
TO: Paul Thompson
Manager, Long Range Planning

DATE: May 6, 2016

FROM: Kristy Marks
Senior Planner

MEETING: BOARD - May 24, 2016

FILE: 0360 20 AAPAP

SUBJECT: **Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016 and Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016 – Consideration for Third Reading**

RECOMMENDATIONS

1. That the report of the Public Hearing held on April 25, 2016, for “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016”, be received.
2. That the report of the Public Hearing held on April 28, 2016, for “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016”, be received.
3. That Section B.5. of Bylaw No. 500.402, 2016, be amended by deleting the text within the brackets in a) 1)II. and replacing it with the following: (except household poultry on parcels less than 1000 m² in area).
4. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016”, be read a third time as amended.
5. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016” be read a third time.

PURPOSE

To receive the report summarizing the submissions received at the Public Hearings held on April 25, 2015 and April 28, 2016 and to consider “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016”, for third reading.

BACKGROUND

Amendment Bylaws No. 500,402 and 1285.26 were introduced and given first and second reading on March 22, 2016. This was followed by two Public Hearings held on April 25 and April 28. The summary of the submissions for the Public Hearings are attached for the Board’s consideration (see Attachments 1 and 2).

Staff identified a minor change to Amendment No. Bylaw 500.402 that is required to clarify the setback requirement for household poultry. This change can be made at third reading as it does not alter the use or change the density in the bylaw. The change is needed to ensure that there is a setback for household poultry on lots that are greater than 1000 m². The proposed amendment is to Section 1) II. of the setback table. The text in brackets will be deleted and replaced with the following: (except household poultry on parcels less than 1000 m² in area).

Following the close of the Public Hearing no further submissions or comments from the public or interested persons can be accepted by members of the Board, as required by the *Local Government Act*. Having received the report of the Public Hearing, eligible Board members may vote on the Bylaw.

Bylaw Referrals

The bylaws were referred to adjacent municipalities, First Nations, and Provincial Ministries. Responses from referral agencies were available prior to and at the Public Hearing for public inspection and are included in the written submissions and comments included in Attachment 3.

ALTERNATIVES

1. To receive the report of the Public Hearing and give amended third reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016” and give third reading to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016”.
2. To receive the report of the Public Hearing and not give third reading to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.402, 2016” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.26, 2016”.

INTERGOVERNMENTAL IMPLICATIONS

Should the Board grant third reading to Bylaws No. 500.402 and 1285.26 (see Attachments 4 and 5), the bylaws will be referred to the Ministry of Transportation and Infrastructure (MOTI) for approval.

Following third reading and MOTI approval, the Board may consider adoption of Bylaws No. 500.402 and 1285.26.

SUMMARY/CONCLUSIONS

The Amendment Bylaws were introduced and given first and second reading on March 22, 2016. Staff identified a minor change to Amendment Bylaw 500.402 required to clarify the setbacks for household poultry on parcel greater than 1000 m² in area.

Public Hearings were held on April 25 and April 28, 2016 and were attended by six and four members of the public respectively. The report of the Public Hearing and written submissions are attached for the Board’s consideration.

All requirements of the *Local Government Act* have been fulfilled and Bylaw No. 500.402 and Bylaw No. 1285.26 may now be considered for third reading.

Report Writer

General Manager Concurrence

Manager Concurrence

CAO Concurrence

Attachment 1
Summary of the Public Hearing
Held at Reginal District of Nanaimo, Board Chambers
6300 Hammond Bay Road, Nanaimo
Monday, April 25, 2016 at 6:30 pm
To Consider Regional District of Nanaimo Land Use and Subdivision
Amendment Bylaw No. 500.402, 2016

Note: This report is not a verbatim recording of the proceedings but a summary of the comments of those in attendance at the Public Hearing.

PRESENT:

Chair, Electoral Area 'B', Director Houle
Director Stanhope, RDN
Director Young, RDN
Director McPherson, RDN
Director Fell, RDN
Director Rogers, RDN
Paul Thompson, Manager of Long Range Planning, RDN
Kristy Marks, Senior Planner, RDN

Six members of the public attended the meeting.

