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**TO:** Electoral Area Services Committee      **DATE:** October 8, 2019  
**FROM:** Stephen Boogaards      **FILE:** PL2019-169  
Planner

**SUBJECT: Development Variance Permit Application No. PL2019-169**

**3180 Adshead Road – Electoral Area A**

**That Part of Section 1, Range 1, Cedar District, Lying to the East of a Boundary Extending North 23 Minutes 30 Seconds East From a Point on the North Boundary of Section 7G, Oyster District, Distant 25.01 Chns. From the North West Corner of Said Section 7G, Including a Strip of Land in Oyster District Lying Between the South Boundary of Cedar District and North Boundaries of Section 7G and District Lot 21, Oyster District and Between Productions Southerly of the Easterly and Westerly Boundaries of the Hereinbefore Described Parcel, Except Parts in Plans 7035 and 18566**

**Parcel A (DD 10017N) of Section 1, Range 2, Cedar District**

**That Part of Section 1, Range 2, Cedar District, Lying to the West of the Westerly Boundary of Parcel A (DD 10017N) of Said Section and to the North of the Production Westerly of the Southerly Boundary of Said Parcel A**

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## **RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2019-169 to reduce the required setback from a proposed property line for an existing building that houses livestock from 30.0 metres to 16.5 metres subject to the terms and conditions outlined in Attachment 2.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-169.

## **SUMMARY**

The applicant has applied for a development variance permit in conjunction with a subdivision application to recognize the location of an existing barn within 30.0 metres of a proposed property line. The subdivision will consolidate three lots into two lots, and adjust the property boundary to create a 2.0 hectare lot and a 18.5 hectare lot. The purpose of the subdivision is for succession of the property within the family, which will create a lot with the existing dwelling and a larger lot for the existing farm. The proposed configuration will situate a barn on the 2.0 hectare lot within the 30.0 metre setback. As the farming business will continue to occur on both proposed lots the barn will be necessary for the farm operation and as the building is on the smaller lot, there will be adequate building sites for residential uses that are not affected by the barn. The proposed dimensions and size are more efficient for agriculture on the 18.5 hectare lot than the existing

configuration. As the applicant has provided a suitable justification and no negative implications are anticipated from the variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 and 2 of the draft development variance permit included as Attachment 2.

## **BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Ray Haslam to vary the setback from a proposed property line for an existing building that houses livestock. The variance request is in relation to a subdivision application to consolidate three lots into two lots and adjustment to the lot boundary. The subject properties and related parcel in the subdivision application total 20.4 hectares in area. The subject properties are zoned Agriculture 1 Zone (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The properties and adjacent properties are located within the Agricultural Land Reserve (ALR) and are north of the Cowichan Valley Regional District boundary (see Attachment 1 – Subject Property Map).

The properties contain a dwelling, a mobile home, an accessory building and the barn and is serviced by well and onsite sewage disposal. The properties are also used for cattle farming by the family, and this agricultural operation includes the property across Adshead Road. As part of succession planning for the property, the three existing lots are proposed to be consolidated into a 2.0 hectare lot for the existing dwelling and an 18.4 hectare lot for the family currently operating the cattle farm. The farm business is proposed to continue on both lots following the subdivision.

The proposed subdivision to consolidate three lots into two lots is permitted within the ALR under Section 10 of the Agricultural Land Reserve General Regulation. The boundary adjustment is at the discretion of the Provincial Approving Officer provided that the subdivision will allow for the enhancement of farming on the agricultural land. However, the proposed configuration will situate the existing barn 16.5 metres from the proposed property line. Due to the size of the building, a 30.0 metre setback applies from the property line. The applicant identifies that the building has not been used to house animals, though provides shelter during feeding in the winter months. The building has no walls and currently houses the manger and storage for the bedding material for the animals.

