

REGIONAL DISTRICT OF NANAIMO
AGRICULTURAL ADVISORY COMMITTEE
AGENDA

Friday, September 21, 2018

2:00 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Agricultural Advisory Committee Meeting - April 6, 2018 3

That the minutes of the Agricultural Advisory Committee meeting held April 6, 2018, be adopted.
4. INVITED PRESENTATIONS
 - 4.1 Ron Wallace from Agricultural Land Commission

Speaking on the value of Agricultural Advisory Committee comments for applications to the Agricultural Land Commission for subdivision, exclusion and non-farm use.
5. DELEGATIONS
6. CORRESPONDENCE
7. UNFINISHED BUSINESS
8. REPORTS
 - 8.1 Request for Comment on Non-Farm Use in the Agricultural Land Reserve Application No. PL2018-075, 3452 Jingle Pot Road – Electoral Area C 6
 - 8.2 Request for Comment on Subdivision in the Agricultural Land Reserve Application No. PL2018-1062298, Northwest Bay Road – Electoral Area E 48
 - 8.3 Agricultural Land Commission Final Decisions Chart 91

9. BUSINESS ARISING FROM DELEGATIONS

10. NEW BUSINESS

10.1	Bylaw No. 2 Placement of Fill in the Agricultural Land Reserve - ALC Regulation Update (Verbal Update)	94
10.2	Cannabis Production In The Agricultural Land Reserve - ALC Regulation Update (Verbal Update)	105
10.3	Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission - Status Update (Verbal Update)	111

11. ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE MEETING

Friday, April 6, 2018

2:00 P.M.

RDN Board Chambers

In Attendance:	Director H. Houle	Chair
	Director J. Fell	Electoral Area F
	Director T. Westbroek	Town of Qualicum Beach
	J. Thony	Regional Agricultural Organization
	M. Ryn	Regional Agricultural Organization
	K. Wilson	Representative District 68
	G. Laird	Representative District 68
	R. Thompson	Representative District 69
Regrets:	K. Reid	Shellfish Aquaculture Organization
	C. Watson	Representative District 69
Also in Attendance:	J. Holm	Mgr. Current Planning
	N. Redpath	Planner, Long Range
	P. Sherman	Recording Secretary

CALL TO ORDER

The Chair called the meeting to order and respectfully acknowledged the Coast Salish Nations on whose traditional territory the meeting took place.

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved as amended to include a verbal update report on the Gathering For Events in the ALR project and an item of new business.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Agricultural Advisory Committee Meeting - February 16, 2018

It was moved and seconded that the minutes of the Agricultural Advisory Committee meeting held February 16, 2018, be adopted.

CARRIED UNANIMOUSLY

REPORTS

Request for Comment on Subdivision in the Agricultural Land Reserve Application No. PL2018-012 - 2789 and 2783 Haslam Road, Electoral Area 'A'

Robyn Kelln, the owner's representative, addressed the committee and referenced to a letter from Keystone Environmental Ltd., dated April 3, 2018, regarding the comments/concerns that were raised during the site visit at 2789 and 2783 Haslam Road.

The meeting recessed at 2:10 pm.

The meeting reconvened at 2:18 pm.

It was moved and seconded that the letter from Keystone Environmental Ltd. be received as correspondence.

CARRIED UNANIMOUSLY

It was moved and seconded that the application for Subdivision in the Agricultural Land Reserve Application No. PL2018-012 – 2789 and 2783 Haslam Road, Electoral Area 'A' be forwarded to the Agricultural Land Commission with a recommendation to refuse.

It was moved and seconded that the main motion be amended to forward the application for Subdivision in the Agricultural Land Reserve Application No. PL2018-012 – 2789 and 2783 Haslam Road, Electoral Area 'A' to the Agricultural Land Commission with a recommendation that the subdivision be approved if the separate title that is created retains its agriculture status so that the site can only be used for farm use.

Opposed (5): Director Westbroek, M. Ryn, G. Laird, K. Wilson, J. Thony

DEFEATED

The vote was taken on the main motion as follows:

It was moved and seconded that the application for Subdivision in the Agricultural Land Reserve Application No. PL2018-012 – 2789 and 2783 Haslam Road, Electoral Area 'A' be forwarded to the Agricultural Land Commission with a recommendation to refuse.

CARRIED UNANIMOUSLY

Agricultural Land Commission Final Decisions Chart

There were no new decisions from the Agricultural Land Commission since the last Agricultural Advisory Committee meeting of February 16, 2018.

Gathering for Events in the Agricultural Land Reserve – Verbal Update

N. Redpath informed the committee that bylaw amendments 500.413 and 1285.29 regarding gathering for events in the Agricultural Land Reserve (ALR) received first and second reading. Both public hearings for the amendment bylaws will be held on April 16, 2018 in the Regional District of Nanaimo Board Chambers. The next steps were outlined with the amendment bylaws being brought to the Board meeting in April for a potential third reading. A report is being proposed to investigate the use of a permitting system for events in the ALR and an educational brochure to reflect the proposed bylaw amendments are being developed.

NEW BUSINESS

2018 Agricultural Advisory Committee (AAC) Workshop

M. Ryn spoke about attending the 2018 Agricultural Advisory Committee Workshop.

Protection is Not Enough: Policy Precedents to Increase the Agricultural Use of British Columbia's Farmland

M. Ryn recommended reading the report from the Institute for Sustainable Food Systems, Protection is Not Enough: Policy Precedents to Increase the Agricultural Use of British Columbia's Farmland.

Volunteer Appreciation Events

J. Holm spoke about the upcoming volunteer appreciation events.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 3:00 PM

CHAIR

TO: Agricultural Advisory Committee **DATE:** September 21, 2018

FROM: Kristy Marks
Planner **FILE:** PL2018-075

SUBJECT: Request for Comment on Non-Farm Use in the Agricultural Land Reserve
Application No. PL2018-075
3452 Jingle Pot Road – Electoral Area C
T & R Ventures Ltd., Inc. No. BC1112945 / Brent Murdoch & Discover
Montessori Society
The Easterly 60 Acres of Section 16, Range 3, Mountain District Except That
Part in Plan 29404, VIP68415, VIP68636 and VIP72060

SUMMARY

This is an application for non-farm use in the Agricultural Land Reserve (ALR) to permit the development of a sustainably designed Montessori Farm School on an 8.8 hectare parcel located in Electoral Area C. Should the Agricultural Advisory Committee (AAC) wish to provide comments to the Provincial Agricultural Land Commission (ALC), it may do so by considering the adoption of a motion. Any comments provided by the Committee will be provided to the ALC, along with a copy of this report to assist the ALC in making a decision on this application.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for non-farm use in the ALR from Brent Murdoch, agent for the Discover Montessori Society on behalf of T & R Ventures Ltd., Inc. No. BC1112945. The subject property is legally described as The Easterly 60 Acres of Section 16, Range 3, Mountain District Except That Part in Plan 29404, VIP68415, VIP68636 and VIP72060 and the civic address is 3452 Jingle Pot Road. The subject property is approximately 8.8 hectares in area and is located entirely within the ALR. The parcel is bounded by Jingle Pot Road to the west, developed rural properties to the north and south and a large ALR parcel to the east. The property currently contains a dwelling unit, farm market building, barn, and several accessory buildings. Existing uses include self-board horse boarding and riding ring as well as fields that are not currently being farmed (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

The applicants, the Discover Montessori Society, made a non-farm use application in 2017 to permit the development of a sustainably designed Montessori Farm School under application PL2017-013. They were granted a conditional approval by the ALC for Phase 1 of their proposal including the use of 0.95 hectares for the school on the existing gravel parking. The approval limited construction to a maximum of 12,000 ft² of single storey modular buildings as well as the repurposing of the existing farm market building for classroom purposes. The applicants have

since revised their plans and are requesting approval for a non-farm use to allow 1.63 hectares of the parcel to be used to develop farm school infrastructure, 0.55 hectares of which would include permanent buildings with a maximum floor area of approximately 18,000 ft². The applicants have continued to work on the farm planting several crops, renovating paddocks, prepping an additional two acres for planting next spring and are involved with the Stream Keepers program.

A copy of the applicant's submission package is included as Attachment 10. Personal Information is redacted in accordance with the *Freedom of Information and Protection of Privacy Act*. The site visit was waived for this application given that Agricultural Advisory Committee members were provided an opportunity to attend the site on March 8, 2017 as part of a previous non-farm use application.

REGIONAL GROWTH STRATEGY

The subject property is currently designated 'Resource Land and Open Spaces' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The RGS policies support minimizing the potential impacts that non-farm land uses may have on farming operations and recommends the inclusion of policies in Official Community Plans (OCP) and the adoption of zoning regulations that reduce the opportunity for land use conflicts to occur (see Attachment 7 Regional Growth Strategy - Land Use Designation). Further to this, the RGS encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 8 and 9 Regional Growth Strategy Goals).

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Rural' pursuant to the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" (see Attachment 6). The policies of this designation support traditional rural activities, including those associated with normal agriculture and silviculture and recognize that where land in the ALR is proposed for non-farm use, approval must first be obtained from the ALC. In addition, all subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 3.1 – Agriculture of the OCP. Policy within this section states that the RDN may support the use of agricultural land for non-farm purposes provided the ALC first grants permission for the proposed use and the use is compatible with surrounding land use patterns and development (see Attachment 6 Official Community Plan Land Use Designation).

The parcel is also designated within the Fish Habitat Protection Development Permit Area therefore a development permit may be required prior to development, including alteration of land, vegetation removal or construction of buildings and structures on the subject property.

Amendments to "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" are not required provided the applicant can demonstrate that the proposal is consistent with OCP policies at the time of the zoning amendment.

ZONING

The parcel is currently zoned Agriculture 1 Zone (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500) (see

Attachments 4 and 5 for zoning regulations and minimum parcel size). The AG1 Zone permits principle uses including: Farm Use, Agriculture, Residential Use; Accessory Residential Uses: Home Based Business, Secondary Suite and Accessory Farm Uses: Temporary Sawmill, Agricultural Education and Research, Agri-tourism Accommodation, Production of Biological Integrated Pest Management Products and generally allows two dwelling units on parcels greater than 2.0 hectares in area. The applicant proposes to develop a sustainably designed Montessori Farm School offering hands-on education in a working agricultural farm setting as shown on the Proposed Site Plan, prepared by the applicant (see Attachment 3 Proposed Site Plan).

Amendments to Bylaw 500 are required to allow the proposed non-farm use.

BOARD POLICY AND AAC PROCEDURE

Regional District of Nanaimo “Board Policy B1.8: Review of ALR Applications” (Board Policy B1.8) provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use, on lands within the ALR. Policy B1.8 also states that all ALR non-farm use applications are to be forwarded to the ALC with no resolution of support or opposition from the Regional Board of Directors.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as needed basis, as directed by the Board. In addition to members’ local knowledge and input, comment on ALR applications may be guided by Board approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC, on the ALC and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN’s agricultural projects website at www.growingourfuture.ca.

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

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

ELECTORAL AREA DIRECTOR COMMENT

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

With respect to this application, Director Young has provided the following comments:

I am fully supportive of the non-farm use request from the Discover Montessori School, as well as, the increase in size of the buildings from 12,000 ft² to 18,000 ft² of buildings.

Comments of Electoral Area C Director Young will be provided to the ALC, as included with this report.



Kristy Marks
Kmarks@rdn.bc.ca
September 12, 2018

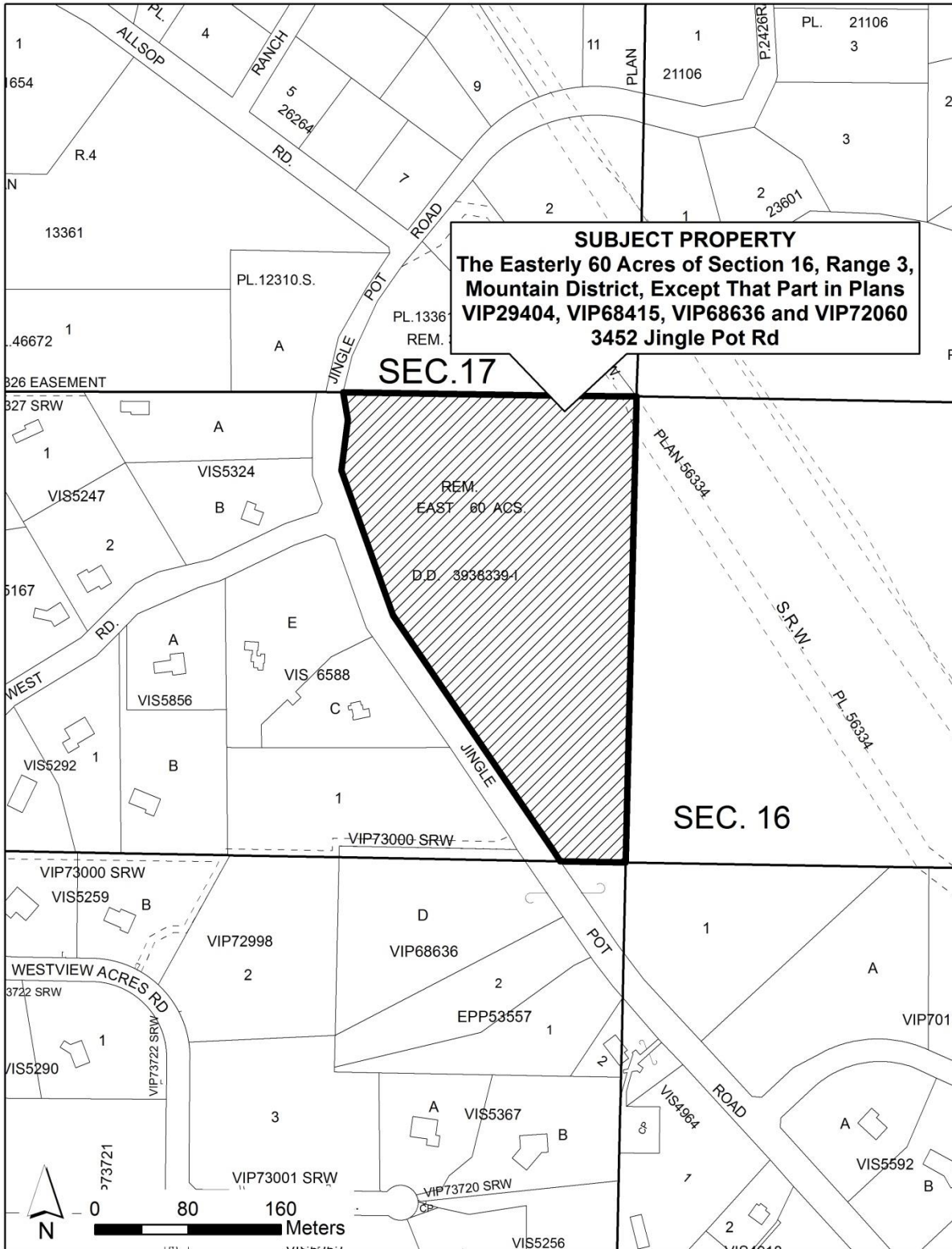
Reviewed by:

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

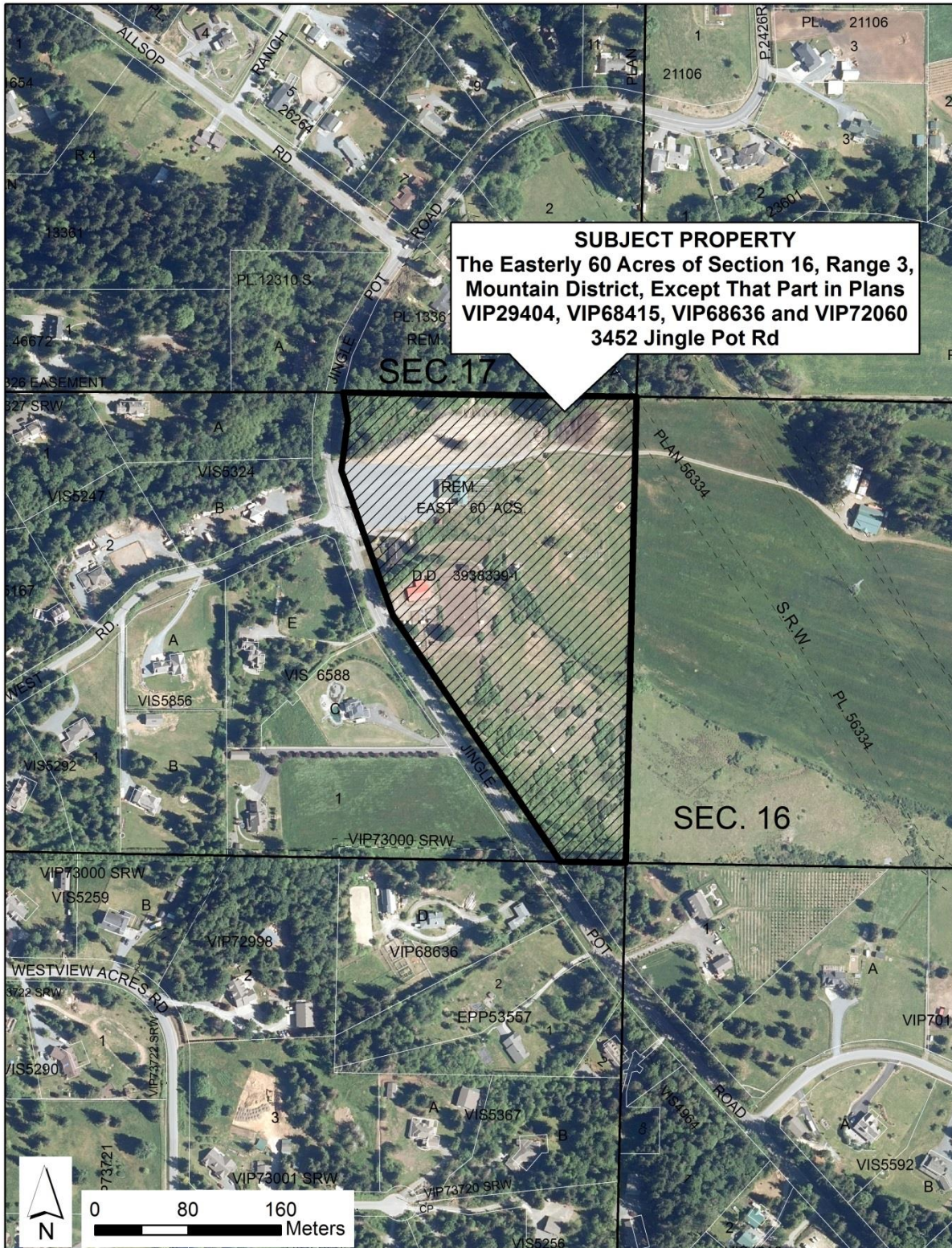
Attachments:

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

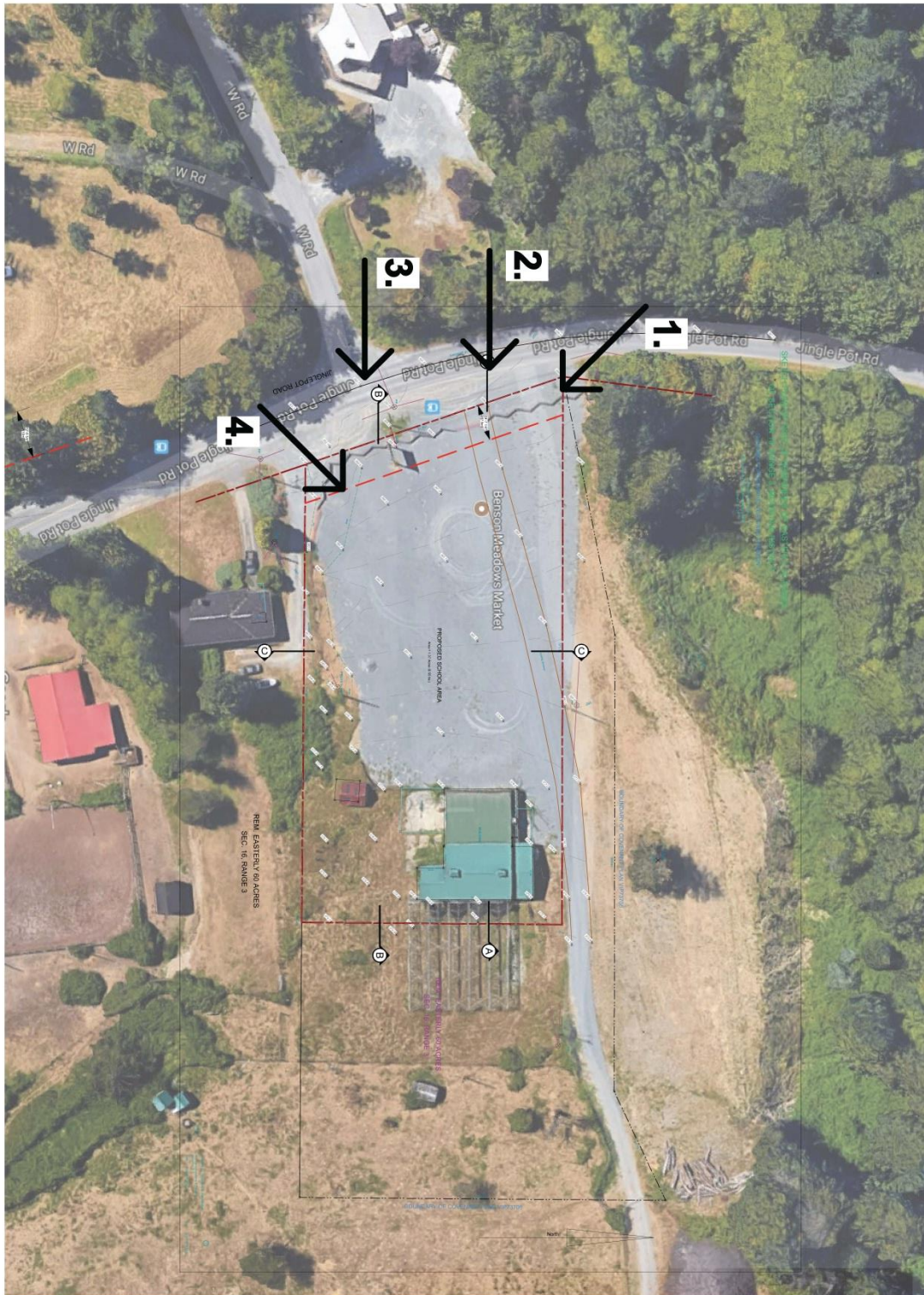
Attachment 1 Subject Property Map



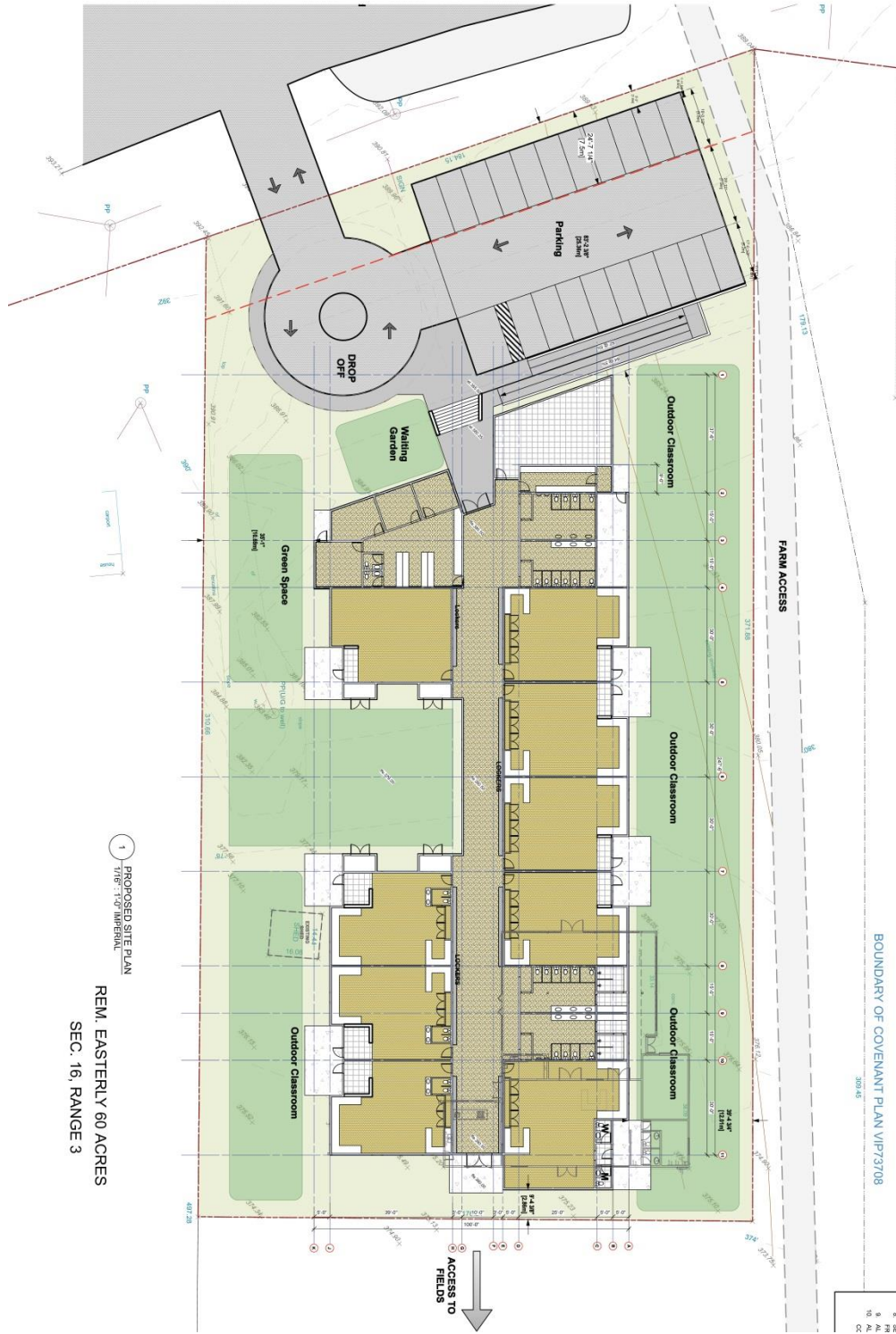
Attachment 2
2016 Aerial Photo



Attachment 3
Proposed Site Plan (Concept Plan)
(Page 1 of 2)



**Attachment 3
 Proposed Site Plan (Concept Plan)
 (Page 2 of 2)**



**Attachment 4
Existing Zoning
(Page 1 of 4)**

Part 3 – Land Use Regulations

Section 3.4.1

A GR I C U L T U R E 1

AG1⁴²⁴³

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses

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

Permitted Accessory Residential Uses

- a) Home Based Business
- b) Secondary Suite

Permitted Accessory Farm Uses

- a) Temporary Sawmill
 - b) Agricultural Education and Research
 - c) Agri-tourism Accommodation
 - d) Production of Biological Integrated Pest Management Products
 - e) Gathering for an Event⁴⁴
-

3.4.1.2 Maximum Number and Size of Buildings and Structures

- 1) Accessory residential buildings combined floor area of 400 m²
- 2) Dwelling units/parcel
 - a) on a parcel having an area of 2.0 ha or less 1
 - For Electoral Areas 'A', 'C', 'E', and 'H'**
 - b) on a parcel having an area greater than 2.0 ha 2
 - For Electoral Area 'G'**
 - c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' 2

⁴² Bylaw No.500.383, Adopted June 25, 2013

⁴³ Bylaw No. 500.402, adopted June 28, 2016

⁴⁴ Bylaw No. 500.413, adopted May 22, 2018

**Attachment 4
Existing Zoning
(Page 2 of 4)**

Part 3 – Land Use Regulations

AGRICULTURE 1 continued

- d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. 2
 - 3) Height (non-farm and accessory farm buildings and structures) 9.0 m
 - 4) Parcel coverage
 - a) Non-farm buildings and structures 10%
 - b) Farm or agriculture buildings and structures 25%
 - c) Greenhouses 75%
 - d) In no case shall the combined parcel coverage exceed 75%.
 - e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
 - i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.
-

3.4.1.3 Minimum Setback Requirements

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

3.4.1.4 Other Regulations

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

RDN Bylaw No. 500

Page 3 - 22

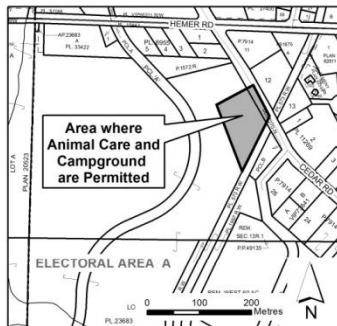
This is an excerpt only from "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and should not be used for interpretive or legal purposes without reference to the entire Bylaw

Attachment 4 Existing Zoning (Page 3 of 4)

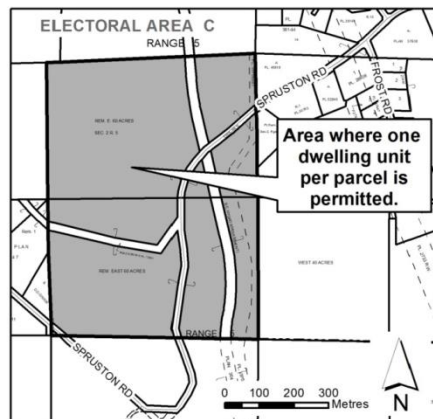
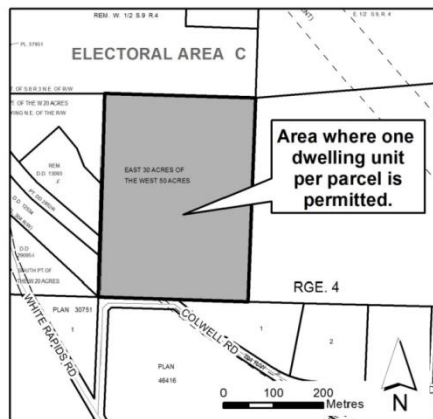
Part 3 – Land Use Regulations

AGRICULTURE 1 continued

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



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

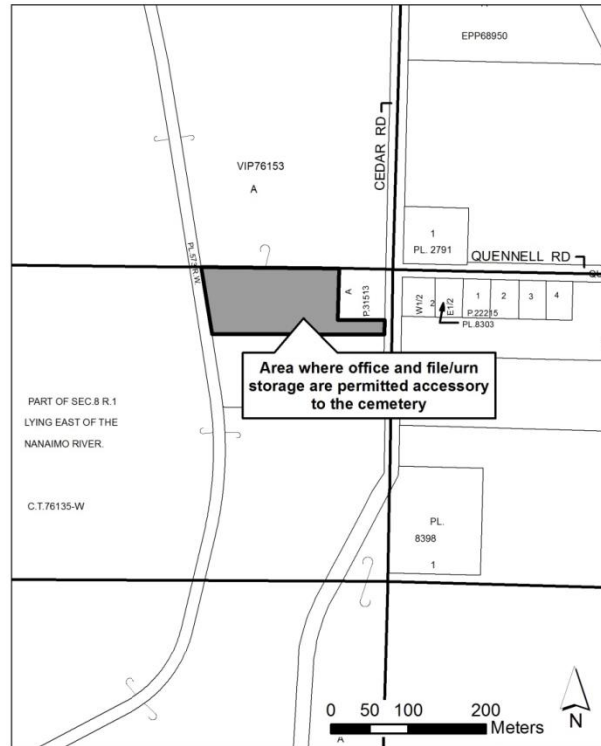


Attachment 4 Existing Zoning (Page 4 of 4)

Part 3 – Land Use Regulations

AGRICULTURE 1 continued

- 7) Office and file/urn storage accessory to the cemetery shall be permitted in accordance with ALC non-farm use approval in the shaded area outlined in bold in the map below.⁴⁵



⁴⁵ Bylaw 500.412, adopted March 27, 2018

Attachment 5

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

Part 4 – Subdivision Regulations '4B' – Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

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

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ^{4,5}	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
T ⁹	600 m ²	No further subdivision		
V ¹⁰	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹¹	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998² Bylaw No. 500.347, adopted September 22, 2009³ Bylaw No. 500.27, adopted August 9, 1988⁴ Bylaw No. 500.66, adopted December 12, 1989⁵ Bylaw No. 500.324, adopted February 28, 2006⁶ Bylaw No. 500.264, adopted October 10, 2000⁷ Bylaw No. 500.264, adopted October 10, 2000⁸ Bylaw No. 500.27, adopted August 9, 1988⁹ Bylaw No. 500.394, adopted August 25, 2015¹⁰ Bylaw No. 500.253, adopted January 11, 2000¹¹ Bylaw No. 500.275, adopted October 9, 2001

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

Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Objectives: Resource

- *Support and maintain* the long-term viability of the natural resource land base and *protect* it from activities and land uses, which may diminish its resource value or potential.
- *Encourage* the comprehensive management of the resource land base.
- *Minimize* the impact of resource operations and activities on the natural environment and neighbouring land uses and development.

Policies: Resource

Action:

1. Land within the *Resource* designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 50.0 hectares.¹
2. On land in the *Resource* designation, residential development shall be limited to one (1) dwelling unit per four (4) hectares, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Resource* designation shall generally be associated with those activities involving natural resource harvesting or extraction, primary processing and passive recreational uses, including campgrounds. This shall not preclude the Regional District Board from amending the Land Use and Subdivision Bylaw to either include or exclude other uses, which are deemed to be compatible or incompatible with the *Resource* designation.
4. The Regional District may consider the issuance of temporary use permits for the manufacture of asphalt products or soil composting operations on land within the *Resource* designation of this Plan provided that such operations are to be located on parcels greater than 8.0 hectares in area and associated impacts will not adversely impact neighbouring land or development or the natural environment. In the case of soil composting, such activities shall be solely for the purpose of reclaiming mined land.

Development Activated:

5. Where land designated as *Resource* is proposed to be subdivided, the Regional District shall encourage the Approving Officer to give due consideration to the protection of any adjacent forestry and/or agricultural lands, including active and *bona fide* farming operations not located within the Agricultural Land Reserve, by encouraging buffers and subdivision road layout designs which minimize intrusive points of access.

4.2 RURAL

The Rural designation applies to lands with recognized agricultural or forestry value and which are designated as either Agricultural Land Reserve or Forest Land Reserve. These

¹ Bylaw No. 1055.02 adopted January 24, 2006

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

Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW No. 1055

lands, which account for approximately 29% of the Plan Area's land base (950 hectares), significantly contributes to its predominant rural character by supporting traditional rural activities, large parcels and green spaces. FLR lands designated as Rural are generally in close proximity to lands used primarily for residential purposes and presently do not support intensive processing operations. The Rural designation is intended to protect agricultural and forestry lands and associated operations by relieving development pressures.

Objectives: Rural

- Support and encourage agricultural activities on productive agricultural lands.
- Support silviculture activities on productive forestry lands.
- Preserve and enhance the Plan Area's rural character and environmental quality.

Policies: Rural

Action:

1. Land within the *Rural* designation, as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares except those lands that as of the date of this amendment are designated as **Crown Lands** (forest) or where for taxation purposes are designated as **Managed Forest Class** shall have a minimum parcel size of 50.0 hectares.²
2. On land in the *Rural* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. On land in the *Rural* designation, the creation of parcels having an area less than two (2) hectares by way of subdivision pursuant to the *Condominium Act* (British Columbia), with the exception of subdivision pursuant to the *Bareland Strata Regulations* (British Columbia), shall not be supported.
4. Permitted uses within the *Rural* designation shall generally be limited to traditional rural activities, including those associated with normal agriculture and silviculture practices. Intensive forestry processing uses shall not be supported on lands designated as *Rural* in this Plan.
5. Where land is removed from the Agricultural Land Reserve or the Forest Land Reserve the *Rural* designation shall remain unless redesignated by amendment to this Plan and permitted uses shall be generally be limited to traditional rural activities.

