

| | | |
|--------------|--|--|
| RDN REPORT | | |
| CAO APPROVAL | | |
| EAP | | |
| COW | | |
| MAY 05 2015 | | |
| RHD | | |
| BOARD | | |

STAFF REPORT

TO: Paul Thompson
Manager of Long Range Planning

DATE: May 1, 2015

FROM: Greg Keller
Senior Planner

MEETING: EAPC May 12, 2015

FILE: 0360 20 AAPAP

SUBJECT: Bylaw and Policy Updates Project – Draft Agricultural Zoning and OCP Amendments

RECOMMENDATIONS

1. That staff proceed with community consultation on the draft zoning and Official Community Plan amendments identified in Attachments 1 and 2.
2. That the process for community engagement follow the Community Engagement Plan included as Attachment 8.

PURPOSE

The purpose of this report is to present draft agricultural zoning and Official Community Plan (OCP) amendments and recommended next steps for community input as part of the Bylaw and Policy Updates project.

BACKGROUND

The Bylaw and Policy Updates Project is one of the projects identified in the Agricultural Area Plan Implementation Action Plan and is the only project that falls entirely within the Regional District of Nanaimo's (RDN) jurisdiction. As a result, staff have focused much of the Agricultural Area Plan (AAP) Implementation efforts on the Bylaw and Policy Updates Project. The Bylaw and Policy Updates Project is a comprehensive review of all RDN bylaws and policies related to agriculture and aquaculture with the purpose of identifying and removing obstacles that are a direct result of RDN bylaws and policies. Amendments to RDN land use regulations and policies are included within the scope of this project.

Staff have reviewed RDN zoning, signage, animal control, and OCP bylaws and have identified a number of potential obstacles to agriculture and aquaculture in the region. For the purpose of this project, an obstacle is any RDN regulation or policy that may limit or impede farm operations, is not consistent with provincial regulations and/or guidance, or negatively affects agricultural viability both on and off a farm. A total of 13 obstacles and potential approaches on how each obstacle could be addressed have been identified in a discussion paper which is available on the project website (www.growingourfuture.ca).

Summary of Community Feedback

Following the completion of the discussion paper, staff initiated a process to obtain community feedback on the 13 draft obstacles and related approaches. The purpose of the community engagement process was to gauge the level of importance of each obstacle and amount of support to take action. A variety of different methods were used in obtaining feedback including a workshop, a meeting with the Cedar Farmer's Institute, a meeting with the Coombs Farmer's Institute, a meeting with the

Agricultural Advisory Committee (AAC), an online survey, and discussions with the Electoral Area Directors. Full results have been posted on the RDN website.

The following is a summary of the community engagement results.

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

There appears to be a high level of community support to take action on this obstacle.

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

There appears to be community support to take action on this obstacle.

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

Although there appears to be community support to take action on this obstacle, there appears to be differing opinions on the benefits of increasing minimum lot sizes for lands in the ALR.

Obstacle 4: There are no bylaw provisions that apply at the time of subdivision to ensure that lots 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.

There appears to be community support to take action on this obstacle.

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

There appears to be community support to take action on this obstacle.

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

There appears to be a high level of community support to take action on this obstacle.

Obstacle 7: Farmers market is not permitted in any zone where agriculture is a permitted use.

There appears to be a high level of community support to take action on this obstacle.

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

There appears to be community support to take action on this obstacle.

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

There appears to be community support to take action on this obstacle.

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

There appears to be community support to take action on this obstacle.

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

There appears to be a high level of community support to take action on this obstacle.

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

There appears to be community support to take action on this obstacle.

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.

There appears to be a high level of community support to take action on this obstacle.

As shown above, the results of the community feedback indicate that there are varying levels of support to take action on each of the identified obstacles. Some obstacles appear to have strong community support to take action while others appear to have community support.

Staff discussed the draft obstacles and results of the public participation process with the Electoral Area Directors to help narrow the focus of the project and identify which obstacles to take further action on at this time. The Electoral Area Directors supported taking further action on Obstacles 1, 2, 6, 7, and 8 through the implementation of an Agricultural zone(s) and support for the issuance of Temporary Use Permits (TUP) for farmers markets. Further action was not supported on the other obstacles at this time.

Based on community and Electoral Area Director feedback, staff have prepared draft agricultural land use zones and related amendments that would apply to land in the Agricultural Land Reserve (ALR) in "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). Staff have also provided draft amendments to support the issuance of Temporary Use Permits for farmers markets. (See attachments 1 and 2)

ALTERNATIVES

1. Proceed with community consultation on proposed actions that will address all of the identified barriers to agriculture.
2. Proceed with community consultation on draft zoning and official community plan amendments that will address obstacles 1,2,6,7, and 8.
3. Do not proceed with community consultation that will address barriers to agriculture.

LAND USE IMPLICATIONS

As stated above, staff are proposing to seek community input on draft agricultural land use zones for properties in the ALR and corresponding amendments applicable to Bylaw 500 and Bylaw 1285. Staff are also proposing to seek community input on draft OCP amendments to support the issuance of Temporary Use Permits for farmers markets.

A summary of the draft amendments, how the draft agricultural zones could be applied, and an explanation of the considerations that factored into the draft zones are included below. This is followed by a brief overview of the draft OCP amendments that would be necessary to support the issuance of Temporary Use Permits for farmers markets. Refer to Attachments 3 and 4 for a more detailed overview of the proposed amendments.

Rationale for Agricultural Zones

Upon review of Bylaw 500 and Bylaw 1285 it became evident that RDN zoning was not consistent with the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** (ALR Regulation). The ALR Regulation stipulates the land uses permitted in the ALR. Of relevance to this project are the designated Farm Uses and Permitted Uses identified within the ALR Regulation. Refer to Attachment 5 for an explanation of how RDN zoning aligns with the Farm and Permitted uses included in the ALR Regulation. Farm Uses are allowed outright on all ALR land regardless of zoning. Local government may regulate, but not prohibit these uses. If the RDN zoning bylaws do not allow all of the Farm Uses designated by the ALR Regulation, RDN zoning bylaws would be considered inconsistent with the ALR Regulation and would not be enforceable.

Some examples of Farm Uses include farm retail sales, BC Winery or Cidery and Ancillary Use, Agri-tourism, and horse riding, training, and boarding. Farm use also includes traditional agricultural activities such as growing of crops, raising livestock, intensive agriculture, and aquaculture.

The ALR Regulation also identifies a number of Permitted Uses that are allowed to occur on ALR land without an application being made to the Agricultural Land Commission (ALC). These uses are considered by the ALC to be compatible with or complimentary to agriculture. Unlike the Farm Uses, local governments do have the authority to prohibit these uses through zoning.

RDN zoning currently prohibits a number of the designated Farm Uses and does not allow a small number of the Permitted Uses. This highlights the need to consider allowing all of the farm uses that are currently not allowed and an opportunity to consider which of the Permitted Uses the RDN should allow to better support agriculture.

Zoning which is not consistent with the ALR Regulation is a concern for a number of reasons including:

1. It creates confusion with respect to what uses can occur on ALR land.
2. It creates problems for farmers and those seeking zoning confirmation when certain farm uses are being proposed.
3. It creates false expectations with respect to what uses can occur on a lot.
4. It consumes additional staff time and resources explaining the current regulations.
5. It results in the RDN zoning bylaws having no effect – that is a property owner can conduct any farm use regardless of zoning.

Having an agricultural zone would help address the above concerns and would help create opportunities to encourage and support agriculture through a more farm-friendly approach. In addition, having an agricultural zone would also help elevate the level of significance that the RDN places on agriculture in the ALR as an important contributor to the local economy. Further to the above, the application of an agricultural zone that applies to ALR lands is supported by the Ministry of Agriculture's Guide for Bylaw Development in Farming Areas (Guidebook).

Proposed Approach

In developing an approach to drafting an agricultural zone, staff developed a list of objectives to guide the process which relate to making the RDN zoning more consistent with the ALR Regulation and which help to support and encourage agriculture. These objectives were based on the action items identified in

the AAP, discussions with the Electoral Area Directors, and have been confirmed through community feedback.

The objectives include:

1. To remove inconsistencies with the ALR Regulations.
2. To adopt an agricultural zone(s).
3. To consider allowing additional uses that support agriculture and make it more viable.
4. To provide more flexible minimum setback requirements and general regulations.
5. To not negatively affect what Electoral Area residents can currently use land for.
6. To achieve greater consistency with the Ministry of Agriculture's Guide for Bylaw Development in Farming Areas.

In order to adopt an agricultural zone, a comprehensive approach which includes amendments to land use zones, definitions and general regulations is recommended. A comprehensive approach helps ensure clarity and keeps the land use zones as concise as possible.

The RDN has two zoning bylaws including Bylaw 500 which applies to Electoral Areas A, C, E, G, and H and Bylaw 1285 which applies to Electoral Area F. As a result of the unique characteristics of each zoning bylaw, the introduction of a new agricultural zone(s) requires an approach which is sensitive to each zoning bylaw structure. The following outlines the proposed approach for Bylaw 500 and Bylaw 1285.

Proposed Approach for Bylaw 500

There are 12 land use zones which include agriculture as a permitted use and include ALR land. These are the Agriculture 1 zone, Rural 1, 2, 4, 5, 6, 7, and 9, and Resource Management 1, 3, 5, and 9. Refer to Attachment 6 for a comparison of land use zones that allow agriculture and include ALR land.

