
TO: Agricultural Advisory Committee **DATE:** October 31, 2019

FROM: Angela Buick
Planner **FILE:** PL2019-165

SUBJECT: Request for Comment on Subdivision in the Agricultural Land Reserve
Application No. PL2019-165 - 981 Virginia Road, Electoral Area F

SUMMARY

This is an application for subdivision in the Agricultural Land Reserve (ALR) to permit a two-lot subdivision on a 16.3 hectares parcel located in Electoral Area F. 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 in the ALR from Sandy Grant on behalf of the property owner 1135191 BC Ltd. The subject property is legally described as Lot A, District Lot 141, Nanoose and Newcastle Districts, Plan EPP77233 and the civic address is 981 Virginia Road. The subject property is approximately 16.3 hectares in area and is located entirely within the ALR and is zoned A-1 (Agriculture 1) pursuant to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002". The parcel is bound by Virginia Road to the east, a large agricultural lot to the north, smaller rural/residential lots not within the ALR to the east and south and French Creek and a large Private Managed Forest Land lot to the west. The property currently contains a residence and a number of agricultural structures on the southwest portion of the parcel (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

Proposed Development

The applicant is proposing to subdivide the subject property into two lots so as to restore the previous configuration prior to a recent amalgamation in July 2018. In 2016, the property owner initiated an application process with Health Canada to attain a Medicinal Cannabis Production License. At this time, the property owner owned the southern 4.18 hectares of the subject property. Subsequently the property owner purchased the 12.1 hectare lot to the north, creating the 16.3 hectare subject property so as to meet the various regulations and requirements for a successful application. Due to regulatory changes and leading to uncertainty in the application process, the property owner concluded that the subject property was unsuitable for the proposal and therefore is requesting to revert the subject property to its former two-lot configuration (one 12.1 hectare lot and one 4.18 hectare lot). The applicants have provided a letter including a detailed timeline of events and rationale as part of the subdivision application. A copy of the

applicant's submission package is included as Attachment 9. Personal Information is redacted in accordance with the *Freedom of Information and Protection of Privacy Act*.

Agricultural Advisory Committee members were provided an opportunity to attend the site on September 10, 2019.

REGIONAL GROWTH STRATEGY

The subject property is designated 'Resource Lands and Open Space' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The Resource Lands and Open Space land use designation is land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development and intended for long-term open space uses. This land use designation supports uses that are compatible to those that support agriculture and resource activities, (see Attachment 8). Further to this, the RDN Regional Growth Strategy encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 7 and 8).

Amendments to "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" would not be required to allow the proposed use as the production of cannabis is considered agricultural in nature.

A copy of the applicant's submission package is included in Attachment 9.

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Resource Lands Within the ALR' pursuant to the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1285, 2002" (see Attachment 5).

This land use designation objectives are as follows:

- Support the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value and potential.
- Ensure that resource operations comply with recognized standards and codes of practice and that unreasonable impacts on the natural environment are avoided.

Additionally, General Policy number 5 states that permitted uses shall be associated with those uses supported by the ALC, such as agriculture, forestry, primary processing and outdoor recreation uses, including campgrounds. The Official Community Plan supports a minimum parcel size of 4.0 hectares for subdivision.

The parcel is also designated within the Freshwater and Fish Habitat Development Permit Area. A development permit may be required for activities located within a Riparian Assessment Area where such activities involve the subdivision of land, construction of, or addition to, or alteration of a building or structure, or the alternation of land.

Amendments to "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1285, 2002" are not required to facilitate the proposed subdivision.

ZONING

The parcel is currently zoned A-1 (Agriculture 1), pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (see Attachments 4). The applicant proposes a two-lot subdivision to revert to the previous configuration prior July 2018 and as seen on the Proposed Site Plan (see Attachment 3). The A-1 zone permits Farm Use as a principal permitted use and permits a minimum parcel size of 4.0 hectares for subdivision. The smallest of the two proposed parcels is 4.18 hectares.

Amendments to Bylaw 1285 are not required to facilitate the proposed subdivision.

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. 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 through the Committee’s adoption of a recommendation. 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 a recommendation. Only recommendations approved by the Committee will be forwarded to the ALC for 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.

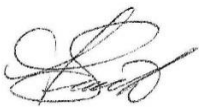
With respect to this application, Electoral Area F Director L. Salter has provided the following comments:

Having met with the owners several times regarding this property I understand that they originally planned to build a legal cannabis facility according to (then) new ALC regulation.

