

**REGIONAL DISTRICT OF NANAIMO**  
**AGRICULTURAL ADVISORY COMMITTEE**  
**FRIDAY, OCTOBER 23, 2015**  
**2:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

**CALL TO ORDER**

**MINUTES**

2 - 4 Minutes of the Agricultural Advisory Committee meeting held Friday July 3, 2015.

**BUSINESS ARISING FROM THE MINUTES**

**COMMUNICATIONS/CORRESPONDENCE**

5 - 18 Ministry of Agriculture, re Regulating Agri-Tourism and Farm Retail Sales in the Agricultural Land Reserve – Discussion Paper and Proposed Minister’s Bylaw Standards.

**UNFINISHED BUSINESS**

**REPORTS**

19 - 42 ALR Application No. PL2014-017– Paugh– 2670 McLean’s Road, Electoral Area ‘C’.

Bylaw and Policy Update Project – Current Status (Verbal Report).

Dogs at Large Bylaw Amendment (Verbal Report).

Agricultural Land Use Inventory Update (Verbal Report).

AAC Membership expiring at the end of this year (Verbal Report).

**ADDENDUM**

**BUSINESS ARISING FROM DELGATIONS OR COMMUNICATIONS**

**NEW BUSINESS**

**ADJOURNMENT**

Distribution: H. Houle (Chair), J. Fell, C. Haime, K. Reid, R. Thompson, C. Watson, M. Ryn, K. Wilson, J. McLeod, J. Thony, W. Haddow, P. Thorkelsson, G. Garbutt, J. Holm, P. Thompson, T. Armet, K. Marks, N. Hewitt



**REGIONAL DISTRICT OF NANAIMO**  
**AGRICULTURAL ADVISORY COMMITTEE**  
**MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE**  
**MEETING HELD ON FRIDAY, JULY 3, 2015 AT 1:00 PM**  
**IN THE RDN BOARD CHAMBERS**

**Present:**

Director H. Houle	Chairperson
Director C. Haime	District of Lantzville
K. Reid	Regional Aquaculture Organization
C. Watson	Representative (North)
M. Ryn	Representative (South)
K. Wilson	Representative (South)
J. Thony	Regional Agricultural Organization

**Also in Attendance:**

A. McPherson	Electoral Area A
M. Young	Electoral Area C
B. Rogers	Electoral Area E
W. Pratt	City of Nanaimo
P. Thompson	Manager of Long Range Planning
J. Holm	Manager of Current Planning
G. Keller	Senior Planner
J. Pisani	Drinking Water Watershed Protection Coordinator
S. Tam	Ministry of Agriculture
J. Hatfield	Ministry of Agriculture
B. Farkas	Recording Secretary

**Regrets:**

Director J. Fell	Electoral Area F
J. McLeod	Regional Agricultural Organization
R. Thompson	Representative (North)

**CALL TO ORDER**

Chairperson Houle called the meeting to order at 1:07 pm.

**MINUTES**

**Minutes of the Agricultural Advisory Committee meeting held Friday March 27, 2015.**

MOVED C. Haime, SECONDED K. Reid, that the minutes of the Agricultural Advisory Committee meeting held Friday March 27, 2015 be adopted.

CARRIED

## **COMMUNICATIONS/CORRESPONDENCE**

### **Derek Sturko, Ministry of Agriculture, re Regulatory Amendments Affecting the Production of Medical Marijuana on Agriculture Land Reserve.**

MOVED K. Reid, SECONDED M. Ryn, that the correspondence from Derek Sturko re regulatory amendments affecting the production of medical marijuana on Agriculture Land Reserve be received.

CARRIED

## **REPORTS**

### **ALR Application No. PL2015-057– Wild – 640 Grovehill Road, Electoral Area ‘H’.**

MOVED K. Reid , SECONDED M. Ryn, that Application No. PL2015-056 – Wild – 640 Grovehill Road, Electoral Area ‘H’ for a non-farm use approval for a second dwelling unit in the ALR be supported by the Agricultural Advisory Committee and that the application be forwarded to the Agricultural Land Commission as submitted.

CARRIED

### **Ministry of Agriculture, Agricultural Land Use Inventory and Agricultural Water Demand Model (Verbal Reports).**

Stephanie Tam, P. Eng., Water Management Engineer for BC Ministry of Agriculture gave a presentation on the Agricultural Water Demand Model. The presentation will be emailed to Committee members.

Jill Hatfield, Regional Agrologist, Vancouver Island North, Sustainable Agriculture Management Branch Regional Operations, Ministry of Agriculture gave a presentation on the Agricultural Land Use Inventory. The presentation will be emailed to Committee members.

### **Bylaw and Policy Update Project – Current Status (Verbal Report).**

G. Keller gave a brief verbal update on the Bylaw and Policy Update project. Draft zoning amendments have been prepared and Board approval has been received to proceed with community consultation. During the summer months the website will be updated and an online survey will be developed. In the fall there will be engagement with community and feedback will be sought through community meetings which will be held throughout the region.

## **NEW BUSINESS**

### **District A “Representing Farmer’s Institutes on Vancouver Island, the Gulf Islands and the Sunshine Coast” Meeting with Ministry of Agriculture June 22, 2015**

M. Ryn and J. Thony attended a meeting with the Ministry of Agriculture on June 22, 2015 to discuss changes to the *Livestock Act*, Farm Animal Abuse Investigations and Need to Control Invasive Plants that threaten agriculture. Submissions regarding this meeting will be emailed to Committee members.

M. Ryn and J. Thony recently attended a meeting of the CVRD's AAC which included a presentation by Cowichan Green Community on incubator farms. Ms. Ryn suggested this presentation be made at an RDN AAC meeting at a future date.

J. Thony displayed a booklet by a Vancouver Island University student which reviews 14 local farms. This booklet is available locally.

Chair Houle thanked everyone for their presentations.

**ADJOURNMENT**

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

CARRIED

Time 2:43 pm

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CHAIRPERSON



**Regulating  
Agri-tourism and Farm Retail Sales  
in the Agricultural Land Reserve**

**DISCUSSION PAPER AND PROPOSED MINISTER'S BYLAW  
STANDARDS**

**September 14, 2015**

**Prepared by:  
Strengthening Farming Program  
Innovation and Adaptation Services Branch**

## Executive Summary

This discussion paper ('white paper') has been prepared by the B.C. Ministry of Agriculture (AGRI) Strengthening Farming Program, Innovation and Adaptation Branch for input on the establishment of a Minister's Bylaw Standard to assist local government bylaw development regarding agri-tourism, agri-tourism accommodation and farm retail sales.

Its preparation follows the 2014 AGRI's consultation on the Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation (ALR USP Regulation) in which local governments expressed strong support for AGRI to provide greater clarity in guidance to local government bylaws on agri-tourism.

The proposed Minister's Bylaw Standard criteria, set out in Part 3.0, result from input contributed by the Agricultural Land Commission (ALC), local governments and the agricultural sector. While the proposed Minister's Bylaw Standard provisions apply to land in the Agricultural Land Reserve (ALR), local governments may also wish to adopt for all agriculturally zoned property.

AGRI invites local governments to review the proposed Minister's Bylaw Standard and provide feedback to the contact listed on page 13 by November 30, 2015. Feedback received will be analysed by AGRI staff, with updates and improvements made to the proposed Minister's Bylaw Standard in preparation for the Minister of Agriculture's (Minister) consideration.