Development Activated:

6. Where land is within the Agricultural Land Reserve and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, except where additional dwellings are necessary for farm purposes subject to the

² Bylaw No. 1055.02 adopted January 24, 2006

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

Regional District of Nanaimo

EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Agricultural Land Commission Act. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 3.1 - Agriculture of this Plan.

4.3 **RURAL RESIDENTIAL**

The Rural Residential designation reflects lands characterized by large lots and low population density and which are not within the Agricultural Land Reserve or Forest Land Reserve. Traditional rural activities such as agricultural operations, hobby farms and large-lot residential uses predominate. The Rural Residential designation assists in maintaining the rural character of the community and providing large pockets of green space within the community. Approximately 1000 hectares of land are within the Rural Residential designation, representing approximately 30% of the total Plan Area.

Objectives: Rural Residential

- *Preserve and enhance* the Plan Area's rural character and environmental quality.
- *Support* traditional rural land uses and activities within the Plan Area.
- *Provide* for some flexibility in the form and character of rural subdivision development.

Policies: Rural Residential

Action:

1. Land within a *Rural Residential* designation as shown on Map No. 3, attached to and forming part of this Plan shall have a minimum parcel size of 2.0 hectares.
2. On land in the *Rural Residential* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Rural Residential* designation shall generally be limited to traditional rural activities and passive recreation.
4. Notwithstanding Regional District regulations and/or policies related to the maximum number of dwellings per parcel, this Plan recommends that the Land Use and Subdivision Bylaw permitting a maximum of two (2) dwelling units on parcels greater than 2.0 hectares be amended as follows:
 - a) residential development shall be permitted to a maximum density of two (2) dwelling units on parcels of greater than 2.0 hectares, which existed prior to the adoption of such an amendment to the Land Use and Subdivision Bylaw;
 - b) residential development shall be limited to a density of not more than one (1) dwelling unit per two (2) hectares, to a maximum of two (2) dwelling units per parcel, for parcels created subsequent to the adoption of such an amendment to the Land Use and Subdivision Bylaw (see Figure 4.1); and
 - c) the creation of parcels having an area less than two (2) hectares by way of subdivision pursuant to the *Condominium Act* (British Columbia), with the

Attachment 6 Official Community Plan Land Use Designation (Page 4 of 6)

Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW No. 1055

SECTION 3 - NATURAL RESOURCE MANAGEMENT

The East Wellington - Pleasant Valley Plan Area contains a variety of lands with natural resource value, including those for agriculture, aggregates and forestry. These lands have historically played a significant role in shaping the character of the Plan Area as well as providing important economic benefits. Their long-term viability and productivity is increasingly threatened by urban encroachment and the spread of incompatible uses, necessitating special attention and protective measures. It cannot be overlooked that operations and activities related to these resources can have equally significant consequences on the natural environment and existing residents and development. It is important to achieve a balance.

The policies in this section define the community's intentions and priorities with respect to the long-term management and use of lands with natural resource value. Where stated policies relate to matters beyond the jurisdiction of the Regional District, they are only intended to compliment, guide and assist senior governments in their decision-making processes.

General Objectives:

- *Protect and maintain* the agricultural, forestry and aggregate land base and associated activities.
- *Minimize* the impact of agriculture, forestry and aggregate-related activities on both the natural environment and other land uses and development.
- *Support* sustainable and best management practices for the resource base.
- *Advocate* comprehensive resource management decision-making where resource lands are in conflict with other lands.

3.1 *AGRICULTURE*

Agriculture plays an integral role in defining the rural character of the Plan Area. Agricultural lands establish limitations on the extent of development, provide buffer areas between established residential areas and represent both a primary and secondary source of income for some Plan Area residents. The Regional District supports and encourages land management practices, which preserve agricultural land and the sustainable production of food.

Approximately 24% of the total area, equating to approximately 790 hectares of land, has been designated Agricultural Land Reserve (ALR) under the provincial *Agricultural Land Commission Act*. The Agricultural Land Commission is one of the main agencies responsible for managing the use and subdivision of ALR lands and, along with the Ministry of Agriculture, is also an important agency for promoting agricultural activities. The ALR's integrity is often threatened at the interface with urbanized development.

Objectives: Agriculture

- *Protect and maintain* the agricultural land resources of the Plan Area for present and future food production.

Attachment 6 Official Community Plan Land Use Designation (Page 5 of 6)

Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

- *Recognize and protect* the needs and activities of agricultural operations when considering non-agricultural uses on adjacent lands.
- *Encourage* sustainable and environmentally sound farming practices.
- *Ensure* that the availability and quality of water supply is protected and seek ways and means of improving water availability for irrigation purposes.

Policies: *Agriculture*

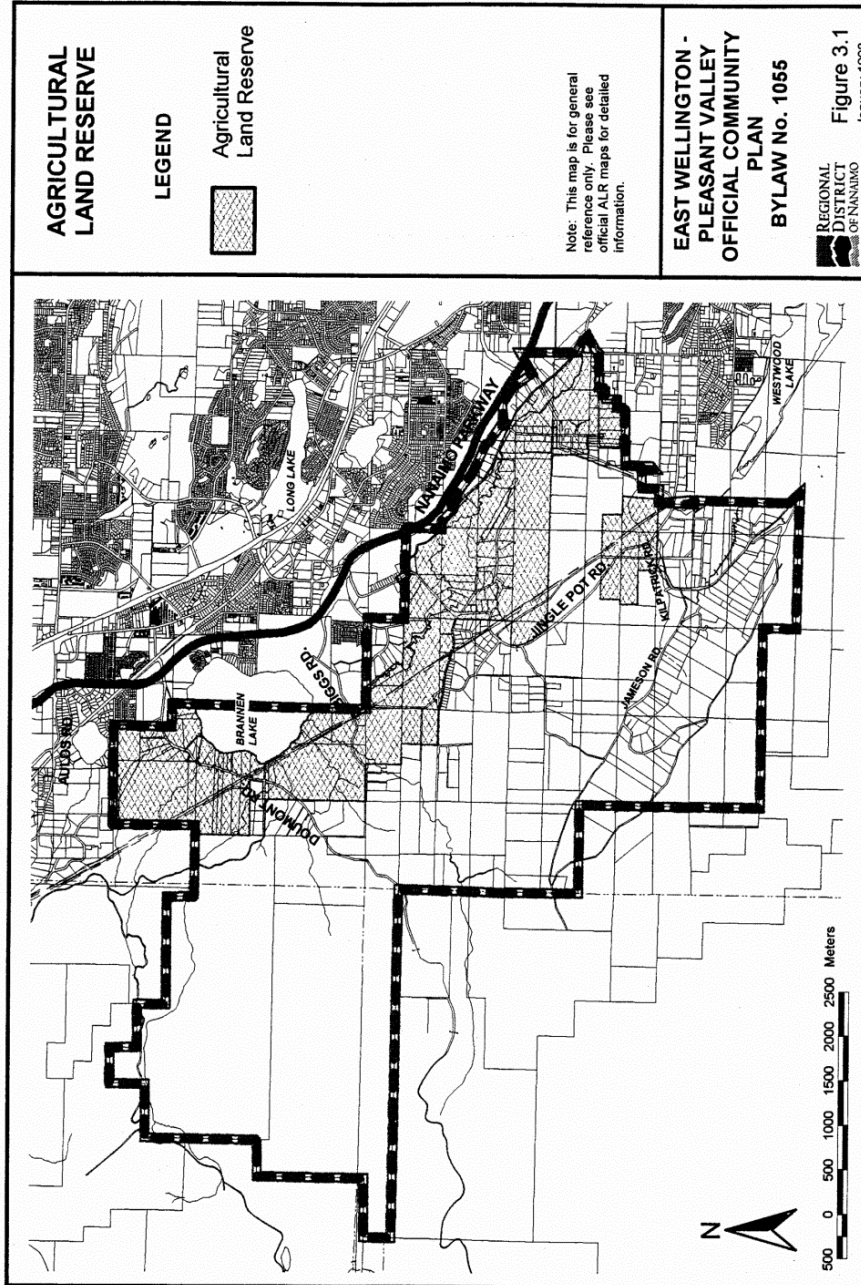
Action:

1. Lands within the Agricultural Land Reserve, as well as all other lands considered to be agricultural in character or supportive of agriculture, shall generally be designated as *Rural* in this Plan.
2. Broad-based agricultural activities, including agricultural, livestock and horticultural uses and the processing, production, distribution and sale of locally grown products, shall be encouraged and supported on agricultural lands both within and outside the Agricultural Land Reserve. It is recognized that the regulation of intensive agricultural operations located on land outside the Agricultural Land Reserve, which may be detrimental to the natural environment and surrounding lands, may be necessary.
3. The retention of large land holdings within the Agricultural Land Reserve shall be encouraged to maintain the option and feasibility of farm use.
4. The Regional District shall encourage adjacent land uses to be compatible with existing farm uses and to minimize impacts on agricultural lands.
5. The Regional District shall support the Agricultural Land Commission's mandate of preserving and encouraging the use of agricultural land for agriculture. The Regional District may support the use of agricultural land for non-farm purposes provided that the Agricultural Land Commission first grants permission for the proposed use and the use is compatible with surrounding land use patterns and development.

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

Regional District of Nanaimo
 EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Figure 3.1



Attachment 7 Regional Growth Strategy - Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

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

This designation includes:

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

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

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

Attachment 8
Regional Growth Strategy - Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
 - Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
 - Encourage and support value-added agricultural industries; and
 - Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 9
Regional Growth Strategy - Goal 8 – Food Security
(Page 1 of 3)

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

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

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

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

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

The '5 A's' of food security:

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

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

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

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

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

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

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

**Attachment 10
Applicant's Package**

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57605

Application Status: Under LG Review

Applicant: Tanis Millner

Agent: Murdoch + Company Ltd.

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 05/01/2018

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

Proposal Type: Non-Farm Use

Proposal: Discover Montessori Society would like to build a world-class, sustainably designed Montessori Farm School on a portion of the current gravel parking lot. The goal is to offer a hands-on Montessori Education in a working agricultural farm setting. Its an innovative and nature based initiative that could become a working example of educating in harmony with nature, and an experiential, collaborative learning environment for students age birth - 18 years old. The "Farm School" is a long standing model of Montessori Education. Students in Montessori learn through their 'experiences in the environment'. A Farm School setting links academic education to the land and provides students opportunities for meaningful and purposeful application of key concepts. Our Farm School will provide environments for students rich opportunities such as (and not limited to):

- Growing and selling agricultural products: vegetables, fruit, herbs, nuts, eggs, wool, jam, hand crafts (Applied Biology, Greenhouse Management, Economics, Arts)
- Entrepreneurship: a student/adult operated farm market, community pumpkin patch (Applied Economics, Financial Management, Leadership)
- Beekeeping and animal husbandry (Applied Biology, Compassion programs, Zoology)
- Running a lunch program using farm produce (Applied Culinary Arts Program, Practical Life, Healthy Lifestyles program)
- Composting and soil management (Applied Earth Sciences, History)
- Stream keeping and riparian zone management (Applied Volunteerism, Land Management, Chemistry, Biology, History)
- Permaculture Design and Gardens (Sustainable Development, Agriculture)
- Renewable Energy Systems: solar, wind, geothermal, biomass
- Machine and tool maintenance / Out-building maintenance (Applied Trades and Technology program)
- The Arts: music and visual arts in a setting that inspires (Applied Self-Expression)

In short, our Montessori Farm School will enable students to learn and practice every aspect of the academic and social curriculum. These experiences build a very deep academic understanding, strong community connections, a collaborative outlook, problem solving skills, critical thinking aptitude, agricultural and ecological awareness, and a meaningful connection to the land. Our Montessori Farm School will support agriculture in the short and long term. Students and the community can enjoy an agriculturally-based education hub, a place to connect and learn in a natural environment. Agriculture is essential to our approach. Dr. Montessori stated:

"Therefore work on the land is an introduction both to nature and to civilization and gives a limitless field for scientific and historic studies. If the produce can be used commercially this brings in the fundamental mechanism of society, that of production and exchange, on which economic life is based. This means that Applicant: 565832 B.C. LTD., INC.No.BC0565832

1. There is an opportunity to learn both academically and through actual experience what are the elements of social life. We have called these children the "Erdkinder" because they are learning about civilization through its origin in agriculture. They are the land-children." (Maria Montessori, Childhood to Adolescence, p. 68) Discover Montessori Societys lease area is 7.29 ha (18.01 acres) of a 8.83 ha (21.82 acres) parcel. We would like to use 1.63 ha (4.03 acres) to develop our Farm School infrastructure. Of the

total parcel area

(8.83 Ha)area, just 6.3 % (.55 Ha) will have permanent buildings, and the remainder will be restored or put back into agriculture. (See concept)

Development will consist of:

-A building or group of buildings of approx. 18,000 sq ft.

-Parking lot will be reduced to accommodate users.

-The rest of this area will return to agricultural use: stream habitat restoration/enhancement of ecologically sensitive areas, invasive species removal, fish habitat restoration, gardens, and a field.

Agent Information

Agent: Murdoch + Company Ltd.

Mailing Address:

#106-4319 Main St.

Whistler, BC

V0N 1B4

Canada

Primary Phone: [REDACTED]

Email: [REDACTED]

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 009-456-295

Legal Description: THE ELY 60 ACS OF SEC 16 R 3 MOUNTAIN DISTRICT EXC PT IN PL 29404 VIP68415 VIP68636 & VIP72060

Parcel Area: 7.2 ha

Civic Address: 3452 Jingle Pot Road, Nanaimo, BC

Date of Purchase: 05/12/2005

Farm Classification: Yes

Owners

1. **Name:** Tanis Milner

Address:

#2 - 6421 Applecross Road

Nanaimo, BC

V9V 1N1

Canada

Phone: [REDACTED]

Cell: [REDACTED]

Email: [REDACTED]

Current Use of Parcels Under Application

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

- Self board horse barn, ring, paddocks : .39 ha / .97 acre

- Fallow lands: 4.72 ha / 11.66 acres

- Grazing beef Cattle

- Garlic & Squash plantings

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

No major agricultural improvements since 2004 (before the farm market closed).

Discover Montessori Society entered into a lease of a 7.3 acre section of the parcel in July 2016. Since then, Discover Montessori School and students have:

- Cleared blackberries and invasive plants from around the market building.*
- Measured and prepared 2 areas for plowing/ planting through a partnership with Nanaimo Vintage Tractor Club (ground has been too saturated unfortunately to complete this work to date).*
- Repaired vandalism to the farm market building: graffiti, broken windows, new hot water tank installed.*
- Repaired the water system to working order: new water pump, water sampled and tested.*

Upcoming Planned Agricultural Improvements include:

February 2017:

- Repair the poly greenhouse(s) and prepare for indoor and outdoor Spring planting.*

March 2017:

- Students will take the Stream Keepers' Course with Nanaimo Area Land Trust (NALT) to begin to enhance McClure Creek on the property. At the same time, our students will be raising salmon fry for release in collaboration with Department of Fisheries and Oceans.*

Ongoing:

- Prepare gardens for vegetable production: plow, remove invasive plants and rocks, amend soil, plant. Design the permaculture gardens, fruit, nut and berry orchards, problem solve invasive rabbits.*
- Once permanently on site, we will take over care and feeding of 7 cows with the purpose of increasing the herd and learning about large domesticated ungulates.*
- The 100 ALR acres in hay to the East of the property allows for potential future agricultural expansion.*

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

A) House (rental): Future Farm Manager accommodations

B) The Farm Market building is currently empty.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Residential

East

Land Use Type: Agricultural/Farm

Specify Activity: Hay Farm

South

Land Use Type: Residential

Specify Activity: Residential

West

Land Use Type: Residential

Specify Activity: Residential

Proposal

1. How many hectares are proposed for non-farm use?

1.6 ha

2. What is the purpose of the proposal?

Discover Montessori Society would like to build a world-class, sustainably designed Montessori Farm School on a portion of the current gravel parking lot. The goal is to offer a hands-on Montessori Education in a working agricultural farm setting. Its an innovative and nature based initiative that could become a working example of educating in harmony with nature, and an experiential, collaborative learning environment for students age birth - 18 years old. The "Farm School" is a long standing model of Montessori Education. Students in Montessori learn through their 'experiences in the environment'. A Farm School setting links academic education to the land and provides students opportunities for meaningful and purposeful application of key concepts. Our Farm School will provide environments for students rich opportunities such as (and not limited to):

- Growing and selling agricultural products: vegetables, fruit, herbs, nuts, eggs, wool, jam, hand crafts (Applied Biology, Greenhouse Management, Economics, Arts)*
- Entrepreneurship: a student/adult operated farm market, community pumpkin patch (Applied Economics, Financial Management, Leadership)*
- Beekeeping and animal husbandry (Applied Biology, Compassion programs, Zoology)*
- Running a lunch program using farm produce (Applied Culinary Arts Program, Practical Life, Healthy Lifestyles program)*
- Composting and soil management (Applied Earth Sciences, History)*
- Stream keeping and riparian zone management (Applied Volunteerism, Land Management, Chemistry, Biology, History)*
- Permaculture Design and Gardens (Sustainable Development, Agriculture)*
- Renewable Energy Systems: solar, wind, geothermal, biomass*
- Machine and tool maintenance / Out-building maintenance (Applied Trades and Technology program)*
- The Arts: music and visual arts in a setting that inspires (Applied Self-Expression)*

In short, our Montessori Farm School will enable students to learn and practice every aspect of the academic and social curriculum. These experiences build a very deep academic understanding, strong community connections, a collaborative outlook, problem solving skills, critical thinking aptitude, agricultural and ecological awareness, and a meaningful connection to the land. Our Montessori Farm School will support agriculture in the short and long term. Students and the community can enjoy an agriculturally-based education hub, a place to connect and learn in a natural environment. Agriculture is essential to our approach. Dr. Montessori stated:

"Therefore work on the land is an introduction both to nature and to civilization and gives a limitless field for scientific and historic studies. If the produce can be used commercially this brings in the fundamental mechanism of society, that of production and exchange, on which economic life is based. This means that

Applicant: 565832 B.C. LTD., INC.No.BC0565832

1. There is an opportunity to learn both academically and through actual experience what are the elements of social life. We have called these children the "Erdkinder" because they are learning about civilization through its origin in agriculture. They are the land-children." (Maria Montessori, Childhood to

Adolescence, p. 68) Discover Montessori Societys lease area is 7.29 ha (18.01 acres) of a 8.83 ha (21.82 acres) parcel. We would like to use 1.63 ha (4.03 acres) to develop our Farm School infrastructure. Of the total parcel area

(8.83 Ha)area, just 6.3 % (.55 Ha) will have permanent buildings, and the remainder will be restored or put back into agriculture. (See concept)

Development will consist of:

- A building or group of buildings of approx. 18,000 sq ft.*
- Parking lot will be reduced to accommodate users.*
- The rest of this area will return to agricultural use: stream habitat restoration/enhancement of ecologically sensitive areas, invasive species removal, fish habitat restoration, gardens, and a field.*

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

This proposal could theoretically be accommodated on non-ALR lands, however:

1) This property is superior because it IS PROTECTED by the ALR, ensuring the agricultural nature of the Farm School is protected in perpetuity. Additionally, the 100 ALR acres in hay to the East of the property ensures that it remains agricultural, and allows the potentiality of agricultural expansion should the school grow in the future.

- 2) *This property is superior because of the VARIOUS ECO-SYSTEMS it offers for students to learn from, streams, wetlands, fields on one parcel make the perfect learning environment to understand the interconnectedness of the Earth's systems.*
- 3) *This property is superior because of the VARIOUS EXISTING INFRASTRUCTURE it offers. This means that the arable lands will not be further disturbed through new construction. New building and development will occur on the current parking lot.*
- 4) *This property is superior because it is located OUTSIDE OF CITY LIMITS, making it affordable and accessible for families to reach, from Ladysmith to Qualicum Beach. Being outside of city limits is also important because it requires and empowers us to design a school that is 'light on the land'. Our design will reuse and collect water for domestic and agricultural uses, manage waste in a sustainable way, apply passive and solar heating systems, and more, to become a world-class example of sustainable design and green-design that is achievable.*
- 5) *Finally, Discover Montessori Society has been searching for the right property for over 10 years. This is the most suitable property we have found for a Montessori Farm School setting in Nanaimo. The need for classroom space and agricultural space, is a specific requirement that is uniquely challenging. The parcel at 3452 Jingle Pot Road is our best choice for creating a Farm School.*

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

Our proposal will return agriculture to this land, which has been fallow for the past 8 years. We shall reestablish greenhouse operations, enhance ecologically sensitive areas, educate, and grow food on the land.

Applicant: 565832 B.C. LTD., INC.No.BC0565832

We will build upon approx 10% of the non-farm application area (up to 18,000 sq ft max.) which is currently a gravel parking lot. Our proposal encourages and enhances both agriculture and agribusiness. Students will be taught, with the help of resident experts, how to work with the land and learn from its systems. Our Farm School will 'normalize' agriculture for our students, as part of the "preparation for life" that Dr. Montessori envisioned for education.

Farm-based education of the youth of our communities could prove to be one of the best provincial initiatives to support the key ALC objective of encouraging farming in British Columbia. We have the opportunity to foster generations of alumni who understand, and have intimately worked with land and water systems; who know how to grow food and care for animals; who understand where their food comes from, and understand the importance of farmers and farming in our communities. Our Montessori Farm School is a sustainable way to support agriculture well into the future.

Applicant Attachments

- Agent Agreement - Murdoch + Company Ltd.
- Proposal Sketch - 57605
- Other correspondence or file information - Survey
- Other correspondence or file information - landlord letter
- Site Photo - Google Map overlay
- Certificate of Title - 009-456-295

ALC Attachments

None.

Decisions

None.

TITLE SEARCH PRINT

File Reference: 296228

2017-04-12, 11:02:39

Requestor: MICHELE BUICK

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

Land Title District
Land Title Office

VICTORIA
VICTORIA

Title Number
From Title Number

CA5910506
EX49848

Application Received

2017-04-03

Application Entered

2017-04-11

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

T. & R. VENTURES LTD., INC.NO. BC1112945
2240 JEFFS ROAD
NANAIMO, BC
V9S 5P7

Taxation Authority

NANAIMO/COWICHAN ASSESSMENT AREA

Description of Land

Parcel Identifier:

009-456-295

Legal Description:

THE EASTERLY 60 ACRES OF SECTION 16, RANGE 3, MOUNTAIN DISTRICT
EXCEPT THAT PART IN PLAN 29404, VIP68415, VIP68636 AND VIP72060

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
COMMISSION ACT, SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED
JULY 26 1974

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE EP76343

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL
GOVERNMENT ACT, SEE ET43579

POST

TITLE SEARCH PRINT

File Reference: 296228

2017-04-12, 11:02:39
Requestor: MICHELE BUICK

Charges, Liens and Interests

Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA AFB 9.693.7434A SECTION 172(3) 233975G FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EH5450
Registration Date and Time:	1994-01-17 10:24
Registered Owner:	TERASEN GAS (VANCOUVER ISLAND) INC.
Transfer Number:	EV127085

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EH155209
Registration Date and Time:	1994-11-30 09:52
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	INTER ALIA

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EH155210
Registration Date and Time:	1994-11-30 09:52
Registered Owner:	BC TEL
Remarks:	INTER ALIA

Nature:	COVENANT
Registration Number:	ET47109
Registration Date and Time:	2002-05-01 10:35
Registered Owner:	REGIONAL DISTRICT OF NANAIMO

Nature:	MORTGAGE
Registration Number:	FA79958
Registration Date and Time:	2006-06-30 09:02
Registered Owner:	CANADIAN WESTERN BANK

Nature:	ASSIGNMENT OF RENTS
Registration Number:	FA79959
Registration Date and Time:	2006-06-30 09:02
Registered Owner:	CANADIAN WESTERN BANK

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

TITLE SEARCH PRINT

File Reference: 296228

2017-04-12, 11:02:39
Requestor: MICHELE BUICK

Pending Applications

NONE



Notice of Hearing

2018 PROPERTY ASSESSMENT REVIEW PANEL

IMPORTANT INFORMATION FOR PROPERTY IDENTIFICATION

Area: 04 - Central Vancouver Island
 Jurisdiction: 768 - Nanaimo Rural
 Roll: 05234.000

School District: 68 - Nanaimo-Ladysmith
 Neighbourhood: 200

Appeal #: P04FARM/A04 P04FARM/A04

The assessment for the property identified is under review at the Property Assessment Review Panel. The reason for the review and information on where and when the review will be heard, is shown below. Please call **at least 2 days in advance** of the date noted to **book an appointment time**. Alternatively you may send a written submission or simply confirm your agreement with the proposed changes by contacting BC Assessment.

When and Where Review Will Be Heard

MARCH 13, 2018 by Review Panel Number 00681
 Coast Bastion Inn
 11 Bastion St Nanaimo

If you wish to attend, please call 1-866-825-8322 at your earliest convenience. Hearing times are subject to availability.

Why This Review Was Initiated

An assessed owner has requested a review for other unspecified or multiple grounds: decrease land and improvement values and grant farm class. The Assessor has recommended to the Property Assessment Review Panel to grant farm classification for this property. If you agree with the change(s), it is not necessary for you to attend.

Property Under Review

3452 JINGLE POT RD
 Section 16, Range 3, Mountain Land District, Portion ESTLY 60 ACS, Except Plan 29404,
 VIP68415, VIP68636 & VIP72060
 PID: 009-456-295

2018 Assessment

ASSESSED VALUE	VALUE	CLASS
LAND	1,158,000	RESIDENTIAL
	23,600	BUSINESS/OTHER
BUILDINGS	166,000	RESIDENTIAL
	70,900	BUSINESS/OTHER
2018 ASSESSED VALUE	\$1,418,500	
TAXABLE VALUE	RURAL	SCHOOL/OTHER
	1,418,500	1,418,500
Less Exemptions	10,000	589,000
2018 TAXABLE VALUE	\$1,408,500	\$829,500

Recommended Changes

ASSESSED VALUE	VALUE	CLASS
LAND	11,800	RESIDENTIAL
	11,800	BUSINESS/OTHER
	16,348	FARM
BUILDINGS	147,000	RESIDENTIAL
	70,900	BUSINESS/OTHER
FARM BUILDINGS	18,400	RESIDENTIAL
2018 ASSESSED VALUE	\$276,248	
TAXABLE VALUE	RURAL	SCHOOL/OTHER
	276,248	276,248
Less Exemptions	28,400	42,474
2018 TAXABLE VALUE	\$247,848	\$233,774

THE ASSESSMENT OFFICE FOR THIS PROPERTY IS:

Nanaimo Assessment Office
 300-125 Wallace St
 Nanaimo BC V9R 5B2
 04-68-768-05234.000

T: 1-866-825-8322
 or 604-739-8588
 E: vancouver.island@bcassessment.ca

THE OWNER/LESSEE/APPELLANT OF THIS PROPERTY IS:

TANNIS MILNER
 3311 WESTVIEW ACRES
 NANAIMO BC V9R 6X1

545

Review Process

This Notice of Hearing contains information about an upcoming review including the hearing date and location. If you plan on attending, please contact BC Assessment to schedule an appointment time.

- * If you are unable to attend in person, it is recommended you forward in writing the evidence you wish the Panel to consider. Please submit this evidence to the BC Assessment office shown at the left at least **two days** prior to your hearing date;
- * If desired, you may appoint someone to attend the hearing and present evidence on your behalf (see back for details);
- * If you no longer wish to proceed with the review, you may withdraw your request in writing at any time prior to the hearing date. Please use the Withdrawal Form at bcassessment.ca or contact BC Assessment.

Please read the back of this Notice for important information on preparing for your hearing.

AGENT AUTHORIZATION LETTER

I (we) Tannis Milner

Printed/typed name(s) of landowner(s)

hereby appoint Brent Murdoch, Architect AIBC to
Printed/typed name of agent

make application to the Agricultural Land Commission as agent on my/our behalf with respect to the following parcel (s): *Insert legal description for each parcel under application*


PID (009-456-295) THE ELY 60 ACS OF SEC 16 R 3 MOUNTAIN DISTRICT EXC
PT IN PL 29404 VIP68415 VIP68636 & VIP72060

Civic Address (3452 Jingle Pot Road, Nanaimo, BC)

I Brent Murdoch, Architect AIBC understand that as
Printed/typed name of agent

agent, I am required to ensure that all landowners are provided with information being submitted to and received from the Agricultural Land Commission.

Signature(s) of landowner(s):

 Signature	Tannis Milner Printed Name	4/27/18 Date
--	-------------------------------	-----------------

Signature	Printed Name	Date
-----------	--------------	------

March 12, 2018

To Whom It May Concern:

Re: 3452 Jingle Pot Road, Nanaimo, BC

Property Owners: Rod and Tanis Milner

We have entered into a long term lease agreement with Discover Montessori Society. This Society operates Discover Montessori School (DMS) and in 2017 began farming on the property - 3452 Jingle Pot Road, Nanaimo, BC.

Their intention is to create a farm school where the older students have the opportunity of working alongside experienced adults in a farming enterprise.

During the past two years, DMS has been transparent with their intentions and actions. Our land is beginning to once again look like a farm. The weed and blackberry margins have been forced back and there was a successful squash crop. 1800 cloves of garlic have been planted for 2018 harvest, with plans for a new squash crop and a grain crop.

Our property, that was twice run briefly as farm markets, has been waiting for a new purpose. We see this farm school as the best use of our property and fully support Discover Montessori School.

Sincerely

A handwritten signature in black ink, appearing to read "Rod and Tanis Milner", written in a cursive style.

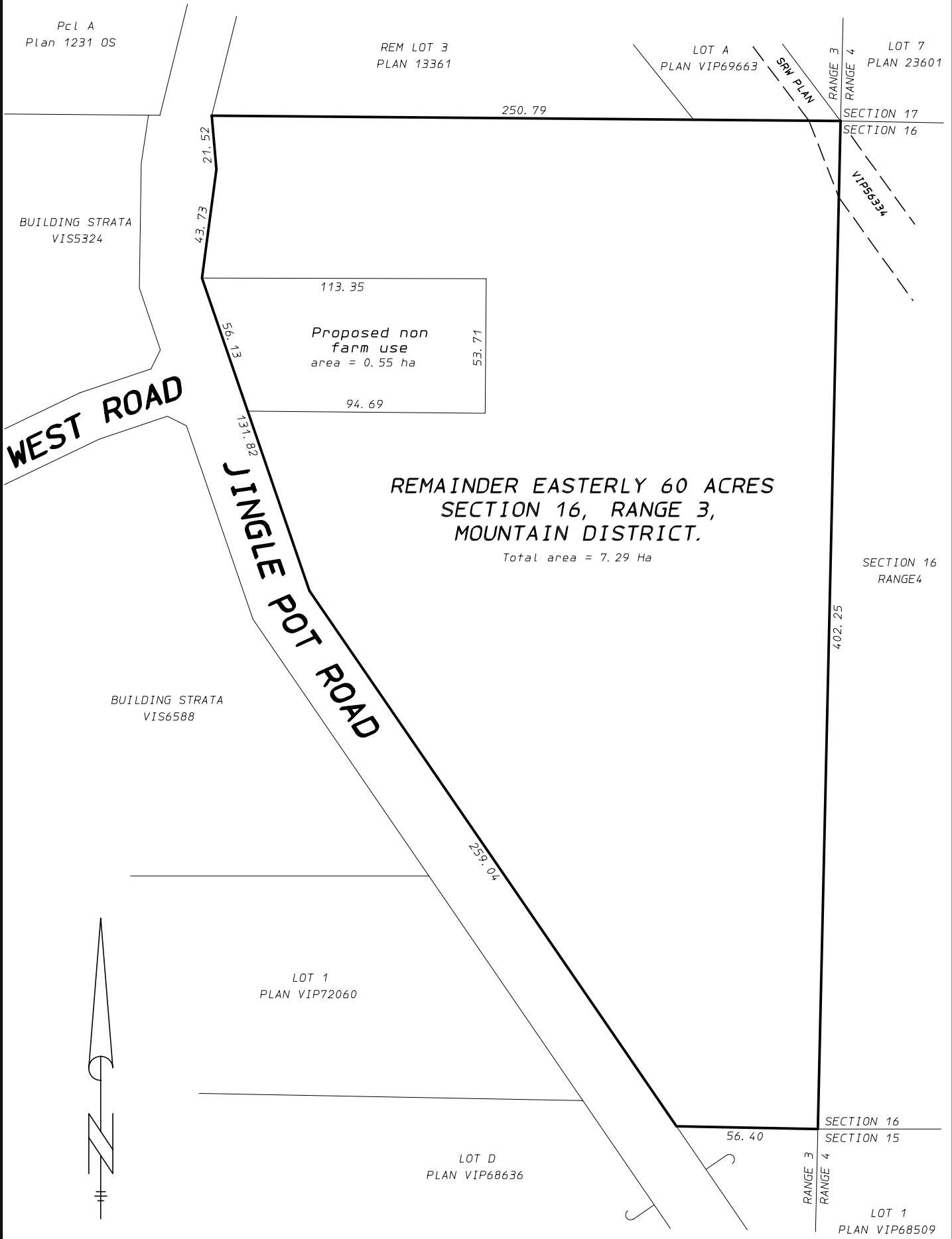
Rod and Tanis Milner

SKETCH PLAN OF THE REMAINDER OF THE EASTERLY 60 ACRES OF SEC. 16, R. 3, MOUNTAIN DIST.

SHOWING PROPOSED NON FARM USE AREA WITHIN

SCALE = 1: 2000

All distances are in metres.



REMAINDER EASTERLY 60 ACRES
SECTION 16, RANGE 3,
MOUNTAIN DISTRICT.

Total area = 7.29 Ha



Charles O. Smythies & Associates ©

B. C. Land Surveyors & Planners
Nanaimo, B. C.

Date: April 25, 2018.