There are also a number of other land use zones which include ALR land that do not permit agriculture including Commercial, Residential, Recreational, and a number of Comprehensive Development Zones. For the purpose of this project, only lands located in the ALR which are zoned Agriculture 1, Rural 1, 2, 4, 5, 6, 7, and 9, and Resource Management 1, 3, 5, and 9 have been considered for inclusion into the draft agricultural zone.

The Agriculture 1 and Rural zones share many similar characteristics including the uses allowed by each zone. The same is true for the Resource Management zones. Despite the similarities there are also a few key differences. Refer to Attachment 7 for a discussion on the key differences and recommendations on preserving the existing land uses in Bylaw 500. In order to achieve objective 5 above, two agricultural zones are required in Bylaw 500. This is because it is not possible to apply a single agricultural zone without removing and/or adding uses that are currently allowed.

The first zone would apply to the Agriculture 1 and Rural zones and the second zone would apply to the Resource Management zones. All parcels that are currently zoned to allow agriculture that are not in the ALR would continue to allow agriculture as currently defined.

In applying the proposed Agriculture zones, consideration and public input is required to develop a fair and reasonable approach to applying the proposed zones in situations where the ALR boundary does not follow established lot lines.

Proposed Approach for Bylaw 1285

While Bylaw 500 allows agriculture in a broad range of land use zones, Bylaw 1285 allows agriculture in one land use zone titled 'Agriculture 1' (A-1) which generally applies to all ALR land. Since there is already an agricultural zone that applies to ALR land in Bylaw 1285, no additional land use zones are required. Notwithstanding the above, amendments to the A-1 zone, definitions, and other regulations contained in the Bylaw are required to achieve the above objectives.

Draft Amendments to Support Temporary Use Permits for Farmers Markets

Farmers markets provide a venue for local producers to sell their goods. Farmers 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, farmers markets do not neatly fall within any one traditional use as they include both retail sales and public assembly.

Currently Bylaw 500 and Bylaw 1285 only allow farmers markets in commercial zones. None of the existing zones are well suited for farmers markets as this use has, in this region, not typically been conducted inside a building nor has it been located in a commercial zone. The current regulations could be a potential barrier to the future expansion of local food production in the region as proposals for new farmers markets would have to satisfy the development requirements that typically apply to commercial zoned parcels. In addition, improvements to existing farmers markets or new farmers markets located in other zones are not supported. The result may be that as the popularity and demand for farmers markets increases, the existing farmers markets may be stretched beyond capacity and may no longer be able to serve the region in an efficient manner.

A Temporary Use Permit (TUP) is a tool that local governments can use to allow a use not allowed by zoning for a period of up to three years with provisions for renewal. Section 920.2 and 921 of the *Local Government Act (LGA)* allow an OCP or zoning bylaw to designate areas where TUPs may be allowed. The LGA also allows the OCP or zoning bylaw to specify general conditions regarding the issuance of a TUP.

In the RDN TUPs have historically been addressed through policies in OCPs. The following is a brief summary of TUP provisions in the RDN Electoral Area OCPs.

| OCP | TUP Provisions | Notes |
|--------------------------------------|--|--|
| Electoral Area A | Supports TUP in any zone for any use. | Would support TUP for farmers markets. |
| Arrowsmith Benson – Cranberry Bright | There are no TUP policies. | Would not support TUP for farmers markets. |
| East Wellington/Pleasant Valley | Supports TUPs for the manufacture of asphalt products and composting. | Would not support TUP for farmers markets. |
| Nanoose Bay | Supports TUPs for asphalt plant, gravel, composting, etc. Specific use provisions do not allow other uses. | Would not support TUP for farmers markets. |

| OCP | TUP Provisions | Notes |
|------------------|---|---|
| Electoral Area F | Supports TUPs for aggregate extraction. Supports TUPs within the Village Centres and Rural Separation Boundaries. | Farmers markets would only be supported within the Village Centres. |
| Electoral Area G | Supports TUPs for resource and industrial uses. | Would not support TUP for Farmers markets. |
| Electoral Area H | There are no TUP policies. | Would not support TUP for Farmers markets. |

As shown above, with the exception of the Electoral Area 'A' OCP, all other OCPs do not support the issuance of a TUP for Farmers markets. Electoral Area F does support the issuance of a TUP for farmers markets but only in the Village Centres and Rural Separation Boundaries.

In order to support the issuance of TUPs for farmers markets an OCP policy in each of the OCPs (excluding Electoral Area A) or a statement in each of the zoning bylaws is required (refer to attachments 1 and 2). Community input is required to help refine the approach to take with the TUP amendments.

FINANCIAL IMPLICATIONS

All costs associated with this project are included in the 2015 Long Range Planning Budget. There are no financial implications to the RDN for this project.

STRATEGIC PLAN IMPLICATIONS

The 2013 – 2015 Board Strategic Plan recognizes agriculture as an important contributor to the local economy, culture, and landscape. The Plan supports continued agricultural viability and productivity. In addition, the Plan identifies a need to review regulatory bylaws to ensure they support agriculture. Therefore, the draft zoning amendments are supported by the Strategic Plan.

INTERGOVERNMENTAL RELATIONS IMPLICATIONS

Further action on the Bylaw and Policy Updates Project will include a broad range of stakeholders including the Ministry of Agriculture, Agricultural Land Commission, First Nations, adjacent local governments, agricultural organizations, farmers, and electoral area residents.

PUBLIC RELATIONS IMPLICATIONS

A comprehensive community engagement plan is proposed during the next phase of this project to obtain community and stakeholder input on the draft amendments. Please refer to Attachment 8 for the proposed community engagement plan.

The proposed engagement plan provides a number of different methods for obtaining community feedback including:

- one open house in each participating Electoral Area (excluding Electoral Area B);

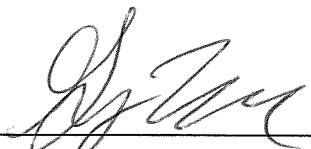
- meetings with the Agricultural Advisory Committee and agricultural organizations;
- a Farmers' Working Group;
- social and earned media;
- a project website and email notification;
- staff availability for meetings with community groups and individuals; and,
- an online questionnaire.

Public engagement activities are proposed to occur between early June and late September 2015, with the open houses occurring by the end of June to avoid the summer holiday season. The proposed public engagement process will be deemed successful if it results in meaningful community and stakeholder input, increased awareness of the project, and an indication of the level of community and stakeholder support for the draft zoning and OCP amendments.

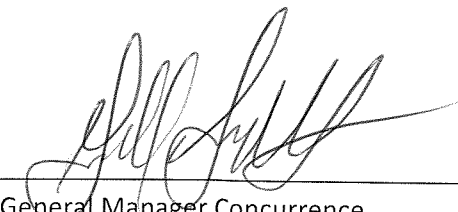
SUMMARY/CONCLUSIONS

The initial research and community outreach phase of the Bylaw and Policy Updates project is now complete. Based on community input and discussions with the Electoral Area Directors, staff have prepared draft zoning amendments for Bylaw 500 and Bylaw 1285 to introduce an agricultural zone and related amendments that are intended to increase consistency with the ALR Regulation. Staff have also provided a draft Temporary Use Permit/Official Community Plan policy that will support the establishment of new farmers markets. The intent of the draft amendments is to encourage and support agriculture in the region by removing impediments that are a direct result of RDN zoning bylaw provisions.

As the next phase of the project, it is recommended that the Board direct staff to proceed with community engagement in accordance with the plan included as Attachment 8. Once community input has been obtained staff will report back to the Board with recommendations on bylaw amendments.



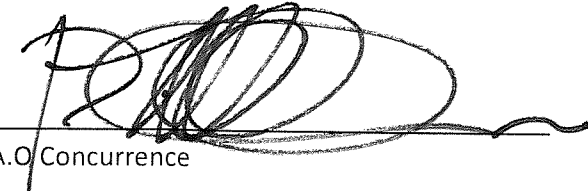
Report Writer



General Manager Concurrence



Manager Concurrence



C.A.O Concurrence

Attachment 1
Proposed Amendments to Bylaw 500 (Page 1 of 7)

The following amendments to definitions, general regulations, and land use zones are proposed.

New Definitions

agriculture education and research means the use of land, buildings, or structures dedicated to researching, promoting, and teaching methods of agriculture and farming, but specifically excludes schools under the ***School Act***.

class A compost production means use of land, buildings, or structures for the production, storage, and application of Class A compost in compliance with the ***Organic Matter Recycling Regulation***, B.C. Reg. 18, 2002 as amended from time to time, if at least 50% of the compost measured by volume is used on the farm on which the compost production is occurring.

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

farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the ***Agricultural Land Reserve Use, Subdivision and Procedure Regulation***, and includes farm operation as defined in the ***Farm Practices Protection (Right to Farm) Act*** as amended from time to time.

farm operation means farm operation as defined in the ***Farm Practices Protection (Right to Farm Act)*** as amended from time to time.

production of Biological Integrated Pest Management Products means the use of land, buildings, or structures for the production and development of biological products such as beneficial predatory insects, parasites, pathogens, and weed-feeders to be used in biological integrated pest management programs where the maximum floor area occupied by all buildings and structures necessary for the production or development does not exceed 300 m² per parcel.

temporary sawmill means a building or structure or area where timber from the parcel is cut or sawed on that lot, operating during normal daylight hours producing less than 60 m³ of lumber daily.