# Table of Contents

Executive Summary .....	1
Introduction.....	3
1.0 Part one – The Criteria Development Process.....	3
1.1 Purpose and Goals.....	3
1.2 Stakeholders .....	3
1.3 Objectives of the Process .....	4
1.4 Key Steps.....	4
1.5 Current Status (August 2015) .....	4
1.6 Context for Bylaw Standard Establishment .....	4
2.0 Part two - Background.....	5
2.1 Context.....	5
2.2 Current Policy, Legislation and Regulation .....	5
3.0 Part three – Proposed Set of Criteria.....	7
3.1 Proposed Definitions .....	7
3.2 Accessory farm activity.....	8
3.3 Farm Class.....	8
3.4 Agri-tourism temporary and seasonal use in the ALR.....	8
3.5 Permitted and ALC approval required agri-tourism activities .....	9
3.6 Agri-tourism Accommodation .....	10
3.7 Other Agri-tourism Criteria.....	11
3.7.1 Off-street Loading Areas and Parking.....	11
3.7.2 Site Layout for Agri-tourism Activities.....	11
3.7.3 Lights .....	11
3.7.4 Signage.....	11
3.7.5 Noise .....	12
3.8 Farm retail sales and marketing .....	12
3.9 Local Government Permits and Fees .....	12
3.10 Commercial Weddings .....	12
3.11 Bistros and Restaurants .....	13
4.0 Ministry contact information .....	13



# Introduction

This paper outlines draft criteria to assist local governments in regulating their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, aiming to encourage further discussion on the matter with local governments, the ALC and the farm sector. It is important that the bylaw standard criteria effectively guide local government land use regulations within the context, and intents, of the *Agricultural Land Commission, Farm Practices Protections (Right to Farm)*, and *Local Government and Community Charter Acts* and their regulations. The draft criteria reflect analysis undertaken by AGRI staff, previous consultations with local governments, the ALC, industry, and the Ministry of Community, Sport and Cultural Development (CSCD).

## 1.0 Part one – The Criteria Development Process

This paper explores and proposes land use regulation and policy guidance for local governments to address agri-tourism and farm retail sales issues in their communities, while recognizing these uses are permitted (with exceptions) within the ALR.

Following consultation with stakeholders and approval by the Minister, the bylaw criteria will become a Minister’s Bylaw Standard and incorporated within the “Guide for Bylaw Development in Farming Areas” (Bylaw Guide).<sup>1</sup>

### 1.1 Purpose and Goals

The purposes of establishing land use regulation criteria to address local government concerns regarding agri-tourism and farm retail sales are to:

1. Establish a Minister’s Bylaw Standard that provides flexibility for local governments to shape agri-tourism activity in their community while ensuring that agriculture in the ALR continues as a priority use;
2. Address the needs of the agriculture sector/industry to supplement farming income;
3. Minimize the impact of agri-tourism and retail sales on farm practices and farming potential in farming areas;
4. Minimize loss and/or fragmentation of farmland due to agri-tourism and retail sales uses;
5. Reduce the financial imbalance that results from large scale commercial operations locating inexpensively in the ALR and outcompeting those that have located in appropriate commercial zones; and
6. Minimize the risk of agri-tourism and farm retail sales buildings and structures being used for non-farm purposes.

### 1.2 Stakeholders

Stakeholders involved in developing these Bylaw Standard criteria include:

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<sup>1</sup> Under the *Local Government Act* (Part 26, Division 8, Section 916), the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* can develop bylaw standards to guide the development of zoning and farm bylaws. Development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916(3) to allow the standards to differ, if necessary, to respond to BC’s diverse farming industry and land base.

- a) Local governments and their Agricultural Advisory Committees (AAC);
- b) Agriculture industry;
- c) ALC;
- d) Strengthening Farming Directors Committee,
- e) CSCD; and
- f) Ministry of Jobs, Tourism and Skills Training.

## 1.3 Objectives of the Process

The objectives of the process are to:

1. Create a set of Bylaw Standard criteria for stakeholder review;
2. Consult with stakeholders; and
3. Develop a Minister's Bylaw Standard that local governments can apply as regulation or policy.

## 1.4 Key Steps

The key steps in creating the Minister's Bylaw Standard are:

1. Review relevant literature including AGRI and ALC policies;
2. Review and compare local government regulations and policies;
3. Develop draft criteria;
4. Consult with internal and external stakeholders on the draft criteria;
5. Revise criteria for consideration by the Minister;
6. Seek Minister's approval; and
7. Encourage local governments to adopt and apply criteria.

## 1.5 Current Status (August 2015)

AGRI staff have:

- Reviewed previous agri-tourism and farm retail sales consultations with local governments, industry, the ALC and CSCD;
- Reviewed existing ALC policies on agri-tourism, agri-tourism accommodation and farm retail sales; and,
- Prepared this draft discussion 'white paper' on agri-tourism and farm retail sales land use bylaw guidance for further local government consultations over the 2015/2016 fall and winter.

## 1.6 Context for Bylaw Standard Establishment

AGRI has initiated Minister's Bylaw Standards in the past for three significant agricultural issues which have been approved by the Minister. AGRI staff use the Minister's Bylaw Standards to encourage local governments to adopt them into their land use bylaws. They are:

- Regulating Medical Marihuana Production Facilities in the ALR (2014);
- Combined Heat and Power Generation at Greenhouses in the ALR (2013); and

- Siting and Size of Residential Uses in the ALR (2011).

These Minister’s Bylaw Standards can be found in AGRI’s “Guide for Bylaw Development in Farming Areas” with additional information at:

<http://www2.gov.bc.ca/gov/content/industry/agriculture-seafood/agricultural-land-and-environment/strengthening-farming/local-government-bylaw-standards-and-farm-bylaws>.

## 2.0 Part two - Background

### 2.1 Context

Farmers throughout B.C. are looking for options to increase their economic viability, including agri-tourism and farm retail sales. These two particular issues have become more prominent in recent years and local governments are amending their agri-tourism, agri-tourism accommodation and farm retail sales bylaws, sometimes causing frustration with farmers and the public. Sometimes there may be conflicting community views on what actually constitutes agri-tourism activities, and what ‘accessory’, ‘seasonal’, and ‘temporary’ within this context really mean.

While the ALC provides direction regarding agri-tourism and farm retail sales in the ALR, one of the questions asked during the Ministry’s 2014 ALR USP Regulation consultation process included agri-tourism, with local governments indicating strong support for AGRI to develop greater clarity in bylaw guidance for agri-tourism. Incorporating analysis from previous consultation, AGRI staff anticipate strong response from stakeholders on the subject.

Ideally, developing this new Minister’s Bylaw Standard will assist in balancing stakeholder concerns, minimize community frustration, and provide greater certainty while maintaining the flexibility required for local government community decision making and variation. The proposed Minister’s Bylaw Standard applies to property in the ALR. Given, however, that agricultural activity in B.C. takes place both on ALR and non-ALR property, local governments with agriculturally zoned land may also consider adopting it.

### 2.2 Current Policy, Legislation and Regulation

Agri-tourism and farm retail sales are defined as farm uses by the ALR USP Regulation<sup>2</sup> of the *Agriculture Land Commission Act* where a 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 regulation, and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*:

- Agri-tourism is a tourist activity, service or facility accessory to ALR land classified as a farm under the *Assessment Act*, if the use is **temporary and seasonal**, and promotes or markets farm products grown, raised or processed on the farm.
- Farm retail sales if all of the farm product offered for sale is produced on the farm on which the retail sales are taking place, or at least 50% of the retail sales area is limited to the sale of farm products produced on the farm on which the retail sales are taking place

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<sup>2</sup> B.C. Reg. 171/2002 Agricultural Land Reserve Use, Subdivision and Procedure Regulation. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=A631A2319799460A98F62978A2FE60E3>

and the total area, both indoors and outdoors, used for the retail sales of all products does not exceed 300 m<sup>2</sup>.

Local governments cannot prohibit agri-tourism activities, other than agri-tourism accommodation, or farm retail sales regulated by the ALR USP Regulation unless by a Farm Bylaw designated by the Minister by Section 917 of the *Local Government Act*.

The ALC also publishes several policy documents on agri-tourism, agri-tourism accommodation and farm retail sales with respect to land in the ALR.