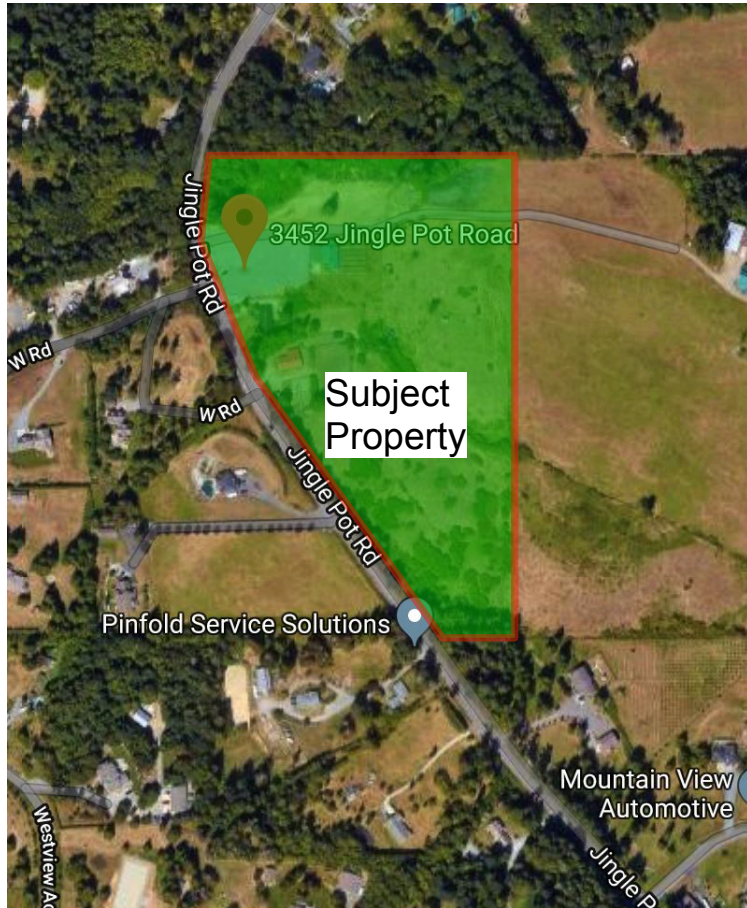
File: 3-MT-1411 (004)

Certified Correct

B. C. L. S.

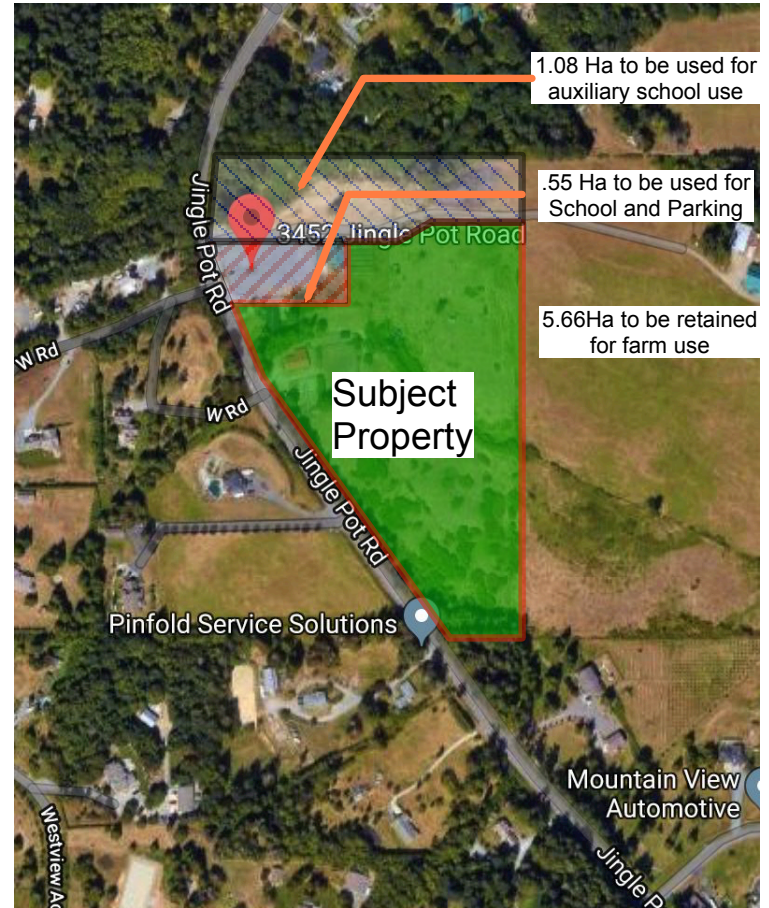
This document is not valid unless
originally signed and sealed.

Existing Use



Total Discover Montessori Society Lease Portion 7.29 Ha / 18.01 acres

Proposed Use

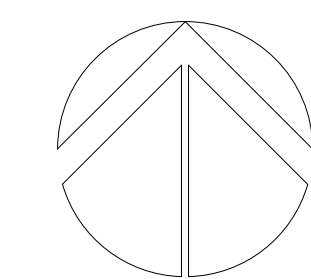


Total Discover Montessori Society Lease Portion 7.29 Ha / 18.01 acres
 - of the total parcel (7.29 Ha) .1.63 Ha is to be used for the school and auxiliary uses
 - 1.08 Ha to be used for auxiliary school uses associated with school programs and associated activities.
 - .55 Ha for the school and parking requirements

This document contains copyrighted material belonging to **Murdoch+Company Architecture+Planning Ltd.** Any unauthorized use, disclosure, or duplication of any information contained herein may result in liability under applicable laws.

Issued For: _____ Date: _____

No: _____ Revision: _____ Date: _____



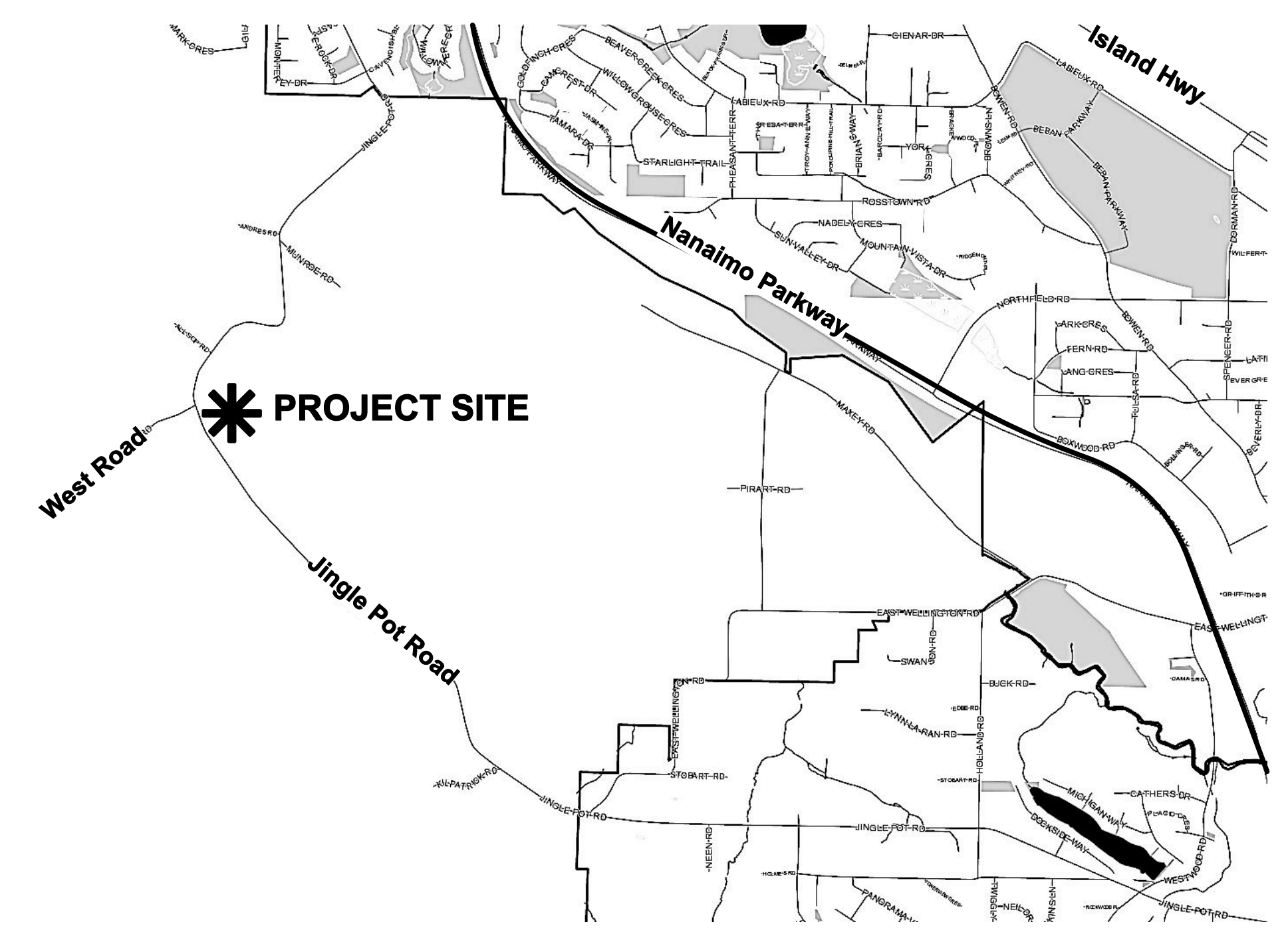
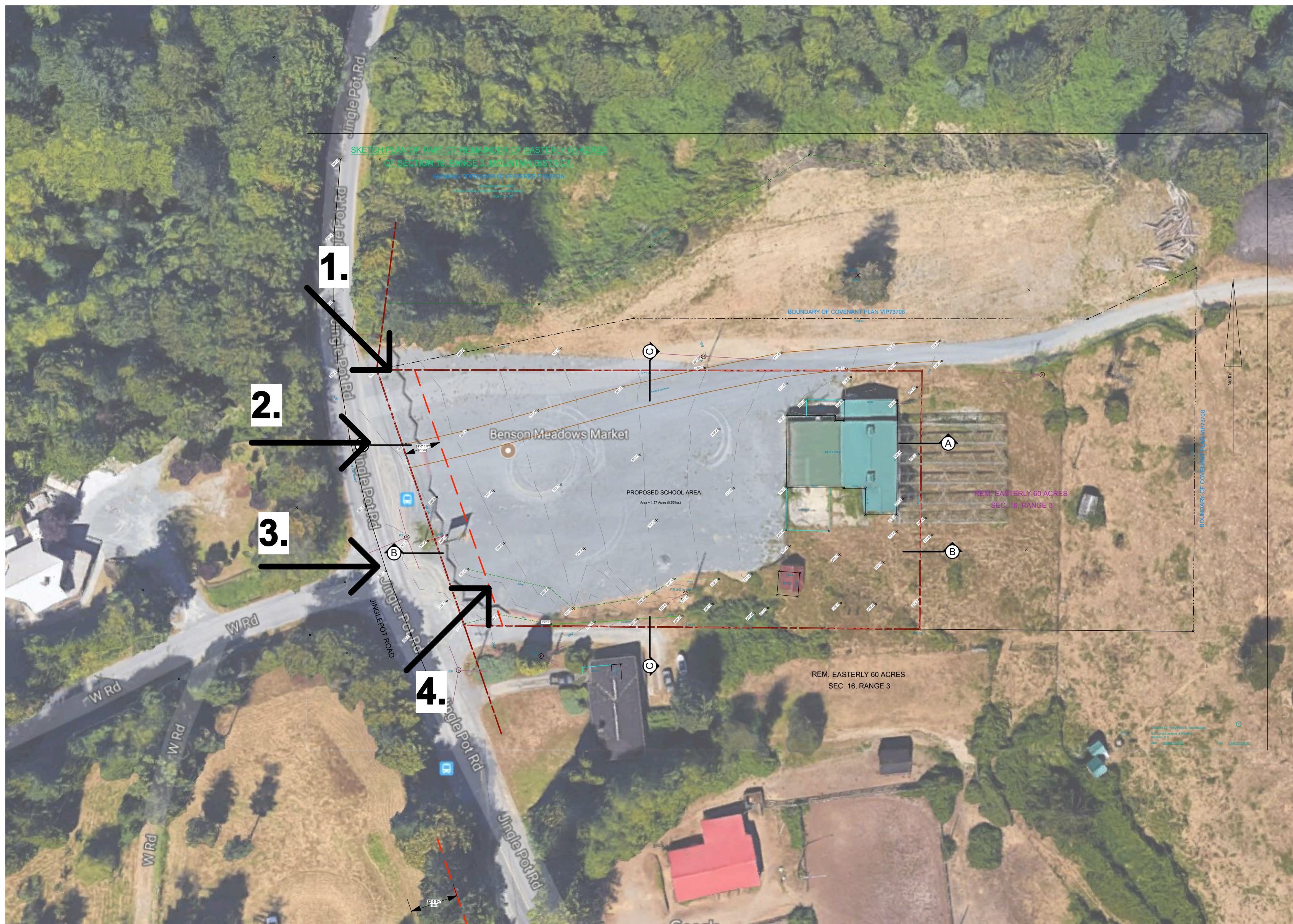
Title
EXISTING SITE PHOTOS

Project
DISCOVERY MONTESSORI SCHOOL
3452 JINGLE POT ROAD, NANAIMO, BC

MURDOCH + COMPANY
Architecture + Planning Ltd.
#106-4319 Main Street
P.O. Box 1394
Whistler, B.C. V0N 1B0
Ph. 905-6992 Fax 905-6993
e-mail murdoch@telus.net

Sealed By: _____

Drawn By:	Scale:
BM/JL	1/16" = 10"
Project No:	Sheet No:
17-13	A-0.0



GENERAL INFORMATION:

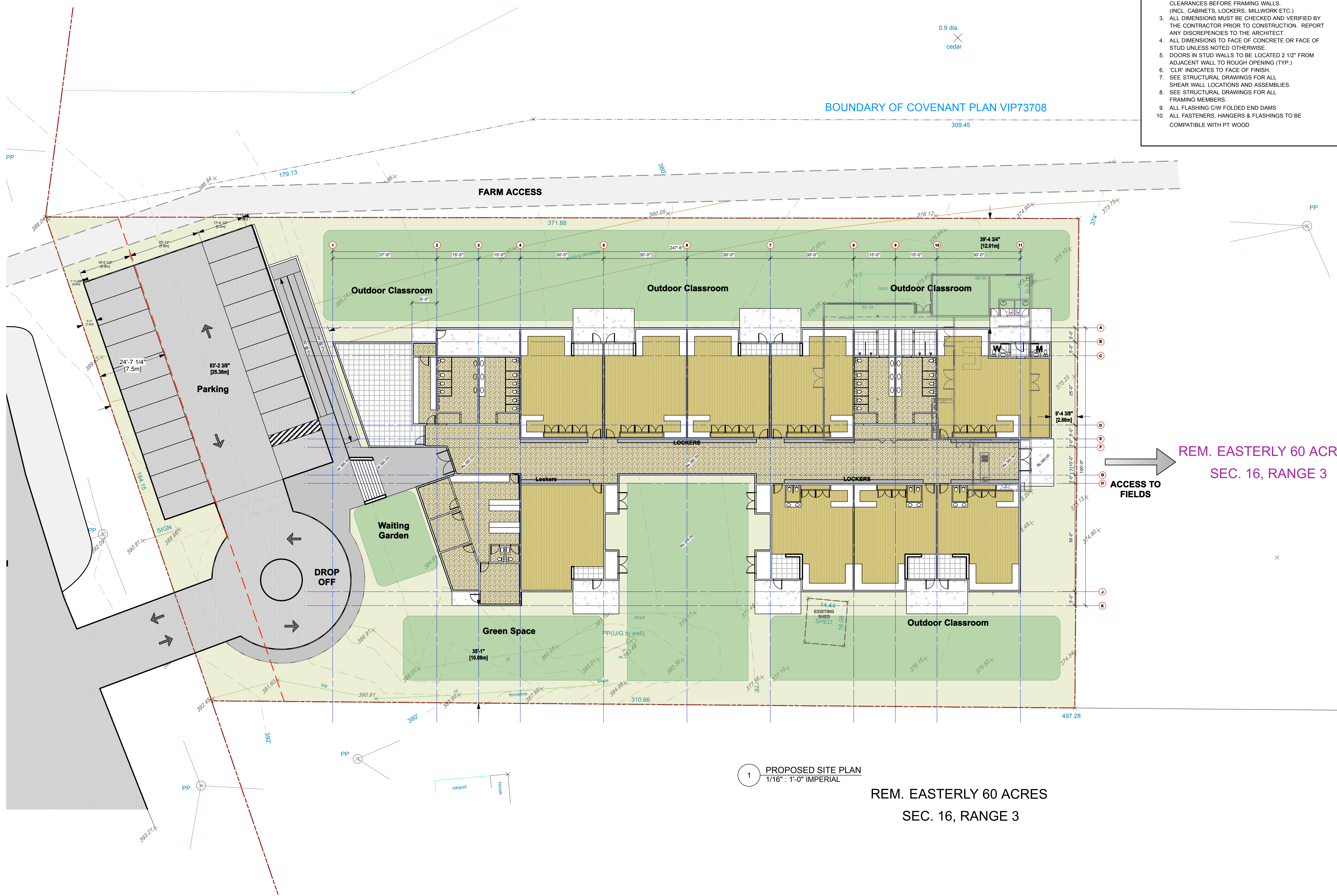
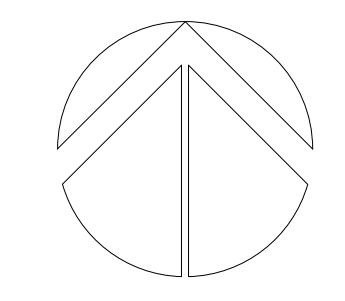
NOTES

- DO NOT SCALE DRAWINGS.
- VERIFY ALL FIXTURE DIMENSIONS AND REQUIRED CLEARANCES BEFORE FRAMING WALLS. (INCL. CABINETS, LOCKERS, MILLWORK, ETC.)
- ALL DIMENSIONS MUST BE CHECKED AND VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. REPORT ANY DISCREPANCIES TO THE ARCHITECT.
- ALL DIMENSIONS TO FACE OF CONCRETE OR FACE OF STUD UNLESS NOTED OTHERWISE.
- DOORS IN STUD WALLS TO BE LOCATED 2 1/2" FROM ADJACENT WALL TO ROUGH OPENING (TYP.)
- "CLR" INDICATES TO FACE OF FINISH.
- SEE STRUCTURAL DRAWINGS FOR ALL SHEAR WALL LOCATIONS AND ASSEMBLIES.
- SEE STRUCTURAL DRAWINGS FOR ALL FRAMING MEMBERS.
- ALL FLASHING CW FOLDED END DAMS
- ALL FASTENERS, HANGERS & FLASHINGS TO BE COMPATIBLE WITH PT WOOD

This document contains copyrighted material belonging to **Murdoch+Company Architecture+Planning Ltd.** Any unauthorized use, disclosure, or duplication of any information contained herein may result in liability under applicable laws.

Issued For:	Date:
REVIEW	27.OCT.2017
REVIEW	30.OCT.2017

No: Revision: Date:



REM. EASTERLY 60 ACRES
SEC. 16, RANGE 3

ACCESS TO FIELDS

1 PROPOSED SITE PLAN
1/16" = 1'-0" IMPERIAL

REM. EASTERLY 60 ACRES
SEC. 16, RANGE 3

Title
SITE PLAN

Project
DISCOVER MONTESSORI SCHOOL
3452 JINGLE POT ROAD, NANAIMO, BC

MURDOCH + COMPANY
Architecture + Planning Ltd.
#106-4319 Main Street
P.O. Box 1394
Whistler, B.C. V0N 1B0
Ph. 905-6992 Fax 905-6993
e-mail murdoch@telus.net

Sealed By:

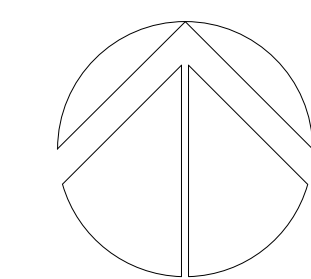
Drawn By:	Scale:
BM/JL	1/16" = 1'0"
Project No:	Sheet No:
17-13	A-1.1

A-1.1 SITE PLAN

Issued For: _____ Date: _____

No: _____ Revision: _____ Date: _____

△



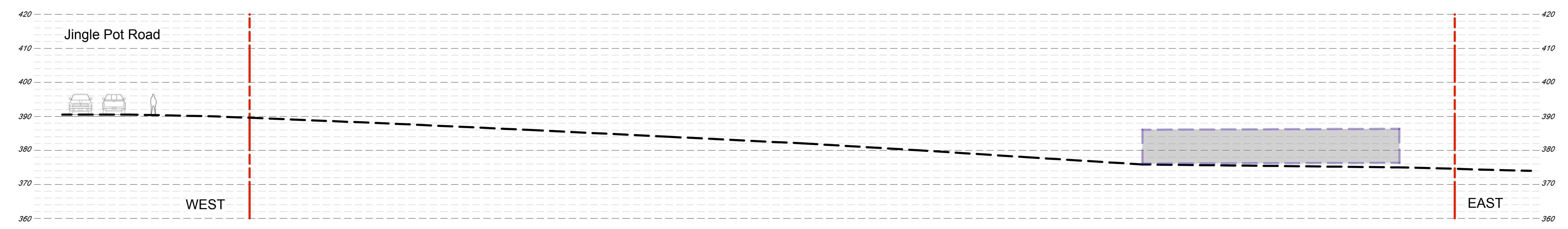
Title
SITE SECTIONS

Project
DISCOVERY MONTESSORI SCHOOL
3452 JINGLE POT ROAD, NANAIMO, BC

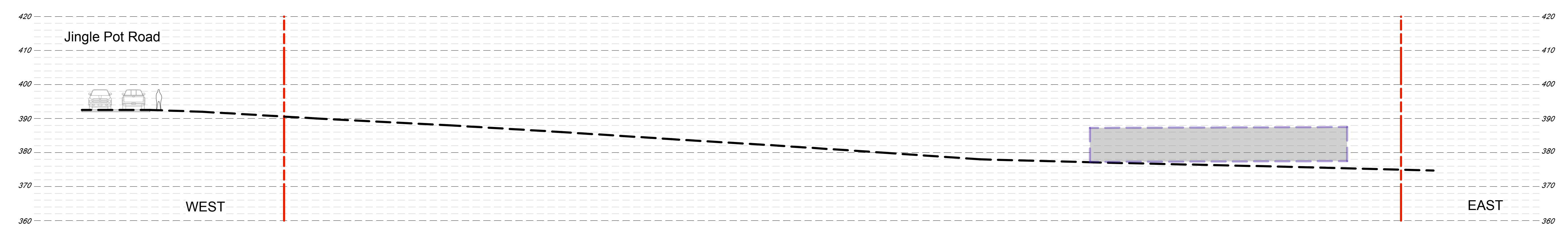
MURDOCH + COMPANY
Architecture + Planning Ltd.
#106-4319 Main Street
P.O. Box 1394
Whistler, B.C. V0N 1B0
Ph. 905-699-2 Fax 905-699-3
e-mail murchoch@telus.net

Sealed By: _____

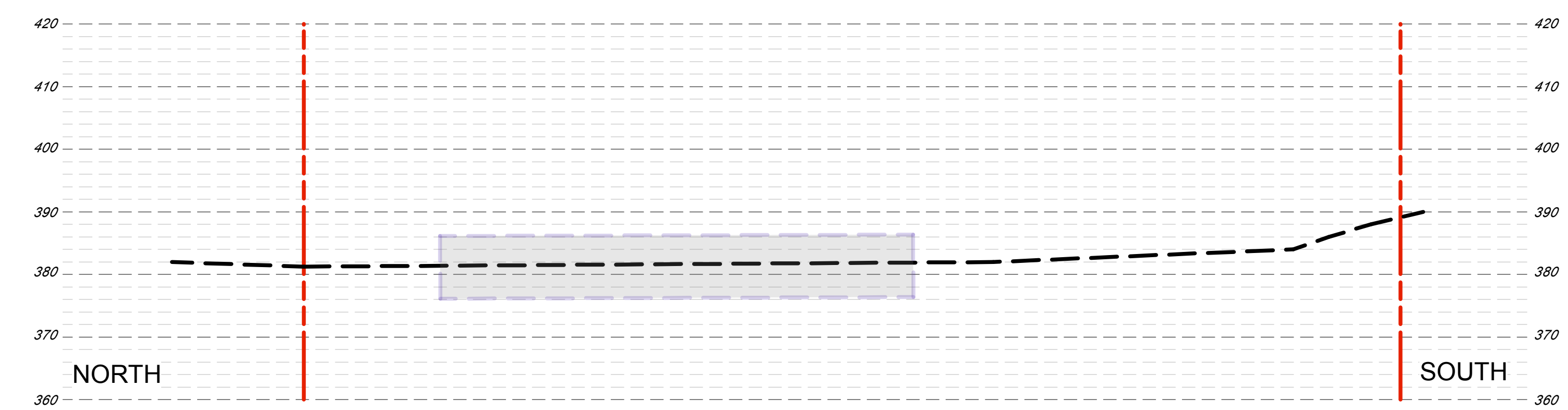
Drawn By:	Scale:
BM/JL	1/16" = 10'
Project No:	Sheet No:
17-13	A-1.2



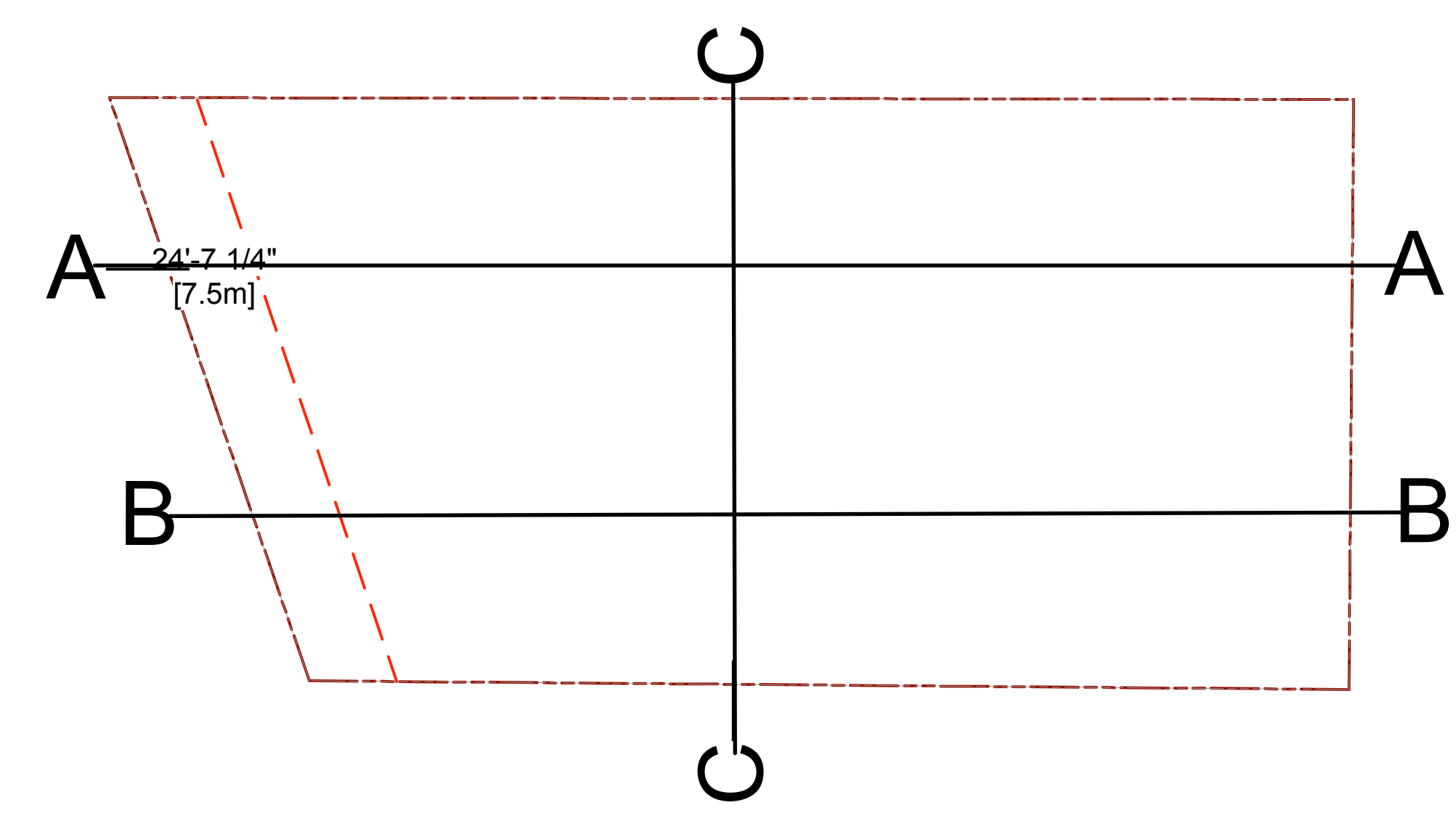
site section A

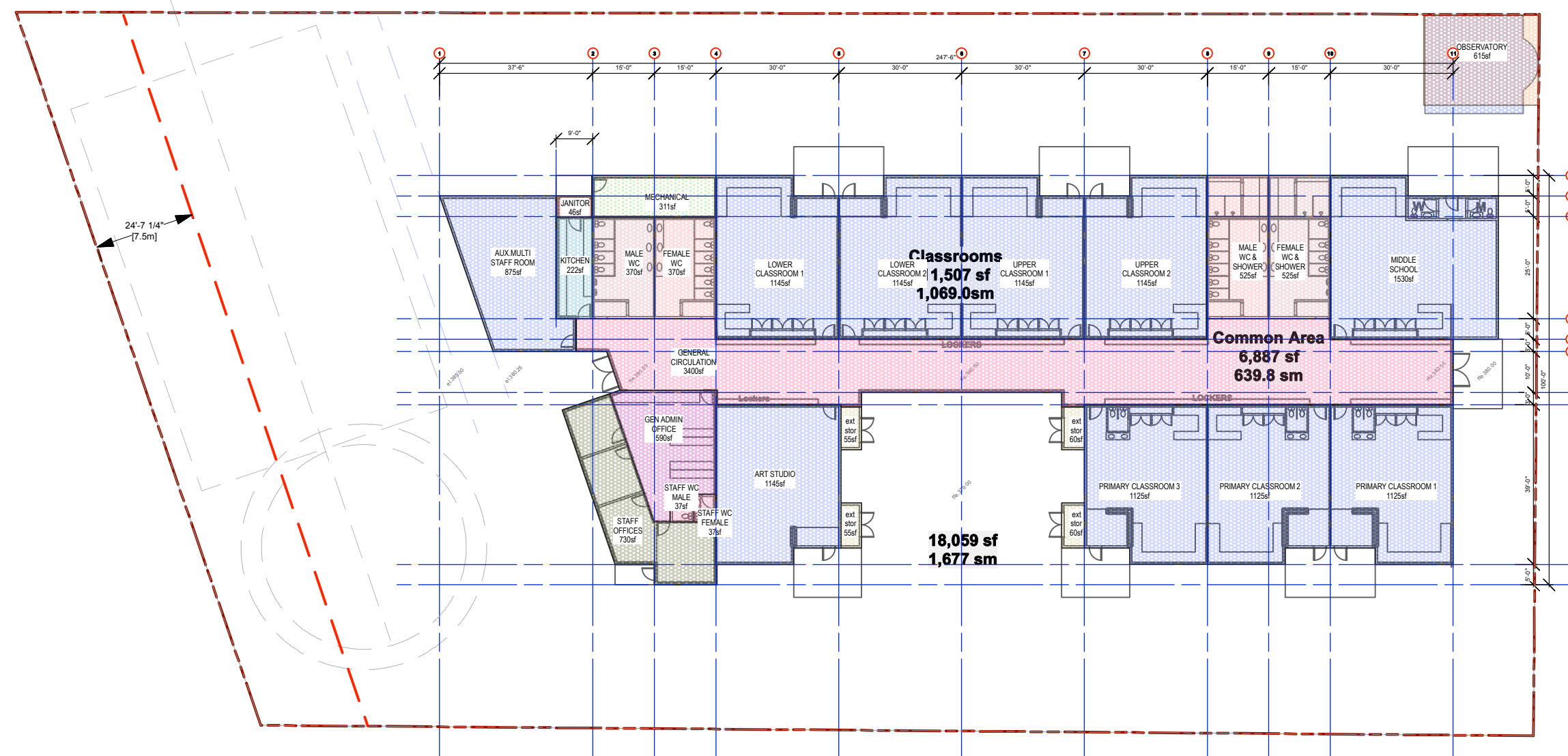


site section B



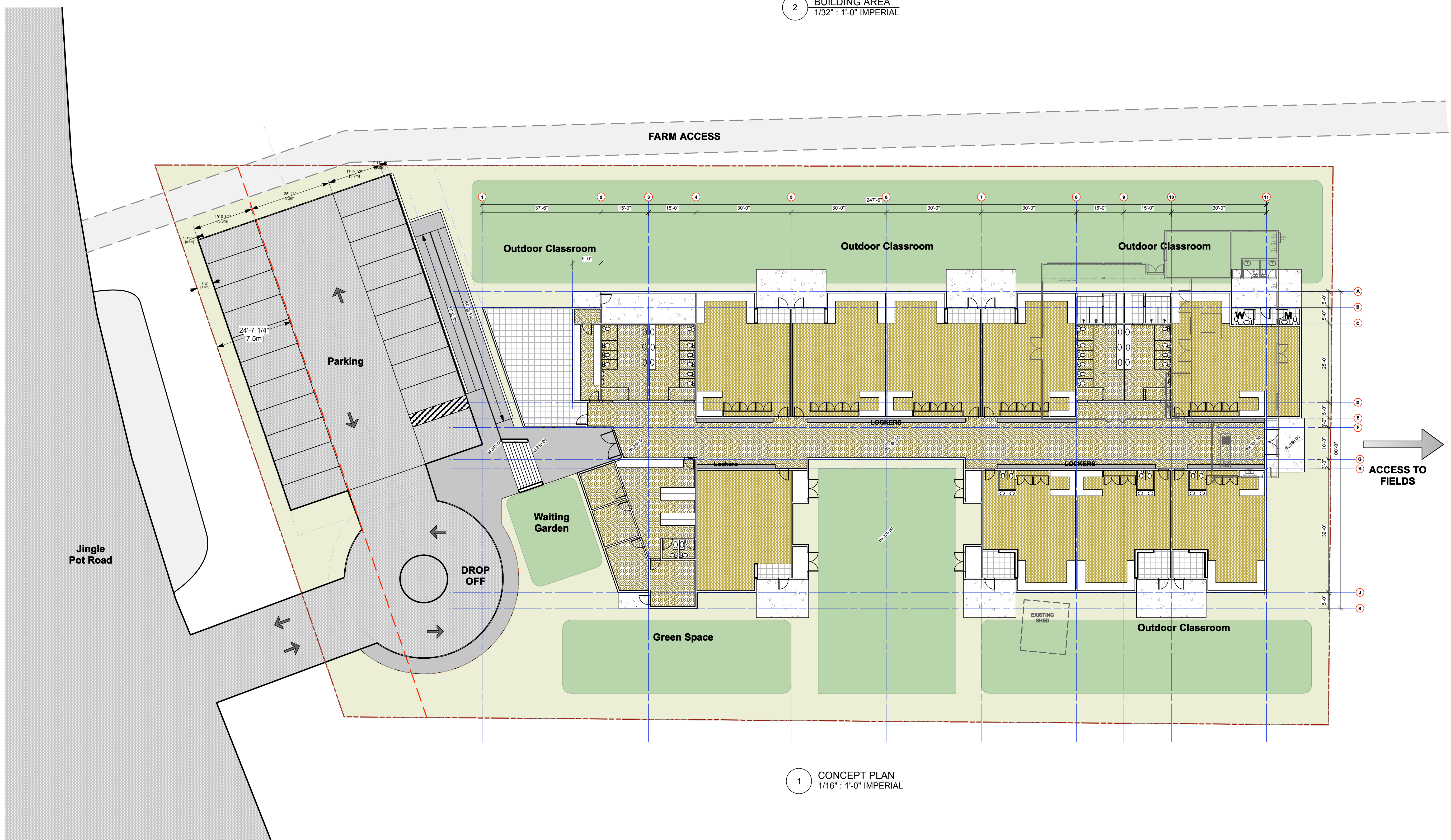
site section C





GROSS FLOOR AREA	SQ.FT.	SQ.M.
Classrooms (Blue)	11507.0	1069.0
Common Area (Red)	6997.0	650.0
Total	18504.0	1719.0

2 BUILDING AREA
1/32" : 1'-0" IMPERIAL

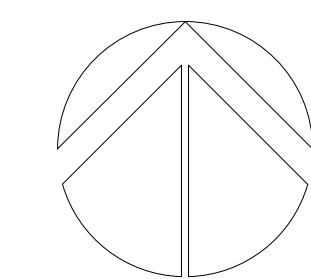


1 CONCEPT PLAN
1/16" : 1'-0" IMPERIAL

This document contains copyrighted material belonging to **Murdoch+Company Architecture+Planning Ltd.** Any unauthorized use, disclosure, or duplication of any information contained herein may result in liability under applicable laws.