**Attachment 1
 Proposed Amendments to Bylaw 500 (Page 2 of 7)**

Amendments to General Regulations

Agricultural Building Setbacks (to replace Section 10(a) – Agricultural Buildings)

The following minimum setback requirements shall apply to all agricultural uses, buildings, and structures.

| Use(s) | Setback from all lot lines |
|---|----------------------------|
| 1) The following shall apply to all farm buildings, structures, and uses: | |
| i. Outdoor uncovered horse riding rings and exercise yards where no feeding of animals occurs. | 4.5 m |
| ii. Buildings and structures 10 m ² or less that house livestock, poultry, game, or other furbearing farm animals. | 8.0 m |
| iii. Indoor Riding Ring where no feeding or housing of animals occurs. | 8.0 m |
| iv. Buildings and structures 50 m ² or less that house livestock, poultry, game, or other furbearing farm animals. | 15.0 m |
| v. Buildings and structures more than 50 m ² that house livestock, poultry, game, or other furbearing farm animals. vi. Confined Livestock Area. vii. Indoor and outdoor riding rings where feeding and housing of animals occurs. viii. All buildings and structures associated with medical marihuana. ix. Mushroom Barn. x. Buildings, structures, and lands used for: a. the storage of agricultural liquid or solid waste. b. on-farm composting. c. compost storage. | 30.0 m |
| xi. All other agricultural buildings and structures. | 8.0 m |
| 2) All buildings, structures, and uses that include livestock, poultry, or other farm animals shall be a minimum of 30.0 m from a domestic well, spring, or the natural boundary of a lake or watercourse. | |

Attachment 1
Proposed Amendments to Bylaw 500 (Page 3 of 7)

Agri-Tourism Accommodation

Replace 16)(iii) with the following:

- i) A maximum of one agri-tourism accommodation sleeping unit including seasonal campsite, seasonal cabin or short term use of a bedroom within a dwelling unit per hectare shall be permitted up to a maximum of ten (10) per parcel.

Temporary Sawmills

- a) The placement of the temporary sawmill, including all associated storage and work areas, shall be sited a minimum of 30.0 metres from all property lines.

Kennel Facilities

The establishment of kennel facilities on ALR land must not be permitted unless by a rezoning of land. The use, if approved, shall be subject to the following specific requirements as well as all other applicable provisions of this bylaw:

- a) Must be located on lots which are 2.0 ha or larger,
- b) All structures and areas utilized in association with the kennel, or boarding operation, shall be sited a minimum of 30.0 metres from all property lines.

Agricultural Fencing

Notwithstanding Part 2 – Interpretation – Definition of Structure, a transparent wire fence over 2.0 metres in height for agricultural purposes shall not be considered a structure for the purpose of minimum setback requirements.

Draft Temporary Use Permit Policy

In accordance with Section 921 of the Local Government Act, the RDN may support temporary use permits for farmers markets on any parcel within the area covered by this bylaw.

The following conditions and criteria will be included in the RDN's consideration of such applications depending on the nature of the application being considered.

- a) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.
- b) The RDN may specify conditions of approval including, but not limited to, environmental protection measures, hours of operation, buffering between adjacent uses, parking, and groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the conditions of the permit.
- c) The RDN will consider the impact on local road networks and on-site parking.
- d) The RDN may consider any other condition or criteria as deemed necessary by the RDN.

Attachment 1
 Proposed Amendments to Bylaw 500 (Page 4 of 7)

New Land Use Zones

AGRICULTURE 1

AG1

3.4.1.1 Permitted Uses and Minimum Site Area

Required Site Area with:

| Permitted Principal Uses | Community Water & Community Sewer System | Community Water Only | No Community Service |
|--------------------------|--|----------------------|----------------------|
| a) Farm Use | n/a | n/a | n/a |
| b) Farm Operation | n/a | n/a | n/a |
| c) Residential Use | n/a | n/a | n/a |

Permitted Accessory Uses

- a) Home Based Business
- b) Secondary Suite
- c) Temporary Sawmill
- d) Agricultural Education and Research
- e) Agri-tourism Accommodation
- f) Production of Biological Integrated Pest Management Products

3.4.1.2 Maximum Number and Size of Buildings and Structures

| | |
|--|---|
| Agri-tourism accommodation cabins | combined floor area of 500 m ² |
| Accessory buildings (excluding Agri-tourism accommodation cabins) | combined floor area of 400 m ² |
| Dwelling units/parcel | |
| a) on a parcel having an area of 2.0 ha or less For Electoral Areas 'A', 'C', 'E', and 'H' | 1 |
| b) on a parcel having an area of 2.0 ha or more For Electoral Area 'G' | 2 |
| c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' | 2 |
| d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. | 2 |
| Height (non-farm uses) | 9.0 m |

Attachment 1
Proposed Amendments to Bylaw 500 (Page 5 of 7)

Parcel coverage

- a) Non-farm buildings and structures 10%
- b) Farm buildings and structures 25%
- c) Greenhouses 45%
- d) In no case shall the combined parcel coverage exceed 60%.
- e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
 - a. Permeable detention ponds
 - b. Support structures used for shading, frost and wind protection, netting, or trellising.

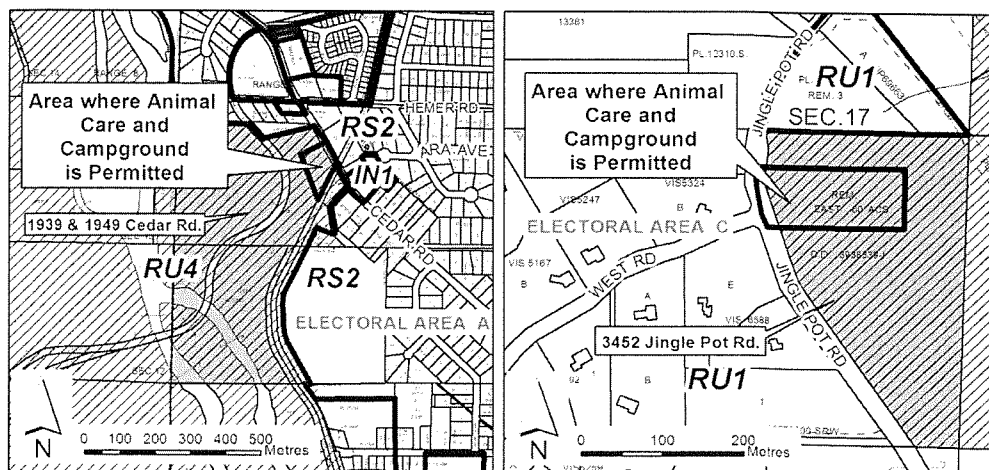
3.4.1.3 Minimum Setback Requirements

All non-farm buildings and structures – 8.0 metres from all lot lines

All farm buildings and structures – in accordance with Section 3.3.x (to be determined)

3.4.1.4 Other Regulations

- a) Specific ‘Farm’ and ‘Permitted’ uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* shall be developed in accordance with Section 3.3.x of this Bylaw.
- b) Despite any regulation in this Bylaw, land established as “Agricultural Land Reserve” pursuant to the *Agricultural Land Reserve Act* is subject to the *Agricultural Land Reserve Act* and *Regulations*, and applicable orders of the Land Reserve Commission.
- c) The minimum site area requirement for land-based aquaculture shall be 5,000 m².
- d) Animal Care and Campground shall be permitted in the areas outlined in the Diagrams below.



**Attachment 1
 Proposed Amendments to Bylaw 500 (Page 6 of 7)**

AGRICULTURE 2

AG2

3.4.2.1 Permitted Uses and Minimum Site Area

Required Site Area with:

| Permitted Principal Uses | Community Water & Community Sewer System | Community Water Only | No Community Service |
|--|---|-----------------------------|-----------------------------|
| a) Farm Use | n/a | n/a | n/a |
| b) Farm Operation | n/a | n/a | n/a |
| c) Residential Use | n/a | n/a | n/a |
| d) Extraction Use (Subject to Section 3.4.2.4 below) | 2.0 ha | 2.0 ha | 2.0 ha |
| e) Log Storage and Sorting Yard | 1.0 ha | 1.0 ha | 1.0 ha |
| f) Primary Processing | 5.0 ha | 5.0 ha | 5.0 ha |

Permitted Accessory Uses

- a) Home Based Business
- b) Secondary Suite
- c) Temporary Sawmill
- d) Agricultural Education and Research
- e) Agri-tourism Accommodation
- f) Biological Integrated Pest Management

3.4.2.2 Maximum Number and Size of Buildings and Structures

| | |
|--|---|
| Agri-tourism accommodation cabins | combined floor area of 500 m ² |
| Accessory buildings (excluding Agri-tourism accommodation cabins) | combined floor area of 400 m ² |
| Dwelling units/parcel | |
| a) on a parcel having an area of 8.0 ha or less For Electoral Areas 'A', 'C', 'E', and 'H' | 1 |
| b) on a parcel having an area of 8.0 ha or more For Electoral Area 'G' only | 2 |
| c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' | 2 |
| d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 8.0 ha. | 2 |

Attachment 1
Proposed Amendments to Bylaw 500 (Page 7 of 7)

| | |
|---|-------|
| Height (non-farm uses) | 9.0 m |
| Parcel coverage | |
| a) Non-farm buildings and structures | 10% |
| b) Farm buildings and structures | 25% |
| c) Greenhouses | 45% |
| d) In no case shall the combined parcel coverage exceed 60% | |
| e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage: | |
| a) Permeable detention ponds | |
| b) Support structures used for shading, frost and wind protection, netting, or trellising. | |