*“The policies of the Commission provide interpretation and clarification of the regulations; outline guidelines, strategies, rules or positions on various issues and provides clarification and courses of action consistently taken or adopted, formally or informally.”<sup>3</sup> - ALC*

These ALC policies include their terms of ‘seasonal’ and ‘temporary’:

- **Temporary** –means a use or activity in a facility or area that is established and used on a limited time basis for agri-tourism activities. If a building or structure is required for this use, temporary use of the building or structure means a use for agri-tourism for less than 12 months of the year. The building or structure may be used for other permitted uses during the course of, or for the remainder of the year.
- **Seasonal** - means a use or activity in a facility or area for less than 12 months of the year.<sup>4</sup>

A recent 2015 B.C. Supreme Court ruling *Heather Hills Farm Society v. Agricultural Land Commission*, addresses the subject of agri-tourism, and in this case whether a particular golf course and sheep pasture is a permitted agri-tourism use. Interestingly, within the reasons for judgement that ultimately dismisses the petition; the judge also references what cannot be described as reasonably temporary, with respect to what is written in the ALR USP Regulation:

*[51] The Regulation also requires that an agri-tourism use be temporary and seasonal. A golf course requires alteration of the land in the form of particular landscaping, sand traps, water hazards etc. Photographs that were put into evidence show changes of precisely that kind to the petitioners’ property. Those changes must remain in place as long as operation of the golf course continues and cannot reasonably be described as temporary.<sup>5</sup>*

The intent of this proposed Bylaw Standard is to provide greater clarity on what constitutes agri-tourism, agri-tourism accommodation, farm retail sales, and the definitions of temporary and seasonal.

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<sup>3</sup> ALC. *Legislation and Regulation*. Last retrieved August 24, 2015 from <http://www.alc.gov.bc.ca/alc/content.page?id=4179AB0F33494261A5B6CEF2A4F8F296>

<sup>4</sup> ALC. *Policy #4 Activities designated as Farm Use: Agri-tourism Activities in the ALR*, 2003. Last retrieved August 24, 2015 from [http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy\\_4\\_agri-tourism\\_activities.pdf](http://www.alc.gov.bc.ca/alc/DownloadAsset?assetId=9A907E9B31224D808675BE2E5D78ADBB&filename=policy_4_agri-tourism_activities.pdf)

<sup>5</sup> *Heather Hills Farm Society v. Agricultural Land Commission*, 2015 BCSC 1108

For farm retail sales, the processing/marketing of off-farm products may not be protected under the *Farm Practices Protection Act* unless there are limits prescribed by the Minister under the *Farm Practices Protection Act*.<sup>6</sup> This has implications for farms considering those options.

## 3.0 Part three – Proposed Set of Criteria

Part three introduces a set of criteria in which local governments would be encouraged to consider when developing or amending their own bylaws on agri-tourism, agri-tourism accommodation and farm retail sales. A rationale is provided for why certain criteria provisions should be introduced and a proposed list is summarized of criteria and definitions.

### 3.1 Proposed Definitions

<b>Accessory (agri-tourism)</b>	means that the <i>agri-tourism</i> is subordinate to the active <i>farm operation</i> on the same lot. <i>Agri-tourism</i> uses and activities only augment a farmer’s regular farm income, not exceed or replace it.
<b>Agri-tourism</b>	is travel that combines agricultural or rural settings with products of agricultural operations – all within a tourism experience that is paid for by visitors. It is a tourist activity, service or facility which is <i>accessory</i> to a <i>farm operation</i> , as defined in the <i>Farm Practices Protection (Right to Farm) Act</i> , where the land is classified as a farm under the <i>Assessment Act</i> ; and, where the farm is in active operation each year.
<b>Off-farm and non-farm products</b>	means products that are not from the <i>farm unit</i> of which the subject property is part.
<b>Regular Seasonal (agri-tourism)</b>	means the occurrence over the same <i>season(s)</i> , or at the same time, each year.
<b>Season (agri-tourism)</b>	means: one of the four periods of the year: spring, summer, autumn or winter; the period of the year when something that regularly occurs every year happens; e.g. pumpkin festival before Halloween; and/or the period(s) when most people take their holidays, go to visit places, or take part in an activity outside of work.
<b>Seasonal (agri-tourism)</b>	means: relating to, dependant on, determined by, or characteristic of a particular <i>season</i> of the year; fluctuating according to the <i>season</i> ; and/or

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<sup>6</sup> For more information, readers may wish to review the September 7, 2011 BC Farm Industry Review Board decision *Maddalozzo v. Pacific Coast Fruit Products Ltd* last retrieved September 8, 2015 from [http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo\\_v\\_pcfp\\_dec\\_sep7\\_11.pdf](http://www2.gov.bc.ca/assets/gov/business/natural-resource-industries/agriculture/agriculture-documents/bc-farm-industry-review-board-docs/maddalozzo_v_pcfp_dec_sep7_11.pdf)

available, or used, during one or more *seasons*, or at specific times of the year - for less than twelve months of the year.

**Small-scale (agri-tourism)**

means to be minor or limited in size, scope, or extent. [Local governments could specify amounts.]

**Temporary (agri-tourism)**

means having a limited duration, lasting or designed to last for only a limited time each week, month, or year. E.g. an activity occurs each year at the same time at a nearby festival, or other event, or only a maximum duration of three days at a time.

### 3.2 Accessory Farm Activity

Local governments should identify *agri-tourism* as a permitted *accessory* use in all zones where agriculture or farming is a permitted use. *Accessory agri-tourism* use in the ALR is subordinate and customarily incidental to the active *farm operation* on the same lot. **Agri-tourism uses and activities only augment a farmer’s regular farm income, rather than exceed or replace it.**

**Table 1. Examples of Agri-Tourism and Farm Incomes**

Column A	Column B
Agri-tourism Income	Farm Income
Entry or participation fees, tour fees	Primary agricultural production income
Fees for tours, services and workshops related to the farm operation	Value-added operations: processing of <i>own farm products</i>
Retail sales of <i>off-farm</i> or <i>non-farm products</i>	Retail sales of <i>own farm products</i>
Agri-tourism accommodation charges	

To be considered *accessory*, the annual income from *agri-tourism* [Column A] must be no more than the annual regular farm income [Column B]. The ALC may allow a larger proportion of *agri-tourism* activity on a farm, if the farmer applies for a non-farm use approval.

Examples include a farmer intending to regularly host special events such as commercial weddings, conferences or an annual music festival. A local government could decide whether to support those commercial activities in its zoning if it is authorized by the ALC.

### 3.3 Farm Class

Income from *accessory agri-tourism* activities is not used to define *farm class* under the *Assessment Act* (Sec 23 and Farm Class Reg. 411/95). Income for the purposes of *farm class* is calculated based on the farm gate amounts for qualifying agricultural products and must be generated in one of two relevant reporting periods (i.e., once every two years).

### 3.4 Agri-tourism Temporary and Seasonal Use in the ALR

Local governments should regard *agri-tourism* uses as a *temporary* and *seasonal* use. See the definitions for guidance on defining these terms.

### 3.5 Permitted and ALC approval required agri-tourism activities

Table 2. Tiers of Agri-tourism Activities

Activities	Tier 1 Permitted Agri-tourism activities	Tier 2 Activities/events that require ALC approval
On-farm	<ul style="list-style-type: none"> <li>• educational tours – general public, school children</li> <li>• on-farm marketing, including U-pick and pumpkin patches</li> <li>• temporary corn maze or Christmas tree maze</li> <li>• agricultural heritage events</li> <li>• ranch or farm tours</li> <li>• livestock shows</li> <li>• harvest festivals</li> <li>• on-farm classes and/or workshops related to the farm operation</li> <li>• farm stays or B&amp;B</li> <li>• on-farm processing facility tours</li> </ul>	<ul style="list-style-type: none"> <li>• Non-farm-uses and commercial entertainment activities which do not have an agricultural component:</li> <li>• e.g., paint ball course, dirt bike trails, all-terrain vehicles trails, mini-train parks, remote control runways, helicopter tours, etc.</li> <li>• event and facility rentals</li> <li>• concerts, theatre or music festivals</li> <li>• commercial weddings, banquets, celebrations and any other commercial assembly activity</li> </ul>
Parking	<ul style="list-style-type: none"> <li>• self-contained, off-road parking</li> <li>• some overflow could be on neighbouring farm(s) provided it's for infrequent events, no permanent alterations to the agricultural land, and no resurfacing such as with gravel or asphalt paving</li> <li>• allow for school and tour buses</li> <li>• on-road parking at the discretion of the local government or Ministry of Transportation in Regional Districts</li> </ul>	<ul style="list-style-type: none"> <li>• Off-site overflow parking that is used on a frequent basis or that requires resurfacing</li> </ul>
ALC non-farm use application approval or local government	<ul style="list-style-type: none"> <li>• No local government temporary use or rezoning permits required,; outright use is permitted</li> </ul>	<ul style="list-style-type: none"> <li>• ALC non-farm use application approval</li> <li>• Local government non-agriculture related activities or</li> </ul>

permit requirements	<ul style="list-style-type: none"> <li>No ALC non-farm use application approval</li> </ul>	events may also require a separate zone or temporary use permit <ul style="list-style-type: none"> <li>Special local government permits - per event or per day, or both</li> </ul>
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### 3.6 Agri-tourism Accommodation