Issued For:	Date:
REVIEW	27.OCT.2017
REVIEW	30.OCT.2017

No: Revision: Date:
△



Title
CONCEPT PLAN
PROPOSED
Project

DISCOVER MONTESSORI SCHOOL

3452 JINGLE POT ROAD, NANAIMO, BC

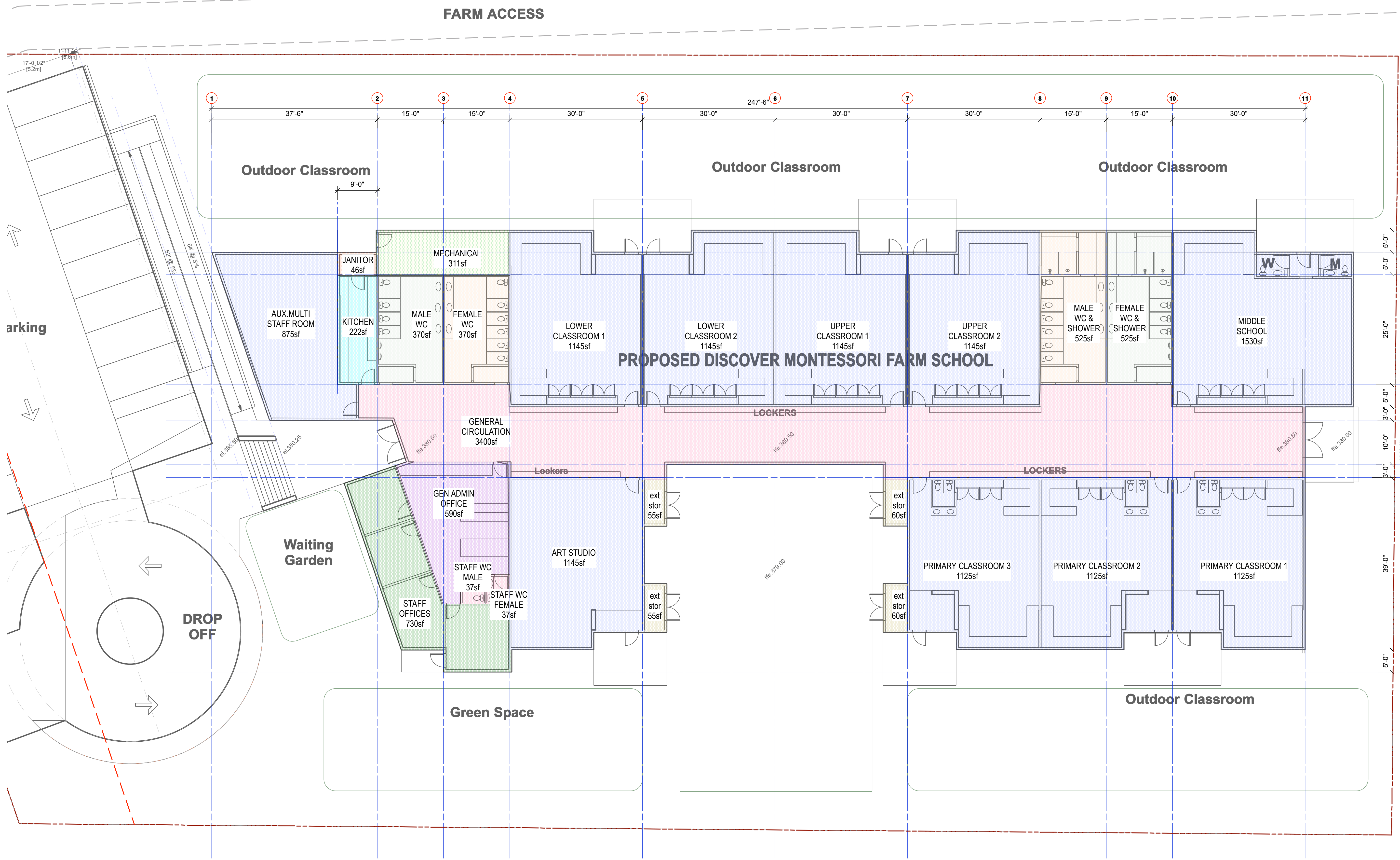
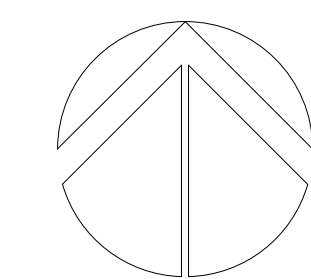
MURDOCH + COMPANY
Architecture + Planning Ltd.
#106-4319 Main Street
P.O. Box 1394
Whistler, B.C. V0N 1B0
Ph. 905-6992 Fax 905-6993
e-mail murdoch@telus.net

Sealed By:

Drawn By:	Scale:
BM/JL	AS SHOWN
Project No:	Sheet No:
17-13	A-2.2

Issued For:	Date:
REVIEW	11.DEC.2017

No:	Revision:	Date:
△		



Title
DETAILED AREA OVERLAY
 PROPOSED
 Project

DISCOVER MONTESSORI SCHOOL

3452 JINGLE POT ROAD, NANAIMO, BC

MURDOCH + COMPANY
 Architecture + Planning Ltd.
 #106-4319 Main Street
 P.O. Box 1394
 Whistler, B.C. V0N 1B0
 Ph. 905-6992 Fax 905-6993
 e-mail murdoch@telus.net

Sealed By:

Drawn By:	Scale:
BM/JL	AS SHOWN
Project No:	Sheet No:
17-13	A-2.3

1 DETAILED AREA OVERLAY
 3/32" = 1'-0" IMPERIAL

TO: Agricultural Advisory Committee **DATE:** September 21, 2018

FROM: Stephen Boogaards
Planner **FILE:** PL2018-106

SUBJECT: Request for Comment on Subdivision in the Agricultural Land Reserve
Application No. PL2018-106
2298 Northwest Bay Road – Electoral Area E
Lot 1, District Lot 62, Nanoose District, Plan 37368

SUMMARY

This is an application for subdivision in the Agricultural Land Reserve (ALR) to allow a two lot subdivision on a 9.7 hectare parcel located in Electoral Area E. Should the Agricultural Advisory Committee (AAC) wish to provide comments to the provincial Agricultural Land Commission (ALC), it may do so by considering the adoption of a motion. Any comments provided by the Committee will be provided to the ALC, along with a copy of this report to assist the ALC in making a decision on this application.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for subdivision use in the ALR from YourLand Development and Research Solutions on behalf of Glenn Dawson. The subject property is legally described as Lot 1, District Lot 62, Nanoose District, Plan 37368 and the civic address is 2298 Northwest Bay Road. The subject property is approximately 9.7 hectares in area and is located entirely within the ALR. A small portion of the property fronts on Northwest Bay Road to the north and Spurs Place to the south. The property is located to the east of a plant nursery and is surrounded by other rural and agricultural properties. Properties to the east, west and south are all within the ALR. The property currently contains a dwelling unit and the property owner currently operates a tree farm (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

The applicant proposes to subdivide the property along the railway line to create a parcel that is 0.6 hectares and a 9.1 hectare remainder. The proposal will also include the construction of a portion of Spurs Place to access the new lot.

A copy of the applicant's submission package is included as Attachment 10. Personal Information is redacted in accordance with the *Freedom of Information and Protection of Privacy Act*.

The AAC previously considered an application to subdivide the property into a 7.35 hectare lot (Lot A) and a 2.38 hectare lot (Lot B) in May 26, 2017. The application to subdivide in the ALR was refused by the ALC.

Given the AAC's site visit to the property for the previous application, a site visit was waived for the current application.

REGIONAL GROWTH STRATEGY

The subject property is currently designated Resource Land and Open Spaces pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The Resource Lands and Open Spaces designation does not support the creation of new parcels that are smaller than the size supported by the Official Community Plan (OCP) in effect at the date of the adoption of the RGS (see Attachment 7). Further to this, the RGS encourages the provincial government to protect and preserve the agricultural land base through the ALR. The RGS also discourages the subdivision of agricultural lands (see Attachments 8 and 9 for Regional Growth Strategy designation and Food Security goal).

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as Resource Lands within the ALR pursuant to the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" (see Attachment 6 for OCP Land Use Designation). The Resource Lands designation includes an objective to protect agricultural land resources for present and future food production and supports a minimum parcel size of 8.0 hectares for land within the ALR. The policies identify that the retention of large land holdings within the ALR shall be encouraged to maintain the option and feasibility of farm use.

The parcel is also designated within the Watercourse Protection Development Permit Area (DPA). Due to a watercourse being located on the subject property, a development permit will be required prior to the subdivision of the property.

Amendments to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005" are not required.

ZONING

The parcel is currently zoned Agricultural 1 (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500) (see Attachments 4 and 5 for zoning regulations and minimum parcel size). The AG1 Zone permits farm use, residential uses, and accessory uses. The zoning allows two dwelling units on parcels greater than 2.0 hectares. The proposed subdivision will not meet the minimum parcel size of 2.0 hectares, however, the zoning bylaw permits a subdivision along a railway where the parcel does not meet the minimum parcel size, provided the requirement of the authorities having jurisdiction are met with respect to the provision of water, method of sewage disposal and access.

The applicant proposes to subdivide the property along the railway to create a 0.6 hectare remainder and a 9.7 hectare remainder, as shown on the Proposed Plan of Subdivision. Amendments to Bylaw 500 are not required, however, the application will require approval for the relaxation of the 10% road frontage requirements under the *Local Government Act*.

BOARD POLICY AND AAC PROCEDURE

RDN “Board Policy B1.8: *Review of 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. Board Policy B1.8 also includes a standing Board resolution for subdivision of lands within the ALR which reads as follows:

As outlined in the Regional Growth Strategy, the Regional District of Nanaimo fully supports the mandate of the Agricultural Land Commission (ALC) and the preservation of land within the Agricultural Land Reserve (ALR) for agricultural use. The Regional District encourages the ALC to only consider subdivision where in the opinion of the ALC the proposal will not negatively impact the agricultural use of the land or adjacent ALR lands.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as-needed basis, as directed by the Board. In addition to members’ local knowledge and input, comment on ALR applications may be guided by Board approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC, on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN’s agricultural projects website at www.growingourfuture.ca.

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

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

ELECTORAL AREA DIRECTOR COMMENT

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

With respect to this application, Electoral Area ‘E’ Director Bob Rogers has provided the following comments:

I have reviewed both the previous and current ALC subdivision applications re 2298 Northwest Bay Road.

As RDN Director for Area E I fully support approval of this ALC application. I am confident that the separation through sub-division of this 0.57 portion of the property will not detract from the agriculture use of either the remaining portion of the parent

property or the future subdivided portion. I think the subdivision will enhance the farming potential for the smaller piece which is currently inaccessible from the parent property due to the separation caused by the Island Corridor.

I support the application because it will be beneficial to the net agricultural use/value of both resulting properties.



Stephen Boogaards
sboogaards@rdn.bc.ca
September 11, 2018

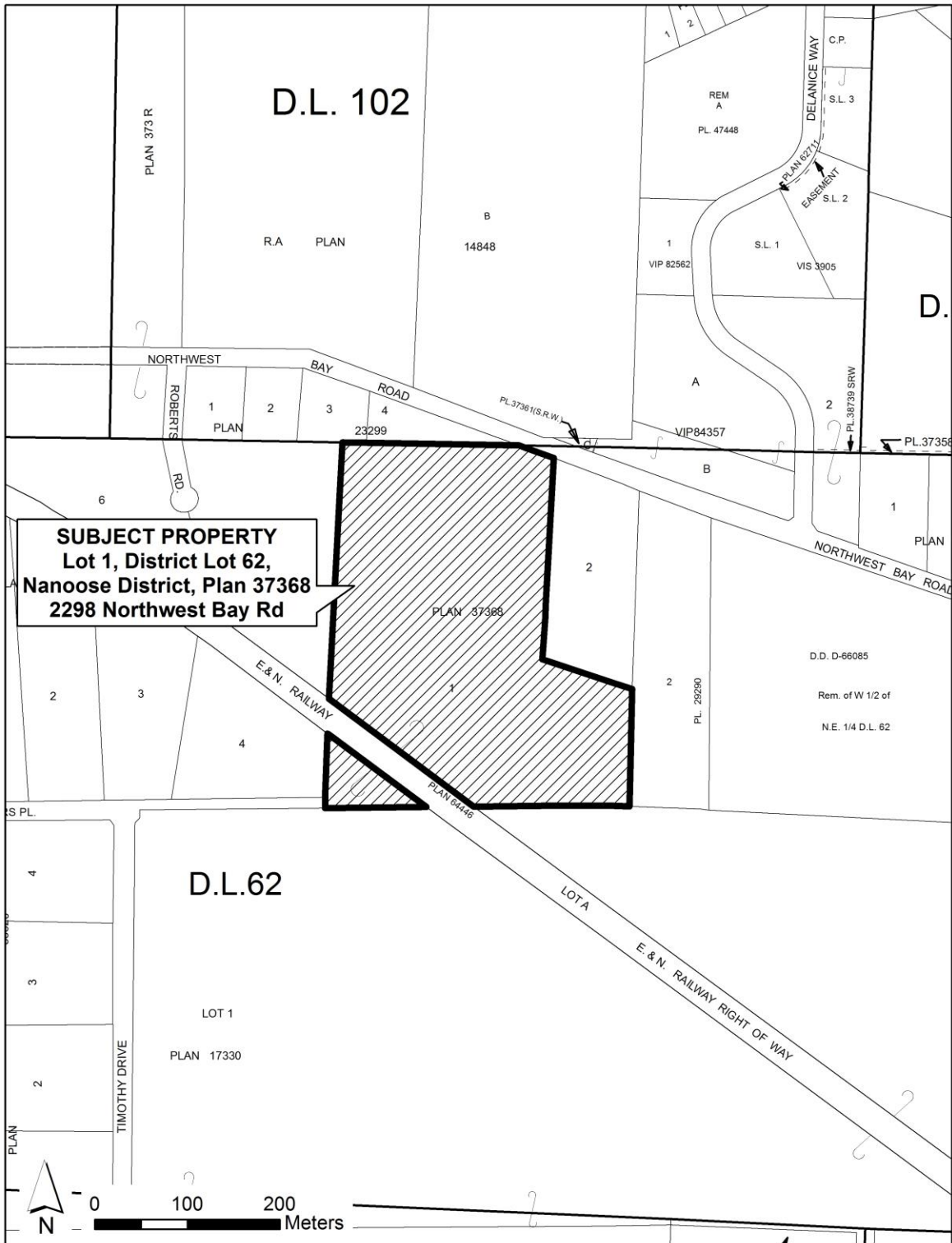
Reviewed by:

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

Attachments:

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

Attachment 1
Subject Property Map



Attachment 2
2016 Aerial Photo



Attachment 3 Proposed Site Plan



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

Section 3.4.1

AGRICULTURE 1

AG1³⁴³⁵

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses

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

Permitted Accessory Residential Uses

- a) Home Based Business
- b) Secondary Suite

Permitted Accessory Farm Uses

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

3.4.1.2 Maximum Number and Size of Buildings and Structures

- 1) Accessory residential buildings combined floor area of 400 m²
- 2) Dwelling units/parcel
 - a) on a parcel having an area of 2.0 ha or less 1
 - For Electoral Areas 'A', 'C', 'E', and 'H'**
 - b) on a parcel having an area greater than 2.0 ha 2
 - For Electoral Area 'G'**
 - c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' 2
 - d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. 2
- 3) Height (non-farm and accessory farm buildings and structures) 9.0 m

³⁴ Bylaw No.500.383, Adopted June 25, 2013

³⁵ Bylaw No. 500.402, adopted June 28, 2016

Attachment 4
Existing Zoning
(Page 2 of 3)

AGRICULTURE 1 continued

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

3.4.1.3 Minimum Setback Requirements

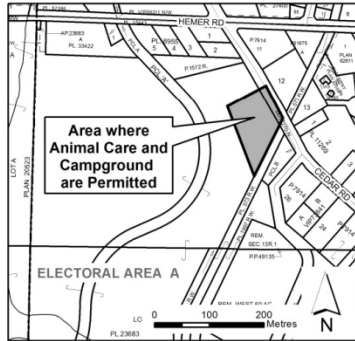
- 1) All non-farm buildings and structures – All lot lines 8.0 m
except where:
- a) the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from other lot lines, excluding the front lot line;
 - b) any part of a parcel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

3.4.1.4 Other Regulations

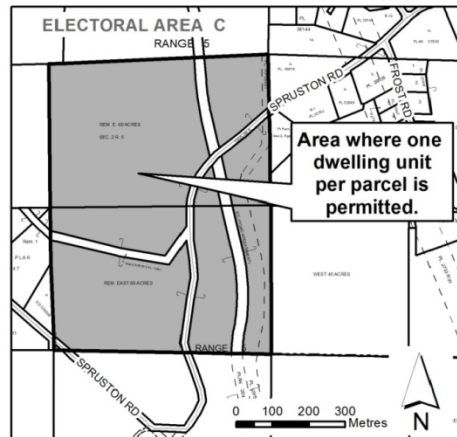
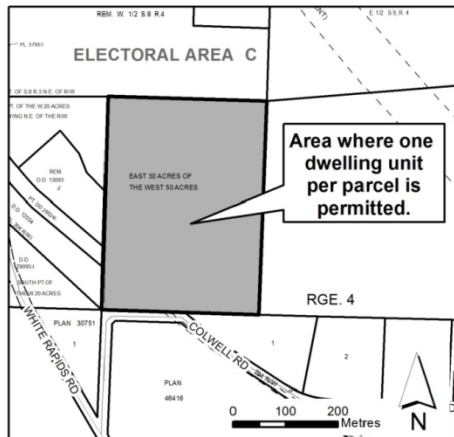
- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel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

Attachment 4
Existing Zoning
(Page 3 of 3)

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



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



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

Part 4 – Subdivision Regulations '4B' – Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

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

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ^{4,5}	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
T ⁹	600 m ²	No further subdivision		
V ¹⁰	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹¹	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998
² Bylaw No. 500.347, adopted September 22, 2009
³ Bylaw No. 500.27, adopted August 9, 1988
⁴ Bylaw No. 500.66, adopted December 12, 1989
⁵ Bylaw No. 500.324, adopted February 28, 2006
⁶ Bylaw No. 500.264, adopted October 10, 2000
⁷ Bylaw No. 500.264, adopted October 10, 2000
⁸ Bylaw No. 500.27, adopted August 9, 1988
⁹ Bylaw No. 500.394, adopted August 25, 2015
¹⁰ Bylaw No. 500.253, adopted January 11, 2000
¹¹ Bylaw No. 500.275, adopted October 9, 2001

Attachment 6
Official Community Plan Land Use Designation
(Page 1 of 4)

Nanoose Bay Official Community Plan Bylaw No. 1400, 2005

receiving waters, including channel stability and flow maintenance.

3.4 RESOURCE LANDS

The Resource Lands designation applies to lands that are valued for their agricultural use, forestry use, natural resource extraction capability, yet also valued for their environmental attributes, as these lands provide habitat for indigenous species on Vancouver Island.

This land use designation includes all those lands within the Agricultural Land Reserve (ALR) and lands that were in the former provincially designated Forest Land Reserve (FLR). It also includes lands with known and active resource uses that may or may not be in the ALR or FLR, and other large holdings including large recreational holdings and those used for federal or provincial purposes.

Agriculture is a permitted use in a large proportion of the Nanoose Bay Plan Area. It represents a primary and secondary source of income for some Nanoose Bay residents. Land management practices, which preserve agricultural land and the sustainable production of food, are supported and encouraged in this OCP.

Forestry is a dominant component of the Nanoose Bay economy. In addition to its economic value, residents appreciate the recreational opportunities, ecological and wildlife values afforded by the forested landscape.

In recognition of their value to the community, residents have expressed a desire to protect forestry lands and related activities. Also supported are sustainable and environmentally sound harvesting and logging practices and the restriction of intensive processing activities in proximity to established or future residential development.

Forest lands are predominantly managed through private forestry interests or through the Crown Provincial Forest.

Lands within this designation are part of the Nanaimo coal bearing formations while other areas, particularly south of the Island Highway, have very good potential for aggregates such as sand and gravel. Management of mineral resources falls principally within the jurisdiction of the province. Where stated, policies relate to matters beyond the jurisdiction of the Regional District, they are intended to serve only as broad objectives to help guide senior governments in their decision-making process.

Objectives:

1. *Support* and maintain the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value or potential.
2. *Protect* the agricultural land resources for present and future food production.
3. *Recognize* and *protect* agricultural operations on ALR lands.
4. *Encourage* sustainable and environmentally sound farming practices, which protect surface water, groundwater and soil quality.
5. *Recognize* and *protect* the groundwater needs of agriculture.
6. *Support* silviculture activities on productive forestry land.
7. *Protect* the forest land resources for harvesting and reproduction.
8. *Recognize* and *protect* the needs and activities of forestry operations when considering non-forestry operations on adjacent land.

Attachment 6
Official Community Plan Land Use Designation
(Page 2 of 4)

Nanoose Bay Official Community Plan Bylaw No. 1400, 2005

9. *Support* the public's use of forest lands for recreational enjoyment and education.
 10. *Protect* lands with aggregate or mineral resources from development that would render the resource unviable or inaccessible.
 11. *Seek* methods of minimizing conflicts between extraction activities and adjacent land uses.
 12. *Minimize* the impact of extraction activities on the natural environment.
 13. *Support* provincial requirements for site rehabilitation and reclamation of mined landscapes for future productive use and for environmental and aesthetic considerations.
 14. *Minimize* the impact of resource operations and activities on the natural environment and on neighbouring land uses and development.
 15. *Protect* sensitive ecosystems and features on Resource Lands.
- Policies:**
1. Resource Lands are designated on Map No. 2.
 2. Lands designated Resource Lands that are forest and/or crown lands or large recreational holdings shall have a minimum parcel size of 50.0 hectares. All other Resource Lands shall have a minimum parcel size of 8.0 hectares. However, this is not intended to prevent parcel averaging as set out in the applicable zoning bylaw.
 3. Notwithstanding Policy No. 2 (above), lands designated as Resource Lands and entirely within the provincial Agricultural Land Reserve shall have a minimum parcel size of 8.0 hectares. The provision of community water and sewer services to lands within this designation is not supported by this OCP.
 4. Permitted uses on Resource Lands shall be compatible with existing agricultural and resource uses.
 5. It is acknowledged that the Department of National Defence operates facilities within this designation that are provided with community water and sewer services.
 6. The Agricultural Land Commission's (ALC) mandate of preserving and encouraging agricultural production shall be supported.
 7. The retention of large land holdings within the ALR shall be encouraged to maintain the option and feasibility of farm use.
 8. The locations and construction of new roads, utility or communication rights-of-way shall be sited to avoid the ALR wherever possible. Where agricultural land is required, these rights-of-way should be sited in a manner that will cause minimal impact on agricultural operations. Alignments should be established in consultation with affected local landowners.
 9. In order to reduce conflicts between agricultural uses and non-agricultural uses a Farm Land Protection Development Permit Area has been established on lands adjacent to lands within the Agricultural Land Reserve.
 10. Measures which buffer new development adjacent to land within the ALR shall be encouraged to reduce the potential for land use conflicts. These measures may include restrictive covenants to protect naturally established buffers, dedication of park land where in compliance with the parks policy strategy of the Plan, or the use of landscaping and/or fencing in

Attachment 6
Official Community Plan Land Use Designation
(Page 3 of 4)

Nanoose Bay Official Community Plan Bylaw No. 1400, 2005

accordance with the ALC's "Landscape Buffer Specifications" along property lines.

11. The regulation of intensive agricultural operations on non-ALR land within the Plan Area shall be supported in order to recognize the potential that these operations have to generate significant impacts on the natural environment and surrounding lands and development.
12. Where land is within the ALR and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, except where additional dwellings are necessary for farm purposes subject to the *Agricultural Land Commission Act*. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies within this section of the Plan.
13. Where land is removed from the ALR, the Resource Lands within the ALR designation shall remain.
14. The issuance of temporary use permits for the manufacture of asphalt products and/or gravel extraction on parcels may be considered provided that:
 - a) the asphalt is produced in a portable asphalt batch plant;
 - b) parcels are in excess of 8.0 hectares in area;
 - c) any watercourses are protected from the manufacturing or gravel extraction activity;
 - d) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the *Waste Management Act*;
 - e) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained between the asphalt batch plant operation and any dwelling unit not located on the subject property;
- f) where gravel removal and processing are required in conjunction with the manufacture of asphalt products, all requirements for the Approval of Work System and Reclamation Permit under the *Mines Act* including provisions for rehabilitation of the site after completion, are satisfied;
- g) primary processing is a permitted use on the parcel; and
- h) where land is within the Agricultural Land Reserve, notice has been given to the ALC of the intent to remove gravel or process soil in accordance with the *Agricultural Land Commission Act* and the ALC has granted approval.
15. For Resource Lands not within the ALR, the issuance of temporary use permits for soil composting operations on parcels may be considered provided that:
 - a) parcels are in excess of 8.0 hectares in area;
 - b) surface water is protected from all composting activities;
 - c) ground-water will not be negatively impacted by all composting activities;
 - d) approval is obtained from the ALC where required;
 - e) approval is obtained from the province for an industrial access permit and a Waste Management approval pursuant to the *Waste Management Act*;
 - f) a separation distance created by a natural vegetative buffer or berm of 100 metres in width is maintained between the composting operation

Attachment 6
Official Community Plan Land Use Designation
(Page 4 of 4)

Nanoose Bay Official Community Plan Bylaw No. 1400, 2005

- g) and any dwelling not located on the subject parcel;
 - h) the daily period of composting activities is limited to normal daylight hours to minimize noise impacts, including heavy truck traffic, on surrounding lands;
 - i) all aspects of the composting operation must be completed in its entirety within two calendar years of the date of issuance of a temporary use permit;
 - j) primary processing is a permitted use on the parcel;
 - k) the use does not produce odours detectable from adjacent parcels;
 - l) the uses comply with the provincial *Organic Matter Recycling Regulations* and any RDN Waste Stream Licensing Bylaw.
16. The processing of aggregate resources shall generally be limited to areas where such operations would have a limited impact on residential development, other land uses and the natural environment, and where permitted by the Land Use and Subdivision Bylaw.
17. The province shall be encouraged to provide due consideration to the RDN's response to referrals on potential mining operations, and to possible impacts on neighbouring land and the natural environment prior to approving new mining operations or re-establishing a derelict pit. Particular attention should be focused on assessing the potential impacts of resource removal on the quantity or quality of surface and groundwater, residential development and other land uses, traffic volumes and traffic dynamics. The province is encouraged to make this information available to the Regional District and surrounding landowners for comment prior to a decision.

3.5 TOURIST COMMERCIAL LANDS

Land within the Tourist Commercial Lands designation is currently used for a variety of resort, condominium, commercial and industrial uses. Coastal uses are oriented toward ocean and marine related tourist activities. The inland commercial uses have historically been oriented toward the highway as opposed to the current strategy to locate commercial uses within Village and Neighbourhood Centres.

In most cases, the Tourist Commercial Lands have more intensive land uses than found on surrounding lands and therefore present the possibility of creating land use conflicts.

The Nanoose Bay Official Community Plan recognizes the importance of commercial and industrial uses and tourism to the economy consistent with the Regional Growth Strategy. Existing resort condominium developments are recognized as an important part of Nanoose Bay's economy. It is also recognized that these developments must be compatible in character with surrounding residential areas. Over the long term, it is anticipated that these resort condominium developments may be developed to the extent permitted by their current zoning and the existing level of services. The provision of an increased level of community water and sewer servicing to facilitate increased development potential for lands currently zoned for resort condominium development is not supported in this OCP.

Existing inland commercial activities away from the coast or outside the centres are intended to evolve into less intensive tourist commercial uses primarily serving the tourism market or travelling public rather than providing local convenience services. It is anticipated that, over time, these inland commercial and industrial uses will become

Attachment 7 Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

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

This designation includes:

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

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

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

Attachment 8

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
 - Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
 - Encourage and support value-added agricultural industries; and
 - Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

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

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

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

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

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

The '5 A's' of food security:

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

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

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

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

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

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

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

Attachment 10
Applicant's Submission

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 57716

Application Status: Under LG Review

Applicant: Glenn Dawson

Agent: YourLand Development & Research Solutions

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 07/11/2018

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

Proposal Type: Subdivision

Proposal: To:

- 1) Subdivide the 9.7 ha property along the railway line into one lot of 0.6 ha and a 9.1 ha remainder, AND,
- 2) construct the currently dedicated but unconstructed portion of Spurs Place along the southern boundary of Lot 4, Plan 36082, located adjacent to the proposed 0.6 ha lot. This will provide access to the 0.6 ha lot.

The 0.6 ha lot currently does not have access to the parent parcel across the railway and discussions with Graham Bruce, CEO of the Island Corridor Foundation (ICF), have not been supportive of an application for access. In the letter from Mr. Bruce dated Feb. 14, 2018 he states that without extensive background data clearly demonstrating there is no alternate route that does not involve crossing the railroad the ICF is not granting additional level crossings. Application for permission to cross the railway is an expensive and time-consuming endeavor with little chance of success when there is an alternate access available.

Please see Report dated July 6, 2018 for additional information.

Agent Information

Agent: YourLand Development & Research Solutions

Mailing Address:

PO Box 45124 Ocean Park

Surrey, BC

V4A 9L1

Canada

Primary Phone: (604) 417-4562

Email: YourLand@telus.net

Parcel Information

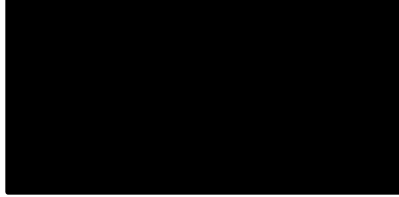
Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
Parcel Identifier: 001-047-981
Legal Description: L 1 DL 62 NANOOSE DISTRICT PL 37368
Parcel Area: 9.7 ha
Civic Address: 2298 Northwest Bay Road, Nanoose Bay, BC V9P 9B3
Date of Purchase: 07/20/2005

Applicant: Glenn Dawson

Farm Classification: No
Owners

1. **Name:** Glenn Dawson



Current Use of Parcels Under Application

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

There is some storage of trees for the nursery located directly west of the property.

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

A well and a partial irrigation system were added to support the agricultural business that was started by the owner's son. The main property is fenced while the 0.6 ha parcel separated by the railway is not fenced and has no agricultural improvements.

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

There is a single family home on the property.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Small residential lots and NW Bay Road

East

Land Use Type: Agricultural/Farm

Specify Activity: Nursery owned by Mr. Dawson's sister and family and a residential, treed property.

South

Land Use Type: Agricultural/Farm

Specify Activity: Railway and Spur Place then agricultural lot.

West

Land Use Type: Agricultural/Farm

Specify Activity: Residential lots.

Proposal

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

0.6 ha

9.1 ha

Applicant: Glenn Dawson

2. What is the purpose of the proposal?

To:

- 1) Subdivide the 9.7 ha property along the railway line into one lot of 0.6 ha and a 9.1 ha remainder,
- AND,
- 2) construct the currently dedicated but unconstructed portion of Spurs Place along the southern boundary of Lot 4, Plan 36082, located adjacent to the proposed 0.6 ha lot. This will provide access to the 0.6 ha lot.

The 0.6 ha lot currently does not have access to the parent parcel across the railway and discussions with Graham Bruce, CEO of the Island Corridor Foundation (ICF), have not been supportive of an application for access. In the letter from Mr. Bruce dated Feb. 14, 2018 he states that without extensive background data clearly demonstrating there is no alternate route that does not involve crossing the railroad the ICF is not granting additional level crossings. Application for permission to cross the railway is an expensive and time-consuming endeavor with little chance of success when there is an alternate access available.

Please see Report dated July 6, 2018 for additional information.

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

The 0.6 ha parcel is directly adjacent to residential lots which were permitted by ALC decisions. The creation of the proposed lot, which is not and has never been accessible to the parent parcel, will have no impact on the future use of the remainder of the property for agricultural development.

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

The proposal will have no impact on the agricultural use of the parent parcel or any of the surrounding agricultural properties. The proposed 0.6 ha lot is at the end of Spurs Place. The access beyond 2245 Spurs Place is currently dedicated but unconstructed. The 0.6 ha lot is physically separated by the railway and not accessible from the parent parcel so it will not raise expectations for further subdivision of agricultural lands in the area.

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

- Agent Agreement - YourLand Development & Research Solutions
- Site Photo - Photographs of property and area
- Other correspondence or file information - Survey Plan
- Other correspondence or file information - Subject Property
- Site Photo - Air Photo
- Other correspondence or file information - Report
- Proposal Sketch - 57716
- Other correspondence or file information - Area Map
- Other correspondence or file information - Letter from CEO Island Corridor Foundation
- Certificate of Title - 001-047-981

ALC Attachments

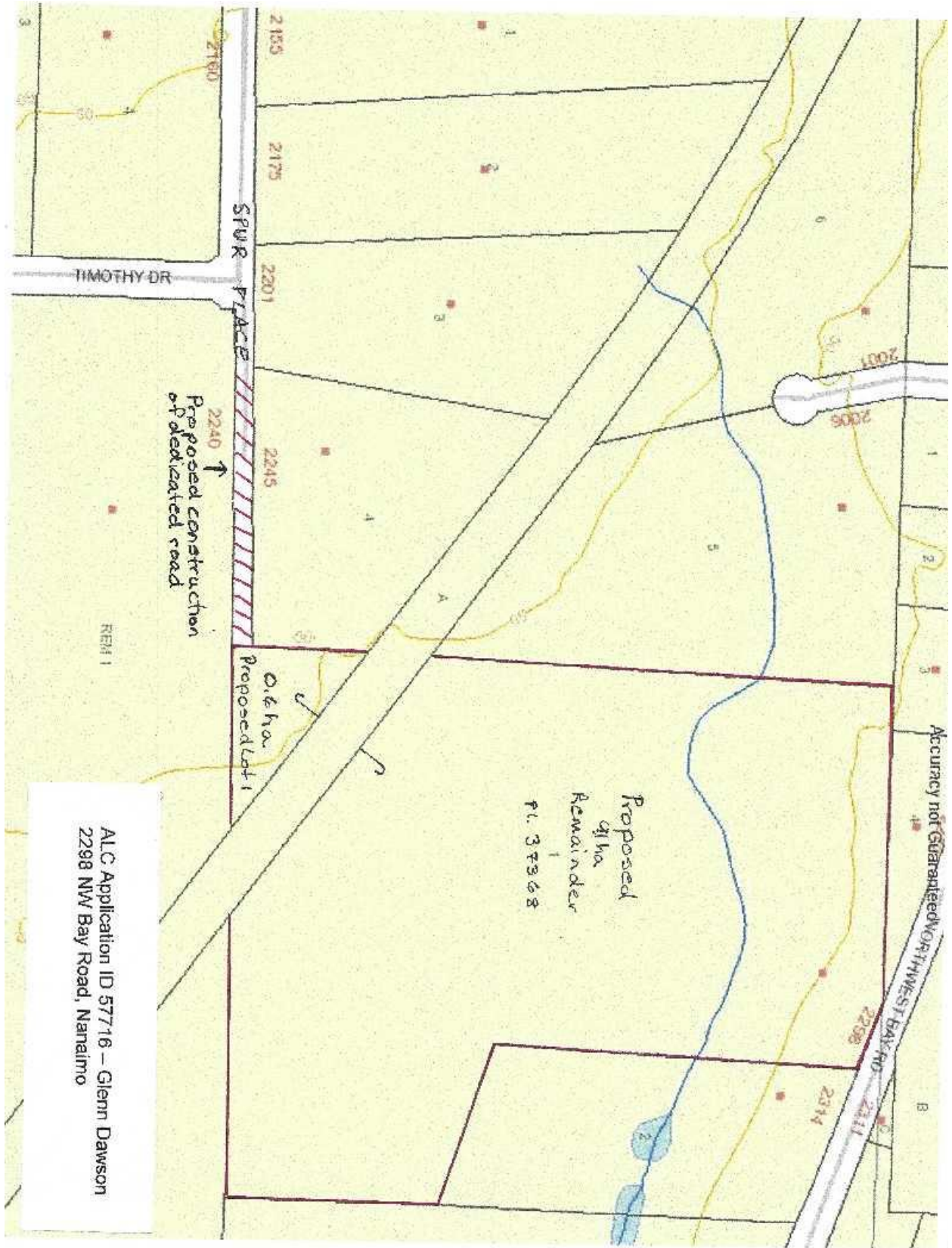
None.