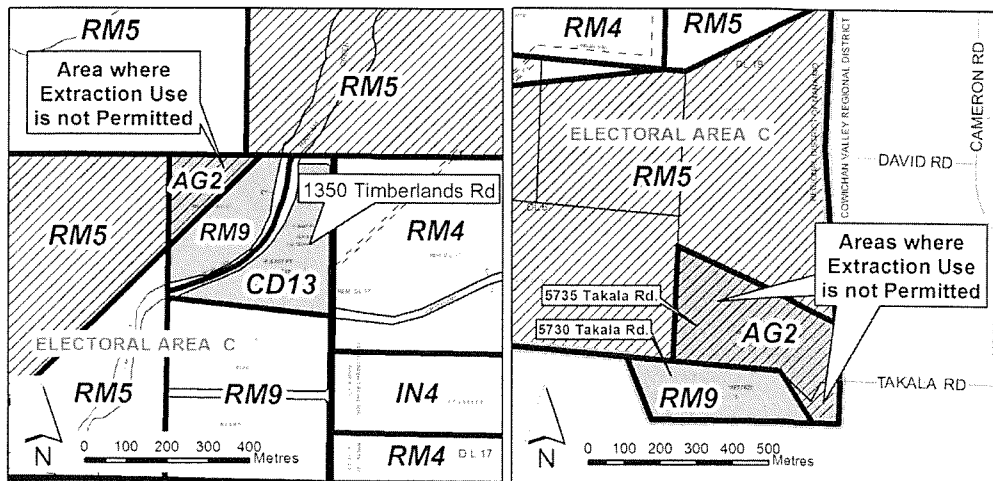
3.4.2.3 Minimum Setback Requirements

All non-farm buildings and structures – 20.0 metres from all lot lines

All farm buildings and structures – in accordance with Section 3.3.x (To be determined)

3.4.2.4 Other Regulations

- a) Specific ‘Farm’ and ‘Permitted’ uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 3.3.x of this Bylaw.
- b) Despite any regulation in this Bylaw, land established as “Agricultural Land Reserve” pursuant to the ***Agricultural Land Reserve Act*** is subject to the ***Agricultural Land Reserve Act and Regulations***, and applicable orders of the Land Reserve Commission.
- c) The minimum site area requirement for land-based aquaculture shall be 5,000 m².
- d) Notwithstanding any other provision in this Bylaw, extraction use shall not be permitted on the parcels/areas identified in the diagrams below.



Attachment 2
Proposed Amendments to Bylaw 1285 (Page 1 of 7)

New Definitions for Bylaw 1285

agriculture education and research means the use of land, buildings, or structures dedicated to researching, promoting, and teaching methods of agriculture and farming, but specifically excludes schools under the *School Act*.

class A compost production means use of land, buildings, or structures for the production, storage, and application of Class A compost in compliance with the *Organic Matter Recycling Regulation*, B.C. Reg. 18, 2002 as amended from time to time, if at least 50% of the compost measured by volume is used on the farm in which the compost production is occurring.

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

farm use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, and includes farm operation as defined in the *Farm Practices Protection (Right to Farm) Act* as amended from time to time.

farm operation means farm operation as defined in the *Farm Practices Protection (Right to Farm Act)* as amended from time to time.

production of Biological Integrated Pest Management Products means the use of land, buildings, or structures for the production and development of biological products such as beneficial predatory insects, parasites, pathogens, and weed-feeders to be used in biological integrated pest management programs where the maximum floor area occupied by all buildings and structures necessary for the production or development does not exceed 300m² per parcel.

Attachment 2
Proposed Amendments to Bylaw 1285 (Page 2 of 7)

Amendments to General Regulations for Bylaw 1285

2.4 Prohibited Uses (*proposed changes as underlined below*)

Except where specifically permitted, the following uses, buildings and structures are prohibited in every Zone:

- a) private airports and heliports, unpaved air strip, except a private airport or heliport used only for emergency landing or evacuation, in connection with a medical emergency or other emergency as defined in the ***Emergency Program Act***;
- b) storage of refuse or waste disposal/processing not produced on the property;
- c) kennels, breeding pets, or a boarding facility;¹
- d) the disposal or storage of hazardous, contaminated, biomedical or toxic waste;
- e) the storage of contaminated soil, if the contaminated soil did not originate on the same legal parcel of land;
- f) vehicle wrecking yard;
- g) slaughtering of livestock, food processing, and the processing of seafood except in the A-1 zone conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;
- h) intensive agriculture including feedlots, stockyards, and slaughterhouses except in A-1, subject to Agricultural Land Reserve Commission review;²
- i) commercial laundry facility;
- j) commercial composting facility;
- k) chemical manufacturing;
- l) petrochemical refining;
- m) explosives/ammunition manufacturing;
- n) battery manufacturing;
- o) outdoor chemical treatment of poles, fence posts, and wood products;
- p) metal smelting/electroplating;
- q) water bottling facilities;³
- r) accommodation for agri-tourism except in the A-1 zone;⁴
- s) the production, storage, and application of Class A compost in compliance with the Organic Matter Recycling Regulation, B.C. Reg. 18/2002 except in the A-1 zone when conducted as a farm use in accordance with the Agricultural Land Reserve Use, Subdivision, and Procedure Regulation;⁵
- t) medical marihuana production.

¹ Bylaw No. 1285.01, adopted April 13, 2004

² Bylaw No. 1285.01, adopted April 13, 2004

³ Bylaw No. 1285.01, adopted April 13, 2004

⁴ Bylaw No. 1285.01, adopted April 13, 2004

⁵ Bylaw No. 1285.01, adopted April 13, 2004

Attachment 2
Proposed Amendments to Bylaw 1285 (Page 3 of 7)

Minimum Setback Requirements for Agricultural Buildings

The following minimum setback requirements shall apply to all agricultural uses, buildings, and structures.

| Use(s) | Setback from all lot lines |
|---|----------------------------|
| 1) The following shall apply to all farm buildings, structures, and uses: | |
| i. Outdoor uncovered horse riding rings and exercise yards where no feeding of animals occurs. | 4.5 m |
| ii. Buildings and structures 10 m ² or less that house livestock, poultry, game, or other furbearing farm animals. | 8.0 m |
| iii. Indoor Riding Ring where no feeding or housing of animals occurs. | 8.0 m |
| iv. Buildings and structures 50 m ² or less that house livestock, poultry, game, or other furbearing farm animals. | 15.0 m |
| v. Buildings and structures more than 50 m ² that house livestock, poultry, game, or other furbearing farm animals. vi. Confined Livestock Area. vii. Indoor and outdoor riding rings where feeding and housing of animals occurs. viii. All buildings and structures associated with medical marihuana. ix. Mushroom Barn. x. Buildings, structures, and lands used for: a) the storage of agricultural liquid or solid waste. b) on-farm composting. c) compost storage. | 30.0 m |
| xi. All other agricultural buildings and structures. | 8.0 m |
| 2) All buildings, structures, and uses that include livestock, poultry, or other farm animals shall be a minimum of 30 m from a domestic well, spring, or the natural boundary of a lake or watercourse. | |

Attachment 2
Proposed Amendments to Bylaw 1285 (Page 4 of 7)

Agri-Tourism Accommodation

- a) As exceptions to Section 3 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, on parcels within the Agricultural Land Reserve and where agri-tourism accommodation is a permitted accessory use, the following general provisions apply:
 - i) Agri-tourism accommodation use must be for rental only;
 - ii) Agri-tourism accommodation is permitted only on land classified as 'farm' under the *BC Assessment Act*;
 - iii) A maximum of one agri-tourism accommodation sleeping unit including seasonal campsite, seasonal cabin or short term use of a bedroom within a dwelling unit per hectare shall be permitted up to a maximum of ten (10) per parcel;
 - iv) The total developed area for an agri-tourism accommodation use, including buildings, landscaping, driveways and parking shall occupy less than five percent (5%) of the total parcel area, in accordance with the *Agricultural Land Commission Act*.

- b) An agri-tourism accommodation campground must be developed in accordance with the following regulations:
 - i) Every campsite shall be unpaved and not exceed 150 m² in area;
 - ii) Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
 - iii) A maximum consecutive or non-consecutive stay of ninety (90) calendar days per visitor within any twelve (12) month period within any campsite on the parcel. The relocation of recreational vehicle (RVs) or campers to other sites within the parcel does not constitute the start of a new stay.

- c) An agri-tourism accommodation cabin must be developed in accordance with the following regulations:
 - i) The maximum gross floor area of an agri-tourism accommodation cabin shall not exceed 50 m²;
 - ii) Washroom and drinking water facilities shall be provided for in accordance with Island Health's regulations and/or provincial regulations;
 - iii) A maximum of one kitchen facility shall be permitted within each agri-tourism accommodation cabin;
 - iv) A maximum consecutive or non-consecutive stay of ninety (90) days per visitor in any twelve (12) month period within any cabin on the parcel. The relocation of a visitor to another cabin within the parcel does not constitute the start of a new stay;
 - v) One (1) parking space per agri-tourism accommodation cabin is required.

Attachment 2
Proposed Amendments to Bylaw 1285 (Page 5 of 7)

Kennel Facilities

The establishment of kennel facilities on ALR land must not be permitted unless by a rezoning of land. The use, if approved, shall be subject to the following specific requirements as well as all other applicable provisions of this bylaw:

- a) Must be located on lots which are 2.0 ha or larger,
- b) All structures and areas utilized in association with the kennel, or boarding operation, shall be sited a minimum of 30.0 metres from all property lines.

Agricultural Fencing

Notwithstanding Part 2 – Interpretation – Definition of Structure, a transparent wire fence over 2 metres in height for agricultural purposes shall not be considered a structure for the purpose of minimum setback requirements.