Section 3 of the ALR USP Regulation permits *accessory* accommodation for agri-tourism on a farm in the ALR, but allows a local government to regulate and/or prohibit the use.

Where accommodation for agri-tourism is allowed by a local government the following standards are recommended:

- Total developed area for buildings, landscaping and access to the accommodation must be no more than 5% of the parcel area;
- Could include a maximum of 10 sleeping units composed of:
  - Seasonal* campsites, *seasonal* cabins, or bed-and-breakfast (B+B) bedrooms (**maximum of four**) B+B bedrooms per legal parcel is recommended);
  - Unless ALC consent is received, accommodation must not include cooking facilities because doing so may result in long term rental housing on farm land;
  - The local government could specify the number of persons per unit;
  - Should an operator wish to have more than 10 sleeping units, he/she could apply to the local government and the ALC;
  - On smaller lots, a local government may wish to set a lower number of allowed sleeping units;
  - The BC Building Code should be the minimum standard applied for sleeping units such as cabins.
- Should be located close to the front of the lot, or an adjacent side road, and clustered with the *home plate(s)* of the farm residence(s). A farmer may wish to vary this location to minimise impact on his/her farm.
- Depending on the location of the farm, the *agri-tourism* accommodation may need to be available during more than one *season*, or its availability may vary with the *seasons*; e.g., horseback riding on trails in spring, summer, and fall, and cross-country skiing in the winter.
- Occupation of a lot *by agri-tourism* accommodation are only permitted to be *temporary*, *seasonal*, and/or *regular seasonal*, to a maximum stay per person or per family of 30 consecutive days in any 12 calendar-month period. The ALC may allow longer occupation if the farmer applies for a non-farm use; local zoning would also have to allow it.
- Each local government which permits *agri-tourism* accommodation could develop a monitoring methodology to ensure the occupation meets the above criteria.



## 3.7 Other Agri-tourism Criteria

### 3.7.1 Off-street Loading Areas and Parking

Off-street loading areas may be needed to transfer field products to a market stand/shop, and to the customer's vehicle. For criteria, see Part 2 of the "Guide for Bylaw Development in Farming Areas".

All vehicles visiting the *agri-tourism* activities must be parked on site, or as otherwise permitted by the local government. The parking capacity could be based on the average daily vehicle numbers (recommended); local parking bylaws may have a different measure and short term events with large numbers of people may require different parking standards. Overflow parking occurs on public roads should adhere to local bylaws including clearances for emergency vehicles and farm machinery.

For farm site parking overflow situations, *agri-tourism* operators should provide alternate means of transportation, such as shuttles, bicycle parking, or horse corrals and off-site horse trailer parking areas.

To minimise impacting farm land, parking should be along field edges, adjacent to farm roads, farm yard areas near farm structures.

- The parking and loading area surfaces should maximize infiltration of precipitation to limit impacting a farm's ground and surface water; pavement may not be appropriate.
- The depth and type of fill for *agri-tourism* parking and loading areas should facilitate possible future removal e.g., if the *agri-tourism* activity ceases.

### 3.7.2 Site Layout for Agri-tourism Activities

Site coverage and setbacks for *agri-tourism* structures must follow the standards for farm structures provided in Part 2 of the "Guide for Bylaw Development in Farming Areas". *Agri-tourism* facilities should be located to minimize coverage of farm land and minimise disturbance of the present and potential future operation of the farm, neighbouring farms or nearby urban uses; e.g., close to the road, and/or clustered with other farm structures.

### 3.7.3 Lights

Floodlights and spotlights for *agri-tourism* activities should be directed away and/or screened from adjacent farms and other land uses.

### 3.7.4 Signage

Each *agri-tourism* and farm retail operation, and the farm itself, should be allowed at least one sign of at least 1.0 square metre. Normally, signs are located at the farm entrance, but variation should be allowed for different building and site layouts and to ensure traffic safety. Third-party signs and lighting of signs should follow local bylaws.

### 3.7.5 Noise

Loudspeakers and other noise sources associated with the *agri-tourism* activity could be regulated with local government noise bylaws.

## 3.8 Farm Retail Sales and Marketing

For on-farm retail marketing, farmers sell their own *farm products*, and may sell some *off-farm or non-farm products* directly from the *farm unit* and may require a retail indoor and/or outdoor sales and display area.

Areas necessary for on-farm retail sales but not calculated as part of the on-farm retail sales area are:

- storage space for products awaiting display and/or bulk sales; larger storage areas may be available in a barn;
- an office area for doing sales and farm-related paperwork;
- washrooms;
- driveways, parking and loading areas; and
- some preparation space where products are put in packages for display or shipping.

Local governments should not limit retail sales area of a farmer's own *farm products* i.e. the *direct farm marketing area*. The ALR USP Regulation does not state an upper limit.

Local government regulations must allow for the possibility of a retail sales area for complementary *off-farm or non-farm products*. The ALR USP Regulation requires at least 50% of the total retail sales area be devoted to that farm's products, and where both *farm products* and *off-farm or non-farm products* being sold, the allowed upper limit of the total of the indoor and outdoor sales area is 300 square metres. This should be adopted by local governments and not reduced.

To develop a larger retail sales area, or to sell less than 50% of that farm's *farm products*, a farmer must have both local government and ALC non-farm use application approval.

## 3.9 Local Government Permits and Fees

Other than the usual permits and fees required for construction, local governments should only require permits and fees for operations that require a non-farm application to the ALC and should not require the use of temporary (commercial) use permits.

Local governments should only request reimbursement of extra local government costs generated by the event or operation; e.g., policing, fire service, road clean-up, and/or traffic management.

## 3.10 Commercial Weddings

The use of the ALR for commercial weddings is considered a non-farm use which requires approval of the ALC. Where a farm has received non-farm use approval from the ALC, the local

government may require a rezoning or temporary use permit. Temporary use permits are the preferred method of dealing with this use as the local government can place additional controls on the use that are not possible through zoning. These requirements could include hours of operation.

### 3.11 Bistros and Restaurants

Bistros, cafes and restaurants are considered in most cases non-farm uses which require non-farm use approval of the ALC. Under specific criteria in the ALR USP Regulation, however, winery, brewery, cidery, distillery, and meadery lounges are permitted which do not require non-farm use approval.

## 4.0 Ministry Contact Information

Stakeholders are welcome to provide feedback on the content of this discussion by email or letter.