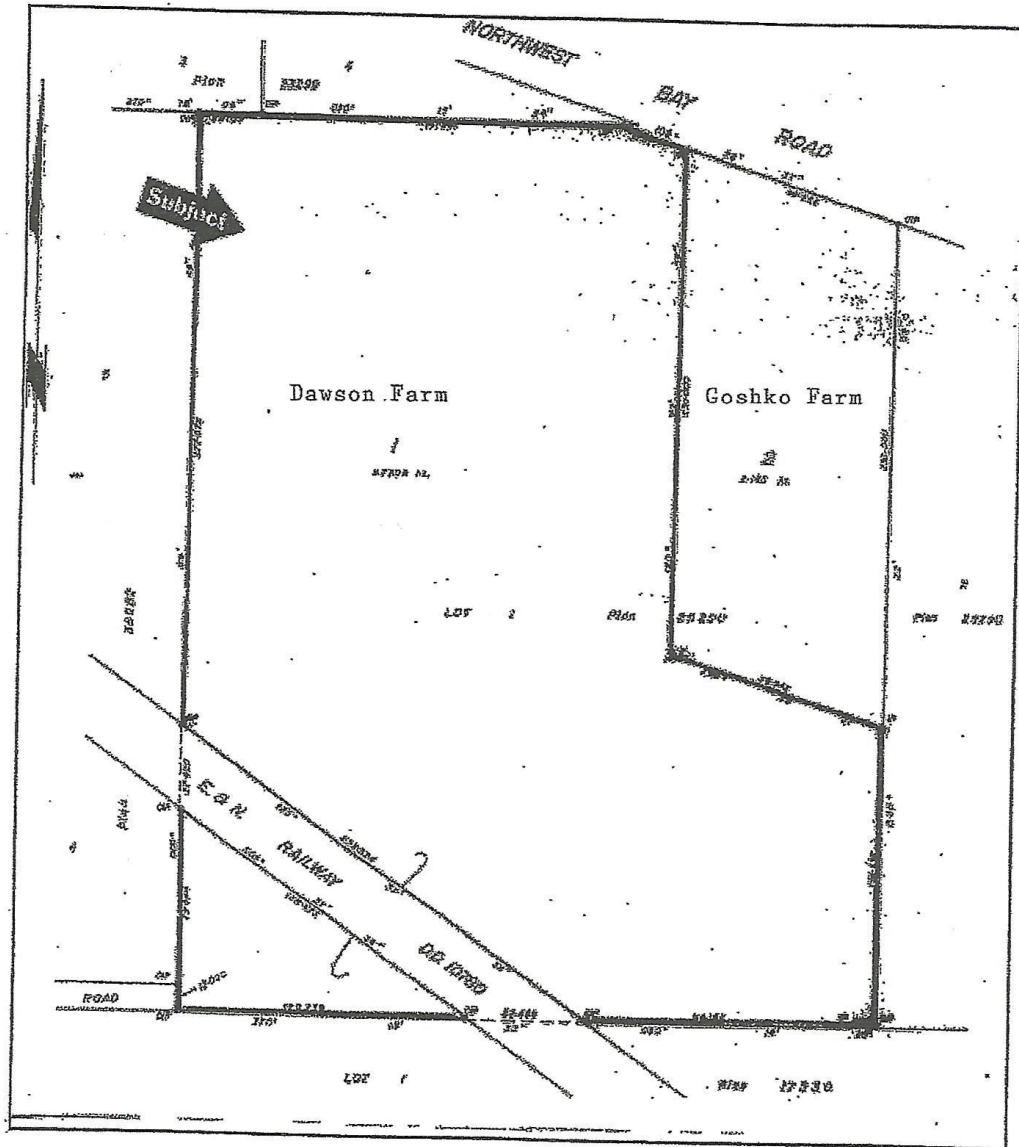
Applicant: Glenn Dawson

Decisions

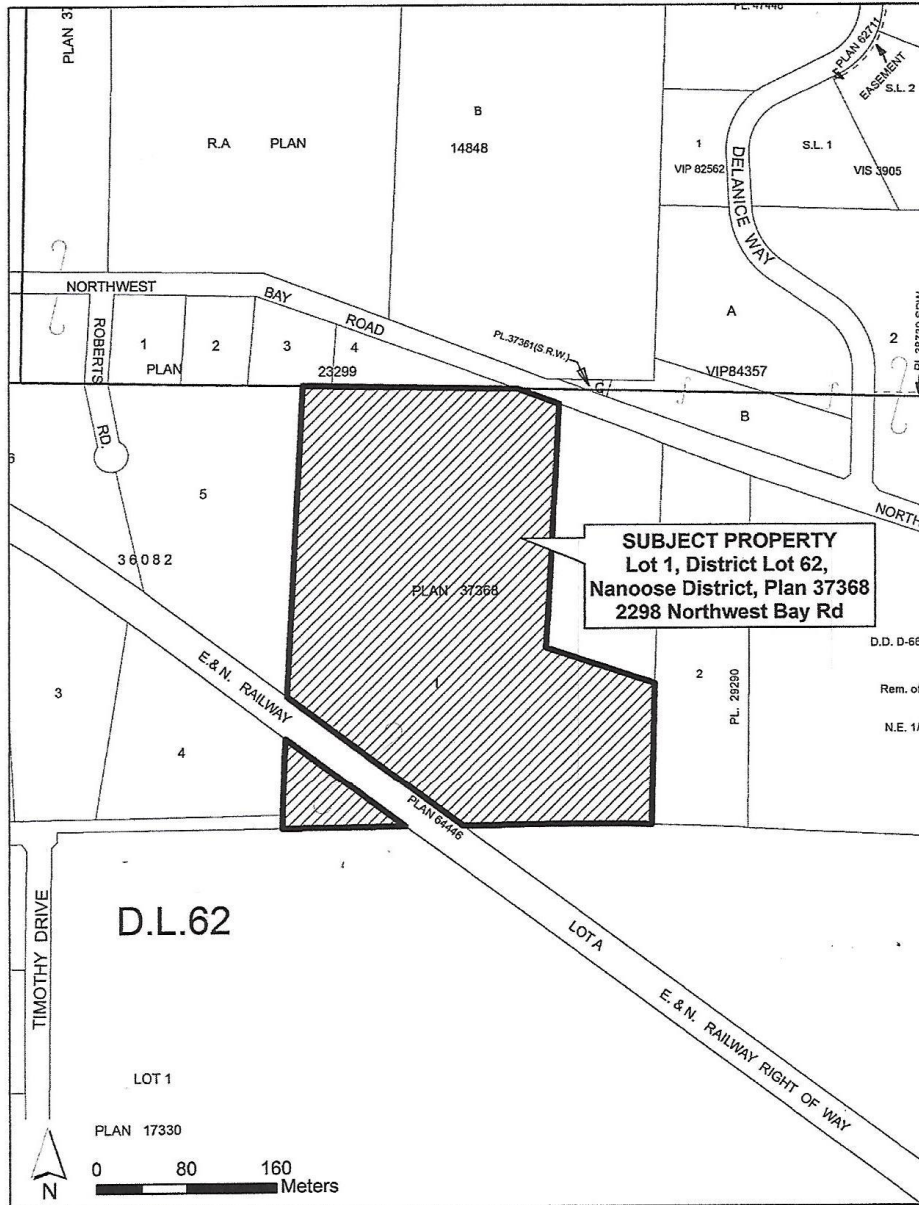
None.

Applicant: Glenn Dawson









TITLE SEARCH PRINT

File Reference: Dawson C of T
Declared Value \$ [REDACTED]

2018-05-24, 11:24:23
Requestor: Sherry Gordon

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

Land Title District VICTORIA
Land Title Office VICTORIA

Title Number EX84437
From Title Number ET100091

Application Received 2005-07-11

Application Entered 2005-07-20

Registered Owner in Fee Simple
Registered Owner/Mailing Address: GLENN DAWSON, LAWYER
[REDACTED]

Taxation Authority Nanaimo/Cowichan Assessment Area

Description of Land
Parcel Identifier: 001-047-981
Legal Description:
LOT 1, DISTRICT LOT 62, NANOOSE DISTRICT, PLAN 37368

Legal Notations
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED 26.07.1974, R.E.HOOPER, REGISTRAR, PER: ALW

Charges, Liens and Interests
Nature: EXCEPTIONS AND RESERVATIONS
Registration Number: M76300
Registered Owner: ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks: INTER ALIA
A.F.B. 9.693.7434A
SECTION 172(3)
DD 12373
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

TITLE SEARCH PRINT

File Reference: Dawson C of T
Declared Value \$208428

2018-05-24, 11:24:23
Requestor: Sherry Gordon

Nature: MORTGAGE
Registration Number: FB53287
Registration Date and Time: 2007-05-29 10:00
Registered Owner: SCOTIA MORTGAGE CORPORATION

Nature: MORTGAGE
Registration Number: CA1294407
Registration Date and Time: 2009-10-01 09:46
Registered Owner: COMMUNITY FUTURES DEVELOPMENT CORPORATION OF CENTRAL ISLAND
INCORPORATION NO. XS-41012

Nature: JUDGMENT
Registration Number: FB477301
Registration Date and Time: 2014-02-13 13:44
Registered Owner: THE CROWN IN RIGHT OF CANADA

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

**Review of Agricultural Land Commission
Application Number 56569**

**for Property located at
2298 Northwest Bay Road, Nanoose, BC**

Prepared by

Sherry Gordon, BA
YourLand Development & Research Solutions

February 24, 2018

The intent of this project was to review the application for subdivision of the subject property, refused by the Agricultural Land Commission (ALC) on October 16, 2017 and determine if grounds exist to warrant a review of the application and/or the process by which this proposal could be brought back to the Commission.

The original application proposed to subdivide a 2.38 ha (5.87 ac) lot, containing the existing house located on North Bay Road and leave a 7.35 ha (18.2 ac) remainder. The application was amended by submission to the ALC on September 13, 2017 with an alternative subdivision along the railway proposed, resulting in the creation of a 0.57 ha (1.41 ac) parcel and 9.16 ha (22.63 ac) remainder.

Review of the application included:

- Examination of all of the documents which made up the original application, as well as those documents prepared by the Local Government and the ALC Staff. This was the information considered by the Commission during its review of the proposal.
- Accessing the historical files that made up part of the application material presented to the Commission, considered by the ALC Staff to be relevant to the application.
- Determining if there were historical applications which created the subdivisions on the side of the tracks where the new 0.57 ha lot was proposed. Identifying them and requesting they be brought back from off-site storage for review.
- Researching the historical applications which created the 5 acre (2.0 ha) properties on the same side of the railway as the 0.57 ha lot.
- Identifying the owners of the rail line which bisects the subject property and attempting to obtain further information on the railway as it affects this property and the proposed subdivision.
- Discussion with the ALC Planners Gordon Bednard and Caitlin Dorward.
- Discussion with Stephen Boogards, Planner for the RDN.

Background Information

The Application material which was attached to the October 16, 2017 decision letter does not address the submission of the amended proposal in the "Application" section. The only place the amendment is referred to is in the "Background" section, which notes that "...a submission was made which identified alternative subdivision alignments that the Applicant would like the Panel to consider, in case they are not supportive of the Proposal." It does not mention that the amended proposal was to subdivide along the railway, nor is there any accompanying plan showing the proposed subdivision.

The historical applications which were reviewed by the ALC staff were those which had resulted in the creation of the 9.73 ha subject property. These files did not provide anything significant to our understanding of the situation other than that the ALC has long considered this to be a valuable, high capability, agricultural area and has attempted to minimize reduction of parcel sizes to preserve the areas' agricultural integrity.

What was notable was the lack of information regarding the application history on the other side of the tracks, where the 0.57 ha lot was proposed. When those files were identified and obtained for viewing it became apparent that the 5 acre (2.0 ha) lots which exist in the vicinity of the 0.57 ha proposed lot were permitted by the Commission in the early 1980's. The area of the subdivisions was considered to be of lower agricultural capability by the various Agrologists and individuals who provided comments to the Commission at the time.

The 5 acre parcel size was determined by the minimum lot size of the zoning in place at that time, although comments were also made that smaller lots would have a more significant impact on those higher capability lands being retained for agriculture and should not be permitted.

Based on this information it is surprising that Commission Staff did not specifically address these applications. While it is important to note that the ALC's decisions are not bound by precedent, this was a significant oversight in the material being considered by the Commission and did not provide a comprehensive understanding of the history of the area.

Even the ALC's final decision which states that "The Panel does not support subdivision of the Property in any of the proposed alignments, as subdivision may limit the range of agricultural options available and the Panel finds that

the property has greater agricultural potential as a large cohesive farm parcel.”, leads one to conclude that the Panel did not remember the specifics of the amended proposal, the size of the proposed lot or its location on the other side of the tracks, as permitting the creation of the 0.57 ha lot on the other side of the railway would not have affected the existing farm property accessed from North Bay Road.

On the assumption that the Panel might have assumed that the 0.57 ha proposed lot could be worked as part of the larger farm unit I contacted the Island Corridor Foundation to find out if a legal crossing could be built over the tracks to access the property on the other side.

In response to my request for information the Island Corridor Foundation replied that it is not granting additional level road crossings without the applicant supplying extensive background data that clearly demonstrates there is no alternate route that does not involve crossing the railroad and that the Victoria Subdivision has one of the highest crossing counts per mile in the country. If the ICF Board approved the application it would be conditional on technical and engineering approval by their rail operator Southern Rail Vancouver Island (SVI) to ensure that there would be no negative impact on the safety of rail operation. All costs of the review and approval process from either ICF or SVI would be the responsibility of the applicant. Costs could include a one-time fee, annual crossing fees as well as any legal and site visit expenses.

Without confirmation (which has been requested) from ICF I can only assume that this is a very costly process with little chance of success. If the 0.57 ha parcel cannot be accessed across the tracks legally, this would be the strongest case for reconsideration of the application which could be made. Making a case for reconsideration based solely on the perceived lack of potential for a crossing is not as strong a position but can be strengthened by adding additional concessions to the submission.

Options

- 1) Request reconsideration of the original submission, specifically addressing the amended proposal, based on the submission of new information relating to the unlikely success of an application to gain legal access to the 0.57 ha property on the other side of the rail line.

Additional information in support of the Reconsideration would be:

- i) the perceived lack of Commission review of the amended proposal based on there being no information contained in the Staff Report of the details of the amended proposal,
- ii) no comment about the existing subdivisions directly adjacent to the 0.57 ha lot proposed in the amendment which had been allowed by the Commission, which was based on multiple Agricultural Onsite Reports,
- iii) the offer to construct a fence to minimize impact on the adjacent farm property; and,
- iv) the creation of a turnaround at the end of Spur Road to prevent “dead-ending” a road at the border of an active agricultural property, thereby avoiding speculation of further subdivision of adjacent agricultural lands in the future.
- v) a copy of the February 14, 2018 letter from the Island Corridor Foundation which notes the unlikely and expensive nature of an application to request a legal access to cross the railway. A formal refusal of an application for a level crossing from the Island Corridor Foundation would be the most significant and compelling information which could be supplied to the Commission however this would be significantly more expensive and time consuming.
- vi) a letter from the Agricultural Advisory Committee supporting the proposal.
- vii) a letter from the property owner of the 5 acre lot adjacent to the 0.57 ha lot noting that they are not interested in purchasing the 0.57 ha area.

I am currently awaiting a response from the Island Corridor Foundation to an email in which I requested information on a rough percentage of permissions for crossings vs refusals in the area and an indication of the approximate costs for an application of that nature from submission to approval/refusal. They may not keep this information but I am hopeful that a conversation may unearth comments that could be useful.

In addition to the foregoing I suggest that the neighbouring owner of the property adjacent to the 0.57 ha lot be approached and asked if they might

be interested in purchasing this area. A letter stating that they are not interested would be a valuable addition to a reconsideration submission.

I also believe that approaching the Agricultural Advisory Committee of the Regional District of Nanaimo for a formal comment on the creation of the proposed 0.57 ha lot and its impact on area agriculture, would prove a valuable addition to this process.

The process for submitting a Request for Reconsideration is to prepare a letter addressing the points set out in the ALC's Reconsideration Policy and including all of the information which has been noted above. This should be accompanied by a plan of the proposed subdivision.

A Request for Reconsideration is evaluated by the Executive Committee of the ALC to determine if it meets the criteria for going forward to the Commission. Should the Request for Reconsideration not be accepted by the Executive Committee, or refused following Commission consideration, the only remaining option would be to initiate a new application for subdivision. I would not recommend this option as there will not be any compelling new information available to support it other than potentially a formal refusal to allow legal access across the tracks by the Island Corridor Foundation.

**ISLAND
CORRIDOR
FOUNDATION**

Box 375 Strn A Nanaimo, BC V9R 5L3
office 250 754 7254 | fax 888 662 4197
islandrail.ca

February 14, 2018

YourLand Development
& Research Solutions

VIA Email

Dear, Sherry Gordon

Re: Level Road Crossing

In an effort to improve the safety of the Island railroad the Island Corridor Foundation is not granting additional level road crossings of the Victoria Subdivision without the applicant supplying extensive background data that clearly demonstrates there is no alternate route that does not involve crossing the railroad.

The Victoria Subdivision has one of the highest crossing counts per mile in the country.

In order to commence the due diligence process necessary for the Island Corridor Foundation (ICF) Board consideration please submit a non-refundable \$2000.00 plus GST fee, totalling \$2100.

We have attached our initial level road crossing checklist please review and send the checklist materials, and cheque to our office as one complete package. Incomplete applications will be returned before any review commences. Inactive applications over 6 months old will need to reapply.

If the ICF Board approves the application it will be conditional on technical and engineering approval by our rail operator Southern Rail Vancouver Island (SVI) to ensure that there is no negative impact on the safety of rail operation.

All costs of the review and approval process from either ICF or SVI will be the responsibility of the applicant. Costs could include a one time fee, annual crossing fees, as well as any legal, and site visit expenses.

Yours truly,



Graham Bruce
Chief Executive Officer
Island Corridor Foundation

INITIAL LEVEL ROAD CROSSING CHECKLIST

An applicant proposing to construct or alter a road crossing across the railway or right of way, should provide a scaled drawing showing the relevant information as outlined in the following checklist and indicate that the information is provided by marking the appropriate box.

- Overall aerial view of location and road network
- Existing crossings within a three mile radius of the location
- Significant topographical constraints, e.g. rivers, mountains
- Local road network and municipal transportation plans
- Regional transportation plans
- Development potential of property - existing zoning & subdivision requirements
- Detailed explanation of crossing use including details for future use if there are plans to change it
- Existing crossings that could be closed
- Road Authority documentation (provincial or municipal) accepting 100% of all signal & road costs, capital and maintenance.



Authorization for Agent

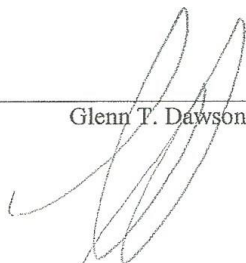
I, Glenn Dawson, hereby authorize Sherry Gordon of YourLand Development and Research Solutions to act as Agent on my behalf in all matters relating to researching the potential subdivision of the subject property within the Agricultural Land Reserve.

This letter authorizes the offices of the Agricultural Land Commission, the Regional District of Nanaimo and T.G. Hoyt B.C.L.S. to consult with Sherry Gordon and share all information contained in the legal files of Glenn Dawson as regards the property legally identified as:

PID 001-047-981

Lot 1, District Lot 62, Nanoose District, Plan 37368

Signed on the 7th day of November, 2017 at Saanich, Victoria



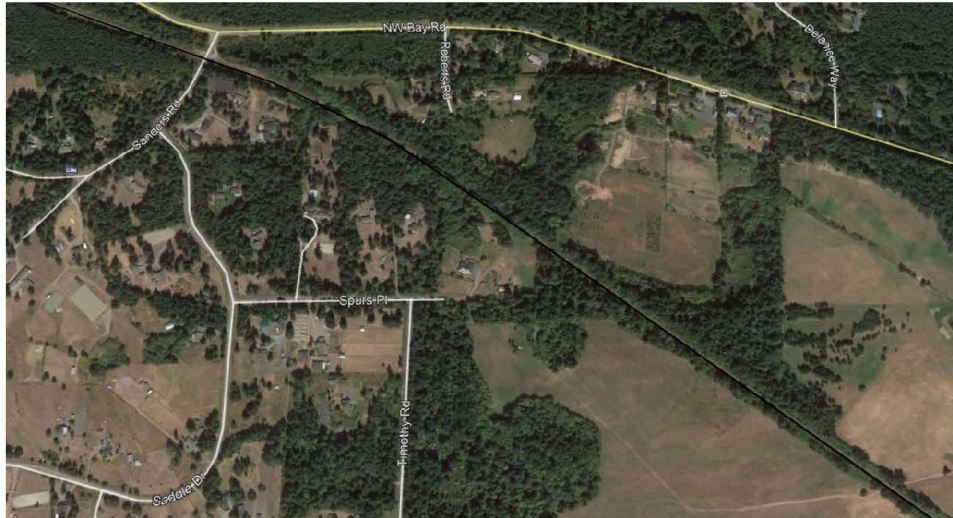
Glenn T. Dawson

P.O Box 45124 Ocean Park, Surrey, BC V4A 9L1
Phone: 604-417-4562
Email: YourLand@telus.net

Dawson – Nanaimo, BC

Agricultural Land Commission Application ID 56569 – Dawson

Photographs of railway and area under application



Satellite image of area surrounding property under application and 0.6 ha proposed for subdivision



Railway crossing on Sanders Drive – Property is located to left down the tracks.

Agricultural Land Commission Application ID 56569 – Dawson

Photographs of railway and area under application



Looking down railway tracks towards subject property – a 5-7 minute walk from this point.



Proposed 0.6 ha heavily treed lot on left and parent parcel on right.

Agricultural Land Commission Application ID 56569 – Dawson

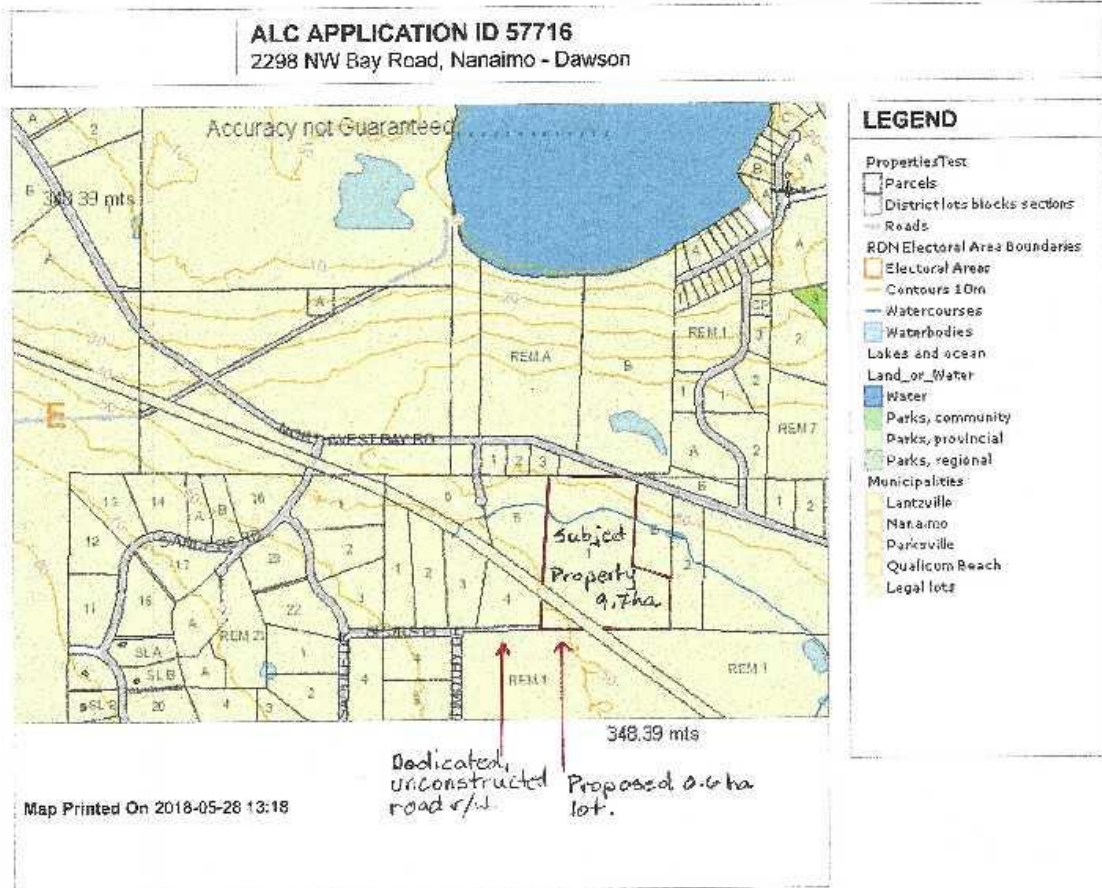
Photographs of railway and area under application



Standing water on parent parcel at bottom of railway right of way



2245 Spurs Place on left. This property is adjacent to 0.6 ha lot. Access would be an extension of Spurs Place along the fence line on the left into what is now trees and brush.



COMMENTS Illustrates ALC permitted s/c's in vicinity of proposed 0.6 ha lot and dedicated and unconstructed RAW accessing proposed lot.

Powered by Rottia OnPoint™

ALC Application Outcomes - February 2014 to Sept 2018

AAC has been providing comment on applications to the Provincial ALC in accordance with RDN Board Policy B1 since February 2014. In that time the AAC has comment provided comment on 28 applications to the ALC. For information on recent and archived ALC applications and decisions, visit the ALC webpage at <https://www.alc.gov.bc.ca/alc/content/applications-and-decisions>. The applications, AAC comment and ALC decisions are summarized in the following table:

Application No	Application Type	Property Legal/Civic Address	Electoral Area	AAC Recommendation	ALC File No	ALC Decision
PL2014-005	ALC Inclusion / Exclusion	0848214 BC Ltd	H	None provided	53673	Approved
PL2014-010	Subdivision	2455 Holden Corso Road & 1617 Rugg Road	A	Approval	53680	Refused
PL2014-013	Subdivision	531, 533, 539 Parker Road West	G	None provided	53681	Refused
PL2014-017	Subdivision	2670 McLean's Road	C	Approval	54215	Refused
PL2014-027	Subdivision	2729 Parker Road	E	Approval	53723	Approved
PL2014-051	Subdivision	2560 Grafton Ave. & 2555 Tintern Road	F	Approval	53789	Refused
PL2015-057	Nonfarm Use	640 Grovehill Road	H	Approval	54288	Approved
PL2015-160	Subdivision	2116 Alberni Highway	F	None provided	55109	Refused
PI2015-177	Subdivision	Part of Lot 1, Plan 2273, Virginia Road	F	None provided	54599	Pending
PL2016-034	Subdivision	2070 Akenhead Road	A	Approval	54876	Pending
PL2016-035	Nonfarm Use	Lot 1, Plan EPP16024 & Lot C, Plan VIP80909, Hodge's Road	G	Approval	54982	Refused
PL2016-042	Nonfarm Use	2602 Holden Corso Road	A	Approval	55086	Denied

PL2016-064	Nonfarm Use	2347 & 2419 Cedar Road	A	Approval Area 1 Non Approval Area 2	55251	Approved Area 1 11/21/2016 Refused Area 2 11/21/2016
PL2016-096	Subdivision	Rodney Edwards & Laurie Kallin	C	Non Approval	55410	Refused 01/30/2017
PL2016-097	Nonfarm Use	Culverden Holdings Ltd. / Seven Springs Camp and Retreat Centre	E	Approval	55354	Refused 12/21/2016
PL2016-151	Exclusion	Mazzoni & Associates Planning; Ezra Cook Holdings Ltd. Inc. No. 458302	H	Approval	55717	Cancelled 07/13/2017
PL2016-155	Non-Farm Use (Placement of Fill)	Dean Kauwell, Erica Rudischer	C	Approval	55804	Approved 05/15/2017
PL2016-158	Nonfarm Use	Clarke Gourlay, Morningstar Springs Farm Ltd.	G	Approval	55827	Approved 02/28/2017
PL2016-189	Exclusion	1155 Leffler Road, Errington B.C., V0R 1V0	F	Approval	55899	Refused Sept 28, 2017
PL2017-013	Non-Farm Use	3452 Jingle Pot Road	C	No recommendation	55883	Approved June 2017
PL2017-030	CANCELLED				55706	CANCELLED
PL2017-048	Non-Farm Use	1384 Tyler Road	F	Defeated (motion to approve was defeated)	55659	Refused August 2017

PL2017-030	Subdivision	2298 Northwest Bay Road, Nanoose Bay, BC V9P 9B3	E	No recommendation	56569	Refused Oct 2017
PL2017-064	Subdivision	Yellow Point Road / 2437 Quennell Rd	A	No recommendation	56488	Refused Feb 2018
PL2018-017	WITHDRAWN	1430 Ward Rd & 2341 Swayne Rd	F	Refuse	57233	WITHDRAWN
PL2018-024	ON HOLD	3139 Jingle Pot Rd	C	ON HOLD	57244	ON HOLD
PL2017-194	Placement of Fill	1115 Lefler Rd	F	Refuse	56987	pending
PL2018-012	Subdivision	2783 & 2789 Haslam Rd	A	Refuse	57224	pending
PL2018-075	Non-Farm Use	3452 Jingle Pot Road	C	pending	57605	
PL2018-106	Subdivision	2298 Northwest Bay Rd	E	pending	57716	
PL2018-144	Non-Farm Use	1330 Hodges Road 1410 Hodges Road	F	to be considered at next meeting	58039	
PL2018-146	Non-Farm Use	3106 Northwest Bay Rd	E	to be considered at next meeting	58056	



INFORMATION BULLETIN

Bylaw No.2-Placement of Fill in the ALR

The following provides an overview of the Agricultural Land Commission’s Bylaw No. 2 Placement of Fill (the “Bylaw”) adopted by the Full Commission on April 26, 2018.

Purpose:

The purpose of the Bylaw is to:

- clearly define when the placement of fill is considered necessary and to what threshold;
- outline the process for notification and application to the ALC for the placement of fill; and,
- provide definitions regarding the types of materials that constitute fill and appropriate uses of fill for agriculture in the ALR.

Thresholds:

The Bylaw specifically provides thresholds for uses in the ALRUSP relating to:

- single family residences;
- permitted farm uses; and,
- permitted non-farm uses.

Notification and Approval:

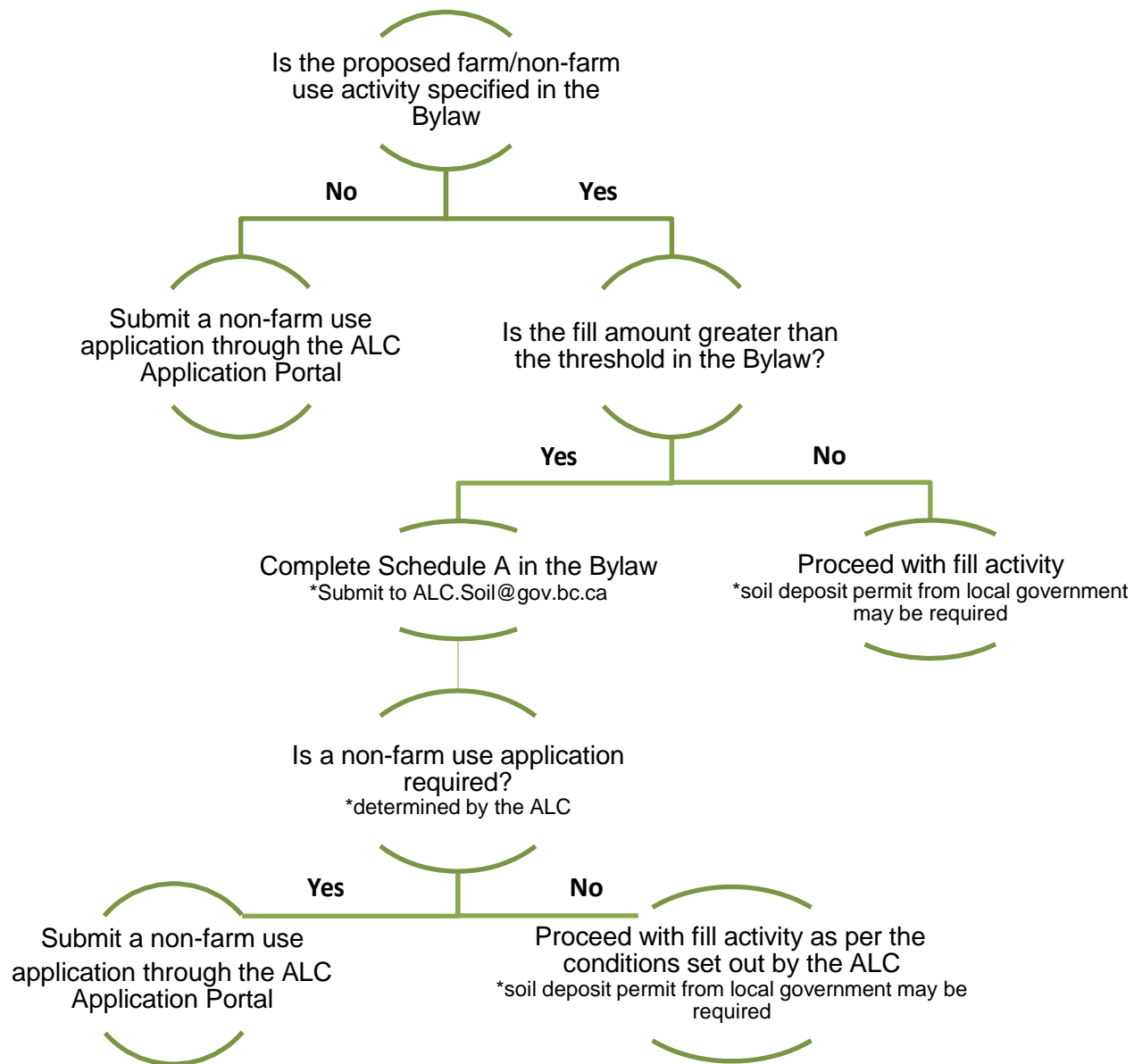
The process for notification and approval for the placement of fill will depend on the type of activity and the amount of fill proposed, with one of three possible outcomes:

1. permitted outright in the Bylaw without notification to the ALC;
2. notification to the ALC (Schedule A form in the Bylaw); or,
3. submission of a non-farm use application.

Based on the information submitted in the Schedule A form, the ALC will determine whether the information provided is adequate for the proposed fill placement activity or whether a non-farm use application is needed. Landowners must also ensure that they have obtained all necessary permits from the local government prior to placing any fill on a parcel in the ALR. Submit Schedule A forms to: ALC.Soil@gov.bc.ca

Use the flowchart provided on the following page to determine the appropriate process to follow for your proposed fill project.

Figure 1. How to use ALC Bylaw No.2 – Placement of Fill in the ALR





AGRICULTURAL LAND COMMISSION

BYLAW No. 2–Placement of Fill in the Agricultural Land Reserve

PURPOSE OF THE BYLAW

To clearly define when the placement of fill in the Agricultural Land Reserve (the “ALR”) is considered necessary, and the process for notification and application to the Agricultural Land Commission (the “Commission”) for the placement of fill in the ALR.