Draft Temporary Use Permit Policy

In accordance with Section 921 of the Local Government Act, the RDN may support temporary use permits for farmers markets on any parcel within the area covered by this bylaw.

The following conditions and criteria will be included in the RDN's consideration of such applications depending on the nature of the application being considered.

- e) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.
- f) The RDN may specify conditions of approval including, but not limited to, environmental protection measures, hours of operation, buffering between adjacent uses, parking, and groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the conditions of the permit.
- g) The RDN will consider the impact on local road networks and on-site parking.
- h) The RDN may consider any other condition or criteria as deemed necessary by the RDN.

Attachment 2
 Proposed Amendments to Bylaw 1285 (Page 6 of 7)

Draft Amended Agriculture 1 Zone for Bylaw 1285 (To replace existing A-1 zone)

A-1 – AGRICULTURE 1

SECTION 4.1

4.1.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Farm Use
- c) Farm Operation
- d) Medical Marihuana Production

4.1.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures
- b) Farm Business
- c) Home Based Business
- d) Secondary Suite¹
- e) Temporary Sawmill
- f) Agri-tourism Accommodation
- g) Production of Biological Integrated Pest Management Products

4.1.3 Regulations Table

| Category | Requirements |
|--|--|
| a) Maximum Density | 2 Dwelling Units per lot, provided that one Dwelling Unit is a Manufactured Home <i>(subject to Section 4.1.4(b) below)</i> |
| b) Minimum Lot Size | 4.0 ha |
| c) Minimum Lot Frontage | 100.0 metres |
| d) Maximum Lot Coverage | <ul style="list-style-type: none"> i) Non-farm buildings and structures 10% ii) Farm buildings and structures 25% iii) Greenhouses 45% iv) In no case shall the combined parcel coverage exceed 60%. |
| e) Maximum Building and Structure Height | 10% |
| f) Minimum Setback from | |
| i) Front and Exterior Side Lot Lines | 4.5 metres |
| ii) All Other Lot Lines | 2.0 metres |
| g) Minimum Setback of all buildings or structures used for medical marihuana production | 30.0 metres |

¹ Bylaw No. 1285.19, adopted May 27, 2014

Attachment 2
Proposed Amendments to Bylaw 1285 (Page 7 of 7)

| | |
|--|--|
| h) Minimum Setback for all agricultural buildings and structures | Refer to Section 3 – General Regulations |
| i) General Land Use Regulations | Refer to Section 3 – General Regulations |

4.1.4 Regulations

- a) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the **Agricultural Land Reserve Act** is subject to the **Agricultural Land Reserve Act** and **Regulations**, and applicable orders of the Land Reserve Commission.
- b) Any parcel existing prior to the date of adoption of this Bylaw, which fails to meet the minimum parcel size requirements contained in this Bylaw, shall not by reason thereof be deemed to be nonconforming, and may be used for any permitted use in the zone in which it is located except that where the zone allows residential use, only one dwelling unit shall be allowed on any such undersized parcel. Permitted uses shall be subject to all other conditions required of that zone.
- c) Notwithstanding Section 5 – Definitions – Definition of Structure, a transparent wire fence over 2 metres in height for agricultural purposes shall not be considered a structure for the purpose of minimum setback requirements.

4.1.5 Additional A-1 Zones

Principal and accessory uses as set out in Section 4.23 (A-1.1 to A-1.28 inclusive) are permitted in addition to those uses permitted in the A-1 zone. ¹

¹ Bylaw No. 1285.01, adopted April 13, 2004

Attachment 3
Overview of Proposed Amendments in Bylaw 500 (Page 1 of 4)

Overview of draft amendments in Bylaw 500

The amendments proposed include:

- the introduction of two new land use zones;
- new general regulations, and,
- new definitions.

These amendments are intended to work together as a package to increase consistency with the ALR regulation and encourage and support agriculture in the region.

Determining Uses Allowed in the Draft Zones

Two new principal uses titled 'Farm Use' and 'Farm Operation' are proposed. The new uses would provide consistency between the terminology used in the ALR Regulation and ***Farm Practices Protection Act***. Within the draft agricultural zones the use titled '*Agriculture*' would be replaced with '*Farm Use*' and '*Farm Operation*'. Farm Use and Farm Operation are proposed to be defined as follows:

Farm Use means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other similar activity designated as farm use by the ***Agricultural Land Reserve Use, Subdivision and Procedure Regulation*** and includes farm operation as defined in the ***Farm Practices Protection (Right to Farm) Act*** as amended from time to time.

Farm operation means farm operation as defined in the ***Farm Practices Protection (Right to Farm Act)*** as amended from time to time.

The definition of farm operation includes aquaculture and traditional agricultural activities such as growing crops and keeping animals.

The draft agricultural zones would also include the following accessory uses which are listed as permitted uses by the ALR Regulation:

- a. Home Based Business
- b. Secondary Suite
- c. Temporary Sawmill
- d. Agricultural Education and Research
- e. Agri-tourism Accommodation
- f. Production of Biological Integrated Pest Management Products

Many of the permitted uses included in the ALR Regulation are currently allowed. Those which are not currently allowed include agri-tourism accommodation, breeding of pets, kennel, boarding facility, agricultural education and research, production, storage, and application of Class A compost, and the production of products used in integrated pest management.

Breeding of pets, kennel, or boarding facility are not supported as these are uses which are typically associated with neighbourhood impacts primarily in the form of noise and increased traffic. These uses

Attachment 3 Overview of Proposed Amendments in Bylaw 500 (Page 2 of 4)

may be appropriate in some locations depending on variables such as separation distance, adjacent uses, and topography. It may be more appropriate to consider these uses through a property-owner initiated rezoning process. In that way the site-specific impacts can be evaluated and there would be an opportunity for community input on a site-specific basis.

The production, storage, and application of Class A compost is both a farm use and permitted use. It is a farm use if all of the compost produced is used on the farm where it was produced. It is considered a permitted use if at least 50% of the compost measured by volume is used on the farm where it was produced. The production, storage, and application of Class A compost as a permitted use has not been included in the draft agricultural zones. In this way all of the compost produced must be used on the farm it was produced on. Compost facilities have potential to have neighbourhood and environmental impacts. It may be more appropriate to consider this use through a property-owner initiated rezoning process. In that way the site-specific impacts can be evaluated and there would be an opportunity for community input on a site-specific basis.

Maximum Parcel Coverage For Farm Buildings

The Ministry of Agriculture's Guide for Bylaw Development in Farming (Guidebook) Areas recommends that local governments not restrict the area of a lot which may be covered by buildings and structures for farm use to an area less than 35 % or less than 75% for greenhouses. In response, the draft agricultural zones propose a change to the maximum lot coverage provisions to accommodate more lot coverage for farm buildings and greenhouses. Currently, the maximum lot coverage allowed in the current land use zones is 25 % in the Rural zones and 10% in the Resource Management zones.

The draft agricultural zones propose the following maximum lot coverage provisions:

| | |
|--------------------------------------|-----|
| a) Non-farm buildings and structures | 10% |
| b) Farm buildings and structures | 25% |
| c) Greenhouses | 45% |

In no case shall the combined lot coverage exceed 60%.

Should stormwater management or agricultural liquid waste management be of concern for larger buildings and/or larger areas with impervious surfaces, the RDN could adopt requirements for the preparation of a stormwater management plan and/or agricultural liquid waste management plan. These requirements could be triggered any time a building or impervious surface is proposed that is over a certain floor area or lot coverage threshold. This approach is supported by the Guidebook which suggests a threshold of 3,700 m² of total impervious area of farm buildings or lot coverage in excess of 10%.

General Regulations Considerations

A few key changes are envisioned including introducing new minimum setback requirements for agricultural buildings, introducing new regulations that apply to temporary sawmills and kennel facilities, amendments to the agri-tourism accommodation regulations, and some general housekeeping amendments. The following outlines the draft changes and provides a summary of the proposed general regulations.

Attachment 3 Overview of Proposed Amendments in Bylaw 500 (Page 3 of 4)

- Temporary sawmills - it is proposed that all buildings and structures associated with the use be sited a minimum of 30.0 metres from all lot lines.
- Kennel facilities – new facilities would not be permitted on any lot without a site-specific rezoning. Lots would have to be 2.0 ha or larger and all buildings and structures would have to be a minimum of 30.0 metres from all lot lines.
- Agricultural fencing – transparent wire fencing over 2.0 metres in height for agricultural purposes shall be exempt from minimum setback requirements.

Bylaw 500 allows Agri-tourism accommodation only within the Agriculture 1 zone which applies to one 28.4 ha parcel in Electoral Area 'H'. This was the result of an owner-initiated rezoning application which provided an opportunity to review the site in relation to the proposed use and consider the ability of the site to accommodate on-site servicing. The resulting general regulations allow a maximum of 10 agri-tourism accommodation sleeping units on the parcel.

Agri-tourism accommodation is included as an accessory use within the draft Agricultural zones which, if approved, would allow agri-tourism accommodation on a range of different sized parcels. This has raised concerns with respect to on-site servicing, impacts on adjacent property owners, and the ability to ensure that the use is accessory to agriculture on the subject property. In response to these concerns, an amendment to the general regulations that apply to agri-tourism accommodation is proposed to limit the number of agri-tourism accommodation sleeping units to one unit per hectare to a maximum of ten units per parcel. This approach is consistent with the ALR Regulation, would continue to allow the number of units allowed by the existing Agriculture 1 zone, and would help address the concerns identified above

Minimum Setback Requirements for Agricultural Buildings

The proposed minimum setback requirements would apply to all agricultural buildings regardless of whether they are in the ALR or not. The amendments would replace all existing agricultural building minimum setback requirements and are intended to provide more flexibility for farmers and to encourage farming on smaller lots. Currently, all buildings used for housing livestock or for storing manure must be a minimum of 30.0 metres from all lot lines regardless of the building size or number of animals housed. The proposed minimum setbacks would provide minimum setback requirements based on floor area. Minimum setback requirements would also be included for specific uses such as on-farm composting, mushroom barn, and confined livestock area to help address potential impacts on adjacent properties.