### ***Proposed Development and Variance***

The applicant requests to reduce the minimum setback for a building housing livestock by varying the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **3.3.10 a) VI.) – Setbacks – Buildings and Structures** to reduce the minimum setback for an existing building more than 50 m<sup>2</sup> that house any livestock, poultry, game or other furbearing farm animals from 30.0 metres to 16.5 metres.

### ***Land Use Implications***

The applicant proposes a subdivision that will require a variance as an existing barn will not meet setbacks to the proposed new parcel line. The subdivision will consolidate three lots into two lots, and adjust the property boundary to create a 2.0 hectare lot where the existing dwelling is located. This configuration will result in a lot (18.5 hectares) that is much larger than currently exists for farming purposes. However, as an existing building on the 2.0 hectare lot provides shelter for the animals, the 30.0 m setback for buildings that house livestock will apply from the new lot boundary.

“Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of development variance permit applications requires that there is adequate demonstration of an acceptable land use justification prior to the Board’s consideration. The applicant identifies in the proposal that the configuration of the lots will be more efficient for agriculture. The location of property lines will enable the subdivision of a lot containing the dwelling while retaining a large contiguous parcel for farming as compared with the existing lot configuration (see Schedule 2 of Attachment 2 – Site Plan and Variance). The applicant has also identified that given the large size of Lot 2, a residential use would not likely be established in proximity of the barn.

With respect to the implications of the subdivision, the proposed configuration of the lot lines will protect agriculture and reduce development potential in the ALR. Currently, with three lots, the property owner may have three dwelling units as permitted by ALR regulations. With the reconfiguration of the lot lines, the property owner may only have two dwelling units as permitted by ALR regulations. Under the proposed subdivision Lot 1 will contain the conventional dwelling unit and Lot 2 will contain the mobile home. Therefore, the proposed lots have no further residential development potential unless one of the dwelling units are removed.

The requested variance will also benefit the existing farm operation. Currently, the farm business operates across the property boundaries for each subject property and on properties across Adshead Road. The barn is the only structure on the east side of Adshead Road that provides for the shelter and feeding of livestock for the farm business. Given that the barn is part of the continuation of the farm operation occurring on the properties, the new lot configuration will be more efficient for agriculture, and the subdivision will reduce residential development within the ALR the applicant has made reasonable efforts to address Policy B1.5 guidelines. While impacts are not anticipated for adjacent properties, the variance will only apply to the existing building and not for reconstruction of the building (see Schedule 1 of Attachment 2 – Terms and Conditions of Permit).

### ***Intergovernmental Implications***

The Ministry of Transportation and Infrastructure reviewed the subdivision application and issued Preliminary Layout Approval.

### ***Public Consultation Implications***

Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Application and Notification Procedures Bylaw No. 1776, 2018”, property owners and tenants of parcels located within a 50.0 metre radius of the subject property will receive a direct notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board’s consideration of the application.

## **ALTERNATIVES**

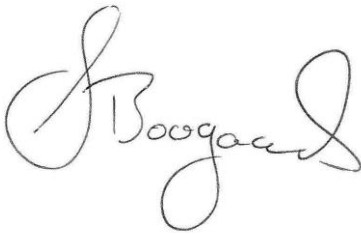
1. To approve Development Variance Permit No. PL2019-169 subject to the conditions outlined in Schedules 1 to 2 of Attachment 2.
2. To deny Development Variance Permit No. PL2019-169.

## **FINANCIAL IMPLICATIONS**

The proposed development has been reviewed and has no implications related to the Board 2019 – 2023 Financial Plan.

## **STRATEGIC PLAN IMPLICATIONS**

The proposed development has been reviewed and the proposal will be consistent with Goal 4 Growth Management of the 2019 – 2022 Board Strategic Plan. As the proposal supports the continuation of an existing farm operation and uses a lot configuration that will enhance agriculture, the proposal is specifically consistent with action 4.1 - to protect agricultural lands and promote agriculture and food production in the region.