AUTHORITY TO CREATE BYLAWS

WHEREAS Section 9 of the *Agricultural Land Commission Act*, SBC 2002, (the “Act”) the Commission may pass resolutions and bylaws it considers necessary or advisable for the management and conduct of its affairs, the exercise of its powers and the performance of its duties and functions; AND

WHEREAS the removal of soil and the placement of fill are non-farm uses as set out in Section 20(2) of the Act; AND

WHEREAS a person who intends to use agricultural land for a prescribed use that involves soil removal or fill placement must give notice to the Commission in the prescribed form as set out in Section 20(4); AND

WHEREAS the Chief Executive Officer (the “CEO”) may specify terms and condition for the conduct of soil removal and fill placement or order an application to the Commission in response to a notice;

NOW THEREFORE the Commission hereby enacts as follows:

TITLE:

1. This Bylaw may be cited as “Placement of Fill in the ALR Bylaw No. 2”.

APPLICABILITY:

2. This Bylaw applies to all land in the ALR.
3. Nothing in this Bylaw shall relieve persons from complying with the provisions of any other local government, provincial, or federal enactment or regulation.

DEFINITIONS:

4. In this Bylaw:

“**ALRUSP**” means the Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg 171/2002 as amended).

“**Aggregate**” means sand, gravel, crushed stone, quarry rock and similar materials used in the construction and maintenance of civil and structural projects.

“Agricultural Land Reserve” or **“ALR”** means land designated as agricultural land reserve under the Act.

“Agri-tourism” means agri-tourism as defined by the ALRUSP and does not include agri-tourism accommodation.

“Ancillary Works” means farm roads limited to a maximum road surface width of 6 metres and 1.6 metres above the natural grade and constructed using Aggregate or uncontaminated Fill only.

“Berミング” means the construction of dikes required for cranberry production and flood protection dikes authorized/approved by the applicable local government. Cranberry dikes must not exceed a height of 2.0 metres above the natural grade and a width at the base of no more than 10 metres.

“Clearing” means tree and stump removal undertaken to prepare land for cultivation in accordance with good agricultural practice and does not include importing Fill from off-site.

“Draining” means removal of soil from the property for the construction and maintenance of drainage ditches provided it does not foul, obstruct, or impede the flow of any waterway where the total volume removed does not exceed 320 cubic meters per 16 hectares. It does not include importing Fill from off-site to raise the grade of the land.

“Fill” means:

- a) for the purposes of farm uses referred to in Part 2 Section 2 (2) to (2.3), (3), (4) and Part 3 of the ALRUSP, Soil and Aggregate that is clean and free of contaminants and Foreign Materials. The use of Aggregate as Fill is restricted to specified farm uses under Section 2(3) and 4(1) of the ALRUSP related to building construction and Ancillary Works as set out in Section 5;
- b) for the purposes of farm uses referred to in ALRUSP Part 3 Section 4(e), soil that is of good agricultural quality and:
 - i. has a soil texture ranging from sandy loam to silt loam and does not include heavy clays or excessively stony soils, unless approved by the Commission; and
 - ii. meets the Contaminated Sites Regulation (BC Reg. 3775/96) for agricultural soil standards and is free of foreign materials;
- c) Fill does not mean the Placement of Fill for the purposes of land development related to Clearing, Draining, Irrigating, or Leveling as defined by the Bylaw.

“Flood Protection Requirement/s” means the elevation level as established by local government bylaws for flood protection within a defined floodplain.

“Foreign Materials” means woodwaste from demolition and clearing activities, construction and demolition waste, masonry rubble, concrete, asphalt, glass, unchipped lumber, drywall, and biological waste.

“Irrigating” means the removal of soil for the construction and maintenance of irrigation ditches where the total volume removed does not exceed 320 cubic metres per 16 hectares.

“Land” means any land within the boundaries of the ALR.

“Leveling” means reshaping the soil surface within a field or parcel of land to eliminate high and low areas and resulting in a uniform field level (that is, cutting high spots and filling in low spots) and does not include importing Fill from off-site.

“Placement of Fill” means to deposit, place, store, or stockpile directly or indirectly, filling on any land in the Agricultural Land Reserve, where that Fill did not previously exist.

“Remove” or **“Removal”** means the act of removing Soil from any Lands in the ALR, where it existed or stood, which place or location shall include a Stockpile or other storage facility.

“Reservoir” means a water impoundment that is used for agricultural water supply. Berms used to impound water must not exceed 2 metres above the natural grade.

“Single Family Residence” means a dwelling and associated accessory structures, services, utilities, and landscaped areas, including garages, carports, sheds, workshops, water lines, sewer lines, wells, driveways, and sanitary disposal systems normally associated with the construction of a dwelling.

“Soil” includes the entire mantle of unconsolidated material above bedrock other than minerals as defined in the *Mineral Tenure Act*.

“Stockpile” means a man-made accumulation of soil, Fill, or organic materials held in reserve for future use, distribution or removal.

“Woodwaste” includes hog fuel, mill ends, bark and sawdust, but does not include demolition waste, construction waste, tree stumps, branches, logs or log ends.

Interpretation

For the purposes of interpretation, where in this Bylaw a threshold of 0.2 hectares or less per 16 hectares is used, the following table applies:

Parcel size (ha)	Max fill area (ha)
0 - 16.0	0.2
16.0 - 32.0	0.4
32.0 – 48.0	0.6
48.0 - 64.0	0.8

Placement of Fill for Farm Use

5. Except as otherwise permitted in this Bylaw, a person must not place Fill or undertake any action which results in the Placement of Fill on any land in the ALR until the Commission has been notified pursuant to this bylaw.
6. Placement of Fill will be considered necessary under Part 2 Section 2 of the ALRUSP for the following farm uses, and exempt from the requirement to notify the Commission in accordance with Section 7, if the following requirements are met:
 - a) farm retail sales only if associated with the construction of a farm retail sales building and associated parking and loading areas not to exceed a total combined area of 0.2 hectares or less per 16 hectare and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - b) farm product processing only if associated with the construction of a farm product processing building and associated parking and loading areas not to exceed a total combined area of 0.2 hectares or less per 16 hectare and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - c) land development works limited to Berming, and the construction of Reservoirs and Ancillary Works as defined by this bylaw constructed of Fill or Aggregate, or a combination thereof, not including crushed concrete or demolition debris of any kind;
 - d) Agri-tourism only if associated with the construction of buildings, structures or parking areas approved by the Commission as part of a non-farm use application;
 - e) horse riding, training and boarding facilities only if associated with the construction of barns, indoor and outdoor arenas, paddocks and associated parking areas not to exceed a total combined area of 0.2 hectares or less per 16 hectares and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - f) temporary storage areas (less than 9 months) required for the storage of fertilizers, mulches, soil conditioners, and materials regulated by the Organic Matter Recycling Regulation (BC Reg. 18/2002) limited to the footprint of the temporary storage area. All Fill must be removed and the storage area must be reclaimed once these materials have been land applied;
 - g) construction of buildings for the production of compost, soil conditioners, and growing mediums from agricultural wastes produced on the farm for farm purposes in compliance with the Agricultural Waste Control Regulation (BC Reg 131/92) provided that a nutrient management plan demonstrates that all of the material is used on the farm at an appropriate agronomic rate (as determined by a qualified registered professional) and that the buildings do not exceed a total combined area of 0.2 hectares or less per 16 hectares;
 - h) construction of a compost facility related to the production of Class A compost in compliance with the Organic Matter Recycling Regulation (BC Reg 18/2002) if all of the

compost measured by volume is used on the farm provided that a nutrient management plan demonstrates that the compost is applied at an appropriate agronomic rate (as determined by a qualified registered professional) and that the compost facility does not exceed a total combined area of 0.2 hectares or less per 16 hectares;

- i) production of medical marihuana only if associated with the construction of a building (not including greenhouses) and associated parking and loading areas not to exceed a total combined area of 0.2 hectares or less per 16 hectares and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
- j) alcohol production facilities only if associated with the construction of buildings, associated parking, landscaping and loading areas not to exceed a total combined area of 0.2 hectares or less per 16 hectares and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements; and
- k) a farm use by a person other than the owner of the farm under a lease of the farm or part of the farm provided that use is one of the uses identified in Section 6 a) through j).

Notification and Decision Process for Farm Use

7. An owner wishing to place Fill in excess of the limits established in Section 6 above or for a farm use not specifically referenced in Section 5 must notify the Commission and applicable local government or treaty first nation, using the form provided in Schedule A, of their interest to Fill at least 60 days before engaging in the intended use.
8. An owner wishing to place Fill for the reasons established in Section 6 where the height of Fill must not exceed the minimum level required to satisfy the Flood Protection Requirement must obtain written confirmation from the local government confirming that their property is located within a designated floodplain and the height of Fill is necessary for flood protection.
9. If the CEO requests additional information on the extent and method of Fill placement within 30 days of receipt of the notice under Section 7, it must be provided by the owner of the land in the form of an amended notice within 30 days of receipt of the request.
10. The owner must comply with the restrictions on the use and the terms and conditions for the conduct of that use of agricultural land ordered by the CEO under authority delegated to the CEO by the Commission provided that the order is made within 30 days of a notice under Section 7 or within 45 days of an amended notice under Section 8.
11. If the owner does not agree to the restrictions on the use or the terms and conditions ordered by the CEO under Section 9, the owner may apply to the commission for permission for a non-farm use under Section 20 (3) of the Act.

Placement of Fill for Non- Farm Use

12. Placement of Fill will be considered necessary under Part 2 Section 3 of the ALRUSP for the following non-farm uses and exempt from the requirement to notify the Commission, in accordance with Section 12, if the following requirements are met:
- a) Agri-tourism accommodation only if associated with the construction of buildings not to exceed a total combined area of 0.2 hectares or less per 16 hectares and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - b) buildings related to biodiversity conservation, passive recreation, heritage, wildlife and scenery viewing purposes to an area not to exceed 100 square metres and a height not to exceed the minimum level required to Flood Protection Requirements;
 - c) buildings required for open land park to an area not to exceed 100 square metres and a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - d) breeding pets or kennels or boarding facilities only if associated with the construction of barns and kennels not to exceed a total combined area of 0.2 hectares or less per 16 hectares and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - e) buildings related to the production and development of biological products used in integrated pest management programs to an area not to exceed 300 square meters and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - f) telecommunications equipment, buildings and installations to a volume not to exceed 100 square metres and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements;
 - g) construction of a compost facility related to the production of Class A compost in compliance with the Organic Matter Recycling Regulation if at least 50% of the compost measured by volume is used on the farm provided that a nutrient management plan demonstrates that the compost is applied at an appropriate agronomic rate (as determined by a qualified registered professional) and that the compost facility does not exceed a total combined area of 0.2 hectares or less per 16 hectares;
 - h) a residential use under a lease of a farm or part of a farm located in Zone 2 only if associated with the construction of a building not to exceed a total combined area of 0.2 hectares or less per 16 hectares and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements; and
 - i) a facility that shelters and cares for surrendered, abandoned or seized livestock only if associated with the construction of barns not to exceed a total combined area of 0.2 hectares or less per 16 hectares and to a height not to exceed the minimum level required to satisfy Flood Protection requirements.

Notification and Decision Process for Non-Farm Use

13. An owner wishing to place Fill in excess of the limits established in Section 12 or for a farm use not specifically referenced in Section 12 must notify the Commission and applicable local government or treaty first nation, using the form provided in Schedule A, of their interest to Fill at least 60 days before engaging in the intended use.
14. An owner wishing to place Fill for the reasons established in Section 12 where the height of Fill must not exceed the minimum level required to satisfy the Flood Protection Requirement must obtain written confirmation from the local government confirming that their property is located within a designated floodplain and the height of Fill is necessary for flood protection.
15. If the CEO requests additional information on the extent and method of soil placement of Fill within 30 days of receipt of the notice under Section 12, it must be provided by the owner of the land in the form of an amended notice within 30 days of receipt of the request.
16. The owner must comply with the restrictions on the use and the terms and conditions for the conduct of that use of agricultural land ordered by the CEO under authority delegated to the CEO by the Commission provided that the order is made within 30 days of a notice under Section 12 or within 45 days of an amended notice under Section 13.
17. If the owner does not agree to the restrictions on the use or the terms and conditions ordered by the CEO under Section 14, the owner may apply to the Commission for permission for a non-farm use under Section 20 (3) of the Act.
18. A decision of the CEO under Section 9 and 14 is a decision of the Commission.

Fill Placement for the Construction of a Single Family Residence

19. Fill placement will be considered necessary for the construction of a Single Family Residence/s provided the Placement of Fill does not exceed a total combined area of 0.2 hectares or less and to a height not to exceed the minimum level required to satisfy Flood Protection Requirements.
20. An owner wishing to place Fill for the construction of a Single Family Residence/s in order to satisfy Flood Protection Requirements must obtain written confirmation from the local government confirming that their land is located within a designated floodplain and the height of Fill is necessary for flood protection.
21. A driveway constructed to access a Single Family Residence should not exceed 6 metres in width.
22. An owner wishing to place Fill in excess of the limits established in Section 17 above may apply to the Commission for permission for a non-farm use under Section 20 (3) of the Act.

END

Adopted by the Agricultural Land Commission on the 26th day of April, 2018 by Resolution #48N/2018.



Schedule A – Notification for Fill Placement (Bylaw No.2)
(send to ALC.Soil@gov.bc.ca)

1. Owner Information

Name: Phone: Fax:

Address: E-mail:

2. Legal Description of Land

Legal Description:

Property Identifier Number (PID):

Civic Address:

Parcel Size: acres ha (please check)

3. Site Information

Current use of property:

Use(s) of adjacent properties:

North East South West

4. Fill Origin – Please provide the civic address of property where soil is originating from:

5. Fill Placement Information

Estimated quantity of fill to be placed: cubic metres

Estimated area of the property that the fill will cover: acres ha (please check)

Minimum depth of fill placement: metres

Maximum depth of fill placement: metres

Duration of project:

6. Is this a permanent deposit? YES NO (please check) If no, how long do you intend to stockpile the fill?

7. **Has a Professional Agrologist reviewed the project and provided a written report?**

YES NO (please check) If yes, please attach the report.

8. **Has a Professional Agrologist reviewed the fill to be placed i.e. source site(s)?**

YES NO (please check) If yes, please attach the report.

9. Contractor Information

Company Name: _____ Phone: _____

Address: _____ E-mail: _____

10. Submission Requirements – Please attach the following information to the Notification Form:

- a) a letter outlining why and where the soil is to be placed;
- b) a site plan clearly identifying the area of land from which the soil is sought to be placed including all pertinent topographic features (structures, watercourses, roads, trees);
- c) a site grading plan including the proposed slopes which will be maintained upon project completion; and
- d) the Certificate of Title of the property.

11. **Have you notified your local government or treaty first nation government of the proposal?**

YES NO (please check) If yes, please provide the name, phone number, and email of the local/First Nation government official.

Local/First Nation Government: _____ Phone: _____

Employee Name: _____ E-mail: _____

Declaration and Consent: I/we consent to the use of the information provided in this notice and all supporting documents. Furthermore, I/we declare that the information is to the best of my/our knowledge, true and correct. I/we understand that the Agricultural Land Commission will take the necessary steps to confirm the accuracy of the information and documents provided.

Signature of Owner or Agent

Print Name

Date



INFORMATION BULLETIN 04 CANNABIS PRODUCTION IN THE ALR

August 15, 2018

SCOPE OF THIS INFORMATION BULLETIN

This information bulletin provides guidance to assist in interpreting the *Agricultural Land Commission Act*, S.B.C. 2002, c. 36 (**ALCA**) and the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, BC Reg. 171/2002 (the **ALR Regulation**), in relation to cannabis production in the agricultural land reserve (**ALR**). The ALCA and ALR Regulation will govern if inconsistent with this bulletin.

This information bulletin is directed only to interpretation of the ALCA and the ALR Regulation. All other applicable laws, regulations and bylaws related to cannabis production must also be complied with.

RECENT REGULATORY CHANGES

The ALR Regulation has recently been amended. The changes came into force on July 13, 2018. Section 2(2)(p) of the ALR Regulation, which designated as farm use “the production of marihuana in accordance with the Marihuana for Medical Purposes Regulation, SOR/2013-119 (Canada)”, has been repealed. The following has been added as **section 2(2.5)** to the ALR Regulation:

The lawful production of cannabis is designated as farm use for the purposes of the [ALCA] if produced outdoors in a field or inside a structure

- (a) that has a base consisting entirely of soil, or
- (b) that was, before the date on which this section came into force,
 - (i) constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis, or
 - (ii) under construction for the purpose referred to in subparagraph (i), if that construction
 - (A) was being carried out in accordance with all applicable authorizations and enactments, and
 - (B) continues without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry, and

that has not been altered since that date to increase the size of its base or to change the material used as its base.

Section 2(1.1) of the ALR Regulation provides:

The activities designated under [section 2 of the ALR Regulation] as farm uses for the purposes of the [ALCA] must not be prohibited

- (a) by any local government bylaw except a bylaw under section 552 of the *Local Government Act*, or
- (b) by a law of the applicable treaty first nation government, if the activity is undertaken on treaty settlement lands.

GENERAL INTERPRETATIVE PRINCIPLES

The ALCA prohibits “non-farm use” of land in the ALR unless the owner of the land successfully makes an application to the Agricultural Land Commission for permission to undertake that use or that use is expressly permitted under section 3 of the ALR Regulation: ALCA, section 20. Sections 20(3), 25 and 34 of the ALCA and Part 10 of the ALR Regulation are among the provisions relevant to non-farm use applications.

A “non-farm use” is a “use of land other than a farm use”: ALCA, s. 1.

The form of cannabis production described in section 2(2.5) of the ALR Regulation is designated as farm use. Therefore, producing cannabis on the ALR in the manner described in section 2(2.5) of the ALR Regulation does not require a non-farm use application to the Agricultural Land Commission.

However, section 2(2.5) of the ALR Regulation does not designate as farm use:

- cannabis production that does not meet the description in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats forms of cannabis production that are not described in section 2(2.5), together with all activities associated with forms of cannabis production not described in section 2(2.5), as non-farm uses.
- non-production activities associated with the cannabis production described in section 2(2.5). Having regard to the regulatory framework, this information bulletin treats those activities as non-farm uses except to the extent that they fall into exceptions found elsewhere in section 2 or 3 of the ALR Regulation.

PLACEMENT OF FILL IN THE ALR

Placement of fill onto land in the ALR for any reason related to cannabis production, **whether it is a form of production described in section 2(2.5) of the ALR Regulation or not**, cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission. That is, if a producer wishes to place fill on the land even for the purpose of cannabis production described in section 2(2.5) of the ALR Regulation, he or she will not be able to do so without obtaining permission from the Agricultural Land Commission through a non-farm use application.

This is because section 20(2) of the ALCA generally defines the placement of fill as a non-farm use, subject to certain exceptions. Those exceptions do not apply to cannabis production.

Though sections 2(4) and (5) of the ALR Regulation designate as farm use certain fill placement related to uses designated under sections 2(2)-(2.2) of the ALR Regulation, cannabis production is addressed in section 2(2.5), so sections 2(4) and (5) do not apply. Please consult the Agricultural Land Commission's Bylaw No. 2 – Placement of Fill in the ALR and Policy L-23 – Placement of Fill for Soil Bound Agricultural Activities.

CANNABIS PRODUCTION IN THE ALR

Section 2(2.5) of the ALR Regulation requires that to be designated as farm use, production of cannabis must meet various requirements including that the production is “lawful”. The production of cannabis is not lawful unless it is licensed by the Government of Canada (excluding exemptions for personal cultivation). As such producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.

Field Production

Lawful production of cannabis in the ALR **outdoors in a field** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission.

Soil Based Structure Production

Lawful production of cannabis in the ALR **inside a structure that has a base consisting entirely of soil** is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- The base – that is, what the structure rests on – must be “entirely” of soil in order for production in it to qualify under section 2(2.5)(a) of the ALR Regulation. Production in a structure that has a base consisting partly of a material other than soil, even if the non-soil material constitutes a very small portion of the base, does not qualify under section 2(2.5)(a) of the ALR Regulation. Structures that do not have a base consisting entirely of soil are structures that have a base consisting partly or entirely of other materials, such as structures with cement footings or a cement floor.
- “Soil” means material native to the property, not material brought onto the property for the purpose of creating the base or for any other purpose. If imported onto the property, the material is “fill”, the placement of which requires a non-farm use application: ALCA, section 20.

Production in Existing Structures

Lawful production of cannabis in the ALR **inside a structure that had been, before July 13, 2018, constructed for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. Note:

- Existing structures used for the lawful production of cannabis do not have to have a base made entirely of soil.

- The structure must not have been altered on or after July 13, 2018 to increase the size of its base or to change the material used as its base.
- The structure must have been built for the purpose of growing “crops”. Livestock are not crops and, as such, production of cannabis in a converted livestock barn is not designated as farm use under section 2(2.5) of the ALR Regulation.

Production in Structures that Were Under Construction

If the requirements outlined in the bullet points set out later in this paragraph are met, lawful production of cannabis **inside a structure** (even if its base is not entirely soil) **that was under construction before July 13, 2018 for the purpose of growing crops inside it, including but not limited to the lawful production of cannabis**, is designated as farm use and can be undertaken without a non-farm use application to the Agricultural Land Commission. For a structure to have been “**under construction**” before July 13, 2018, ground disturbance (such as excavation for laying foundation) must have commenced before that date; it would not be sufficient for the property owner to have made a permit application or received a permit for construction before July 13, 2018. The further requirements for lawful cannabis production to be designated under this portion of section 2(2.5) of the ALR Regulation are as follows:

- The pre-July 13, 2018 construction was being carried out in accordance with all applicable authorizations and enactments.
- The construction must continue without interruption from the date it began to the date the structure is completed, other than work stoppages considered reasonable in the building industry.
- The construction must not be altered on or after July 13, 2018 to increase the size of the structure’s base or to change the material used as its base.

Other Cannabis Production

Cannabis production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. Neither that production nor activities related to that production (such as the construction, maintenance or operation of a building or structure, or processing of the cannabis) can be undertaken without a successful non-farm use application to the Agricultural Land Commission.

CONSTRUCTING, OPERATING OR MAINTAINING CANNABIS PRODUCTION FACILITIES

A non-farm use application to the Agricultural Land Commission is not required in order to construct, maintain or operate a building, structure, driveway, ancillary service or utility that is **necessary for the lawful production of cannabis described in section 2(2.5) of the Regulation**: ALR Regulation, section 2(3). Note:

- Section 2(2.5)(a) of the ALR Regulation refers to lawful production of cannabis inside a structure “that has a base consisting entirely of soil”. Construction, maintenance or operation of the soil-based structure necessary for that production can be undertaken without applying to the Agricultural Land Commission.

- Section 2(2.5)(b) refers to lawful production of cannabis inside a structure that meets certain requirements addressed earlier in this information bulletin. Completion of the structure referred to in section 2(2.5)(b)(ii), and maintaining and operating either that structure or the structure referred to in section 2(2.5)(b)(i), can be undertaken without applying to the Agricultural Land Commission.
- Other than as described in section 2(2.5) of the ALR Regulation, a building or structure is unlikely to be necessary for the form of cannabis production described there, as section 2(2.5) already addresses where the production is located. Possible exceptions may be a small washroom facility or small office for a required supervisor no greater than necessary for that form of cannabis production to occur on the land.
- Though associated with the form of cannabis production described in section 2(2.5), construction, maintenance or operation (including for a conference centre) of a building, structure, driveway, ancillary service or utility that is is not necessary for that production on the land, may not occur without a successful non-farm use application to the Agricultural Land Commission. Proponents of such uses should be prepared to justify in their application materials why such use, both in that nature/scale and at all, is appropriate in the ALR rather than, for example, in an industrial park outside the ALR.

Construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for a form of cannabis production that is not described in section 2(2.5) of the ALR Regulation cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

STORING, PACKING, PREPARING OR PROCESSING CANNABIS

Storing, packing, preparing or processing cannabis yielded by the form of cannabis production described in section 2(2.5) of the ALR Regulation (and construction, maintenance or operation of a building, structure, driveway, ancillary service or utility necessary for that storing, packing, preparing or processing) can be undertaken without a non-farm use application to the Agricultural Land Commission if at least 50% of the cannabis being stored, packed, prepared or processed is produced on the “farm” (for this purpose being one or several parcels of land or tenured areas of Crown land that are being occupied or used together for designated or other farm uses), or produced by an association as defined in the *Cooperative Association Act* to which the owner of the farm belongs: section 2(2)(c) of the ALR Regulation.

Storing, packing, preparing or processing cannabis yielded by a form of production not described in section 2(2.5) of the ALR Regulation is not designated as farm use. These activities cannot be undertaken without a successful non-farm use application to the Agricultural Land Commission.

LOCAL GOVERNMENT

Local governments can have an important role to play in the regulatory framework related to cannabis production.

However, local government bylaws may not prohibit the lawful production of cannabis in the ALR if it is produced as described in section 2(2.5) of the ALR Regulation.

Local governments also play a role when non-farm use applications related to cannabis production and associated activities are made to the Agricultural Land Commission. Sections 25 and 34 of the ALCA are among the relevant provisions that they should consult.

FURTHER EXPLANATORY NOTES

Also note the following:

- The word “necessary” (for a designated farm use) figures in several of the above-discussed scenarios. It is within the purview of the Agricultural Land Commission to determine whether and to what extent activities are “necessary”.
- In determining whether an activity is “necessary” to a designated farm use, the Agricultural Land Commission may consider whether the nature and size of the activity are proportionate to the designated farm use.
- If someone claims that an activity is “necessary” for a designated farm use that has not yet commenced, the Agricultural Land Commission may require satisfactory evidence that the proposed use is in fact going to occur, and that the nature and size of activity characterized as “necessary” (such as construction of a driveway) will in fact be necessary to that use.
- Except for exemptions for personal cultivation, the “lawful” production of cannabis required for section 2(2.5) of the ALR Regulation requires licensing at the federal level. As noted earlier in this information bulletin, producers need to be very careful about taking steps in reliance on section 2 of the ALR Regulation without first ensuring that federal preconditions (as well as preconditions that other governments may impose) are or will be met before production occurs.
- For the purposes of sections 2(2)(o) and 4 of the ALR Regulation, structures in which cannabis is produced are not considered to be “greenhouses”. Section 2(2.5) of the ALR Regulation does not use the term “greenhouse” for any of the structures it describes. This indicates that under the ALR Regulation the concepts were to be treated as distinct and not to be confused.

Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission

Interim Committee Report to the
Minister of Agriculture

Prepared by
**B.C. Minister of Agriculture's Advisory Committee for
Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission**

July 31, 2018

Acknowledgements

The Minister of Agriculture's Advisory Committee for Revitalizing the Agricultural Land Reserve and the Agricultural Land Commission (the Committee) includes the following members:

- Vicki Huntington (Chair);
- Irmi Critcher;
- Arzeena Hamir;
- Chris Kloot;
- Chief Byron Louis;
- Lenore Newman;
- Shaundehl Runka; and
- Brian Underhill.

Ministry of Agriculture staff serves as the Committee's Secretariat: Martha Anslow and Britney Irvine. Agricultural Land Commission staff serves as advisors to the Committee: Kim Grout, Liz Sarioglu and Lindsay McCoubrey. The Committee is grateful for the high value these staffs bring to the Committee's work.

The Committee wishes to thank the many individuals and organizations, too numerous to name, who provided input, expert advice and support in the development of the Committee's Interim Report. The report could not have been completed without their significant contribution, and the Committee wishes to express its gratitude.

The Committee would like to especially recognize the efforts of the current ALC Chair and former Chair of the Committee, Jennifer Dyson, whose dedication and vision set the path for much of the Committee's work.

Finally, the Committee wishes to thank the Honourable Lana Popham, BC Minister of Agriculture, for the opportunity to lead this important initiative and to be able to bring forward this Interim Committee Report.

Executive Summary

On January 4, 2018, the Honourable Lana Popham, B.C. Minister of Agriculture, appointed an independent Advisory Committee (hereafter “the Committee”; see Appendix A Terms of Reference) to lead stakeholder and public engagement and to deliver to the Province interim and final recommendations for legislative, regulatory and/or administrative changes that would revitalize the Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) now and for the future benefit of all British Columbians.

This interim report has been prepared to support the development of a bill for legislative change needed to address province-wide risks to the ALR and the work of the ALC. Additional recommendations will be made as part of the Committee’s final report later this fall.

This report focuses on three sets of recommendations for immediate action:

- Changes to the *Agricultural Land Commission Act* to address key impediments to a strong ALR and ALC;
- Provincial actions to ensure that the federal legalization of cannabis does not have an irrevocable impact on the value and integrity of the ALR; and
- Development of a strategy for the Northeast to promote responsible resource extraction while protecting the ALR and providing support for a strong farming sector.

In developing this report, the Committee considered the results of its nine community stakeholder meetings and other public engagement, including a survey of more than 2,300 online respondents, over 275 written submissions, and numerous expert presentations and reports.

This input led to the Committee’s identification of two critical concerns they considered core to the development of recommendations to strengthen and revitalize the ALR:

The urgent need for province-wide shift to an ‘agriculture-first’ focus in the ALR

- The Committee’s interim recommendations reflect the pressing need for strong provincial leadership and a government wide shift to an ‘agriculture-first’ policy approach to all government actions and decision-making in the ALR. It is the Committee’s considered opinion that unless the provincial government raises the profile of agriculture across all provincial ministries/agencies, the erosion of the ALR and the decline of British Columbia’s (B.C.’s) agricultural industry is a certainty.

The urgent need to curb speculation in the ALR

- As urban land prices increase and population grows, the pressure to develop agricultural land continues to build and prime agricultural land is being taken out of production by investors and speculators or converted to support non-farm uses.
- The Committee believes speculation on agricultural land must be curtailed if the long term viability of agriculture in B.C. is to be realized.

The recommendations contained in this report are organized into three parts:

Part I: Recommendations for Immediate Legislative and Regulatory Change

The need for immediate legislative and regulatory change is focused on four targeted areas:

- i. Protecting the ALR land base into the future;
- ii. Preserving the productive capacity of the ALR;
- iii. Improving governance of the ALR; and
- iv. Supporting farmers and ranchers in the ALR.

Part II: Recommendations for Immediate Action to Protect the ALR

Mitigating the impacts of oil and gas activity in the ALR:

The Committee is recommending the immediate establishment of a Deputy Minister level taskforce with internal and external agriculture partners and stakeholders from the natural resource sector. The Committee recommends that the taskforce be directed to develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in B.C.'s Peace River region.

The development of the important and expanding provincial oil and gas resources in the North has exceeded the capacity of the current regulatory environment to protect farmland. The Committee believes there is a policy imbalance so acute that the productive agricultural land base of the area is threatened.

Restricting cannabis production in the ALR:¹

The Committee has significant concerns about the future regulation and production of cannabis in the ALR and is recommending actions be taken to better protect the ALR. The Committee did not seek specific comments from stakeholders and the public on cannabis: however the issue was a common and urgent concern heard throughout the engagement process. The Committee notes that the Minister of Agriculture recused herself from provincial cannabis-related decisions but was committed to bringing this key ALR-related concern to the Province's attention.

Part III: Key Issues Under Consideration for Final Report

As stated earlier, this report summarizes interim findings only and the Committee continues to examine issues that are important to stakeholders. This report should not be considered a complete list of recommendations put forward by the Committee, especially given the Committee has not yet had the opportunity to review the Agricultural Land Reserve Use, Subdivision and Procedure Regulation. As such, Part III presents other issues that are still to be considered for the final report.

¹ Although the Minister of Agriculture recused herself from cannabis-related decisions, the Committee has made recommendations on cannabis production in the ALR for forwarding to the Minister of Forests, Lands, Natural Resource Operations and Rural Development, who has assumed the Minister's role in cannabis-related decisions.

Some of the issues that the Committee continues to examine fall into themes that are interconnected with the recommendations set out in Parts I and II of this report. These recommendations are viewed also as potential policy actions that will support and complement the purposes of the ALR and work of the ALC. These include:

- Regulatory changes needed to preserve the productive capacity of the ALR;
- The encouragement of farming and ranching in the ALR; and
- Administrative and program changes.

Contents

Acknowledgements..... i

Executive Summary..... ii

 Part I: Recommendations for Immediate Legislative and Regulatory Change iii

 Part II: Recommendations for Immediate Action to Protect the ALR..... iii

 Part III: Key Issues Under Consideration for Final Report..... iii

Interim Report 1

 Introduction 1

 ALR and ALC Revitalization Objectives..... 3

 Urgent Need for a Province-wide Shift to an ‘Agriculture-first’ Priority Focus in the ALR..... 3

 Urgent Need to Curb Speculation in the ALR..... 4

 Committee Engagement and Research 4

Part I: Recommendations for Immediate Legislative and Regulatory Change 5

Part II: Recommendations for Immediate Action to Protect the ALR 15

 Mitigating the Impacts of Oil and Gas Activity in the ALR 15

 Restricting Cannabis Production in the ALR..... 19

Part III: Key Issues under Consideration for Final Report 21

Appendix 1: Terms of Reference A-1

Appendix 2: Bibliography A-4

Interim Report

Introduction

The Agricultural Land Reserve (ALR) and the Agricultural Land Commission (ALC) were put in place in the early 1970's to preserve the limited agricultural land resource in British Columbia (B.C.) at a time when urban development was starting to have a serious negative impact. The legislation is unique and viewed around the world as visionary.

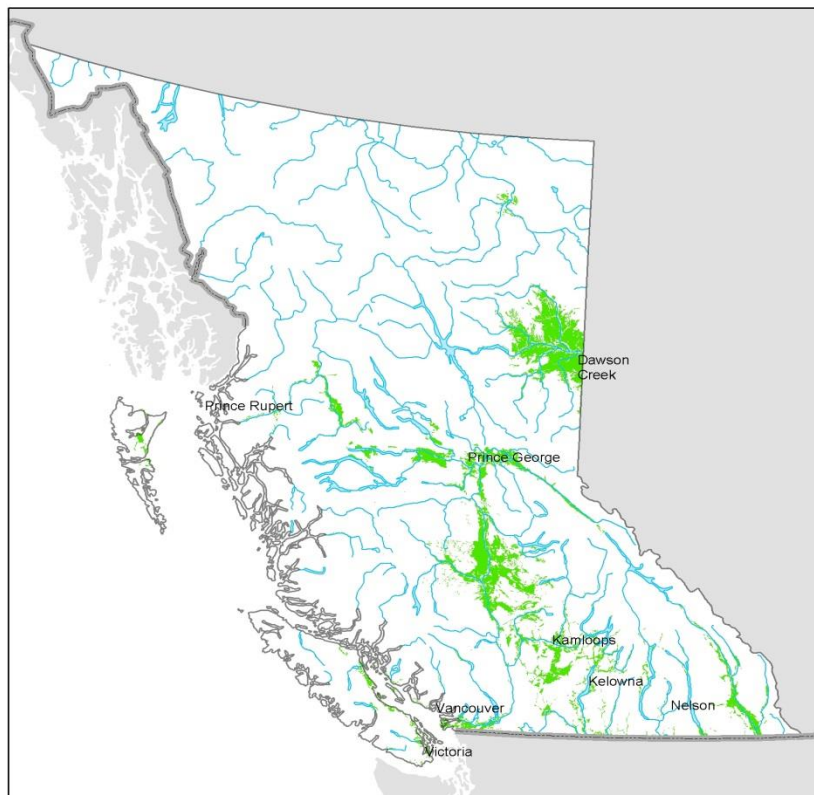
The ALR is a provincial zone in which agriculture is recognized as the priority use, farming is encouraged and non-agricultural uses are restricted. The ALR comprises just five per cent of B.C.'s total land base and is the area with the greatest agricultural capacity.

