR (2.0 ha). May allow two dwellings/parcel if > 2.0 ha (policy 7.2.3) and smaller parcels may be created through rezoning if conditions are met (policy 7.2.4). Rural Resource Lands - Private Managed Forest Lands (PMFL) or lands previously in the Forest Land Reserve (50.0 ha). 	Yes. A minimum 15m wide vegetation buffer should be established parallel to the ALR boundary on the non-ALR property.
Electoral Area 'C' <ul style="list-style-type: none"> Arrowsmith-Benson Cranberry-Bright Bylaw No. 1148 (1999)	Goal #3: Protect Rural Integrity Goal #6: Create a Vibrant and Sustainable Economy	<ul style="list-style-type: none"> Rural Residential Lands –hobby farm uses (2.0 ha) with possibly 2 dwellings/parcel on parcels >2.0 ha. Rural Lands – typically not in the ALR (2.0 ha). Resource Lands - includes ALR land (50.0 ha but 8.0 ha if in ALR). Subdivision of ALR lands to less than 8.0 ha is not supported (see Goal #6). 	Yes. A minimum 15m wide vegetation buffer should be established on lands adjoining the ALR boundary within the non-ALR property. Subdivision design must minimize the potential negative impacts on lands within the ALR.
Electoral Area 'C' <ul style="list-style-type: none"> East Wellington Pleasant Valley Bylaw No. 1055 (1997)	Included in Community Objectives Section 1.3: <ul style="list-style-type: none"> Preserve the rural character and natural amenities in the Plan Area. Preserve and protect lands that have agricultural and/or natural resource value. 	Rural Lands – includes most ALR and former Forest Land Reserve (2.0 ha). If Crown land (forests) or designated as Private Managed Forest lands then 50.0 ha (see policy 4.2.1). May be permitted up to two dwellings per parcel.	No

Official Community Plan	Goals and Priorities for Agriculture and Aquaculture	Land Use Designations that include Agriculture (Minimum parcel size)	DPAs and Farmland Protection
Electoral Area 'E' <ul style="list-style-type: none"> Nanoose Bay Bylaw No. 1400 (2005)	Section 3 objectives include: <ul style="list-style-type: none"> Minimize conflicts between residential development and agriculture, silviculture, and resource extraction activities. Protect the agricultural land resources for food production; Recognize and protect agricultural operations on ALR lands. Encourage sustainable and environmentally sound farming practices. Recognize and protect the groundwater needs of agriculture. 	<ul style="list-style-type: none"> Rural Lands – includes hobby farms outside the ALR (8.0 ha) unless existing zoning permits smaller parcels (see policy 3.3.2). Some rezoning to 4.0 ha permitted if specific conditions are met (see policy 3.3.5). Up to two dwellings per parcel may also be permitted with conditions (policy 3.3.3). Resource Lands – within ALR (8.0 ha). Other non-ALR Resource Lands including forest/Crown lands (50.0 ha or 8.0 ha). 	Yes. A minimum 15m wide vegetation buffer should be established on lands adjoining the ALR boundary within the non-ALR property.
Electoral Area 'F' <ul style="list-style-type: none"> Errington Coombs Hilliers Bylaw No. 1152 (1999)	Section 3: Natural Resources <ul style="list-style-type: none"> Protect the agricultural land base for present and future food production or other agricultural uses. To ensure that residents and government understand that the terms 'agriculture' and 'rural' are not interchangeable. To increase the local food supply to residents. 	Resource Lands – within ALR (4.0 ha), with second dwelling allowed if permitted by ALC. Other Resource Lands (forest/Crown lands) have a minimum parcel size of 50.0 ha. <i>Note: In Section 2 – Resource Lands - the OCP directs the RDN to negotiate with the ALC to obtain a General Order for Electoral Area 'F' to allow for an expanded definition of home-based businesses beyond what is normally permitted by the ALC.</i>	No.
Electoral Area 'G' <ul style="list-style-type: none"> French Creek Dashwood Englishman River 	Section 5: Protecting Rural Integrity Section 8.1: Agriculture <ul style="list-style-type: none"> Support and encourage agricultural activities in the 	<ul style="list-style-type: none"> Rural Lands – primarily ALR land but some lands outside the ALR (8.0 ha). Up to two dwellings per parcel may be permitted with conditions, see policy 5.1.25. Rural Resource Lands – primarily forestry lands and 	Yes. A minimum 15 m wide vegetation buffer should be established parallel to the ALR boundary on the non-ALR property.