**Email:** [AgriServiceBC@gov.bc.ca](mailto:AgriServiceBC@gov.bc.ca)  
**Mailing Address:** Ministry of Agriculture, Strengthening Farming Program  
1767 Angus Campbell Road  
Abbotsford, B.C. Canada V3G 2M3

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**TO:** Agricultural Advisory Committee (AAC)      **DATE:** October 13, 2015

**FROM:** Stephen Boogaards  
Planner      **FILE:** PL2014-017

**SUBJECT:** **Request for Comment on Subdivision in the ALR Application No. PL2014-017**  
**The East 20 Chains of Section 7, Range 3, Cranberry District, Except that Part in Plan**  
**36845, Lot 6, Range 3, Cranberry District, Plan 29755**  
**2670 McLean's Road**  
**Electoral Area 'C'**

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## BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for subdivision in the Agricultural Land Reserve (ALR) from Turner Land Surveying Inc. on behalf of Dennis Paugh (see Attachment 10 for applicant's submission). The subject property is approximately 12.2 ha in area and is contained entirely within the ALR. The property is adjacent to other ALR properties to the north, east and west. The property currently contains two dwelling units, accessory buildings and agricultural buildings.

The applicant proposes to subdivide the parcel under Section 946 of the *Local Government Act*, which is a subdivision to provide a residence for a relative. A copy of the Subject Property Map and proposed Plan of Subdivision are included in the enclosed draft Local Government Report (see Attachments 1 and 3).

Agricultural Advisory Committee (AAC) Members were provided an opportunity to attend a site visit to the property on October 7, 2015.

## BOARD POLICY AND DISCUSSION

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

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

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

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

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



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Report Writer



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

RD/Mun. File No.	PL2014-017
Fee Receipt No.	2015-7482
Fee Amount	\$600.00
ALR Base Map No.	92G.001.3.4
ALR Constituent Map No.	
Air Photo No.	

Information supplied by:

**Regional District of Nanaimo**

In respect of the application of:

**Dennis Paugh**

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

<b>Civic Address</b>	2670 McLean's Road
<b>Legal Description:</b>	The East 20 Chains of Section 7, Range 3, Cranberry District, Except that Part in Plan 36845, Lot 6, Section 6, Range 3, Cranberry District, Plan 29755
<b>Community Plan or Rural Land Use Bylaw Name:</b>	"Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw No. 1148, 1999"
<b>OCP Designation:</b>	Resource
<b>Zoning Bylaw Name:</b>	"Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987"
<b>Zone Designation:</b>	Rural 7 (RU7)
<b>Minimum Lot Size:</b>	8.0 ha
<b>Permitted Uses:</b>	Agriculture, Aquaculture, Home Based Business, Produce Stand, Residential Use, Silviculture, Secondary Suite
<b>Maximum Density:</b>	1 dwelling unit per parcel on parcels less than 2.0 ha, and 2 dwelling units per parcel on parcels greater than 2.0 ha.

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

**Plan**    Yes    No                      **Bylaw**    Yes    No

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

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

<b>COMMENTS and RECOMMENDATIONS</b> <i>(Include copies of resolutions)</i>	
Board or Council:	<p>The Regional District of Nanaimo Board of Directors has a standing Board resolution for subdivision of lands within the ALR as per Policy B1.8:</p> <p>As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.</p>
Electoral Area Director:	<p>PL 2014-017-2670 McLean Road, Nanaimo, Electoral Area 'C'</p> <p>Attending the site visit were: RDN staff - Stephen Boogaards, Land Surveyor, Ryan Turner, two members of the Agricultural Advisory Committee - Joanne McLeod and Keith Wilson, RDN Regional Directors, Howard Houle, Julian Fell and Maureen Young</p> <p>The subject property is approximately 12.2 ha and is entirely within the Agricultural Land Reserve. The Applicant is proposing to create a new lot for a family member under Section 946 of the Local Government Act - Subdivision to provide a residence for a relative. Each proposed Lot A (1 ha) and the remainder (11.2 ha) contain a dwelling unit and several accessory buildings.</p> <p>The site visit took place at 2670 McLean Road on, Wednesday, October 7th, 2015 to meet the owner, Mr. Paugh, to discuss the application, to view the property and the location of the proposed new lot. During the visit it was obvious that this is an active farm and that the intention is to continue farming. The location and topography of the proposed new lot (1 ha) consists of a steep slope, thus not impacting the remainder (11.2 ha) use for farming, pasture and haying.</p> <p>Since, meeting the owners and listening to their reasons for application for subdivision to provide property for their family who are keen to engage in agriculture and a farming lifestyle; I am definitely in favour of supporting this application for subdivision within the ALR.</p> <p>Maureen Young</p>
Advisory Planning Commission:	n/a

Agriculture Advisory Committee:	
Others:	
Planning Staff:	Stephen Boogaards, Planner Phone: 250-390-6510 Email: sboogaards@rdn.bc.ca

## BACKGROUND

The subject property is legally described as The East 20 Chains of Section 7, Range 3, Cranberry District, Except that Part in Plan 36845, Lot 6, Section 6, Range 3, Cranberry District, Plan 29755 and the civic address is 2670 McLean's Road. The property is approximately 12.2 ha in area and is contained entirely within the ALR. The property is adjacent to other ALR properties to the north, east and west. The property currently contains two dwelling units, accessory buildings and agricultural buildings (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

The applicant proposes to subdivide the parcel under Section 946 of the *Local Government Act*, which is a subdivision to provide a residence for a relative, as shown on the proposed plan of subdivision prepared by Turner Land Surveying and dated June 15, 2015 (see Attachment 3). Each proposed Lot A (1 ha) and the remainder (11.2 ha) contain a dwelling unit and several accessory buildings.

## ZONING

The parcel is zoned Rural 7 Zone (RU7), Subdivision District 'B', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (see Attachments 4 and 5 for zoning regulations and minimum parcel size). The RU7 Zone permits agriculture, aquaculture, home based business, produce stand, silviculture, secondary suite and allows 2 dwelling units on parcels greater than 2.0 ha in area.

The parcel is within Subdivision District 'B', which is an 8.0 ha minimum parcel size for each lot created through subdivision. However, for a Section 946 subdivision in Bylaw 500 the minimum parcel size is 1 ha for the new parcel and 8 ha for the remainder of the parcel.

## OFFICIAL COMMUNITY PLAN

The subject property is designated as 'Resource' pursuant to the "Regional District of Nanaimo Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No. 1148, 1999" (see Attachment 6). The Resource designation policies supports a minimum parcel size of 8.0 ha for lands within the ALR, where approved by the ALC.

The parcel is also designated within the Fish Habitat Protection Development Permit Area. A development permit may be required prior to any subdivision or alteration of the land.

## REGIONAL GROWTH STRATEGY

The subject property is designated 'Resource Lands and Open Spaces' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The Resource Lands and Open Spaces designation do not support the creation of new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of the RGS (see Attachment 7). Further to this, the Regional Growth Strategy encourages the provincial government to protect and



preserve the agricultural land base through the ALR. The Regional Growth Strategy also discourages subdivision of agricultural lands (see Attachments 8 and 9).