The ALR is a working landscape where the business of agriculture takes place and upon which farmers and ranchers rely to make a living and grow food for both local consumption and export. More than 17,500 farms operate within the ALR, employing more than 44,500 workers and producing more than 200 different agricultural products. Total farm capital in B.C. in 2016 was more than \$37.5 billion.

Agriculture is a strong component of the B.C. economy and a stable industry in many parts of the province. In 2016, B.C. agriculture generated \$2.5 billion in exports and \$1.3 billion in GDP.²

The work of the Minister of Agriculture's Advisory Committee (the Committee) is

Agricultural Land Reserve in BC



² Statistics were drawn from the "Sector Snapshot 2016: B.C. Agriculture", Ministry of Agriculture, https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/statistics/industry-and-sector-profiles/sector-snapshots/bc_agriculture_sector_snapshot_2016.pdf, August, 2017 and from "Agriculture in Brief", Ministry of Agriculture, https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/statistics/census/census-2016/aginbrief_2016_all_province_region_regional_districts.pdf, 2016

centered on the revitalization of the ALC and the ALR. The objective is not just about agricultural land and the people today, but is meant to be forward looking, resilient and poised for the future.

The Committee recognizes that the ALC needs to be innovative and flexible to adjust, while keeping the mandate as its compass and agriculture as its priority.

The ALR is based on the biophysical capacity of the soil and climate to produce agricultural products. Agricultural soils can be used again and again; however, agricultural land is an irreplaceable, non-renewable resource. Since its inception in 1973, the ALC has considered over 45,000 ALR land use applications.

The pressures on the ALR are significant and inevitably lead to a reduction in the amount of existing, agriculturally capable land within the ALR. They threaten the physical capacity and availability of ALR land to adequately support B.C. farmers and ranchers now and in the future. They impact B.C.'s option to grow its own food. They include:

- Natural limitations: portions of the ALR are covered by lakes, wetlands, waterways and other natural obstructions that impact agricultural production;
- Infrastructure and jurisdictional limits: portions of the ALR include or are impacted by roads, railways, rights of way, and other built or jurisdictional impediments (i.e. federally regulated lands), which impact the potential for agricultural production;
- Intensive non-farm use: land owner activities that do not support agriculture include large scale residential development, commercial activities and resource extraction. All impact the productive capacity of ALR parcels;
- Increasing agricultural land prices that arise from speculation and non-farm use impacts both the ability of existing farmers to expand their farm businesses, and for new entrant farmers to purchase farmland;
- Extensive operations that may or may not be ancillary to agriculture 'pave over' large sections of ALR parcels, rendering them un-farmable and thereby undermining the purpose and intent of the ALR;
- Proliferation of unauthorized and illegal activity, including the illegal dumping of fill and urban waste disposal, severely impacts the agricultural capacity of the soil; and
- Uses permitted in the regulation are being conducted with little or no connection to on-farm agricultural production.

The ALC works with local governments at the municipal and regional level to ensure that an agriculture lens is presented and that land use planning is consistent and supportive of the ALR. The ALC also works with provincial government agencies and ministries to ensure agricultural land is a priority and the function of the ALC is understood by a wide array of stakeholders.

Despite the success of the ALR, the nature of pressures has been changing and remains significant and relentless. Many of the pressures have little to do with the business of agriculture but everything to do with urban expansion. The pressure threatens the physical capacity and availability of ALR land to adequately support B.C. farmers and ranchers now and in the future.

The Committee's Interim Report addresses many of these pressures through recommendations to better protect and revitalize the ALR, to reduce physical impacts to the ALR's productive capacity, and to ensure strong governance of the ALR well into the future. It is the hope of the Committee that the recommendations for legislative and regulatory changes will not only inform and support the Minister as

she proceeds with the revitalization of the ALR and ALC, but will also set the stage for effective, final recommendations from the Committee.

ALR and ALC Revitalization Objectives

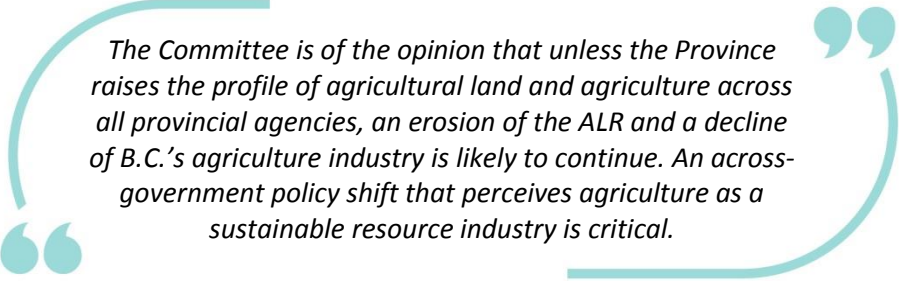
To better understand ALR pressures and opportunities, the Committee undertook stakeholder and public engagement from February 5 to April 30, 2018, and prepared a [Discussion Paper](#) focused on ten common ALR and ALC themes and three broad revitalization objectives:

1. Preserve the productive capacity of land in the ALR;
2. Encourage farming of land in the ALR for uses related to agriculture and food production; and
3. Strengthen the administration and governance of the ALR and ALC to both increase public confidence and to ensure that land use regulation and land use decisions are about preserving agricultural land and encouraging farming and ranching in the ALR.

Over the course of its nine-community stakeholder consultations, broad online public engagement, and research and reporting from sector experts, it became clear to the Committee that these objectives are also fundamental principles for effective revitalization and that they have broad and deep public support. They have guided the Committee's work, and the resulting principle and objectives-based approach to revitalization is reflected in the Committee's interim recommendations. They will also be integral to the Committee's final report.

Urgent Need for a Province-wide Shift to an 'Agriculture-first' Priority Focus in the ALR

The Committee's interim recommendations reflect the pressing need for an 'agriculture-first' policy shift based on strong provincial leadership and a commitment not only to preserve and protect farmland, but also to support farming and ranching in B.C.



The Committee is of the opinion that unless the Province raises the profile of agricultural land and agriculture across all provincial agencies, an erosion of the ALR and a decline of B.C.'s agriculture industry is likely to continue. An across-government policy shift that perceives agriculture as a sustainable resource industry is critical.

Indeed, throughout the Committee's stakeholder and public engagement, the need for an 'agriculture-first' priority approach was a key message of farmers, ranchers, local governments, agricultural organizations, partner organizations, and experts across the agricultural spectrum. This message has guided the development of the Committee's Interim Report. It is the Committee's strong opinion that an 'agriculture-first' approach to all government actions and decision-making in the ALR is necessary going forward.

Urgent Need to Curb Speculation in the ALR

As urban land prices increase and population grows, the pressure to develop agricultural land continues to build. Agricultural land is being taken out of production and investors and speculators are being allowed to exploit tax system incentives intended only for those who farm.

The permissive nature of the ALC Act and regulations, that include very few, if any, limits on the size and scale of permitted farm and non-farm uses, including both mega-homes, and regulations that allow anyone to apply to remove land or develop non-farm uses in the ALR regardless of how long they have owned a property or farmed it, contributes to the perception that the ALR is “open for development”.

The Committee believes speculation on agricultural land must be curtailed if the long term viability of agriculture in B.C. is to be realized. The ALC was intended to protect and encourage the agricultural use of land. It was not intended to be a rationing board tasked with regulating the slow release of agricultural land from the reserve or the conversion of the land base to support non-farm uses.

Committee Engagement and Research

Throughout the development of the interim recommendations, the Committee considered previous analyses of the ALR and ALC; the current and past authority and functions of the ALC; farmland protection in other jurisdictions; and the results of stakeholder meetings and public responses. The Committee reviewed and considered all written submissions, a significant body of research, expert presentations, and advice from recognized industry, academic and other agriculture sector leaders. Please see the Appendix 2 Bibliography for more information.

The Committee’s consultation process took place from February 5 to April 30, 2018, and included stakeholder meetings in nine communities, public engagement via an online survey, and mail and email responses. More than 2,300 British Columbians responded to the online survey, including more than 750 farmers; 115 agriculture specialists; and more than 1,400 responses from the general public. There were also 240 responses from people representing an agricultural industry or interest group. South Coast residents completed 900 surveys, while submissions topped 800 from the Island, 200 from the Okanagan, and more than 100 from each of the North, Kootenay and Interior regions. Over 270 direct email and regular mail submissions were also received by the Committee.

Part I: Recommendations for Immediate Legislative and Regulatory Change

The Committee's interim recommendations include changes to the legislative and regulatory framework under the authority of the Minister of Agriculture.

Recommendation 1: Strengthen the Act to prioritize agriculture by better defining the ALR, including the purposes of the ALR, and establishing 'agriculture-first' criteria for consideration in all ALC decisions

Issue/Rationale:

The ALC Act (the Act) currently includes the purposes of the ALC, but does not include the purpose of the ALR. Putting renewed emphasis on the nature and longevity of the land reserve itself and committing to actions that effectively preserve it for farming now and into the future is the single-most important action the Province can take to revitalize B.C.'s ALR and instill additional meaning into its administrative structure.

The existing purposes of the ALC are often interpreted differently (and at times incorrectly) by local governments, ALR landowners and other stakeholders and, sometimes unwittingly, result in an attempt to use the ALR for non-agricultural purposes. Given the significant challenges and pressures impacting the ALR at this time, it is critical to focus ALC decision-making on protections that sustain the scope, scale and productive capacity of B.C.'s agricultural land and uses that are strongly connected to agriculture and supportive of farming.

The Committee heard from stakeholders throughout the province that revitalization of the ALR and ALC is not possible without strong, stated provincial government leadership. Despite the important role of the ALC, agricultural land continues to be targeted for uses other than farming, and farmers receive increasingly fewer supports and incentives to actively farm. Clear statutory direction/authority for the ALC to consider priority factors and considerations that ensure a farmable, sustainable ALR is essential. Stakeholders emphasized the need to focus on agricultural land preservation and protection in the interest of farming and farmers.

Acting upon this recommendation will build greater clarity, enhanced transparency, and improved consistency of ALC decision-making. These changes will require the ALC and Ministry of Agriculture to not only take leadership in shifting provincial agencies to an 'agriculture-first' model, but will also require an on-going public education program to solidify support for the ALR.

Recommendation 2: Increase the autonomy, independence and effectiveness of the ALC by ensuring that merit based Commission appointments are made in consultation with the Chair and by increasing the oversight role of the Chair in the selection of both Commission members and the CEO

Issue/Rationale:

Strong, stable governance is critical to the long-term success of ALC revitalization. The ALR must be preserved and positioned to support and sustain agricultural production into the future—across the province. To do this, the ALC must be an independent, administrative tribunal able to make strong, sound and final decisions on agricultural land use within the ALR.

Previous policy decisions to move away from merit-based Commission appointments, and remove active Chair participation in the selection of Commissioners and the ALC Chief Executive Officer, have eroded the ALC's credibility and its capacity to reflect agriculture sector interests and effectively lead and guide

appropriate ALC decisions, programs and services. At times, government interference in the appointment process and in ALC governance, contributed to an erosion of public trust.

ALC Commissioners should be appointed as set out in the *Administrative Tribunals Act* and with the same rigour as other administrative tribunals in B.C. The Committee heard strong support for ALC independence; merit-based Commission appointments; well-managed and timely decision-making structures and processes; and responsive programs and services.

Recommendation 3: Ensure province-wide decision making that is consistent and fair with an ALC governance structure that is flexible, locally-informed, regionally-representative, and puts 'agriculture-first'

Issue/Rationale:

Based on the need for strong, stable governance and a provincial-level understanding and approach to ALR decision making, the Committee considered whether the current panel structure supports the revitalization of a strong and defensible ALR and ALC into the future. It is the Committee's opinion that:

- The current structure of one Chair, six Vice Chairs and 12 Commissioners (for a total of 19 Commission members), operating in six statutorily-prescribed regional panels with an Executive Committee reviewing decisions, is costly in many ways;
- While the panels provide for regional views, panel decisions have been overturned by the Executive Committee because of issues and inconsistencies respecting Commission purposes and ALC policies;
- The prescribed regional panel structure and function do not support an over-arching provincial vision and approach to protection of the provincial ALR. The existing governance structure has what amounts to six 'regional commissions'—with little evidence the panels can maintain a provincial ALR focus. A lack of provincial perspective (particularly at the local government level) was one of the primary reasons for creating a provincial body in the first place. The issue remains just as important and relevant today; and
- The existing structure provides limited opportunity for the training and education of the Commissioners so they better understand the provincial focus, let alone other regions of the province.

It is the Committee's view that the existing statutorily-prescribed regional panel structure makes what should be provincial-scale values and decision-making vulnerable to local perspectives and influence. A flexible, locally informed, regionally representative and 'agriculture-first' ALC structure allows for the ALC to determine how best to deploy its government-appointed Commissioners to meet the Commission's operational and legislative requirements. Operational flexibility is an important component of managing the Commission workload, utilizing the expertise of individual Commissioners and maintaining a provincial perspective during the consideration of regional interests.

The Committee heard arguments both for, and against, the current panel structure from stakeholders and members of the public across the province. Most stakeholders supported some form of regional representation. Many stakeholders were frustrated with the current process for panel decisions; with review by the ALC Executive Committee; and with the added time required for the full review process to be complete. Other stakeholders were concerned about the integrity of the ALR given the inherent potential for disparate views and approaches to decision-making in the ALR by six separate three-

member panels. There was also concern expressed that panel members could, unwittingly or otherwise, make locally-biased and/or expedient decisions.

Recommendation 4: Safeguard agricultural values across the province by reinstating a one-zone ALR decision-making model across B.C.

Issue/Rationale:

The Committee heard strong support from stakeholders and the public for the removal of the artificial distinction between ALR land in Zones 1 and 2. The majority of respondents strongly felt that the objective of allowing other economic activities and non-farm considerations to be on par with—and in some cases, to supersede—agriculture in Zone 2, weakened the Act and created expectations that the ALR was open for non-farm development.

It is important to emphasize that lands in Zone 2 are some of the best agriculturally capable soil in the province, and large areas that may be viewed as lower quality are the best lands for extensive ranching activities. Currently, Zone 1 comprises 353,000 hectares of Agricultural Capability Class 1-4 land, while Zone 2 comprises 2,072,000 hectares of Class 1-4 land.

The majority of stakeholders felt the two-zone ALR was unfair, and undermined the concept of a province-wide ALR, with the same law and regulation. The Committee believes a two zone ALR system weakens the purposes of the ALC to preserve agricultural land and to encourage farming across the province and diminishes the priority of agriculture in 90 per cent of the ALR for no discernible benefit. Zone 2 appears to have been established solely to support economic development and other community interests in the ALR and impacts the credibility and stability of decision-making across the ALR.

Reinstating a single zone will provide a strong, stable and consistent legislative and administrative framework for governance across the ALR at a time of significant and rapidly growing pressures and challenges. It will support more consistent and equitable agricultural land use, and ensure agriculture remains the central focus of decision-making in the ALR.

Recommendation 5: Strengthen ALC compliance and enforcement tools, and capacity, to better protect the ALR

Issue/Rationale:

Stakeholders and the public are very supportive of stronger ALC compliance and enforcement tools, particularly for obvious instances of non-compliance such as unauthorized uses, non-farm uses, and mega-home residential development.

ALC compliance and enforcement efforts struggle to be effective due to both the vastness of the ALR across the province and the lack of legislative authority for low and mid-level penalties that would support and enforce compliance. The ALC advises that its compliance and enforcement must be enhanced by increasing Commission resources, and by developing the capacity to effectively use additional legislative tools and instruments.

Smaller scale, immediate enforcement options, on a par with other provincial enforcement officers and mechanisms, would enable the ALC to appropriately address minor non-compliance issues. These enforcement options would also help develop greater public awareness of inappropriate activity on the ALR. Consistency between the Act and other legislation in the arena of enforcement would enable the ALC to properly exercise its responsibility to decrease the incidence of unauthorized uses in the ALR. Over three-quarters of stakeholders (78 per cent) surveyed in the ALC's 2018 Local Government

Engagement Survey indicated that more enforcement from the ALC would be an effective strategy to reduce non-compliant activity in the ALR.

Recommendation 6: Protect the ALR from residential speculation by establishing a maximum total floor area for all primary residences in the ALR (e.g. Minister's Bylaw Standards) and providing local government flexibility to zone below the maximum. Enable new regulations for residential siting, secondary dwellings, and home plate size.

Issue/Rationale:

The Committee heard unanimous support across the province for prohibiting 'estate-style homes' in the ALR and for restricting residences over an established size. The promotion and building of large homes for non-farmers in the ALR is a serious speculation issue in parts of the ALR. Purchase of ALR land by non-farmers, coupled with no provincial limits on the scale and size of residential development, is pushing the cost of land out of the reach of farmers. These property owners are also able to take advantage of lower tax rates on ALR land. This supports neither provincial ALR objectives nor consistency with the *Act*.

'Estate-style homes' directly impact the land base due to size and required infrastructure. There can be significant impacts where siting choices place homes in the middle of a parcel. Often owners choose not to farm the remainder of the parcel or make it available for other farmers to lease. Estate owners who lease their land to farmers are able to exploit tax advantages meant exclusively for those who farm. Additionally, rural/urban issues tend to increase.

During stakeholder and public engagement, the Committee heard the following:

- Speculation associated with large homes significantly overvalues farmland, restricts new entrants, and undermines the value and viability of farming across B.C.;
- Local governments are struggling to establish bylaws and are looking for clear provincial rules around house size limits in the ALR;
- There is a perception and reality of unfairness and inconsistency in the way different local governments/communities zone and manage residential size in the ALR;
- As farms are bought and converted by non-farmers to support large residential and estate development, the remaining productive farmland is becoming smaller and less usable, and short-term leases are increasingly the only option;
- Lease arrangements provide very limited security for lessees and do not support the long-term viability of farming in B.C.; and
- The regulation of housing in the ALR is currently a local government authority. Local governments across the province appear pressured to allow large-scale residential development in the ALR and the Committee heard from over 40 local governments about the need for clear provincial rules in the ALR—including the need for rules on maximum house size.

To promote consistency, fairness and an 'agriculture-first' lens in the ALR, the Committee recommends the total area for all primary residences be based on the Minister of Agriculture's Bylaw Standards.

The Ministry consulted extensively with local governments in the development of the standards, which assist local governments in developing bylaws supportive of agriculture in farming areas. Local governments are encouraged but not required to adopt the Minister's Bylaw Standards, unless they are

a 'regulated community'. A number of local governments have successfully passed bylaws modeled on the standards, while some have found it difficult to implement them. Others do not have zoning bylaws.

The Committee is of the opinion that provincial rules on house size and the home plate in the ALR are necessary. Local governments surveyed in 2018 by the ALC considered 'additional dwellings necessary for farm help' the most difficult permitted use to regulate: over half of the local governments surveyed (56 per cent) identified it as a challenge, and one-third (30 per cent) ranked it as their top challenge.

Recommendation 7: End the impact of illegal fill on the agricultural capability of the ALR by redefining and restricting fill throughout the ALR

Issue/Rationale:

The placement of fill is a non-farm use that is allowed in the ALR as it is specifically provided for in the Act and the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* (the Regulation). Illegal fill—fill that is not allowed under the Act and the Regulation, or approved by the ALC—is a substantial issue in the ALR. Each year broken glass, drywall, asphalt, concrete, boulders, and many other types of construction and demolition waste are dumped in the ALR, often in a paid arrangement with a landowner. Fill is defined in the Act as "any material brought on land in an agricultural land reserve other than materials exempted by regulation." The rules surrounding fill are confusing, which makes enforcement a challenge.

The concern over illegal fill in the ALR is two-fold:

1. Land owners who state fill is necessary for their farm operations are not required to seek approval from the ALC (as outlined in the Regulation). The volumes then brought onsite frequently exceed, to a significant extent, what would be an acceptable amount under normal farm practice; and
2. If a land owner does get approval from the ALC through a non-farm use application, the amount actually brought on typically exceeds the approved volume, sometimes significantly.

Fill often affects large tracts of land and seriously degrades the capability and utility of the land. The land lost to fill is considerable and rarely results in any practical benefit to the agricultural land base. Fill placement in excess of what might be needed for farming in most cases is financially motivated, and can be a lucrative business for ALR landowners. In the South Coast Region, for example, landowners are paid \$50 to \$200 per truck load to take fill. According to the ALC, *the average volume of fill deposited onto a property in the ALR is 43,000 m³ (equivalent to 6,000 truckloads), generating anywhere from \$300,000 to \$1,200,000 in revenue for an ALR landowner.*

An ALC review of the issue notes that illegal fill represents approximately 42 per cent of all ALC compliance and enforcement case files.

Fill was raised as an important concern throughout the Committee's stakeholder consultation and prohibiting fill in the ALR was a common suggestion for revitalization. Defining the type and volume of fill legitimately required by farmers for agricultural activities is a critical issue. Left unchecked, the current dumping practice in the ALR will render significant portions of farmland unproductive and will permanently change the soil quality and capability.

Defining thresholds for fill will protect ALR capability and will support local governments who are trying to deal with fill issues via local bylaws. It will provide needed clarity and support improved consistency

of application of fill rules across the ALR. The Committee will provide recommendations on fill thresholds in the final report to the Minister.

Recommendation 8: Address speculation through better land use planning by only considering exclusion of ALR land through a joint local government-ALC land use planning process

Issue/Rationale:

The current ability for ALR landowners to apply to exclude (permanently remove) land from the ALR is likely a significant contributor to speculation and the increasing cost of land in the ALR. Land is purchased or optioned for residential, port, industrial, and other uses unrelated to agriculture, with the idea that it might eventually be excluded. The resulting land values are placing agricultural land well beyond the reach of farmers.

Although applications for exclusion by individual landowners represent a smaller portion of applications received by the ALC when compared to subdivision and non-farm use applications, the perception that the ALR is open to individual, one-off exclusions has an incalculable impact on the long-term resilience of the ALR.

A landowner may currently apply to have land excluded from the ALR as soon as it is purchased. Individual landowners often make the case that parts of their land are not capable of growing an agricultural product and should be excluded. However, during the initial establishment of the ALR, smaller areas of lower capability land were intentionally included within the ALR boundaries to support compatible uses, reduce potential conflicts with adjacent land, and to ensure a contiguous ALR.

In many instances today, applications for exclusion are not about the quality of the land but about the financial benefits of converting ALR land to a more lucrative use. This was not the intention of the application process and is the antithesis of the ALC mandate. Internationally, successful agricultural land preservation regimes are planned by government, and the ones that last do not include individual exclusion routes.

Collaboration on land use planning processes between local governments and the ALC have been successful in the past in identifying lands for future exclusion based on a regional planning perspective and quantifiable need by the local government. Focusing on this more proactive approach is necessary to ensure that the haphazard development associated with individual landowner exclusions no longer negatively impacts the ALR. Directing exclusions through a joint local government-ALC planning process will also:

- Help eliminate speculative purchasing and holding of ALR land for uses other than agriculture;
- Help maintain a contiguous ALR within the boundaries to avoid infiltration of non-agricultural uses that conflict with the surrounding agricultural landscape;
- Reduce the potential of impacting the ALR via ‘death by a thousand cuts’; and
- Create a defensible and rationalized ALR boundary with a long-term land use planning lens.

Recommendation 9: Make the ALR application review process more efficient by prescribing acceptable non-farm use and subdivision applications

Issue/Rationale:

Approximately 80 per cent of applications to the ALC are for subdivision and non-farm uses, *and the vast majority of the applications are not from farmers or ranchers*. These types of applications are for uses

where the land remains in the ALR but is used for non-agricultural purposes. Significant ALC resources are spent processing these applications that often have nothing to do with farming in the ALR.

This high volume and application-heavy focus limits the ALC time and resources needed to focus on other key aspects of its mandate, including collaboration with both other governments and government entities to encourage farming in B.C. The ability of landowners to apply for such a wide range of activities, which ALC has experienced as quite literally any type of land use activity, further drives speculation and land costs based on the perception of what is possible in the ALR.

The intent of non-farm use applications was for the ALC to exercise discretion related to uses that were not permitted in the Regulation but might still be compatible with agriculture. The primary purpose of subdivision applications, however, is to create a new lot for residential purposes. The impacts and conflicts that arise from adding strictly residential uses in the ALR can negatively impact agricultural land and businesses. The cumulative nature of ALC decisions for subdivision and non-farm uses is significant.

Opportunities for narrowing the range of applications to the ALC to uses complimentary, compatible and/or supportive of agriculture include:

- Creating an application framework that considers proposals compatible with the ALR;
- Ensuring the ALC, and not local government or the approving officer, is the decision-maker for all non-farm uses in the ALR;
- Eliminating the speculative nature of purchasing or holding agricultural land in hopes of using it for something other than agriculture; and
- Instilling an ‘agriculture-first’ lens to applications and potential changes to land use.

Recommendation 10: Improve clarity around the two ALC reconsideration processes

Issue/Rationale:

Reconsideration of ALC application decisions consists of two distinct processes, a decision reconsideration requested by an applicant and a decision reconsideration requested by the Chair, which can be confusing to the public and take up considerable ALC resources. ALC decision-making will be improved by ensuring the two reconsideration processes are clearer, less cumbersome, and less confusing.

Reconsideration of a decision requested by an applicant:

Regardless of whether an application is refused or approved, an applicant may ask that a decision be reconsidered. The purpose of this reconsideration is to allow the Commission to revisit decisions if they were fundamentally flawed due to consideration of incorrect information or, if subsequent to a decision, compelling information is provided that would have significantly contributed to the Commission’s understanding of the facts at the time of its original deliberation. A request for reconsideration is not intended to provide an applicant with an opportunity to periodically revisit the Commission’s decision in perpetuity. However, at times this is how it has been interpreted and used by applicants.

The Regulation does not define a length of time a reconsideration request must be submitted within, define how many requests can be submitted per application decision, or outline what can be submitted in a reconsideration request as ‘evidence’.

In 2017/18, the ALC received 78 requests to reconsider applications. Of those, only 18 were referred for reconsideration and of those only three were reversed.

The Committee recommends improving the criteria for reconsideration requests by:

- Establishing submission timeframes;
- Putting limits on the number of requests that can be made per decision; and
- Providing clarity with respect to the expected substance of a request.

These improvements will reduce the number of unsubstantiated requests that require a considerable amount of ALC resources. This would bring the ALC in line with other B.C. laws that define specific criteria for reconsideration.

Reconsideration of a decision as directed by the Chair of the ALC

Regardless of whether an application is refused or approved, the ALC Chair has the authority to direct the Executive Committee to reconsider an application decision made by a regional panel that the Chair considers may not fulfill the mandate of the Commission or adequately consider Zone 2 criteria. The purpose of this authority is to provide the Chair with oversight to ensure consistency of decision considerations according to the Act.

The Committee heard from stakeholders and the public that the Chair-directed reconsideration process is not clear. Local government representatives spoke about concern and frustration raised by the public regarding the fairness of decisions and the perception of unfairness when decisions are provided to applicants, but then some time later they receive a notice of a Chair-directed reconsideration.

In 2017/18, the Chair directed the Executive Committee to review 19 of the 391 decisions made.

A review of the current legal process of Chair-directed reconsiderations is needed such that the Chair retains the important ability to review and direct decisions for review to ensure consistency with the ALC mandate, but there is a reduction in the uncertainty of a decision for the applicant and local government.

Recommendation 11: Ensure a province-wide agricultural perspective by removing the ALC's capacity to delegate subdivision and non-farm use decision-making authority to local governments

Issue/Rationale:

Section 26 of the Act enables the ALC to enter into an agreement with a local government to delegate the ALC's decision-making authority for subdivision and for non-farm use. Under a delegated agreement, local government elected officials take on the decision-making role of the ALC. The provision for the ALC to enter into voluntary delegation agreements with local governments was established in 1994. The intention was to enable sharing of the ALC's application processing workload and to bring more local community planning knowledge and responsibility into the decision making process. In the early 2000's, government direction was to promote delegation agreements to local governments; however, most local governments were not interested in taking on this responsibility.

Delegating decision-making to a local government creates significant potential for inconsistency in application processing, decision consideration, and decision rationale around the province. To assess the delegated decision process and decisions, the ALC must audit decisions made by delegated local governments. Managing an agreement with local government requires ongoing audits of the decisions being made, administrative law training for the delegated decision makers and local government staff, and other decision making training specific to the ALC mandate. This has created additional work for the ALC and for local governments. There is also an increased potential for bias for delegated decision-

makers, as they fill both the role of an elected local government representative and that of an ALC decision maker.

In total, only three delegation agreements were established with the ALC, of which only one is active (with the Regional District of Fraser Fort George, established in 2001). According to the ALC, the Regional District of Fraser Fort George has made an average of 10 delegated decisions per year since 2002. Given the number of delegated decisions being made, the ALC's review of agreement decisions, and the recommendation in the Auditor General's 2010 "Audit of the Agricultural Land Commission", the Committee believes that the ALC should be the independent body that considers and decides applications submitted under the Act.

Removing the ability for delegation to local government ensures: arms-length, independent decision-making with an 'agriculture-first' focus; province-wide consistency of decision making; adherence to administrative law; and review with a provincial perspective. Since 2002, there has been very limited interest across the province in taking on the added responsibilities of a delegation agreement.

The Committee believes that maintaining a resource-heavy program for minimal delegations is not an effective use of the ALC's resources. The ALC would be better suited to achieve its mandate to concentrate its resources that are currently required to manage a local government delegation agreement on other more proactive aspects of working with local governments.

Recommendation 12: Build better planning and land use decisions for agriculture by requiring all local government bylaws that affects the ALR to be endorsed by ALC resolution

Issue/Rationale:

The ALC is charged with exercising a variety of duties under the Act. These duties include: planning; boundary reviews; compliance and enforcement; applications; delegation agreements; and policy development. The planning function includes review and comment on the development, amendment or repeal of an official community plan that might affect the ALR. It also involves ensuring that local government bylaws are consistent with the Act, the Regulation and the orders of the ALC.

Local governments and their planning documents are often the first and only place the public, land owners, developers and real estate agents look to for land use information, including information on the ALR. Bylaws that do not accurately reflect the permitted uses in the ALR misinform the public, create expectations and misperceptions, and impact the ability for the ALC to conduct compliance and enforcement.

It is currently the responsibility of local governments to ensure that their zoning bylaws, regional growth strategies, official community plans, and official development plans are consistent with the Act. If they are not consistent with the Act, they are considered to have no force or effect. Legally, local governments only have to refer official community plans to the ALC after first reading if the plan might affect land in the ALR.

The strength of local legislative frameworks for farmland protection can vary considerably across the approximately 150 local governments with land in the ALR, from very strong to very weak. In some areas of the province there are no zoning bylaws or there are dated bylaws that are inconsistent with the current Act and Regulation. Most ALC challenges are with the interpretation of the Act and the Regulation through zoning and building permit plan review. Bylaws inconsistent with the Act have no force and effect, but when used to allow for a land use inconsistent with the Act and the Regulation, the negative impact on the land base has already occurred. The ALC works to communicate with local governments regarding inconsistent bylaws and policies that are not supportive of agriculture under its

mandate to encourage consistency. However, in the absence of having the legislative authority to comment and/or approve of zoning that effects the ALR, it is an incremental, reactive and relatively ineffective way to try and ensure consistency.

It is essential that the ALC be involved officially and earlier in bylaw review and land use processes in order to ensure consistency with the Act and to maximize public clarity as to what is permitted in the ALR. Local governments are currently under no obligation to have the ALC confirm that non-statutory plans and bylaws are consistent with the Act and the Regulation.

Going forward, annual long term ALC resources towards improved education and communication are essential. This includes increasing efforts with local governments after municipal elections to ensure that zoning bylaws are consistent with the Act and the Regulation, similar to the structure and approach used for regional growth strategies.

Recommendation 13: Strengthen ALC administration by clarifying and updating the Act and Regulation to improve ALC's daily operation

Issue/Rationale:

The ALC occupies a distinctive role within the Canadian legal system. While it is part of “government” as broadly defined, it is a quasi-judicial body and is not part of any government Ministry. The ALC is instead part of the Canadian community of independent administrative tribunals, vested with important statutory powers, whose members are obliged to exercise those statutory powers in accordance with the law.

Over the last decade, the ALC has not been involved in the changes to the Act that have resulted in ALC operational challenges. This has rendered portions of the Act redundant or not clear, making day-to-day operations cumbersome. The result is that the Act is missing clarifying definitions and operational provisions that would greatly assist with implementation of the legislation. The ALC has identified a list of minor legislative amendments. The government is encouraged to work closely with the ALC to include these changes.

Part II: Recommendations for Immediate Action to Protect the ALR

Mitigating the Impacts of Oil and Gas Activity in the ALR

The Committee recognizes that the energy sector is vitally important to the British Columbian economy. But so too is the extraordinary soil capability and micro-climate of the Northeast of the province, both of which support a robust and large-scale agricultural industry.

The Committee has previously noted that it is imperative there be a government-wide policy shift in identifying agricultural land and industry as a resource equivalent to other resources, and oil and gas is no exception. It is essential an 'agriculture-first' approach be applied to the ALR in the Northeast.

The development of the energy sector has exceeded the capacity of the current regulatory environment to protect farmland. The impacts of oil and gas extraction on agricultural land and farm businesses in Northeast B.C. have reached a breaking point. Cumulative impacts over the last decade from accelerating oil and gas development have rendered portions of agricultural lands unusable and others difficult to farm. With continued changes in extraction and processing methods along with the pace and scale of development, these activities that were once considered temporary are no longer. Instead they are permanent industrial sites built on farmland and next to farm communities.

Responsible oil and gas development, as with all resource sector activities, is important to the preservation of agricultural land. The Committee encourages the government to ensure that the extraction of subsurface resources does not continue to permanently damage some of the best agricultural soils in the province and take precedence over farming, farm businesses, ranching and the agricultural industry. The ALR, and the farmers who make a living on it, should be treated equally and with respect in order for both activities to co-exist and benefit all British Columbians.

In an effort to strike a balance between the needs of the agricultural sector and the energy sector, the Committee makes the following recommendations:

Recommendation 1: Immediately form a senior executive led (Deputy Minister-level) multi-agency and multi-jurisdictional taskforce to develop a strategy focused on how a balance can be achieved between agriculture and oil and gas extraction.

The Committee is recommending the immediate establishment of a Deputy Minister-level taskforce with internal and external agriculture partners and stakeholders from the natural resource sector. The Committee recommends that the taskforce be directed to develop a strategy to address the significant resource extraction issues impacting the ALR and its farmers and ranchers in B.C.'s Peace River region.

The Committee recommends the taskforce review, among other considerations, the following issues:

- How to balance surface rights of the farmer/rancher with sub-surface rights of the extractor;
- How the farmer/rancher will be given authority to influence negotiations on the farm and location of oil and gas facilities and infrastructure;
- How the comments made to this taskforce by the farmers/ranchers will be accommodated in a balanced process;
- Determine whether the delegation agreement between the ALC and the B.C. Oil and Gas Commission is the correct approach or if there is an alternative approach that would better protect agricultural interests and restore confidence in the regulatory system over the long term;

- Complete a fulsome impact assessment of oil and gas activity within the ALR;
- Build a memorandum of understanding and operational agreement between the ALC and the B.C. Oil and Gas Commission for sharing impact assessments and other information so they can work more effectively together; and
- Determine how farmers can access ongoing professional, independent support.

Recommendation 2: Establish an increased ALC presence in the North.

- There is a need for a made-in-the-North approach to ensure solutions/responses are created in and benefit the North.
- The ALC needs to be given resources to increase its presence in the Northeast of B.C.

Issue/Rationale:

There is a growing incompatibility of agriculture and extraction activities due to the growth in the size and number of surface activities that are required to support subsurface extraction; the industrial creep into the ALR is increasingly noticeable.