Bylaw No. 1540 (2008)	Plan Area	contains some ALR (50.0 ha).	
Electoral Area 'H' <ul style="list-style-type: none"> • Shaw Hill • Qualicum Bay • Deep Bay • Bowser Bylaw No. 1335 (2003)	Section 3: Natural Resource Management includes Agriculture in 3.1. <ul style="list-style-type: none"> • Protect the agricultural land resources of the Plan Area for present and future food production. 	<ul style="list-style-type: none"> • Rural Lands – includes hobby farms not in the ALR (4.0 ha). Some existing zoning permits small parcels. Some rezoning allows 2.0 ha parcels with conditions (policy 5.3.4). • Resource Lands – within ALR lands (8.0 ha) unless existing zoning permits small parcels. Resource Lands outside the ALR (50.0 ha). 	No, however the <i>“owners of land adjacent to ALR lands will be encouraged to provide a vegetative buffer between their lands and the ALR lands.”</i>

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Appendix 5
Food Security Workshop Results

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Regional District of Nanaimo
Agricultural Area Plan Implementation

*Food Security Workshop Results
October 24, 2014*



Overview

As part of the Bylaw and Policy Updates Project, a workshop was held on October 24, 2014. The purpose of the workshop was:

1. to learn about agriculture in the region;
2. to present a draft discussion paper;
3. to obtain participant feedback on a set of 13 obstacles to agriculture that have been identified by the Regional District of Nanaimo (RDN);
4. to obtain participant feedback on a range of potential approaches for addressing the obstacles; and,
5. to provide an opportunity for workshop participants to identify additional obstacles and approaches.

Participants

There were about 35 participants in attendance which included RDN Elected Officials, the Agricultural Advisory Committee, RDN staff, the Ministry of Agriculture (MoA), the Agricultural Land Commission (ALC), Nanaimo Economic Development, staff from adjacent municipalities, agricultural organizations, and local area farmers.

Process

The RDN Food Security Workshop was held from 9:00 am – 4:00 pm. The morning involved presentations from guest speakers from the RDN, Island Health, Ministry of Agriculture, and a local area farmer.