How the draft agricultural zones could be applied in Bylaw 500

Since ALR boundaries do not always follow established lot lines, thought has to be given to how to apply the zones in situations where only a portion of a lot is located in the ALR. This is because it is important to avoid applying a new zone to small portions of a lot that would not be able to support farming or any of the other uses allowed in the draft land use zone. This becomes especially important as a lot divided by a land use zone boundary is deemed to be a separate lot for the purpose of determining lot coverage,

Attachment 3 Overview of Proposed Amendments in Bylaw 500 (Page 4 of 4)

minimum setback requirements, and minimum site area. Therefore, allowing very small portions of ALR land to be included within an agricultural zone would have the unintended consequence of allowing an additional dwelling unit and other uses allowed by the agricultural zone on very small areas of land that may not be able to support those uses from a servicing perspective.

Two potential approaches for how to apply the draft agricultural zone include applying the draft zone where more than 50% of the lot is located in the ALR or applying the draft zone where a lot includes 1.0 ha or more of ALR land. Public input is required to develop a fair and consistent approach on how to apply the draft zones.

Agriculture on non-ALR lands in Bylaw 500

Another consideration is how agriculture would be approached in areas covered by Bylaw 500 on lands not in the ALR. As mentioned previously, agriculture is allowed in a number of different land use zones including lands that are not in the ALR. The AAP encourages agriculture on all lands capable of production regardless of whether or not the land is in the ALR. In response, land which currently allows agriculture that is not in the ALR would continue to allow agriculture as currently defined and would maintain the current land use zone. The lands not in the ALR would not be afforded the farm uses that are designated by the ALR Regulation which are currently not allowed and any additional uses included in the draft agricultural zone. For example a BC Winery or Cidery and Ancillary use would not be allowed on a lot not located within the ALR.

Attachment 4 Overview of Proposed Amendments in Bylaw 1285 (Page 1 of 2)

Overview of draft amendments in Bylaw 1285

Bylaw 1285 has one land use zone titled 'Agriculture 1' (A-1) that generally applies to all ALR land. Although the A-1 zone is an agricultural zone that applies to ALR land, it is not consistent with the ALR Regulation as a number of the Farm Uses are not allowed. In addition, the A-1 zone and related bylaw provisions are unclear with respect to which permitted uses are allowed. Refer to Attachment 5 of the staff report for a comparison of how Bylaw 1285 aligns with the ALR Regulation.

The A-1 land use zone includes 'Farm Use' as one of the permitted uses. However, 'Farm Use' as defined by Bylaw 1285 is different than the term 'Farm Use' used by the ALR Regulation. In addition, the definition of Farm Use in Bylaw 1285 excludes some of the uses considered to be Farm Uses by the ALR Regulation. This creates uncertainty and confusion. The A-1 zone includes the following statement that is intended to allow all Farm Uses and Permitted Uses included in the ALR Regulation:

*Notwithstanding the Permitted Principal Uses listed above, any use designated or permitted pursuant to Section 2 of the **Agricultural Land Reserve Use, Subdivision and Procedure Regulation** or farm use permitted by the Ministry of Agriculture, Food and Fisheries, unless specifically prohibited or regulated by this Bylaw, is permitted within this zone.*

The reference made above to Section 2 of the ALR Regulation is incorrect. If the A-1 zone is to be amended, the reference to the ALR Regulation should be replaced with a list of uses that clearly establishes what is allowed in the A-1 zone.

Unlike Bylaw 500, Bylaw 1285 includes a list of prohibited uses. The uses included on this list are prohibited in every land use zone except where specifically permitted. However, the list of prohibited uses includes the following Farm Uses and Permitted Uses identified in the ALR Regulation.

Farm uses included in the list of prohibited uses

- slaughtering of livestock, food processing, and the processing of seafood;
- the production of Class A Compost;
- medical marihuana production.

Permitted uses included in the list of prohibited uses

- kennels, breeding pets, or a boarding facility;
- accommodation for agri-tourism.

The current bylaw structure creates uncertainty with respect to what uses are allowed in the A-1 zone as the general clause included in the A-1 zone gives the impression that all Farm and Permitted uses are allowed, while some of those uses are specifically prohibited by a different section (prohibited uses) of the Bylaw. In addition, as previously discussed, the RDN cannot prohibit farm uses on ALR land.

Amendments to Bylaw 1285 are envisioned that would improve consistency with the ALR Regulation and provide clarification with respect to what uses are allowed. The draft amendments to the A-1 land use zone would also include amendments to the list of prohibited uses, new general regulations, and new definitions.

Attachment 4
Overview of Proposed Amendments in Bylaw 1285 (Page 2 of 2)

In addition, the draft amendments are intended to provide a greater level of consistency with Bylaw 500 by including the same definition of 'Farm Use' and 'Farm Operation', allowing the same accessory uses, and including the same maximum lot coverage and minimum setback provisions. Also note that community input specific to Electoral Area 'F' is required to gauge community support for the draft amendments.

The general clause allowing all Farm and Permitted Uses in the ALR Regulation would no longer be required as all of the Farm Uses are captured by the proposed definitions of Farm Use and Farm Operation and a range of permitted uses has also been included in the draft zoning amendments. If it is found that some of the permitted uses are not supported by the community on ALR land, these uses can be removed from the draft land use zone.

With the exception of the changes identified above, all other provisions in the existing A-1 land zone are proposed to stay the same.

**Attachment 5
 How RDN Zoning Aligns with the ALR Regulation (Page 1 of 2)**

The following tables illustrate how the RDN zoning aligns with the ALR Regulation. A check mark means that a use is currently allowed by zoning and an x means that a use is currently not allowed.

Farm Uses allowed by RDN zoning:

| Farm Uses | Is it currently allowed? Bylaw 500 | Is it currently allowed? Bylaw 1285 |
|--|---------------------------------------|--|
| Farm Retail Sales | ✓ | X (No off-farm products allowed) |
| BC Winery or cidery and ancillary use | X | X |
| Processing of off-farm product | X | X |
| Storing, packing, product preparation, and processing | X (limited to on-farm product) | X |
| Agri-tourism | ✓ (AG1 zone only) | X |
| Timber production, harvesting, and siculture | ✓ | X (Unclear) |
| Agroforestry | X | X |
| Horse riding, training, and boarding. | X (unclear) | X (unclear) |
| Production, storage, and application of Class A Compost (all used on the farm) | X | X (prohibited use) |

Attachment 5
How RDN Zoning Aligns with the ALR Regulation (Page 2 of 2)

Permitted Uses allowed by RDN zoning

| Permitted Uses | Is it currently allowed? Bylaw 500 | Is it currently allowed? Bylaw 1285 |
|--|---|--|
| Accommodation for agri-tourism | ✓ (Only in the AG 1 zone) | X (prohibited use) |
| Secondary Suite | ✓ | ✓ |
| Home Based Business | ✓ | ✓ |
| Bed and Breakfast | ✓ | ✓ |
| Manufactured home | ✓ (2 dwelling units) | ✓ |
| Temporary Sawmill | X (rough sawing of logs is currently allowed) | ✓ |
| Passive Recreation | ✓ | ✓ |
| Breeding of Pets, kennel, boarding | X (RU2 only) | X |
| Ag. Education and Research | X | X |
| Production of biological products for integrated pest management | X | X |
| Production, storage, and application of Class A Compost (at least 50 % used on the farm) | X | X (prohibited use) |

Attachment 7 Preserving Existing Land Uses in Bylaw 500 (Page 1 of 3)

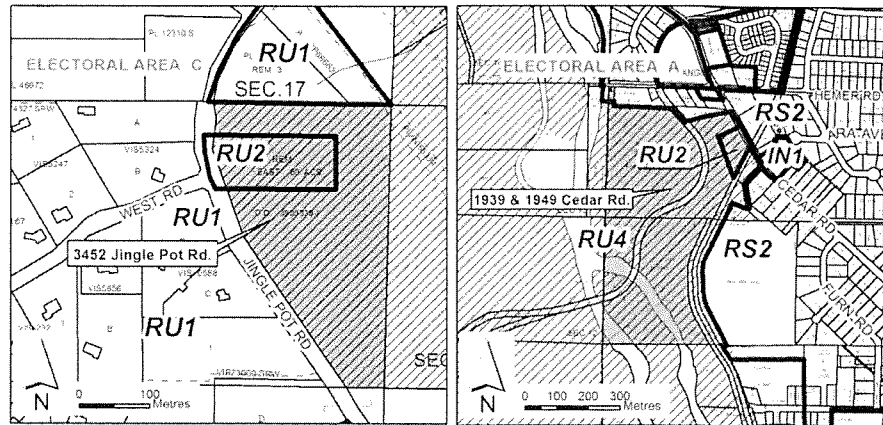
One of the objectives of this project is to ensure that all of the uses that are currently allowed in any of the affected land use zones continue to be allowed.