Much of the oil and gas activity in Northeast B.C. is on actively farmed land in the ALR. ALR land in this area is some of the best in the province and supports large scale agriculture. For this reason, a stronger agricultural lens needs to be included in the extraction sectors' planning and decision making process and more resources need to be provided to the ALC and the land owner/farmer to help preserve and utilize as much of the farmland as possible.

With extensive legislative, regulatory, administrative and expert support and capital for oil and gas development, the energy sector is positioned to be successful. It is important to note that there is no institution or agency that singularly represents farmers and ranchers as they struggle to maintain their agricultural businesses in the face of a rapidly growing energy sector. Agriculture businesses are on their own. Unintended consequences of deregulation, including the delegation agreement between the ALC and the B.C. Oil and Gas Commission, and the extent and speed of development have outstripped the ability of regulation to ensure damage to the land base is not permanent.

The Committee heard clearly from stakeholders and the public that supports in place for oil and gas development do not exist for agriculture businesses or agricultural land protection. And where there are mechanisms and processes in place, they are difficult to access, cumbersome, time-consuming, and often do not result in a balanced approach.

Why is oil and gas development in the Northeast of B.C. such a significant concern in the ALR?

- Key impacts to agriculture include the nature of subsurface rights (oil and gas access to land is 'guaranteed'), changing technology, costs and profitability of the energy sector, and the exponent erosion of agriculture surface rights due to the increase in the scale and number of oil and case activities;
- The shift from a single well lift system to multi-pad well sites; exponential growth in numbers and increased physical impact on the land base;
- The increase in permanent, industrial infrastructure due to additional on-site processes;
- Well sites are no longer being reclaimed and put back into agricultural production. Wells are often abandoned, inactive or suspended for long periods of time meaning the land cannot be farmed;
- Due to the imbalance between subsurface and surface rights, and the compulsory aspect of the entry to the land, landowners have very little power to minimize the agricultural impact on their property when development occurs; and
- Signing a surface rights lease agreement enters the landowner into a contractual agreement with the operating company; conditions to minimize the surface or operational impacts can be put in this agreement; however compliance with these conditions lies with the willingness of the operating company. Further, the enforcement of these conditions is often too cumbersome, time consuming and costly for the landowner to pursue.

Northeast B.C.: The ALR and Montney Gas Basin

The Montney Gas Basin is a major shale gas formation extending from Northeast B.C. to Northwest Alberta. As is shown in Figure 1, there is a high degree of overlap between the ALR and areas of possible resource extraction. It is the source of much of the current oil and gas exploration, development, and production in B.C.'s Peace River Region. The neighborhood of Farmington, as shown in Figure 2, is a prime example of an area that is significantly impacted by oil and gas activity. Presently, there are 559 active wells within 15 kilometers of Farmington, with an additional 88 in development and 291 authorized, on approximately 150 well pads. In addition to these active wells, there are 73 facilities in the area. Thirty-eight (38) applications to develop additional wells are being processed, 32 of which are on private land, four on Crown land, and two on both Crown and private land. Of these applications, 30 belong to Encana, four to Arc Resources, three to Tormaline, and one to Plateau.

Within the Farmington neighbourhood, there are also 575 residences, of which approximately 50 are within 500 meters of an active well or facility site.³

Figure 1: Montney Gas Basin and the Agricultural Land Reserve

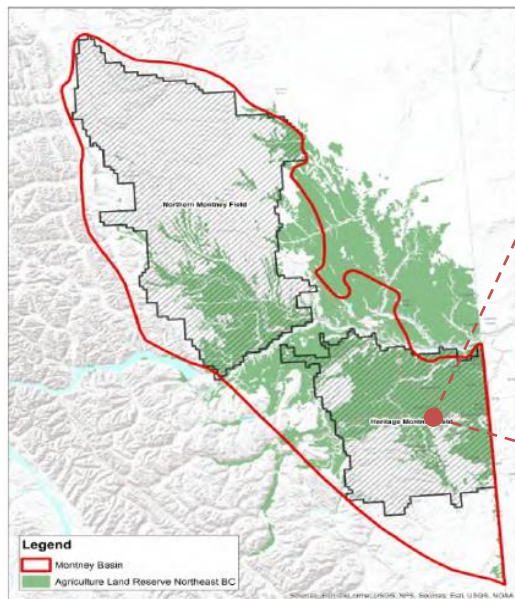
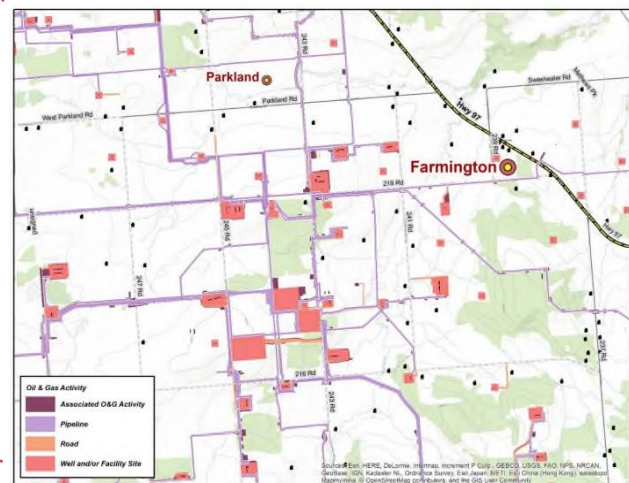


Figure 2: Farmington Oil and Gas Activity



³ Figures and statistics were drawn from the “Presentation to the PRRD,” Paul Jeakins, BC Oil and Gas Commission, http://prrd.bc.ca/board/agendas/2018/2018-15-669138994/pages/documents/4.2BCOGC_000.pdf, May 23, 2018.

Restricting Cannabis Production in the ALR

The Committee's cannabis recommendations reflect significant concerns and recommend steps in the regulation of cannabis production in the ALR. The Committee did not seek specific comments from stakeholders and the public on cannabis, but the issue was a common and urgent concern throughout engagement. (The Committee notes the Minister of Agriculture recused herself from provincial cannabis-related decisions but was committed to bringing this key ALR-related concern to the Province's attention.)

Recommendation 1: Establish an immediate moratorium on all non-soil bound cannabis production and facilities in the ALR pending provincial-level analysis of impacts

Recommendation 2: Following a provincial level analysis, enable the ALC to establish rules/criteria for cannabis production throughout the ALR; permit cannabis production in the ALR only through application to the ALC

Issue/Rationale:

Federal legalization of non-medical cannabis will lead to land use issues not previously contemplated by the B.C. government and its agencies, including the ALC. The potential impacts to the ALR will likely be significant and are not yet fully understood. Advertisements for sale of ALR land and information provided to local governments across B.C. suggest there is currently significant promotion/speculation for cannabis production in the ALR. In early July 2018, the Union of B.C. Municipalities asked the provincial government to put a moratorium on the use of agricultural land to grow cannabis. They have asked that this moratorium remain in place until there is a comprehensive review and consultation with local governments.

The size and scale of cannabis facilities in the ALR is a growing concern across B.C. In Central Saanich on Vancouver Island, a proposal to build 21 greenhouses in the ALR for cannabis production resulted in a 1400-signature petition to the B.C. Legislature in March 2018. The petition requested a prohibition on cannabis production in the ALR. Several B.C. local governments have passed motions asking the Province to place a moratorium on cannabis production in the ALR.

The Committee did not include cannabis as a theme in its Discussion Paper, yet cannabis in the ALR was a commonly-raised concern of stakeholders and the public. The Committee is aware the public wants to provide the Province with feedback on where cannabis production should be allowed in B.C. This was not a question put to the public in B.C.'s 2017 engagement on cannabis. Regardless, the Committee heard near unanimous support from stakeholders and the public for significant restrictions, including an outright ban, on cannabis production in the ALR.

Why is cannabis production in the ALR such a significant concern?

- The ALR is a limited land resource and B.C. has limited prime agricultural land (agricultural land capability classes 1-4); many cannabis production facilities are expected to be both non-soil bound (i.e. cement-bottomed) and to cover large tracts of arable land—including some of the highest capability lands. The anticipated scale of these structures will damage the land base and permanently alienate large tracts of land from agricultural use.
- ALR land is cheaper and more expansive than industrial land. Competition for land for cannabis production is already impacting the ALR and compounding other speculative factors that are driving up the price of farmland in B.C. ALR land is being purchased and existing

greenhouses are being converted for cannabis production. Agriculture stakeholders are concerned about large cannabis operators with substantial financial resources squeezing out local farmers.

- Food production in the ALR is a key public interest. Displacement of vegetable crops for cannabis (conversion of greenhouses) is viewed by many as impacting B.C. food choice and security.
- Incompatibility of cannabis with other agricultural uses, including competition for resources (e.g. significant water requirements for cannabis production) is a key concern in many parts of the province.
- The business risk of large scale cannabis production has not been assessed, including the potential for cannabis enterprises to go bankrupt and leave abandoned structures on the ALR. Reclamation of greenhouse structures is a key concern.
- The extent of nuisance and non-compliance impacts from cannabis production in the ALR has not been assessed by the Province with either the ALC or local governments.
- Local governments are very concerned about cannabis production in the ALR. The Union of B.C. Municipalities asked the Committee to carefully examine the means of production of recreational cannabis to determine if the expected industrial-style production is the best use of B.C.'s limited agricultural land. Cannabis production is resource-intensive and local governments want the ability to manage where cannabis facilities can be built. Local government would prefer cannabis greenhouse production to be outside the ALR and in industrial and light industrial areas where municipal services already exist.
- Other impacts to the agricultural land base are unknown, including the interface with neighbouring farms, processing requirements, and commercial traffic in farm areas.
- Odour issues from cannabis production facilities are a key concern. Unlike livestock farmers who fertilize their land during certain times of the year, cannabis odour is pungent and intrusive and continuously creates a negative effect to those residing in the vicinity.

Part III: Key Issues under Consideration for Final Report

As has been pointed out, this report constitutes interim findings and will be followed in the fall by a second, final report to the Minister. There is still a great deal of ongoing work being done, particularly in the area of potential regulatory change.

At the centre of all future recommendations is the need for a broad government-wide recognition of agriculture as a key natural resource sector—and economic generator—in this province.

The Committee is intending to provide recommendations to the Minister that will further ensure the revitalization of both the ALR and of the ALC, and that will assist the Province in developing an “agriculture-first” mind-set throughout B.C. Many of these matters are regulatory in nature; some are policy oriented; and some involve new programs that will ensure the long term viability of the ALR.

Issues under further discussion and analysis generally fall into the following categories, but are not limited to:

Regulatory changes needed to preserve the productive capacity of the ALR

- Fill regulations on ALR
- Farm home plate
- Diversified Farm Use Area
- Greenhouse considerations
- Commercial composting

The Encouragement of farming and ranching in the ALR

- Government support for farmers and ranchers:
 - Access to credit;
 - Access to programs; and
 - Support for new entrants
- Access to land
- Agriculture extension services
- Examine the farm income threshold for farm property tax class
- The need for a provincial agriculture advisory council

Administrative and Program changes

- ALC outreach and education:
 - Province-wide communication plan;
 - Memorandum of understanding development with ministries and agencies; and
 - Real estate industry education outreach (regulations surrounding advertising in ALR and licensing course on ALR purpose and regulations)
- Ministry of Agriculture programming:
 - Cumulative impact assessments (e.g. Agricultural Land Use Inventories);
 - Agricultural impact assessments;

- Impact of climate change on productivity in ALR; and
- Farm succession planning
- Memoranda of understanding to cover the working relationship between the ALC and the Ministry of Agriculture
- Funding and resource issues

This is not a complete list of current and future considerations by the Committee; the Committee continues to move forward on a number of important issues, in different sectors and regions. The Committee will also use results and analyses from public consultation, including the Committee's 'What We Heard Report,' to inform potential areas for recommendations in its final report.

Appendix 1: Terms of Reference

Minister of Agriculture's Advisory Committee - Terms of Reference

Purpose:

The Minister of Agriculture's Advisory Committee for the Agricultural Land Reserve (ALR) (Advisory Committee) will provide strategic advice and policy guidance to the Minister, and will be responsible for delivering recommendations on how to best achieve the mandate commitment of "Revitalizing the ALR and ALC" based on the outcome of a broad engagement process with stakeholders across the province.

Outcomes:

The Advisory Committee will provide recommendations to the Minister on matters related to revitalization of ALR and ALC; specifically, to inform potential changes to the current legislative, regulatory, and administrative framework. The Advisory Committee is not a decision-making body, all decisions rest with the Minister and the government.

Principles:

To ensure a focused review, the following principles provide additional parameters:

- Work will be forward looking, and focus on the future of the ALR and ALC;
- Recommendations will work towards improving the purposes of the ALR and ALC;
- Establish fair and unbiased evaluations of policy issues that are challenging the purposes of the ALR and ALC and also evaluate what is working well;
- Recommendations will come with clear identification of the problem, goals (desired end state), objectives (end-results that contribute to goals, rationale and a proposed solution or strategy (how to achieve and objective).
- Where possible, data/information to validate magnitude and the impacts (both positive and negative) will be included with recommendations.
- Recommendations need to be legally sound, and achievable.

Membership and Governance:

The Advisory Committee will report directly to the Minister and will have an appointed Chair to provide neutral and unencumbered leadership.

Membership is determined by the Minister, and includes representatives from across the province that has knowledge and experience of the ALR and understands the ALC.

Deliverables:

- Detailed work plan, budget and engagement plan to be approved by Minister;
- Monthly reports on progress to implement work plan and achievement of expected deliverables;
- Provide input on a discussion paper to be used to guide broad public engagement;
- Conduct regional engagement in seven communities across the province;

- Early recommendation report on proposed legislative amendments to be considered by the Minister based on consultations and research findings (due in April 2018); and,
- Final recommendation report.

Term:

Advisory Committee members are requested to commit for a one year term from the date of the initiation meeting.

Confidentiality:

The Advisory Committee members are expected to hold their conversations in confidence. Members must not discuss or disclose the nature or content of these conversations with the public or the media as Cabinet confidentiality applies to advice and recommendations to be considered by a Minister or by the Executive Council (Cabinet). Similarly, written submissions and background materials prepared to inform discussions must not be disclosed publically, without prior permission. All deliverables must be submitted to the Minister for approval on a schedule of check-in points up to the final deliverable due dates.

Meetings:

The Advisory Committee is expected to meet at least once per month, and organize face to face meetings to coincide with engagement face to face sessions in seven communities across the province.

Roles and Responsibilities:

Chair

- Responsible for ensuring all deliverables are fully completed on time and presented to the Minister according to the timelines.
- Responsible for ensuring that all deliverables are: of good quality, clear, based on verified information, unbiased and address the purpose of the Advisory Committee.
- Sets agenda for meetings and ensures meetings achieve their purposes.
- Makes decisions on allocating specific work to the members.
- Requests advice from Ministry staff on aspects of the work that relate to government processes to ensure that recommendations can be implemented.
- Attends and participates in meetings.
- Provides policy and strategic advice to guide the initiative.
- Participate and/or lead regional engagement sessions.
- Contribute to the development of early and final recommendations for the Minister.
- Identifies issues or conflicts as they arise for the Minister.
- Works with the ministry staff to support coordination of the overall initiative.

Members

- Attend and participates in meetings.
- Provides policy and strategic advice to guide the initiative.

- Participate in regional engagement sessions.
- Contribute to the development of early and final recommendations for the Minister.

Remuneration:

Members will volunteer their time, and be reimbursed travel expenses as per the provincial government guidelines for public servant travel.

Secretariat Support:

The Advisory Committee will be supported by ministry staff, which will be responsible for secretariat support.

Ministry Involvement:

The Ministry will be responsible for, and will need input from the Advisory Committee on the following items:

- Creating the final, overall engagement strategy and plan.
- The discussion paper for January 2018 that will launch engagement.
- Conducting targeted stakeholder and the online portions of the engagement process.
- Preparing any documents related to legislative changes, program changes or policy changes.

The Ministry may also provide a representative to accompany the Advisory Committee at the regional meetings as needed.

Appendix 2: Bibliography

Minister of Agriculture’s Advisory Committee for ALR and ALC Revitalization Interim Report to Minister – Bibliography – July 2018

Throughout the development of these recommendations, the Committee considered previous analyses of the ALR and ALC, the current and past authority and functions of the ALC, farmland protection in other jurisdictions, and the results of stakeholder meetings and public responses along with expert reports and other government reference documents. The following documents, reports and submissions were received and reviewed by the Committee:

Note: *** denotes where a report is available in hard copy form only.

Key Readings and Background Documents:

The Committee reviewed the following documents as background prior to embarking on its consultation process.

“A Work In Progress: The British Columbia Farmland Preservation Program”^{***}, Barry Smith,
https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/a_work_in_progress_-_farmland_preservation_b_smith_2012.pdf, 2012

“British Columbia’s Agricultural Land Preservation Program”, Gary Runka,
https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/bc_ag_land_preservation_program_-_runka_1977.pdf, 1977

“Review of the Agricultural Land Commission Moving Forward: A Strategic Vision of the Agricultural Land Commission for Future Generations”, Richard Bullock, ALC Chair,
https://www.alc.gov.bc.ca/assets/alc/assets/library/commission-reports/review_of_the_alc_moving_forward_nov_26_2010.pdf, 2010

“The Land Commission and It’s Significance to British Columbia Agriculture”, William T. Lane,
https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/legislation-history/land_commission_significance_to_bc_agriculture_-_lane_1973.pdf, 1973

“The Use Of Biophysical Information – B.C. Land Commission Overview”, Gary Runka,
https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the_use_of_biophysical_information_bc_land_commission_overview_1976.pdf, 1976

“The Potential of Marginal Agricultural Lands”, B.C. Ministry of Agriculture,
https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/the_potential_of_marginal_agricultural_land_1978.pdf, 1978

Legislation:

Agricultural Land Commission Act, http://www.bclaws.ca/Recon/document/ID/freeside/00_02036_01, 2002

Regulation:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation,
http://www.bclaws.ca/civix/document/id/complete/statreg/171_2002, 2002

ALC Policies:

This links to the ALC website pages that lists all ALC policies including the Governance Policy:

<https://www.alc.gov.bc.ca/alc/content/legislation-regulation/alc-policies>

ALC/ALR History, Studies and Other Information:

“Agriculture Capability and the ALR Fact Sheet”, ALC website,

https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture_capability_the_alr_fact_sheet_2013.pdf

“Agricultural Capability Classification in BC”, ALC website,

https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/agriculture_capability_classification_in_bc_2013.pdf

“Agricultural Land Soil Investigation”, Geoff Hughes-Games, Soil Specialist,

<http://www.metrovancouver.org/services/regional-planning/PlanningPublications/AgriculturalLandSoilInvestigation2018.pdf>

*** “ALC Submission to ALC Act Regulation Engagement Questions”, ALC, August 2014

*** “ALC Summary of Regulation Review Stakeholder Meetings”, ALC, July/August 2014

“Audit of the Agricultural Land Commission”, Office of the Auditor General of British Columbia,

https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/oagbc-alc-audit-sept_2010.pdf, 2010

*** “BC Standing Committee on Agriculture”, Inventory of Agricultural Land Reserves in British Columbia, Phase I” Research Report, 1978

“Ill Fares the Land”, Mary Rawson, https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/ill_fares_the_land_1976.pdf, 1976

“Land Capability Classification for Agriculture in British Columbia: MOE Manual 1”, Surveys and Resource Mapping Branch, Ministry of Environment and Soils Branch, Ministry of Agriculture and Food,

<http://www.env.gov.bc.ca/wld/documents/techpub/moe1/moem1.pdf>, April 1983

“Methodology - Land Capability for Agriculture B.C. Land Inventory (CLI)”, Runka, G.G., Soil Survey Division, BC Department of Agriculture,

https://www.alc.gov.bc.ca/assets/alc/assets/library/agricultural-capability/methodology_land_capability_for_agriculture_bcli_1973.pdf, 1973

“Planning for Agriculture”, Barry E. Smith, Agricultural Land Commission,

https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/planning_for_agriculture_1998.pdf, 1998

“Stakes in the Ground: Provincial Interest in the Agricultural Land Commission Act”, Moura Quayle,

https://www.alc.gov.bc.ca/assets/alc/assets/library/archived-publications/alr-history/stakes_in_the_ground_-_quayle_1998.pdf, 1998

*** “Summary of Stakeholder Input on Proposed Amendments to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation”, ALC Meeting Notes, September 2014

“The BC Land Commission: Keeping the Options Open”,
https://www.alc.gov.bc.ca/assets/alc/assets/library/living-in-the-alr-information/keeping_the_options_open_booklet.pdf, 1975

Other References:

“A Growing Concern: How to Keep Farmland in the Hands of Canadian Farmers”, Standing Senate Committee on Agriculture and Forestry,
https://sencanada.ca/content/sen/committee/421/AGFO/reports/Farmland-final_e.pdf, March, 2018

“AgRefresh: Enhancing Agriculture in Abbotsford, Stage 3 Winter 2017-18 Engagement Results”, City of Abbotsford,
<https://www.abbotsford.ca/Assets/2014+Abbotsford/Planning+and+Development/Planning/Agriculture/AgRefresh/AgRefresh+Stage+3+Winter+2017-18+Engagement+Results.pdf>, February 26, 2018

“AgRefresh Stage 3 Engagement Summary, City of Abbotsford Council Report”, Ryan Perry, City of Abbotsford, <https://abbotsford.civicweb.net/document/53911>, February 21, 2018

*** “Agricultural Land Commission - Local Government Stakeholder Survey”, Sentis, April 18, 2018

“Agriculturally Zoned Land: Summary of Public Consultation and Proposed Bylaws Limiting Residential Development in the Agriculture (AG1) Zone”, Wayne Craig and Terry Crowe, City of Richmond,
https://www.richmond.ca/_shared/assets/rtc04191747978.pdf, April 13, 2017

“Agriculture in Brief”, Ministry of Agriculture, https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/statistics/census/census-2016/aginbrief_2016_all_province_region_regional_districts.pdf, 2016

“An Audit of Compliance and Enforcement of the Mining Sector”, Office of the Auditor General of British Columbia,
<http://www.bcauditor.com/sites/default/files/publications/reports/OAGBC%20Mining%20Report%20FINAL.pdf>, May, 2016

“Appendices - AgRefresh: Enhancing Agriculture in Abbotsford, Stage 3 Winter 2017-18 Engagement Results”, City of Abbotsford,
<https://www.abbotsford.ca/Assets/2014+Abbotsford/Planning+and+Development/Planning/Agriculture/AgRefresh/Appendices+-+AgRefresh+Stage+3+Winter+2017-18+Engagement+Results.pdf>, February 26, 2018

“Cannabis Regulation in B.C.: What We Heard Public and Stakeholder Engagement, Sept 25-Nov 1, 2017”
<https://engage.gov.bc.ca/app/uploads/sites/217/2017/12/Cannabis-Regulation-in-B.C.-What-We-Heard.pdf>

*** “City of Chilliwack Zoning and OCP text amendments – Farm Home Plate regulation”, Karen Stanton, Planning and Strategic Initiatives Department, June 6, 2017

“DRAFT Agricultural Impact Assessment (AIA) Guidelines”, Environmental Farm Planners Ltd.,
<http://www.metrovancouver.org/services/regional->

- [planning/PlanningPublications/DraftAgricultureImpactAssessmentGuidelines.pdf](#), February, 2014
- “Encouraging Agricultural Production through Farm Property Tax Reform in Metro Vancouver”, Metro Vancouver, <http://www.metrovancouver.org/services/regional-planning/PlanningPublications/AgricultureProductionTaxReformMV-2016.pdf>
- “Farmland Access in British Columbia: Four Innovative Approaches”, Farm Folk City Folk and the Centre for Sustainable Food Systems at UBC Farm, CRFAIR, Young Agrarians and Deer Crossing the Art Farm, <http://www.farmfolkcityfolk.ca/documents/FarmlandAccessBooklet.pdf>
- “Farmland Access in British Columbia – Project Summary Report”, J. Dennis and Dr. Hannah Wittman, Faculty of Land and Food Systems, University of British Columbia, <http://farmland.sites.olt.ubc.ca/files/2014/04/Farmland-Access-in-BC-Research-Summary-0714.pdf>, July, 2014
- “Farmland Protection: Strengthening BC’s Legislation”, Dr. David Connell, University of Northern British Columbia, <http://blogs.unbc.ca/agplanning/files/2018/02/AgLUP-BC-Policy-Brief-401.pdf>, January, 2018
- “Finding Common Ground – 2016 Summit Report”, Andrew Stegemann, Brent Mansfield and David Hendrickson, Sustainable Food Systems Working Group, <http://www.refbc.com/sites/default/files/FCG-Summit-Report.pdf>, May 5, 2016
- “Finding Common Ground Forum – Summary Report”, Andrew Stegemann, Real Estate Foundation of British Columbia, <http://www.refbc.com/sites/default/files/Finding%20Common%20Ground%20Forum%20Summary%20Report.pdf>, November 19, 2015
- “Guide for Bylaw Development in Farming Areas”, Ministry of Agriculture, https://www.alc.gov.bc.ca/assets/alc/assets/library/land-use-planning/guide_for_bylaw_development_in_farming_areas_2015.pdf, May, 2015
- “Guidelines on Permitted Uses in Ontario’s Prime Agricultural Areas”, Ministry of Agriculture, Food and Rural Affairs, <http://www.omafra.gov.on.ca/english/landuse/facts/permitteduseguide.pdf>, 2016
- *** “Land Commission/Property Management Program: Statement of Policy and Procedures”, David J. Sands, BC Ministry of Agriculture and Food, August, 1985
- “Land Owner’s Information Guide for Oil and Gas Activities in British Columbia”, BC Oil and Gas Commission, <https://www.bcogc.ca/node/11032/download>
- “Low Incomes and High House Prices in Metro Vancouver”, Site Economics Ltd., <http://siteeconomics.com/wp-content/uploads/2017/04/High-House-Prices-and-Low-Incomes-April-2017.pdf>
- “Managing Climate Change Risks: An Independent Study”, Office of the Auditor General of British Columbia, http://www.bcauditor.com/sites/default/files/publications/reports/Climate_Change_FINAL.pdf, February 15, 2018

- “Metro Vancouver Regional District Regional Planning Committee – Regular Meeting”, Metro Vancouver, http://www.metrovancouver.org/boards/RegionalPlanning/RPL_2018-Mar-9_AGE.pdf, March 9, 2018
- “OGC ALC Delegation Agreement”, Provincial Agricultural Land Commission and the Oil and Gas Commission, <https://www.bcogc.ca/node/5759/download>, December 8, 2017
- “Oil and Gas Development in the Agricultural Land Reserve (ALR): The Non-Farm Use of Agricultural Land”, Provincial Agricultural Land Commission, https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-other-ministries-and-agencies/history_of_oil_and_gas_activities_in_the_alr_november_2013.pdf, August 2012, updated November 2013
- *** “Preliminary Report to the Agricultural Advisory Committee for Discussion: Regulation of “Home Plates” on Agricultural Lands”, City of Chilliwack – Planning and Strategic Initiatives
- “Presentation to PRRD”, Paul Jeakins, BC Oil and Gas Commission, http://prrd.bc.ca/board/agendas/2018/2018-15-669138994/pages/documents/4.2BCOGC_000.pdf, May 23, 2018
- “Protection is Not Enough: Policy Precedents to Increase the Agricultural Use of British Columbia’s Farmland”, Kwantlen Polytechnic University, http://www.kpu.ca/sites/default/files/Protection%20is%20not%20enough_white%20paper%20brief_ISFS_March%206%202018.pdf, February 13, 2018
- “Provincial Agricultural Land Commission: Message from the Chair: An Update”, Richard Bullock, Chair, https://www.alc.gov.bc.ca/assets/alc/assets/library/audits-and-surveys/message_from_chair_october_4_2013.pdf, October 4, 2013
- “Regional District of Fraser-Fort George Delegation Agreement”, Provincial Agricultural Land Commission and Regional District of Fraser-Fort George, https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg_delegation_agreement_2002.pdf, November 28, 2002
- “Report of Delegated Decisions by Regional District of Fraser-Fort George under Section 26 of the *Agricultural Land Commission Act*”, ALC, https://www.alc.gov.bc.ca/assets/alc/assets/about-the-alc/working-with-local-governments/rdffg_delegation_agreement_2013_report.pdf, October 10, 2013
- “Sausage Making in British Columbia’s NDP Government: The Creation of the Land Commission Act, August 1972-April 1973”, Andrew Petter, <http://ojs.library.ubc.ca/index.php/bcstudies/article/viewFile/1202/1246>, 1985
- “Sector Snapshot 2016: B.C. Agriculture”, Ministry of Agriculture, https://www2.gov.bc.ca/assets/gov/farming-natural-resources-and-industry/agriculture-and-seafood/statistics/industry-and-sector-profiles/sector-snapshots/bc_agriculture_sector_snapshot_2016.pdf, August, 2017
- “The Act to Preserve Agricultural Land and Agricultural Activities: A Summary”, Commission de Protection du Territoire Agricole du Québec, <http://www.cptaq.gouv.qc.ca/fileadmin/en/publications/guides/Summary.pdf>, August 1999

Media Articles:

- “Agricultural Training Coming to Prince George?”, Cheryl Jahn, CKPG Today, <https://ckpgtoday.ca/article/519445/agricultural-training-coming-prince-george>, March 2, 2018
- “ALR review may not be open-minded”, Barry Gerding, The Columbia Valley Pioneer, <https://www.columbiavalleypioneer.com/news/alr-review-may-not-be-open-minded/>, February 21, 2018
- “BC Government Withheld Information on Dangers of Unregulated Fracking Dams”, Ben Parfitt, The Tyee, https://thetyee.ca/News/2018/04/02/BC-Gov-Withheld-Fracking-Info/?utm_source=daily&utm_medium=email&utm_campaign=020418, April 2, 2018
- “B.C. municipalities want a cannabis production moratorium on farmland”, Jennifer Saltman, Vancouver Sun, https://vancouversun.com/news/local-news/b-c-municipalities-want-a-cannabis-production-moratorium-on-farmland?video_autoplay=true, July 6, 2018
- “Canada must curb farmland speculation to keep grip on food security: Senate Report”, Derrick Penner, Vancouver Sun, <http://vancouversun.com/business/real-estate/canada-must-curb-farmland-speculation-to-keep-grip-on-food-security-senate-report>, March 19, 2018
- “Delta MLA raising stink over farm review”, Delta Optimist, <http://www.delta-optimist.com/news/delta-mla-raising-stink-over-farm-review-1.23143908>, January 12, 2018
- “Delta residents facing ‘summer of stink’”, Sandor Gyarmati, Delta Optimist, <http://www.delta-optimist.com/news/delta-residents-facing-summer-of-stink-1.23344015>, June 22, 2018
- “Delta shares pot concerns with province”, Sandor Gyarmati, Delta Optimist, <http://www.delta-optimist.com/news/delta-shares-pot-concerns-with-province-1.23146093>, January 16, 2018
- “Disappearing Industrial Land Could Take Vancouver’s Economy With It”, Huffington Post, https://www.huffingtonpost.ca/port-metro-vancouver/vancouver-industrial-land_a_23464051/, June 25, 2018
- “East Delta will be home to world’s biggest legal pot greenhouse”, Sandor Gyarmati, Delta Optimist, <http://www.delta-optimist.com/news/east-delta-will-be-home-to-world-s-biggest-legal-pot-greenhouse-1.23294912>, May 8, 2018
- “Feds reject three cannabis growers for every one accepted”, Mark Rendell, Financial Post, <http://business.financialpost.com/cannabis/feds-reject-three-cannabis-growers-for-every-one-accepted>, March 16, 2018
- “Grow-op Nation: Canada’s pot industry is hungry for real estate”, Natalie Wong, Financial Post, <http://business.financialpost.com/real-estate/property-post/the-rush-is-on-for-grow-ops-as-canada-heads-toward-legal-weed>, February 20, 2018
- “Halfway mark hit for public engagement on revitalization of the ALR”, Government of British Columbia, <https://news.gov.bc.ca/releases/2018AGRI0014-000438>, March 19, 2018
- “One of North America’s top plays: Why the Montney is Canada’s answer to U.S. shale”, Jesse Snyder, Financial Post, <https://business.financialpost.com/news/one-of-north-americas-top-plays-why-the-montney-is-canadas-answer-to-u-s-shale>, December 18, 2016

- “Oregon Grew More Cannabis Than Customers Can Smoke. Now Shops and Farmers Are Left With Mountains of Unwanted Bud”, Matt Stangel and Katie Shepherd, Willamette Week, <http://www.wweek.com/news/2018/04/18/oregon-grew-more-cannabis-than-customers-can-smoke-now-shops-and-farmers-are-left-with-mountains-of-unwanted-bud/>, April 18, 2018
- “Pause to pot farms gains support as CRD panel resists ‘green rush’”, Bill Cleverley, Times Colonist, <http://www.timescolonist.com/news/local/pause-to-pot-farms-gains-support-as-crd-panel-resists-green-rush-1.23246936>, April 1, 2018
- “Program matches landless farmers with unused open spaces in Metro Vancouver”, Glenda Luymes, Vancouver Sun, <http://vancouversun.com/news/local-news/program-matches-landless-farmers-with-unused-open-spaces>, January 8, 2018
- *** “Province unveils blueprint for pot shops”, Katie DeRosa, Times Colonist, April 27, 2018
- “Richard Wozny, Real Estate Prices and “Mortgage Slaves””, Sandy James, Price Tags, <https://pricetags.ca/2018/01/29/richard-wozny-real-estate-prices-and-mortgage-slaves/>, January 29, 2018
- “Richmond farmers fight against further house-size restrictions”, Nick Eagland, Vancouver Sun, <http://vancouversun.com/business/local-business/richmond-farmers-campaign-against-new-house-size-restrictions-on-agricultural-land-reserve>, February 17, 2018
- “Richmond MLAs want city to act on farmland mega mansions”, Graeme Wood, Richmond News, <https://biv.com/article/2018/01/richmond-mlas-want-city-act-farmland-mega-mansions>, January 23, 2018
- “Richmond’s million dollar acres far outpace Delta’s farmland”, Graeme Wood, Richmond News, <http://www.richmond-news.com/news/richmond-s-million-dollar-acres-far-outpace-delta-s-farmland-1.23282092>, April 26, 2018
- “Saanich wants to stop monster houses from being built on farm land”, Bill Cleverley, Times Colonist, <http://www.timescolonist.com/news/local/saanich-wants-to-stop-monster-houses-from-being-built-on-farm-land-1.23346858>, June 24, 2018
- “Sky-high farmland prices ‘ruinous’ for B.C. agriculture: UFV prof”, Paul Henderson, Hope Standard, <https://www.hopestandard.com/news/sky-high-farmland-prices-ruinous-for-b-c-agriculture-ufv-ag-professor/>, April 24, 2018
- “Tax avoidance behind Metro’s disconnect between housing, income”, Douglas Todd, Vancouver Sun, <http://vancouversun.com/opinion/columnists/douglas-todd-tax-avoidance-behind-metros-disconnect-between-housing-income>, September 15, 2017
- “The future of farming is female”, Trina Moyles, The Globe and Mail, <https://www.theglobeandmail.com/opinion/article-the-future-of-farming-is-female/>, March 8, 2018
- “Vancouver industrial land shortage prompts call for farm land”, Evan Duggan, Property Biz Canada, <https://renx.ca/metro-vancouver-industrial-land-shortage-prompts-calls-alr-access/>, February 20, 2018

“We have no alternative’: White paper warns lost B.C. farmland could be catastrophic”, Malone Mullin, CBC News, <http://www.cbc.ca/news/canada/british-columbia/white-paper-urges-protection-of-farmland-1.4566345>, March 7, 2018