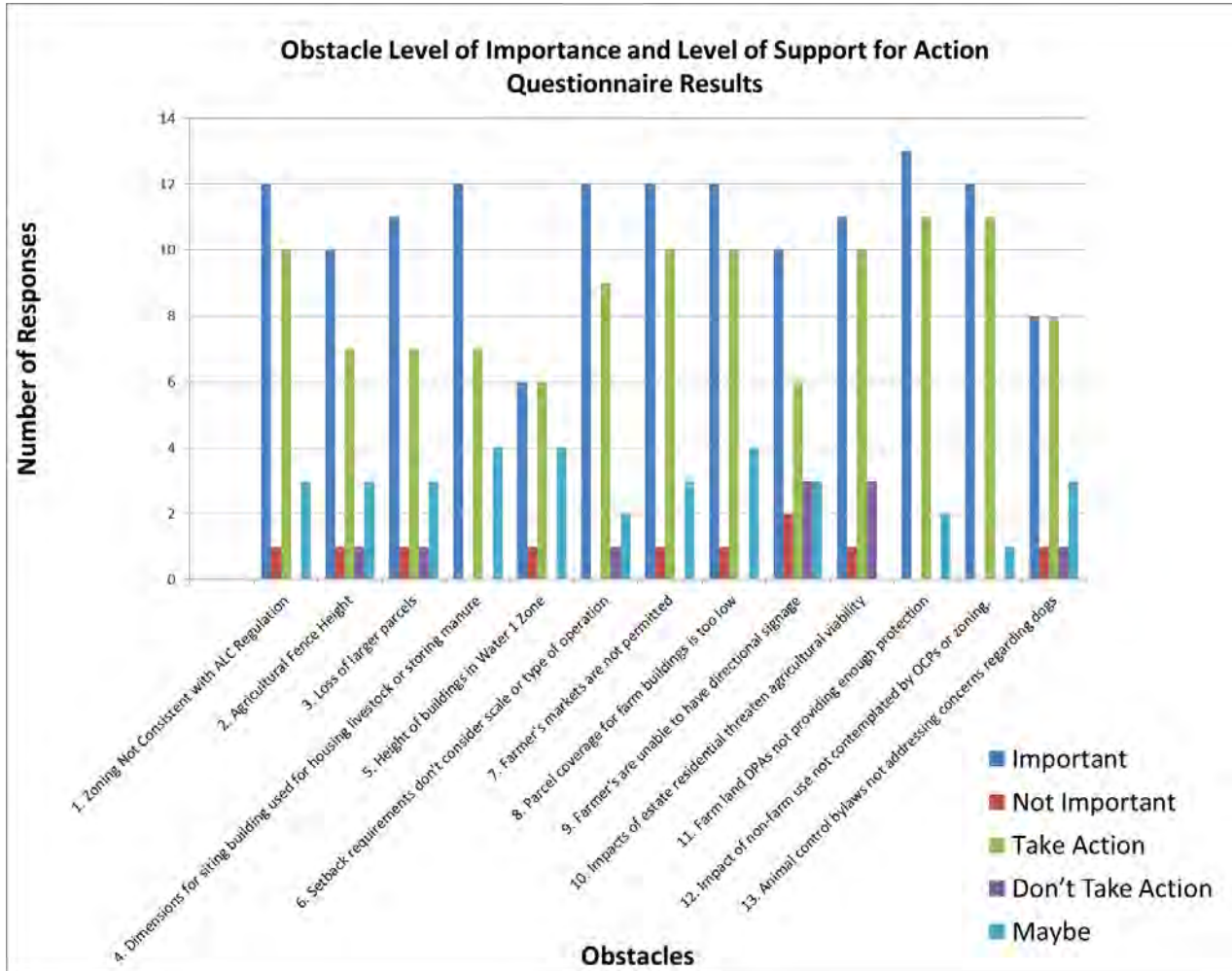
In late morning the RDN presented the draft Bylaw and Policy Updates Project discussion paper. Then participants spent the rest of the day in an exercise intended to get feedback on the draft obstacles and approaches identified in the discussion paper.

The workshop resulted in three key sources of data which are provided below.

1. Individual Questionnaire Results

Participants were provided an opportunity to complete a questionnaire where they could rank the draft obstacles according to their level of importance. The questionnaire also provided an opportunity for respondents to indicate if the RDN should take action on each of the identified approaches.

The chart below shows a visual representation of the questionnaire responses. Note a significant portion of participants did not complete the questionnaire.



As shown above, the blue bar represents the number of respondents who indicated that an obstacle was either very important or important. The red bar represents the number of respondents that indicated that an obstacle was not important. The green bar represents the number of respondents that indicated that the RDN should take action on a particular obstacle while the purple bar represents the number of respondents who indicated that the RDN should not take action on a particular obstacle. The light blue bar represents respondents who were undecided if the RDN should take action on a particular obstacle.