The Chair called the hearing to order at 6:31 pm, introduced those present representing the Regional District of Nanaimo (RDN), and outlined the procedures to be followed during the hearing.

Kristy Marks provided an explanation of the proposed amendment bylaw.

The Chair called for formal submissions with respect to Bylaw No. 500.402, 2016.

No written submissions were received at the hearing. The following comments were received.

Paul Christensen, 2715 Turnbull Road, expressed his support for agri-tourism accommodation as a means to help farmers grow their business but noted that future opportunity for growth could be limited by restricting the maximum number of agri-tourism accommodation units to 10 per parcel. He would like the bylaw to include language to support additional units subject to approval of the Agricultural Land Commission.

Clem Remillard, 3425 Durnin Road, thanked the RDN Board for relaxing regulations and supporting local food production. He noted that he would like to see the setbacks for agricultural buildings and structures be the same in Bylaw 500 as those proposed in Electoral Area 'F'. He expressed that especially on smaller parcels, farmers need to be able to use every bit of land for farming. He would like to see reduced setbacks for farm buildings, similar to residential setbacks.

Dave Badior, 1780 Nanaimo River Road, commented that the setbacks should be reduced especially for smaller parcels as farmers need to maximize land area for farming and setbacks change the way the land can be used.

Clem Remillard, 3425 Durnin Road, noted that when people buy land in the Agricultural Land Reserve (ALR) there is a notice on title and that buyers should be aware that they are buying in a farming area and what that means as far as potential impacts to them. He further commented that land in the ALR should be used for farming.

The Chair called for further submissions for the second time.

The Chair called for further submissions a third and final time.

There being no further submissions, the Chair adjourned the Public Hearing at 6:50 pm.

Certified true and accurate this 26th day of April, 2016.

Kristy Marks
Recording Secretary

Attachment 2
Summary of the Public Hearing
Held at Arrowsmith Hall
1014 Ford Road, Coombs
Thursday, April 28, 2016 at 6:30 pm
To Consider Regional District of Nanaimo Zoning and Subdivision
Amendment Bylaw No. 1285.26, 2016

Note: This report is not a verbatim recording of the proceedings but a summary of the comments of those in attendance at the Public Hearing.

PRESENT:

Chair, Electoral Area 'F', Director Fell
Director Rogers, RDN
Director McPherson, RDN
Paul Thompson, Manager of Long Range Planning, RDN
Kristy Marks, Senior Planner, RDN

Four members of the public attended the meeting.

The Chair called the hearing to order at 6:39 pm, introduced those present representing the Regional District of Nanaimo (RDN), and outlined the procedures to be followed during the hearing.

Kristy Marks provided an explanation of the proposed amendment bylaw.

The Chair called for formal submissions with respect to Bylaw 1285.26, 2016.

No written submissions were received at the hearing. The following comments were received.

Joan Mercer, 1692 Errington Road, asked about the difference between farmers' markets and the sale of farm products grown on the farm and if produce grown on the farm could be sold on the farm.

Kristy Marks, Senior Planner, clarified that a farmers' market would typically involve multiple vendors selling products on a property versus a farmer selling their own products from their farm. She clarified that the Agricultural Land Commission allows the sale of off farm products as long as 50% of the retail sales area is limited to the sale of products that are produced on the farm and the retail sales area is not greater than 300 m².

The Chair called for further submissions for the second time.

The Chair called for further submissions a third and final time.

There being no further submissions, the Chair adjourned the Public Hearing at 6:50 pm.

Certified true and accurate this 29th day of April, 2016.

Kristy Marks
Recording Secretary

Attachment 3
Written Submissions and Comments

Attachment 4

Proposed Amendment Bylaw No. 500.402, 2016

Attachment 5

Proposed Amendment Bylaw No. 1285.26, 2016