The changes that subsequently occurred during the time the ALC created the legislation eventually made the cannabis facility untenable for the land owners. In this, they are no longer in a position to move forward due to the changes and financial costs that will be incurred as a result.

The landowners wish to have the property restored to its original configuration in order to move forward with separate agricultural farming practices.

I am in full support of this request.



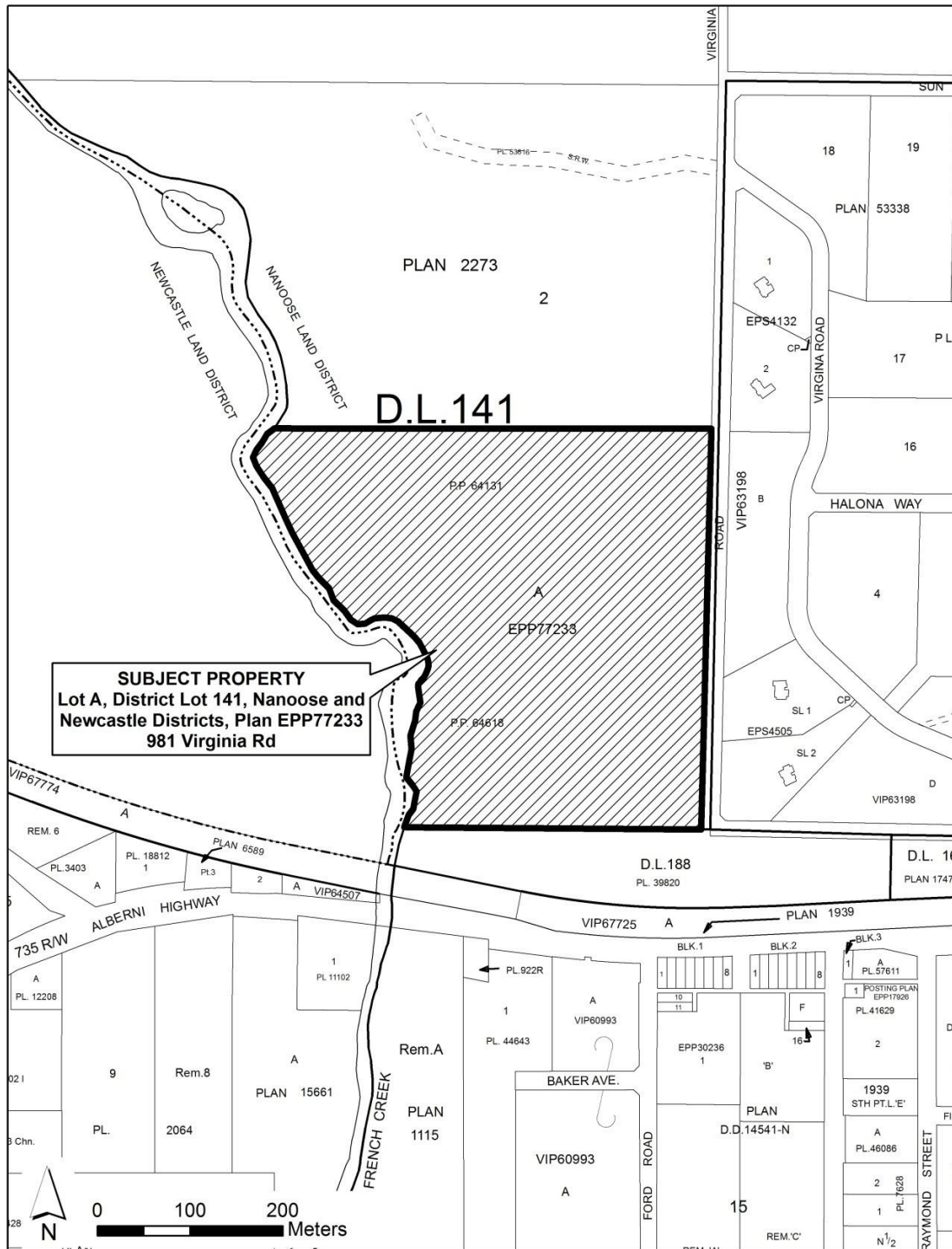
Angela Buick
abuick@rdn.bc.ca
October 22, 2019

Reviewed by:

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

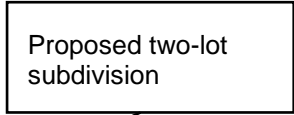
Attachments:

1. Subject Property Map
2. 2018 Aerial Photo
3. Proposed Plan of Subdivision
4. Existing Zoning Bylaw 1285
5. Official Community Plan - Land Use Designation
6. Regional Growth Strategy - Land Use Designation
7. Regional Growth Strategy - Goal 7 - Enhance Economic Resiliency - Agriculture
8. Regional Growth Strategy - Goal 8 - Food Security
9. Applicant's Submission



Attachment 2
2018 Aerial Photo





Attachment 4 Existing Zoning (Page 1 of 2)



Section 4 – Zones

Page 4-1

A-1 – AGRICULTURE 1

SECTION 4.1¹

4.1.1 Permitted Principal Uses

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

4.1.2 Permitted Accessory Uses to the Dwelling Unit Use

- a) Accessory Buildings and Structures
- b) Home Based Business
- c) Secondary Suite²

4.1.3 Permitted Accessory Farm Uses

- a) Agriculture Education and Research
- b) Temporary Sawmill
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products
- e) Gathering for an Event³

4.1.4 Regulations Table

Category	Requirements	
a) Maximum Density	1 Dwelling Unit per hectare to a maximum of 2 per lot	
b) Minimum Lot Size	4 ha	
c) Minimum Lot Frontage	100 metres	
d) Maximum Lot Coverage	i. Non-farm buildings and structures	10%
	ii. Farm buildings and structures	25%
	iii. Greenhouses	75%
	iv. In no case shall the combined lot coverage exceed 75%.	
e) Maximum Building and Structure Height	10 metres	
f) Minimum Setback from	i) Front and Exterior Side Lot Lines	4.5 metres
	ii) All Other Lot Lines	2.0 metres
g) Minimum Setback for all farm buildings, structures and uses	Refer to Section 3 – General Regulations	
h) General Land Use Regulations	Refer to Section 3 – General Regulations	

¹ Bylaw No. 1285.26, adopted June 28, 2016

² Bylaw No. 1285.19, adopted May 27, 2014

³ Bylaw No. 1285.29, adopted May 22, 2018

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

4.1.5 Regulations

- a) 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 principle use.
- b) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- c) Specific 'Farm' and 'Permitted' uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 2.19 and 2.20 of this Bylaw.
- d) 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 Agricultural Land Commission.

4.1.6 Additional A-1 Zones

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

Attachment 5 Official Community Plan Land Use Designation



Resource Lands

This designation applies to lands that are valued for agriculture, forestry, natural resource extraction or environmental conservation opportunities. This Plan designates as Resource Lands, lands located within the Agricultural Land Reserve, Forest Land Reserve, as well as Crown lands other than lands designated as Park Land. Lands designated Resource Lands are illustrated on Map No. 2.

It is recognized that there is a wide range of home based business activities occurring on ALR lands in Electoral Area 'F'. The Regional District of Nanaimo shall negotiate with the Agricultural Land Commission to obtain a General Order for Electoral Area 'F' to allow for an expanded definition of home based businesses beyond what is normally permitted by the ALC.

Objectives

1. Support the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value and potential.
2. Ensure that resource operations comply with recognized standards and codes of practice and that unreasonable impacts on the natural environment are avoided.

General Policies

1. For properties within the ALR or FLR, the regulations and policies of the ALC and FLC apply. These properties may also be subject to other local government bylaws.
2. A 4.0-hectare minimum permitted parcel size for future subdivision shall apply to all lands designated Resource and currently situated in the ALR.
3. A 50.0-hectare minimum permitted lot size for future subdivision shall apply to all lands designated Resource and currently situated in the FLR or Crown lands.
4. Future residential development on Resource Lands shall be limited to one dwelling unit per parcel. Two dwelling units per parcel may be permitted where approval has been received from the ALC or FLC, if necessary, and subject to the zoning on the property.
5. Permitted uses shall be associated with those uses supported by the ALC and FLC, such as agriculture, forestry, primary processing and outdoor recreation uses, including campgrounds.
6. Where land is removed from the ALR or FLR, the Resource Lands designation shall remain and the permitted uses shall be limited to rural/resource activities as defined in the OCP and zoning.

Attachment 6

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 7
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 8
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 8
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 8
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 9
Applicant's Submission