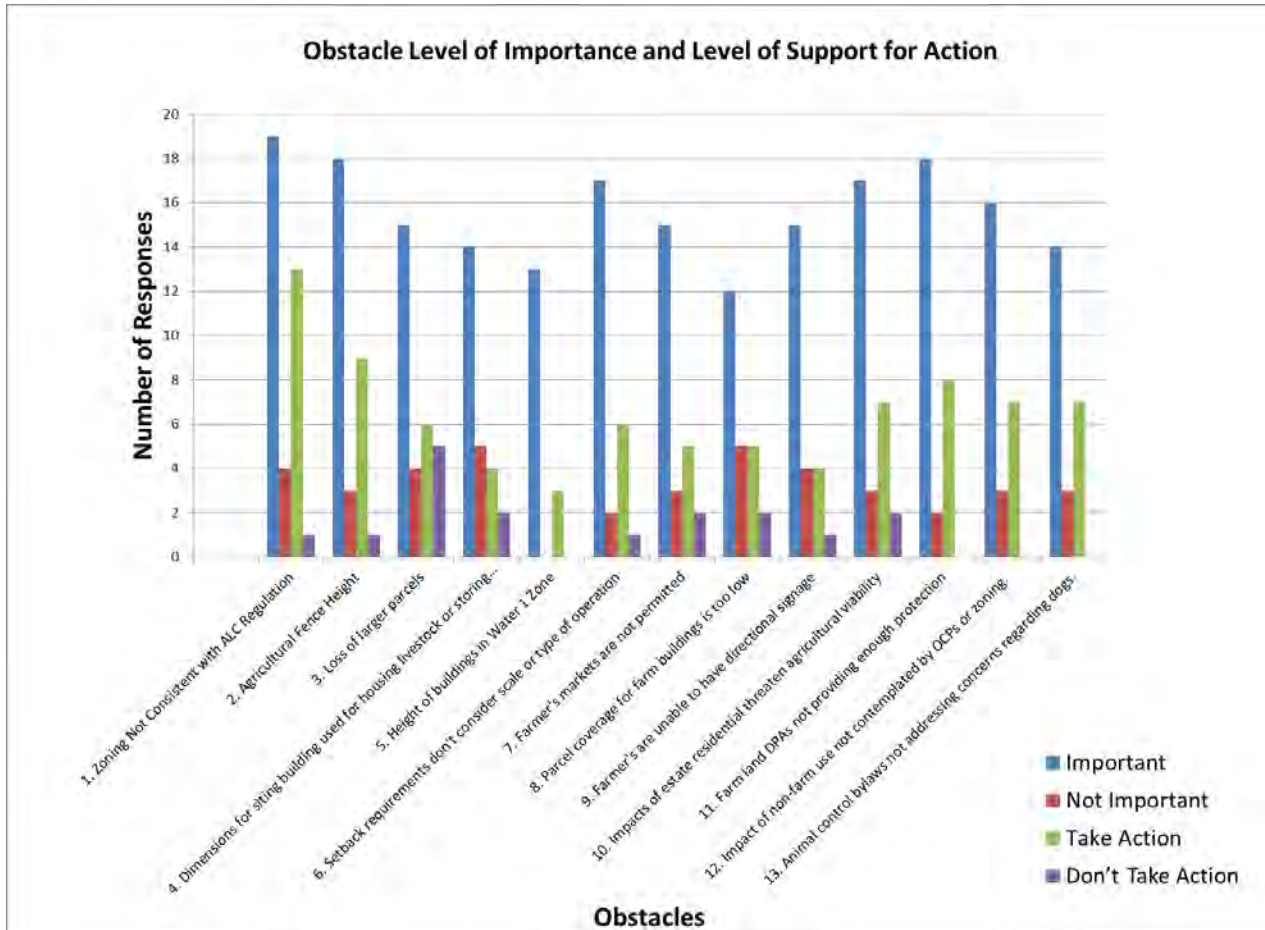
As can be seen above, the majority of respondents felt that most of the obstacles were important and that the RDN should consider taking action on each of the obstacles. Obstacle 11 was considered the most important and had the most support for further action. This was closely followed by Obstacles 1, 7, 8, and 12 which were also considered most important and had the greatest support for further action. The obstacle that was considered least important was obstacle 5 – Height of Buildings in the Water 1 Zone.

2. Group Exercise Results

Obstacle Ranking and Action Results

As part of the group exercise, participants were asked to review the obstacles and approaches on an individual basis. Then participants were asked to rank each obstacle based on its level of importance and indicate if they believe the RDN should take action on the obstacle.

Participants used green dots on a large poster-sized table to mark their selections. The chart below is a visual representation of the results.



As shown above, the blue bar represents the number of respondents who indicated that an obstacle was either very important or important. The red bar represents the number of respondents that indicated that an obstacle was not important. The green bar represents the number of respondents that indicated that the RDN should take action on a particular obstacle while the purple bar represents the number of respondents who indicated that the RDN should not take action on a particular obstacle.