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Stephen Boogaards  
sboogaards@rdn.bc.ca  
September 16, 2019

### **Reviewed by:**

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

### **Attachments**

1. Subject Property Map
2. Draft Development Variance Permit

**SUBJECT PROPERTY**  
That Part of Section 1, Range 1, Cedar District Lying to the East of a Boundary Extending North 23 Minutes 30 Seconds East From a Point on the North Boundary of Section 7G, Oyster District, Distant 25.01 Chains From the Northwest Corner of said Section 7G, Including a Strip of Land in Oyster District Lying Between the South Boundary of Cedar District and the North Boundaries of Section 7G and District Lot 21, Oyster District and Between Productions Southerly of the Easterly and Westerly Boundaries of the Hereinbefore Described Parcel, Except Parts in Plans 7035 and 18566. PID:008752389

**SUBJECT PROPERTY**  
That Part of Section 1, Range 2, Cedar District, Lying to the West of the Westerly Boundary of Parcel A (DD 10017N) of said Section and to the North of the Production Westerly of the Southerly Boundary of said Parcel A. PID:008752621

**SUBJECT PROPERTY**  
Parcel A (DD 10017N) of Section 1, Range 2, Cedar District  
PID:008752478

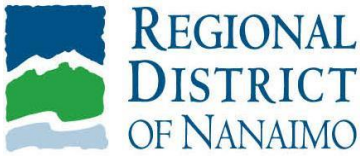
REGIONAL DISTRICT OF NANAIMO

COWICHAN VALLEY REGIONAL DISTRICT

CEDAR LAND DISTRICT

0 100 200 Meters

**Attachment 2  
Draft Development Permit**

	<p><b>STRATEGIC &amp; COMMUNITY DEVELOPMENT</b></p> <p><b>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2</b> <b>250-390-6510 or 1-877-607-4111</b> <a href="http://www.rdn.bc.ca">www.rdn.bc.ca</a></p> <p><b>DEVELOPMENT VARIANCE PERMIT NO. PL2019-169</b></p>
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**To:** ("Permittee") Ray Berto Haslam

**Mailing Address:** 2356 133A Street, Surrey BC V4A 9S9

1. Except as varied or supplemented by this permit, the development variance permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development variance permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

**Legal Description:** That Part of Section 1, Range 1, Cedar District, Lying to the East of a Boundary Extending North 23 Minutes 30 Seconds East From a Point on the North Boundary of Section 7G, Oyster District, Distant 25.01 Chns. From the North West Corner of Said Section 7G, Including a Strip of Land in Oyster District Lying Between the South Boundary of Cedar District and North Boundaries of Section 7G and District Lot 21, Oyster District and Between Productions Southerly of the Easterly and Westerly Boundaries of the Hereinbefore Described Parcel, Except Parts in Plans 7035 and 18566 ("the Lands")

Parcel A (DD 10017N) of Section 1, Range 2, Cedar District

That Part of Section 1, Range 2, Cedar District, Lying to the West of the Westerly Boundary of Parcel A (DD 10017N) of Said Section and to the North of the Production Westerly of the Southerly Boundary of Said Parcel A

**Civic Address:** 3180 Adshead Road P.I.D.:008-752-389/ 008-752-478/008-752-621

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands, in substantial compliance with the plans and specifications included in Schedule 2, which is attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as outlined in Schedules 1 and 2, which are attached to and forms part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to that which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XX<sup>th</sup> day of Month, 20XX.

## **Schedule 1 Conditions of Permit**

The following sets out the terms and conditions of Development Variance Permit No. PL2019-169:

### Bylaw No. 500, 1987 Variance

With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

**2.3.10 a) VI.) – Setbacks – Buildings and Structures** to reduce the minimum setback for an existing building more than 50 m<sup>2</sup> that house any livestock, poultry, game or other furbearing farm animals from 30.0 metres to 16.5 metres

### Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Turner Land Surveying dated May 17, 2018 and attached as Schedule 2.





**Schedule 2**  
**Site Plan and Variance (Page 2 of 2)**