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

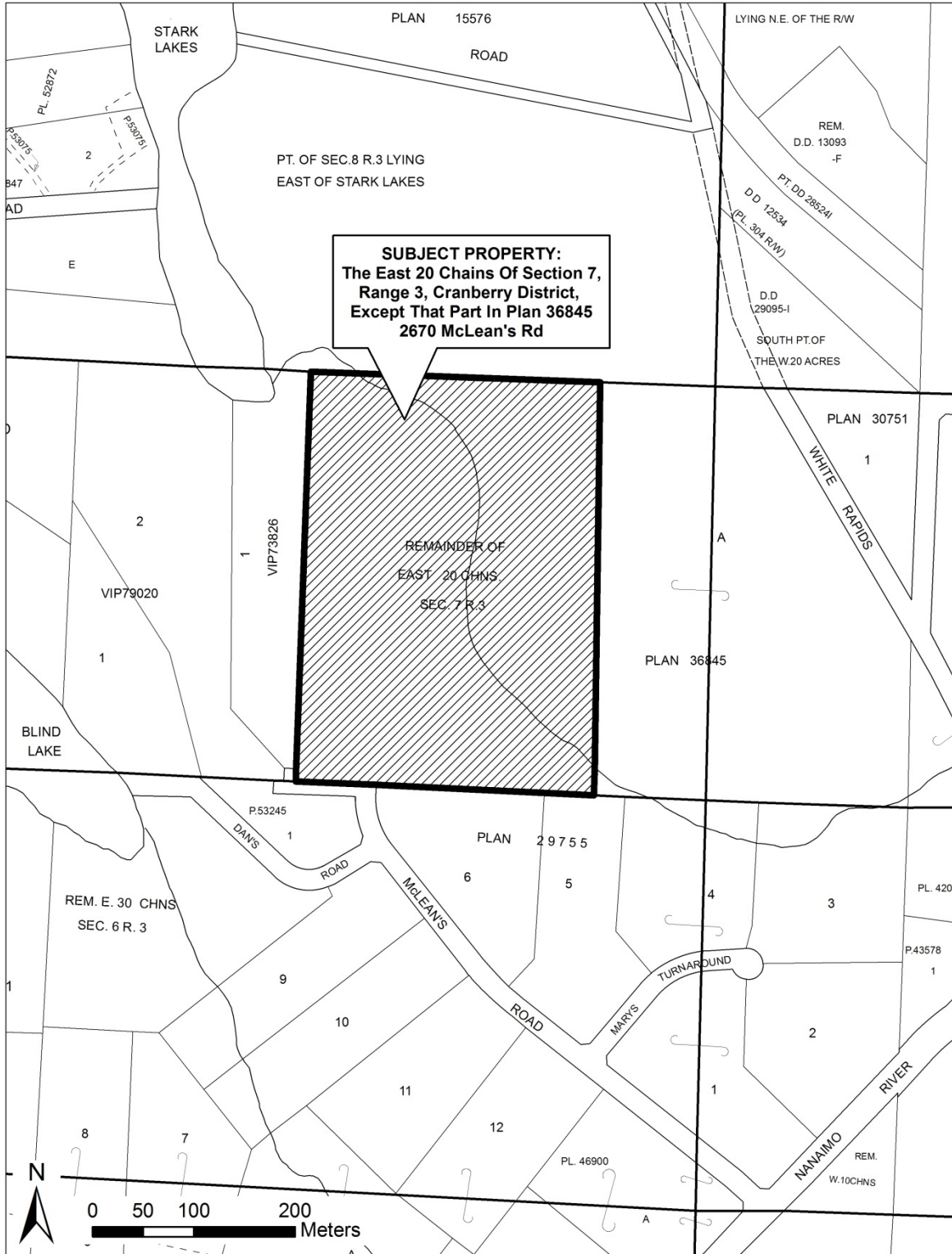


\_\_\_\_\_  
Signature of Responsible Local Government Officer

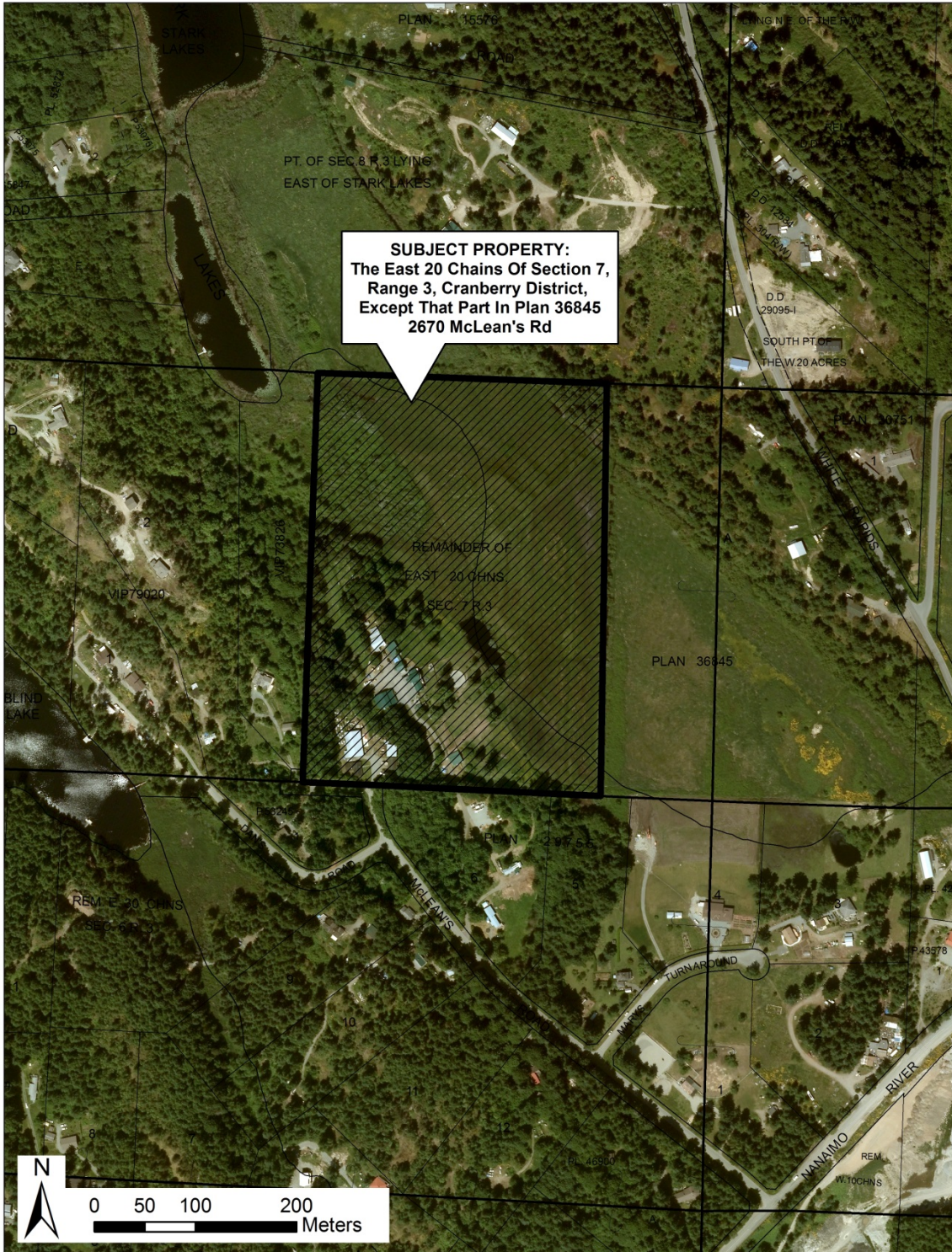
\_\_\_\_\_  
October 13, 2015

Date

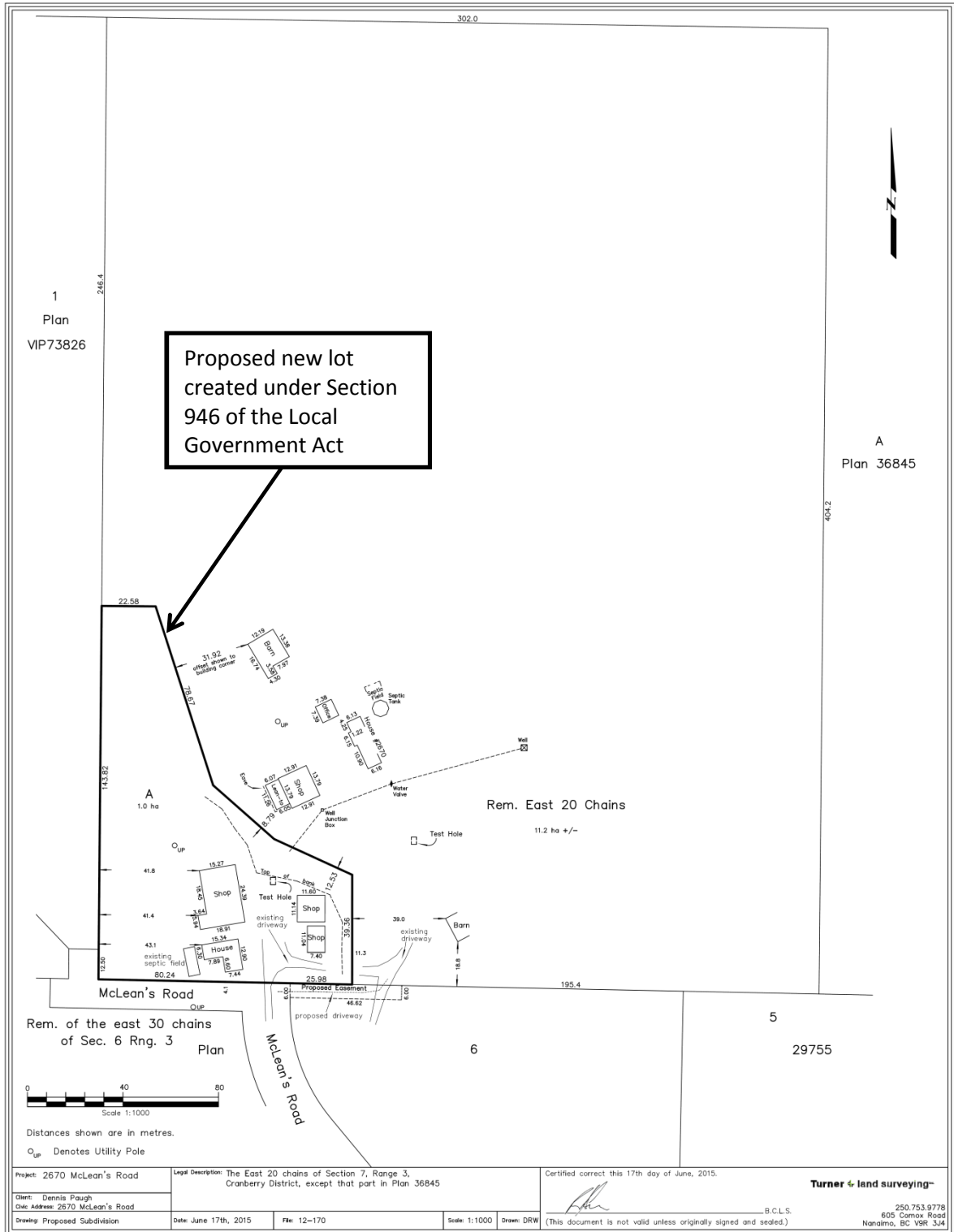
**Attachment 1  
Subject Property Map**



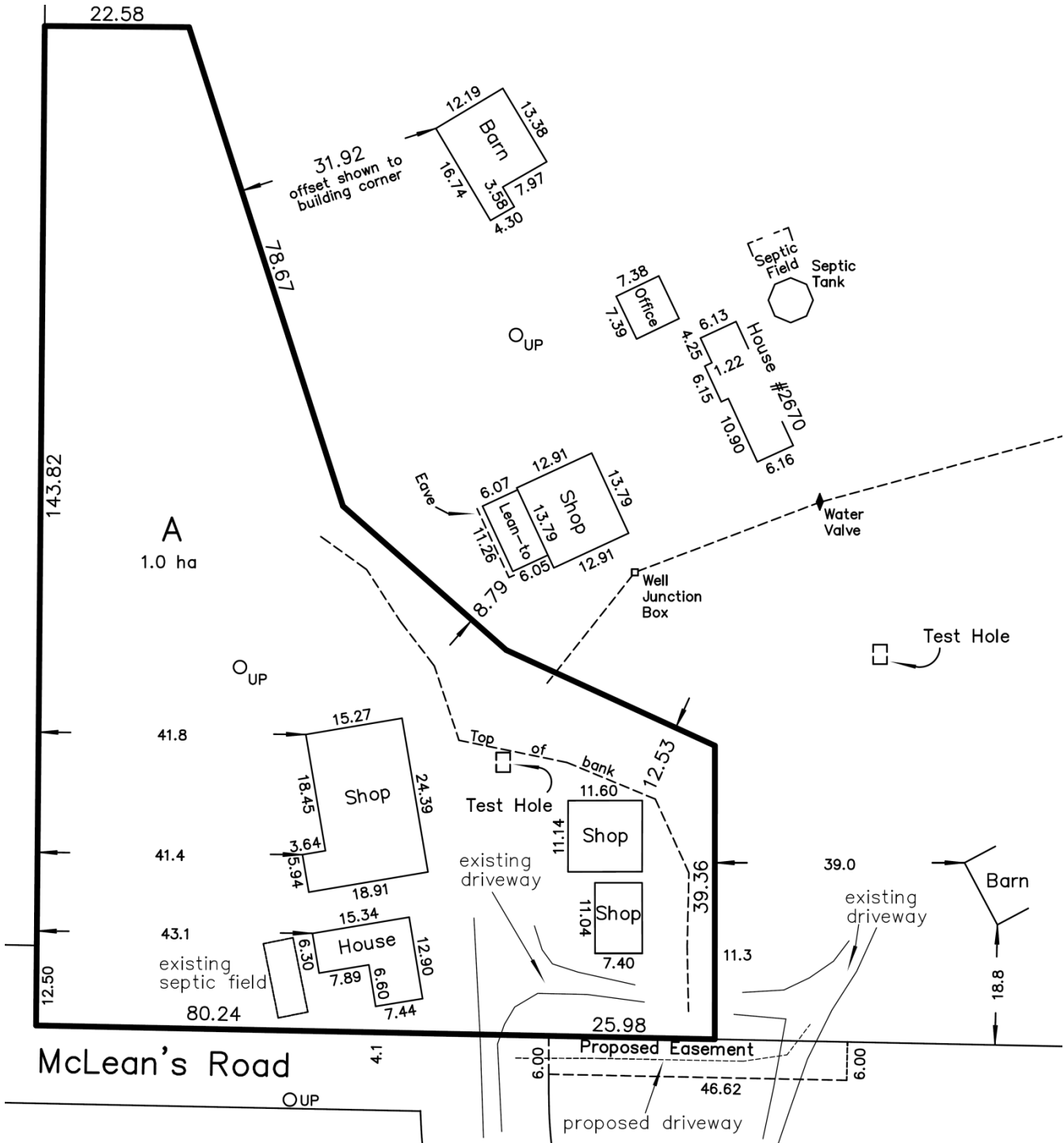
**Attachment 2**  
**2012 Aerial Photo**



**Attachment 3**  
**Proposed Plan of Subdivision (Page 1 of 2)**



**Attachment 3**  
**Proposed Plan of Subdivision (Page 2 of 2)**



## Attachment 4 Existing Zoning

### Part 3 – Land Use Regulations

#### Section 3.4.87

#### **R U R A L 7<sup>1</sup>**

**RU7**

##### **3.4.87.1 Permitted Uses and Minimum Site Area**

Required Site Area with:

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

##### **3.4.87.2 Maximum Number and Size of Buildings and Structures**

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

##### **3.4.87.3 Minimum Parcel Area**

Subject to Section 4.4.4, no parcel having an area less than the applicable subdivision district as stated in Section 4.1 may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the **Strata Property Act** (British Columbia) but excludes a bare land strata lot.

##### **3.4.87.4 Minimum Setback Requirements**

- a) Buildings and structures for housing livestock or for storing manure:
  - All lot lines - 30.0 m
- b) All other buildings and structures
  - All lot lines - 8.0 m

except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3.3.8 shall apply.