As can be seen above, the majority of respondents felt that most of the obstacles were important. Notwithstanding the above, Obstacle 1 was considered the most important and had the greatest support for further action. Although Obstacles 3, 5, 7, 8, and 9 were considered important, fewer participants supported taking further action to address these obstacles.

The obstacle that was considered least important was obstacle 8, however there was support to consider further action.

General Ideas and Discussion

Part of the exercise involved small group discussion where participants were given an opportunity to discuss the draft obstacles.

Of the 13 obstacles that were identified, due to time constraints, workshop participants helped select the top 8 obstacles for further discussion. The following represents the notes recorded on flipchart paper for each obstacle that was discussed as well as a brief summary of the conversation.

Obstacle 1: Zoning Not Consistent with ALC Regulation

- Increase consistency but perhaps not 100%
- Do need to change subdivision to match minimum parcel size in ALC policies
- Section 46 in the *ALC Act* (Regarding prohibiting inconsistencies)
- Provide/enhance communication regarding the different agencies involved in subdivision of land.
- Overall there was support for the RDN to take action to address this obstacle.

Obstacle 2: Agricultural Fence Height

- The height of solid fences should be restricted
- Concern was expressed that taller solid fences may have a negative impact on agriculture through shade effects and disruption of wind.
- Fences that interfere with sightlines should be restricted.
- The RDN should not restrict the height of transparent fences on land zoned for agriculture.
- There appeared to be support to take action on this obstacle.

Obstacle 3: Loss of larger parcels

- Challenges include: family subdivisions, economic pressures to subdivide, increase potential higher yields on smaller farms (intensive organic)
- Local farms vs. large farms
- Intensive vs. pastoral
- Inconsistent rules and regulations
- RDN opportunities
 - Consistent subdivision regulations
 - Farm land bank? Protection or trust?
 - Minimum lot size?
 - Increase mill rates for un-farmed lands in the ALR (stick vs. carrot)
 - Change zoning
- There was a desire to have a variety of parcel sizes.

Obstacle 6: Setback requirements don't consider scale or type of operation

- **Challenges:**
 - **Lot configuration** (e.g. if lot is narrow, a 30 m setback requirement may preclude a feasible agricultural use; 30 m seems excessive for a small agricultural buildings/operations like a chicken coup vs a larger commercial poultry operation).

- **Doesn't consider adjacent uses** (the 30 m setback seems unnecessary where the agricultural operation is adjacent to other agricultural lands, vacant lands, or commercial/industrial lands where the potential impact on adjacent uses is negligible).
- **Lack of wildlife buffers** (the setback requirement should be based on the need to protect wildlife e.g. pollinators, not an arbitrary setback).
- **Location of setbacks** (the 30 m setback sterilizes the use of land for agriculture).
- **Actions:**
 - **New bylaw requirements** (establish new setback requirements based on relevant best practices that maximize agricultural use and minimize potential impacts on adjacent uses).
 - **Expand Setback Exemptions** based on other adjacent uses (need bylaw flexibility to allow ag uses of appropriate scale in the setback area; there should be more exemption criteria based on type of adjacent uses e.g. if agricultural land is adjacent to residential use, a smaller chicken coup of a specified number of chickens should be allowed within the setback; need to allow farmers to use the fullest extent of their property).
 - **Establish and protect pollinator pathways** (need to establish pollinator pathways within an appropriate setback); also need to educate people about the need to implement measures to protect pollinators).
 - **Setbacks should be imposed on residential not ALR land/ agricultural lands.** (setback requirements should be imposed on, and located within, adjacent residential lands, not within ALR/ agricultural lands, as the setback is intended to minimize impact of development on agricultural productivity and minimize potential land use conflicts).

Obstacle 9: Farmer's unable to have directional signage

- Farm signs managed by the Ministry of Transportation and Infrastructure (MOTI) need to belong to registered society. MOTI has a template.
- Talk to other Local Governments who have signs in the road right-of-way and follow procedure.