To ensure that all existing land uses continue to be allowed in any new agricultural zone, the following needs to be considered and analyzed in more detail. Keep in mind that the zoning of all lots located outside of the ALR would remain unchanged (i.e all land outside of the ALR would not be rezoned).

The following provides an overview of some of the unique uses and zones that require consideration as well as a staff recommendation on how these uses could be addressed.

1. Campground and Animal Care in the Rural 2 Zone

- a. There are only two parcels of land in the Rural 2 zone in the ALR. Note that these two areas (as shown below) each represent a portion of a lot which has been zoned Rural 2.
- b. The Rural 2 zone is the only zone that occurs in the ALR which allows 'Animal Care' and 'Campground'. It is recommended that these unique uses continue to be allowed within the areas identified. This could be accommodated in the new Agriculture Zone with site-specific land use provisions. In this way Animal Care and Campground would be limited to the locations that currently allow it.



2. Prohibiting building strata subdivision in the Rural 4, Rural, 7, Resource Management 5, and Resource Management 9 zones

- a. The Rural 4 and 7 and Resource Management 5 and 9 land use zones do not allow building strata subdivisions. These provisions were put in place as a means of implementing OCP policies in response to concerns over the creation of lots smaller than the minimum lot size permitted by RDN zoning. Building Strata is a form of subdivision, that usually does not involve the RDN and which allows for the creation of separate title for two or more dwelling units located on the same lot. Although the RDN does not generally advise on these types of subdivisions, the basic requirements for a building strata subdivision are a land use zone which allows more than 1 dwelling unit per lot, a vacant lot, two dwelling units being constructed within a given timeframe

Attachment 7
Preserving Existing Land Uses in Bylaw 500 (Page 2 of 3)

of each other, and a subsequent registration with the Land Title and Survey Authority of BC. From a practical perspective, since the draft agricultural zones would only apply to ALR lands, building strata may not be of concern as in order to proceed with a building strata subdivision a property owner would have to:

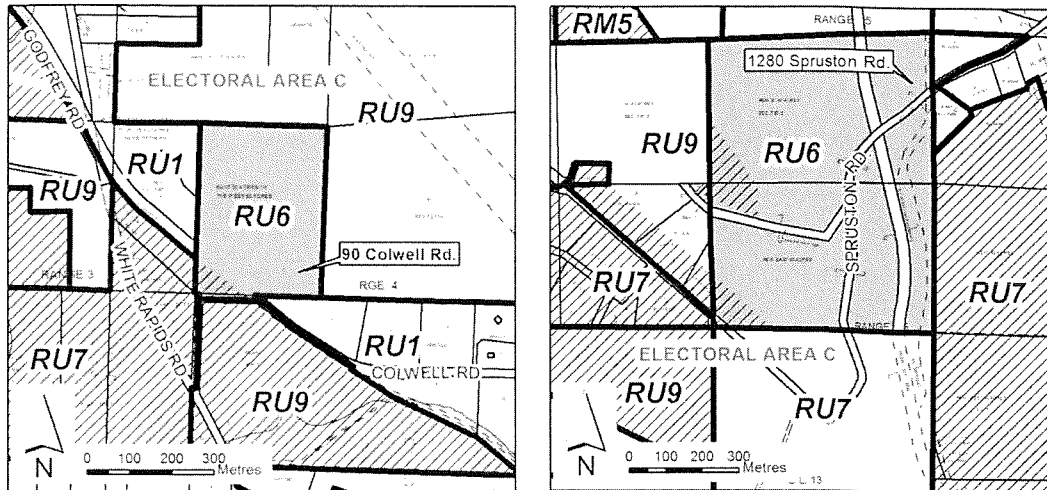
- i. have a vacant lot of land;
- ii. have a land use zone that allows two dwelling units;
- iii. satisfy the minimum site area requirements for two dwelling units; and,
- iv. get non-farm use approval from the ALC to build a second residence before or at the same time as building the first residence.

It is staff's opinion that based on the above, it is highly unlikely that building strata would occur on ALR land. In addition if it were to occur, because of the oversight provided by the ALC, it is assumed that it would be considered to be a benefit to agriculture. Further, because building strata subdivisions would be highly unlikely on ALR lands, removing building strata prohibitive regulations that pertain to ALR land would not, in staff's opinion, be considered inconsistent with OCP policies. Therefore, staff recommends that provisions to prohibit building strata not be included in the draft agricultural zones.

3. Restricting the number of dwelling units to 1 in the Rural 6 Zone

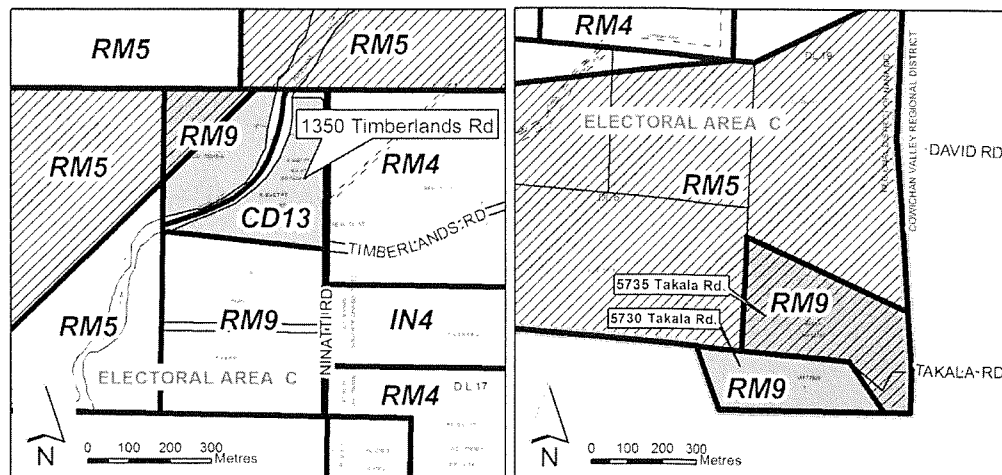
- a. In response to policy in the Resource land use designation within the Arrowsmith Benson/Cranberry Bright OCP that supports one dwelling unit per lot, Rural 6 zone was applied. The Rural 6 zone limits the number of dwelling units to one per lot.
- b. There are only three lots zoned Rural 6 that include land in the ALR and they are all in Electoral Area C. See below for property location.
- c. There is 3.86 ha of land in the ALR that is zoned Rural 6 in the ALR.
- d. Of the Rural 6 zoned lots in the ALR, only a small portion of each lot is in the ALR. Unless the draft zone is applied to all ALR lots regardless of the proportion of ALR land, these lots would be excluded. As a result, they would continue to be zoned Rural 6.
- e. Staff recommends that these lots maintain the existing Rural 6 zone and not be included in the draft Agriculture 1 zone.

Attachment 7
 Preserving Existing Land Uses in Bylaw 500 (Page 3 of 3)



4. Should lands in the ALR zoned Resource Management 9 be included in a new zone?

- a. There are three lots zoned Resource Management 9 that include land in the ALR. All three lots are located in Electoral Area C.
- b. The RM9 zone is the only RM zone that includes ALR land that does not allow extraction use.
- c. Only one of the lots is fully in the ALR.
- d. It is proposed that only the lot that is entirely in the ALR be included in the draft Agriculture 2 zone.
- e. Staff recommends that site specific provisions be included in the draft Agriculture 2 zone that prohibits extraction use on this lot.



**Attachment 8
Community Engagement Plan**

Attachment 8
Community Engagement Plan



**Regional District of Nanaimo
Bylaw and Policy Updates Project
Community Engagement Plan
June 2015 – September 2015**

Amended to November 2016 as per Board
Resolution

This Community Engagement plan has been prepared in accordance with the Regional District of Nanaimo (RDN) Public Consultation/Communication Framework.

The Bylaw and Policy Updates project is a comprehensive region-wide review of all RDN policies and bylaws that could affect agriculture. In response, it is proposed that region-wide public consultation occur during key times throughout the project. This Community Engagement Plan outlines a process to be used to obtain community and stakeholder input on some draft amendments to Bylaw 500 and Bylaw 1285 in relation to the potential introduction of agricultural zones that would apply to land in the Agricultural Land Reserve (ALR) and potential Official Community Plan (OCP) amendments to support the issuance of a Temporary Use Permit (TUP) for farmers market.

The following outlines the proposed Community Engagement strategy.

Objectives

Following the previous opportunity for community feedback on the 13 draft obstacles and potential approaches identified in the project discussion paper, the purpose of this process is to seek community and stakeholder input on some draft amendments to Bylaw 500 and Bylaw 1285 and a draft Temporary Use Permit (TUP) policy that would support the issuance of a TUP for Farmers' Market. The draft amendments are in response to community and stakeholder input and seek to introduce a new agricultural zone(s) that apply to ALR lands and related amendments. The community and stakeholder groups will be asked to provide feedback on the content of the draft amendments including the proposed agricultural land use zones, general regulations, definitions, and related changes to RDN zoning.

This process requires broad Community Engagement in all RDN Electoral Areas (excluding Electoral Area B) in a way that provides opportunities for interactions among community members/stakeholders and between community members/stakeholders and the RDN. It requires that information be exchanged between the different parties involved, and that there be some degree of deliberation involving the parties participating.

The RDN will provide an opportunity for those who feel they may be affected to be heard. The RDN will consider all ideas, recommendations, results, and comments that arise throughout the process.

Methodology

A number of different external and internal stakeholders have been identified. This list will evolve as the RDN becomes aware of who is interested/affected by the project. As part of the project, staff will engage the following stakeholders and encourage their involvement.