<sup>1</sup> Bylaw No. 500.253, adopted January 11, 2000

<sup>2</sup> Bylaw No. 500.270, adopted November 13, 2001

<sup>3</sup> Bylaw No. 500.389, adopted May 27, 2014

<sup>4</sup> Bylaw No. 500.272, adopted November 13, 2001

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

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

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 500**

**SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES**

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

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

<sup>1</sup> Bylaw No. 500.238, adopted February 10, 1998

<sup>2</sup> Bylaw No. 500.347, adopted September 22, 2009

<sup>3</sup> Bylaw No. 500.27, adopted August 9, 1988

<sup>4</sup> Bylaw No. 500.66, adopted December 12, 1989

<sup>5</sup> Bylaw No. 500.324, adopted February 28, 2006

<sup>6</sup> Bylaw No. 500.264, adopted October 10, 2000

<sup>7</sup> Bylaw No. 500.264, adopted October 10, 2000

<sup>8</sup> Bylaw No. 500.27, adopted August 9, 1988

<sup>9</sup> Bylaw No. 500.253, adopted January 11, 2000

<sup>10</sup> Bylaw No. 500.275, adopted October 9, 2001

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

**RESOURCE**

The Resource land use designation applies to lands valued primarily for forestry, resource extraction, agricultural production or environmental conservation. Lands designated Resource have an existing resource **zoning** or are either within the FLR or ALR.