Obstacle 10: Impacts of estate residential threaten agricultural viability

- Challenges and potential consequences:
 1. **Fire access** (when the home plate is located further away from the road, this can result in challenges and inefficiencies for fire protection services).
 2. **Building footprint** (an unrestricted home plate can result in a large building footprint, including the services needed to support the buildings (e.g. driveways, septic system sizing) which reduces agricultural capacity).
 3. **Siting of the home plate** (a lack of restrictions on where a home plate may be located within a property may result in a home plate location that disrupts agricultural use or reduces agricultural capacity. For example, siting the home plate and related improvements well within the property increases impacts from:
 - Transportation access/roadway (longer driveways and roads within the property further removes land from farming)
 - Servicing (longer servicing corridors for hydro, water/sewer also reduce land area for farming)
 - Allowing a second dwelling unit in zoning further reduces agricultural opportunity/viability

- **Actions:**

1. Consider sizing the home plate in relation to the size of the parcel to maximize area for farming.
2. Size of the home plate should consider buffers/setbacks to minimize impacts on the agricultural use.

Obstacle 11: Farm land DPAs not providing enough protection

- Increase DPA to 100 metres minimum and require at the time of subdivision.
- DP to protect farm land and pollinator habitat
- Use buffer for vegetation screen/ green space/ trails and stormwater management
- Apply farm land DPAs in all Electoral Areas for all ALR adjacent lands.
- DP conditions for new development and subdivision:
 - Lot size/density
 - Siting and size of dwelling
 - Orientation of dwelling
 - Restrictive covenants for non-farm lands and disclosures
- Find a local property to use as a demonstration of best management practices.

Obstacle 13: Animal control bylaws not addressing concerns regarding dogs.

- Obstacles:
 - Identification of the dog
 - Definition of harassment of livestock
 - Structure for enforcement
 - Penalties for dangerous dogs and dogs at large
- Solutions:
 - Dog licensing (if politically unacceptable chip wiring)
 - Create a compensation fund that uses penalties collected from the owners of dangerous dogs and dogs at large to provide compensation to farmers for damages caused by dogs.
 - Education and awareness (Dogs should be treated the same as cattle or other livestock)
 - Note attached information was provided by Mayta Ryn in relation to this discussion topic.

New Obstacles

As part of the exercise, participants were given an opportunity to identify additional obstacles not identified in the draft discussion paper. The following obstacles were identified.

1. RDN zoning does not allow for adequate accommodation for seasonal workers
2. The RDN Waste Stream Management Bylaw does not allow farmers to accept organic waste for composting for use on site.
3. Development is allowed to proceed without adequate consideration given to groundwater for agriculture.

3. Plant issues in the Field

A poster titled 'Plant Issues in the Field' was provided at the workshop for participants to use to identify other issues that were not the focus of this workshop so they could be addressed at a later date or considered during later phases of the Bylaw and Policy Updates Project. The following comments were provided on the poster using the sticky notes provided.

- Great site regarding food security: <http://www.phsa.ca/healthprofessionals/population-public-health/food-security/default.htm>
- In many situations where ALR land has been subdivided, MOTI has road allowance that may never be developed basically removing productive farm land. Perhaps discussion with MOTI to allow licence of use for agriculture until developed.
- Ensure that wildlife habitat is included in the consideration of setbacks, particularly in areas of heavy wildlife use and urban/rural interface. Look at continuity of land included in the ALR that provides wildlife corridors and areas that are important for wildlife use (migration, breeding, etc.).
- Conservation covenants as put forward by landowners in a land trust situation.
- Buffer zones: Consider education and possible changes to bylaws to enhance pollinators throughout the region.
- Beban Park Master Plan needs to specifically mention and commit to a covered farm market in the Plan.

Limitations and Next Steps

The results of the workshop indicate:

1. that most of the obstacles are considered important and
2. that further action is supported on a number of the identified obstacles

Specifically, making the zoning consistent with the ALR Regulation, increasing maximum fence height and parcel coverage, enabling directional signage, providing more protection in the Farm Land Protection Development Permit Areas, addressing the impacts of non-farm use, and improving animal control received the most support for further action.