External Stakeholders

- City of Nanaimo
- City of Parksville
- District of Lantzville
- Town of Qualicum Beach
- Cowichan Valley Regional District
- Cowichan Valley Regional District
- Alberni-Clayoquot Regional District
- Comox Valley Regional District
- Community and Neighbourhood Groups
- Ministry of Transportation and Infrastructure

- Ministry of Agriculture
- Agricultural and Aquacultural Organizations
- Agricultural Land Commission
- First Nations (Snuneymuxw, K'omox, Snaw-naw-as, Stz'uminus, Qualicum, and others)
- Islands Trust
- Electoral Area Residents
- Real Estate Industry
- Island Health
- Nanaimo Food Share

Internal Stakeholders

- Agricultural Advisory Committee (AAC)
- Planning Department
- Corporate Services (Communications Coordinator)
- GIS/Mapping

The proposed Public Participation Plan will provide stakeholder groups and individuals an opportunity to contribute and interact with the RDN and each other with respect to the draft amendments. Although an opportunity for all of the stakeholders to actively participate will be provided, it is not anticipated that all stakeholders will actively participate.

The role of internal stakeholders will be to actively participate and/or support the process. The AAC will work with RDN staff to provide input and a recommendation to the Board on the draft zoning amendments.

The following background information is available to inform the process:

- The 2014 - 2016 Agriculture Area Plan Action Plan
- The project Discussion Paper
- The results of the previous community engagement process
- The draft zoning amendments
- RDN staff reports related to the project
- AAC recommendations related to the project
- RDN presentations on project related material
- Board Minutes related to the project
- A document outlining the proposed changes and how it would affect property owners
- Bylaw 500 and 1285
- Maps showing ALR boundaries and current zoning
- The Ministry of Agriculture's Guide for Bylaw Development in Farming Areas and other provincial guidebooks

The above information will be made available through the following methods:

- Project website (www.growingourfuture.ca)
- Hard copies (available for use at the RDN administration building and at RDN-sponsored events)
- A brochure (available in print and online).

Feedback will be solicited through the following methods:

- Email (preferably to agriculture@rdn.bc.ca)
- One-on-one meetings with staff
- Telephone
- RDN-Sponsored events
- Written submissions
- Meetings with community members, stakeholder groups, and the AAC
- Social media (Facebook and Twitter)

Tools and Tasks

A number of different tools will be used to obtain feedback that will be considered in making additional recommendations to the Board on how to proceed:

Project Promotion/Earned Media

Promotional material will be developed as well as a news release. Staff will approach local media outlets to assist in promoting the project and encouraging the community to participate. Staff will target local newspapers, Shaw cable, and local radio stations to determine the level of interest in assisting with the project.

An informational brochure and/or other promotional material will be developed that includes information about the project, the draft amendments, and how to get involved. The brochure will be made available online and in print. It will be available in print at the RDN Offices and at all RDN-sponsored events. Copies may be made available to community groups looking to assist with project promotion.

Meetings with the AAC

The AAC will play a key role and will provide input that is intended to compliment, but not replace, broad community input.

Staff will arrange to meet with the AAC meeting to focus on the draft zoning amendments. The purpose of the meeting will be to obtain AAC input and a recommendation to the Board on how to proceed. The AAC may be involved before and after broader community and stakeholder input has been received.

The AAC will be requested to provide a recommendation to the Board which will be included as part of the staff report which presents the findings of the Community Engagement process.

Meetings with Local Agricultural Organizations

Staff will request to meet with the Cedar Farmers' Institute and Coombs Farmers' Institute to provide information about the project and to obtain feedback. Staff will tailor the approach to meet the needs of the institutes. This could range from a brief presentation at a regular monthly meeting to a more detailed and in-depth discussion/focus group session to discuss the draft amendments.

Staff will also contact other external stakeholders that are directly involved in agriculture or aquaculture to determine their level of interest in the project and provide an opportunity to participate.

The results of the meetings will be summarized and presented to the AAC and the Board at a later date.

Farmers' Working Group

A farmers' working group will be established and will generally consist of farmers representing different commodity types and agricultural practices such as beef, berry production, organic farming, forage, poultry, value-added, and market gardening. Staff will identify and contact farmers involved in these activities and will organize a meeting to discuss the draft amendments. Additional meetings may be scheduled to meet the needs of the group.

Due to the timing of the process, during a busy farming time, it may not be practical to convene this group of individuals at one time. If this is the case, staff will reach out on a one on one basis to obtain input.

The result will be a set of comments and recommendations that will be used in making staff recommendations to the Board on how to proceed with the draft amendments.

RDN-Sponsored Open Houses and Presentations

The RDN will host six open houses where information about the project will be provided along with a staff presentation. One open house would be held in each Electoral Area.

The purpose of the open houses is to provide information about the project and an opportunity to obtain community feedback. Information will be provided in the form of displays and a presentation. In addition, the open houses also provide a chance for people to ask questions, have discussion, and debate the draft amendments. Community feedback will be collected using methods such as a questionnaire, dotmocracy, and small group discussion.

Following the completion of the open houses, staff will consolidate the results in a brief report to be presented to the AAC and the Board at a later date.

Attendance at Farmers' Markets

RDN staff will attend each local farmers' market (Cedar, Errington, Nanaimo, and Qualicum Beach) once during the spring/summer 2015 market season. The purpose of attending the farmers' markets is to raise awareness about the project and to direct attendees to the project website, or to attend one of the scheduled events. Staff will develop a display, a questionnaire, and other ways that attendees can provide input.

Following attendance at the farmers' markets, staff will consolidate the results in a brief report to be presented to the AAC and the Board at a later date.

Online Questionnaire

An online survey will be developed to obtain input on the draft zoning amendments. Staff will seek input on which permitted uses the community would support on ALR land, the draft general regulations, and definitions.

Following completion of the questionnaire, staff will consolidate the results in a brief report to be presented to the AAC and the Board at a later date.

Project Referral

A referral will be sent to adjacent local governments, First Nations, and Provincial Ministries involved in agriculture. The purpose of the referral will be to raise awareness of the project and request staff comments on the draft amendments. If the draft amendments are considered for 1st and 2nd reading at a later date, formal referrals will be sent asking for formal comments which represent each organizations opinion.

Any comments received will be considered and consolidated in a brief report to be presented to the AAC and the Board at a later date.

Social Media Presence

Following the preparation of a news release, the RDN will use social media including Facebook and Twitter to promote the project. Staff will monitor social media and respond to any questions, comments, or concerns that arise.

Staff availability for meetings with community groups and individuals

Staff will make themselves available to meet with interested community groups and individuals during regular office hours. This may be through a number of different means including:

1. A request to have staff attend one of the interested groups regular meetings;
2. A request to participate in and/or help organize a neighbourhood coffee table meeting;
3. A brief drop in discussion with staff at the front counter (time and availability permitting); and
4. A arranging a meeting with staff at the RDN offices.

RDN/Project Website and Email Alerts

The RDN Get Involved, Highlights, and homepage thumbnails may be used to promote the project and direct website users to the Bylaw and Policy Update Project Website.

The project website will be used to provide up to date information about the project including upcoming events, results from past events, as well as information related to the draft amendments.

In addition, the RDN email alert system will be used from time to time to inform participants by email about upcoming events and key topics throughout the process.

Outcomes

The desired outcomes of this process include the following:

1. A report outlining the community’s perspective on the draft amendments;
2. A sense of the level of community support for the draft amendments;
3. A recommendation from the AAC with respect to how to proceed with the draft amendments;
and,
4. A better informed community and stakeholder group who is well-positioned to participate in the process.

The above outcomes will be used to inform staff recommendations to the Board on how to proceed with the draft amendment. This may include a recommendation to approve, approve with amendments, or abandon the draft amendments. Also it is entirely possible that this process may identify other options that have not been considered at this time.

Schedule

The Community Engagement strategy is proposed to be initiated in early June 2015 and run through to the end of September 2015. It should be noted that community outreach activities will be limited during the months of July and August to avoid the summer holiday season. The following is the proposed schedule (subject to change in response to community needs).

| Activity | June | July | August | September |
|---|------|------|--------|-----------|
| Project Promotion/Earned Media | | | | |
| Project referral | | | | |
| Social media presence | | | | |
| Meeting with the AAC | | | | |
| Meetings with local agricultural organizations | | | | |
| RDN-sponsored Open Houses | | | | |
| Farmers Working Group | | | | |
| Attendance at farmers’ markets | | | | |
| Online questionnaire | | | | |
| Staff available to meet with groups and individuals | | | | |

As shown in the diagram above, it is proposed that the Community Engagement process be finalized by the end of September 2015. It is intended that the results will be presented in a report to the Board with staff recommendations on how to proceed with the draft amendments in November 2015.

It is recognized that the timeline is not be well-aligned with the farming off season. In response more lead time and customization of opportunities to participate in the process may be required to accommodate participation by the farming community.

Resources

The Community Engagement process will be led by a Senior Planner with assistance from other planning staff. All work required to undertake this Community Engagement process will be done with existing staff resources.

The Senior Planner will coordinate with the RDN Communications Coordinator with respect to the preparation of a news release and promotional material. The Senior Planner will also coordinate with the GIS Department for assistance with the preparation of mapping material, property analysis, and large format printing.

Budget

All costs associated with this Community Engagement process have been accounted for in the 2015 Community Planning Budget.

Monitoring and Evaluation

The success of the process will be evaluated. The process will be deemed successful if it results in meaningful input, increased awareness of the project, and an indication of the level of community and stakeholder support for the draft amendments.