The majority of the land base within Arrowsmith Benson - Cranberry Bright is within the Resource land use designation. The protection of these lands is a critical component in preserving the character and economy of the Plan Area.



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

ARROWSMITH BENSON – CRANBERRY BRIGHT OFFICIAL COMMUNITY PLAN  
BYLAW NO. 1148

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**Objectives:**

- *Support* and *maintain* the long-term viability of the natural resource value of the land base and *protect* it from activities and lands uses which may diminish its resource value or potential.
- *Support* silviculture activities on productive forestry land.
- *Support* farm activities on productive agricultural land.
- *Encourage* the comprehensive management of the resource land base.
- *Minimize* the impact of resource processing and aggregate or mineral extraction activities on the natural environment and neighbouring land uses and development.

**Policies:**

- 1) Lands designated Resource are as shown on Map No. 1, Land Use Designations, Sheets 1 to 3.
- 2) The following policies apply to the Resource land use designation:
  - a) The following uses may be permitted in accordance with the policies of Goal 6 – Create a Vibrant and Sustainable Economy:
    - i) forestry;
    - ii) agriculture;
    - iii) aggregate or mineral extraction or processing;
    - iv) activities associated with historic or archaeological sites;
    - v) outdoor recreational uses which specifically excludes recreational facilities and fairgrounds. Included are accessory uses which are of a nature customarily incidental, subordinate and exclusively devoted to an outdoor recreational use;
    - vi) campgrounds or recreational vehicle parks providing seasonal and temporary accommodation of travelers where the maximum occupancy for an individual is 6 months in any given calendar year. While existing campgrounds and recreational vehicle parks will be permitted, any new development within existing campgrounds or recreational vehicle parks will be limited to the seasonal and temporary accommodation of travelers where the maximum occupancy for an individual is 6 months in any calendar year;
    - vii) residential uses, including compatible home based businesses; and
    - viii) temporary uses.
  - b) Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.<sup>1</sup>
  - c) New lots for lands located within the ALR will have a minimum lot size of 8.0 hectares. New lots within the ALR will not be allowed unless approved by the Agricultural Land Commission.
  - d) A maximum of 1 dwelling unit per lot will be permitted on lands within the FLR.
  - e) A maximum of 2 dwelling units per lot will be permitted on lands within the ALR. (Approval of a second dwelling unit on lands within the ALR must be obtained from the Agricultural Land Commission except where the dwelling is for farm purposes in accordance with the *Agricultural Land Commission Act*.)
  - f) For lands not located within the FLR or ALR, a maximum of 2 dwelling units per lot will be permitted on each existing lot, as of the date of the adoption of this Plan, which is

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<sup>1</sup> Bylaw No. 1148.03, adopted January 24, 2006

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

ARROWSMITH BENSON – CRANBERRY BRIGHT OFFICIAL COMMUNITY PLAN  
BYLAW NO. 1148

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greater than 8.0 hectares, and a maximum of one dwelling unit per lot will be permitted for new lots.

- g) The use of the *Condominium Act* for the purpose of creating new property with separate title will not be supported. Excluded from this policy are bare land strata subdivisions of lands, not within the FLR, which meet the minimum parcel size of requirements of this land use designation.
- h) Bare land strata developments for more than 2 strata lots which do not provide for public access over internal roads will not be supported.
- i) In recognition of the central location and proposed reclamation of mine slag deposits, the redesignation of the lands shown as a Possible Rural Residential Expansion Area on Map No. 1, Land Use Designations, Sheets 1 to 3, from Resource to Rural Residential may be supported only if the land has been removed from the FLR.

## Attachment 7 Regional Growth Strategy Land Use Designation

### Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

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

This designation includes:

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

50

REGIONAL GROWTH STRATEGY

*Shaping Our Future*

- Destination Resorts; and
- Golf courses.

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

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

## Attachment 8

### Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

#### Agriculture

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

36

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

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

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

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

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

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

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

*The ‘5 A’s’ of food security:*

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

*(J. Oswald, 2009)*

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

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

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

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

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



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

**Policies**

The RDN and member municipalities agree to:

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

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

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



**Attachment 10**  
**Applicant's Submission (Page 1 of 3)**

# **Provincial Agricultural Land Commission - Applicant Submission**

**Application ID:** 54215

**Application Status:** Under LG Review

**Applicant:** Dennis Patrick Paugh

**Agent:** Turner Land Surveying Inc.

**Local Government:** Nanaimo Regional District

**Local Government Date of Receipt:** 09/16/2015

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

**Proposal Type:** Subdivision

**Proposal:** My client wishes to subdivide a 1 ha parcel from the parent parcel for estate planning purposes. The proposed 1 ha lot is currently used for residential and will continue as the same. No hay crops exist within the proposed 1 ha lot and the proposed lot is unsuitable for livestock due to the topography

## **Agent Information**

**Agent:** Turner Land Surveying Inc.

**Mailing Address:**

605 Comox Road

Nanaimo, BC

V9R 3J4

Canada

**Primary Phone:** (250) 753-9778

**Email:** info@turnersurveys.com

## **Parcel Information**

### **Parcel(s) Under Application**

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 003-965-899

**Legal Description:** THE EAST 20 CHAINS OF SECTION 7, RANGE 3, CRANBERRY DISTRICT, EXCEPT THAT PART IN PLAN 36845

**Parcel Area:** 12.2 ha

**Date of Purchase:** 05/20/1999

**Farm Classification:** Yes

#### **Owners**

1. **Name:** Dennis Patrick Paugh

**Address:**

2670 McLeans Road

Nanaimo, BC

V9X 1E3

Canada

**Phone:** (250) 754-0818

**Email:** hdtree@shaw.ca

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**Applicant:** Dennis Patrick Paugh

**Attachment 10  
Applicant's Submission (Page 2 of 3)**

**Current Use of Parcels Under Application**

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

*My client has livestock (horses, cattle, meat birds, laying hens) and hay crops.*

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

*There has been substantial fencing constructed. Improvements have been made to the various out buildings and a horse ring has been constructed.*

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

*He uses a portion of his house as a home office.*

**Adjacent Land Uses**

**North**

**Land Use Type:** Residential

**Specify Activity:** Residential Dwelling

**East**

**Land Use Type:** Residential

**Specify Activity:** Residential Dwelling, Past hay crops

**South**

**Land Use Type:** Residential

**Specify Activity:** Residential Dwelling

**West**

**Land Use Type:** Residential

**Specify Activity:** Residential Dwelling

**Proposal**

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

*1 ha*

*11.2 ha*

**2. What is the purpose of the proposal?**

*My client wishes to subdivide a 1 ha parcel from the parent parcel for estate planning purposes. The proposed 1 ha lot is currently used for residential and will continue as the same. No hay crops exist within the proposed 1 ha lot and the proposed lot is unsuitable for livestock due to the topography*

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

*The area proposed for subdivision is not suitable for agricultural use due to topography. There is a steep bank to the north of the existing buildings within the proposed lot.*

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

*Yes, my client wishes to provide residence for his children and will continue to farm the remainder lot as he has done in the past. It should be noted that all farming activity currently takes place within the*

**Applicant:** Dennis Patrick Paugh

**Attachment 10**  
**Applicant's Submission (Page 3 of 3)**

*proposed remainder lot.*

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

*No*

**Applicant Attachments**

- Proposal Sketch - 54215
- Certificate of Title - 003-965-899

**ALC Attachments**

None.

**Decisions**

None.

**Applicant:** Dennis Patrick Paugh