The results demonstrate that the workshop achieved its purpose by providing an opportunity to learn about agriculture and an opportunity to identify and discuss potential obstacles to agriculture in the region and some potential approaches for how they could be addressed. Further phases of the Bylaw and Policy Updates Project will refine and seek input on how the RDN could address the identified obstacles.

Regional District of Nanaimo
Agricultural Advisory Committee
DOG HARASSMENT OF LIVESTOCK

Necessary Elements of a Bylaw to Deal with this Issue:

- A. Identification of the Dog**
- B. Definition of Harassment of Livestock**
- C. Structure for Enforcement**
- D. Penalties for Dangerous Dogs that are Harassing Livestock**

A. The First and Most Important Element of an Effective Bylaw is Identification of the Dog.

Why? Animal Control Officer and RCMP will not act on this issue unless they can identify the dog.

How? Licensing or Mandatory Chip Identification

Photos are good but not positive identification.

Tattoos are not really effective because they fade beyond recognition and are not linked by a universal and accessible record keeping system. Animal control officers have trouble identifying a dog from the Lower Mainland by tattoo let alone one from another province or country.

Microchip identification is moving to a universal system that is accessible by everyone in the animal control field. At present, the vet or pet owner registers the chip identification on an internet website which is easily accessible.

Licensing - a mandatory microchip identification system would be cheaper for the pet owner and might be more politically acceptable, but it fails to raise revenue from pet owners to offset animal control costs. In 2014, Nanaimo City covered approximately 65% of its animal control costs from licensing fees.

Why don't all the rural districts of the RDN already have licensing for dogs?

District H of the CVRD (North Oyster Diamond) shares its northern border with District A of the RDN and has had dog licensing since the 1970s. In what seems to be a direct result of mandatory licensing, dog harassment of livestock is under better control in District H than District A. When the licensing of dogs was first introduced for rural areas in the CVRD, dogs remained unlicensed and ran free, but gradually attitudes changed. Increasingly, dogs were licensed and kept under control in rural areas and farmers gradually experienced less problems with dogs running freely across their property. Attitudes will not change until a system of mandatory identification for dogs is introduced and dog owners start to see their responsibilities in a different light.

I am told that this issue is the “Third Rail” among the directors of some rural districts in the RDN. Don’t touch it or you will lose your seat. I can understand how emotional this issue can be with dog owners, but attitudes changed in the CVRD and they can change in those districts in the RDN who do not presently have licensing. Mandatory microchip dog identification might be more politically acceptable as there is a one time cost of \$25-80. However, it will not raise the money that licensing fees raise. Without this revenue from licensing fees, the animal control contract will not include money for enforcement in rural areas.

Need for Licensing of Dogs in the Rural Districts of the RDN:

- (a) To positively identify dogs that are harassing livestock.**
- (b) To take the burden off farmers to take care of the problem of dogs harassing or killing their livestock.**

The RDN, the RCMP, and the Animal Control officers should not be asking farmers to take care of this problem themselves because:

- 1. Under the present Livestock Act and Regional District Bylaws, it might be interpreted as illegal.**
- 2. Farmers shooting dogs is dangerous.**
- 3. Attitudes towards “shooting, shovelling and shutting up” have changed in rural areas.**
- 4. There should be fair and equitable responsibility for animal control throughout the RDN.**

- 1. Under one interpretation of the present Livestock Act, it has been judged illegal for a farmer to shoot a dog unless it is actively killing their livestock.**

The act reads:

A person may kill a dog if the person finds the dog

(a) Running at large

AND

(b) Attacking or viciously pursuing a person or a domestic animal.

THE KEY IS THE WORD “AND”.

A rancher was convicted for shooting a dog that had been actively harassing her livestock, but was shot when it was leaving the property. How possible is it for a farmer to kill a dog that is actively harassing or killing his livestock – you have to get the gun out first and, by that time, the dog has either killed or left. The penalty asked for in this case – 2 years in jail and a lifetime ban on owning animals – has really scared farmers and ranchers.

Ranchers and the BC Cattlemen’s Association rallied around this rancher and the conviction was overturned at the Supreme Court Level. The provincial government has said that it will look into changing the Act to make it possible for farmers to legally protect their livestock from dangerous dogs.

At the present time, it is still a questionable act for a farmer to protect his livestock from harassing dogs. Much safer if he catches them in the act of actively killing an animal, but this is difficult to accomplish. Licensing and penalties for allowing dogs to run at large would offer an alternative to killing a dog that is at large on your property and harassing your livestock.

2. Farmers shooting dogs is dangerous.

Last month, one of my neighbours had their grandson shot dead while out hunting dogs that were harassing their livestock in Northern British Columbia. Imagine how much more dangerous it is for residents in our semi rural areas.

3. Attitudes towards “shooting, shovelling and shutting up” have changed in rural areas.

When I moved to the Cedar-Yellow Point area in 1976, farmers took care of these problems on their own. They shot all dogs that crossed their fence line. We had an intense discussion at the Nanaimo Cedar Farmers Institute and times have changed. The farmers in my area now take photos - which are a talking point with their neighbours, but not positive identification. And they try to take problem dogs to the Animal Control Shelter, but they will not accept the dangerous dog unless it can be proven that it has killed an animal or the dog itself is injured. They do phone the Animal Control Officers and the RCMP with absolutely no success. The response is “take care of it yourself.” Until there are clear bylaws covering this issue and money in the animal control budget, the Animal Control Officers and RCMP are not going to respond.

4. Fair and equitable responsibility for animal control throughout the RDN.

When the people in rural areas kept their own dogs with them on the farm and took care of animal control themselves, there was no need for them to contribute to the cost of animal control through licensing fees. However, they no longer shoot problem dogs or drown kittens. They take them to the animal control centre or expect the animal control officer to come to the site and take care of the problem for them. In addition, they no longer keep their dogs with them when they are on the farm and keep them chained up as watch dogs when they are away. They take their dogs with them to other areas of the RDN for companionship and exercise so the dogs are out and about in other areas of the Regional District. Licensing fees are a way for pet owners to contribute to the costs associated with pet services. Licensing fees provide approximately 65% of the funding for animal control services within the City of Nanaimo. Rural residents use the pet services operated by the RDN and are enraged if they are turned away so they need to contribute in the same way that the urban residents of the district contribute.

B. Definition of Harassment of Livestock

Not just actively killing livestock. Should be defined as “inducing fear” or “worrying livestock”.

BCSPCA Policy under its Model Animal Control Bylaws suggests:
(5) No owner of a dog shall permit his or her dog to, without provocation:
(a) chase, bite or attack any person or domesticated animal; or
(b) cause damage to any property.

C. Structure for Enforcement.

Who will enforce?

The farmer is the person who is on the spot to enforce, but the present Livestock Protection Act does not clearly give him/her the authority to take action. Until the provincial government chooses to change the act, enforcement comes down to local authorities empowered by local bylaws.

BCSPCA Policy under its Model Animal Control Bylaws suggests:
“an animal control officer” or “any other authority”

How will they enforce?

BCSPCA Policy under its Model Animal Control Bylaws suggests:
“apply to the provincial court for an order”

D. Penalties for dangerous dogs that are harassing livestock.

BCSPCA Policy under its Model Animal Control Bylaws suggests:
“dog be destroyed in the manner specified in the order”

There also needs to be a fund set up that can provide compensation for livestock that is killed by a dangerous dog.

The applicable section of the BCSPCA Model Bylaws in full is:

The Following Special Powers in Relation to Dangerous Dogs are Empowered to Municipalities by the BC Community Charter [SBC 2003], Section 49:

(1) In this section only, “dangerous dog” means a dog that:
(a) has killed or seriously injured a person,
(b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
(c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person (or animal).

(10) In addition to any other authority, if an animal control officer has reasonable grounds to believe that a dog is a dangerous dog, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.

The benefit of writing bylaws that include the suggestions in the BCSPCA Model Bylaws is that the BCSPCA has the support of the majority of pet owners and has a reputation for compassionate and

responsible care for animals. This lessens the political risks of opposition from the pet owning community.

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