



**REQUEST FOR COMMENT ON NON-FARM USE IN THE AGRICULTURAL LAND RESERVE
APPLICATION NO. PL2024-006 – 2946 PALMER ROAD, ELECTORAL AREA F**

Please note: Attachments 4 and 5 were added after the Agricultural Advisory Committee meeting prior to going to the Electoral Area Services Committee meeting on March 7, 2024

Please note: The recommendation was varied by the Committee as follows:

That the Board support the Non-Farm Use Application No. PL2024-006 (ALC File No. 70240) to allow a dog training facility outdoors and within an existing building; and recommend that the Agricultural Land Commission consider the potential impact that the proposed non-farm use would have on existing and potential farm operations.

RECOMMENDATION

That the Board neither support nor oppose the Non-Farm Use Application No. PL2024-006 (ALC File No. 70240) to allow a dog training facility outdoors and within an existing building; and recommend that the Agricultural Land Commission consider the potential impact that the proposed non-farm use would have on existing and potential farm operations.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for non-farm use in the Agricultural Land Reserve (ALR) from Tina Johnston and Daniel Steel. The proposal is to allow dog training, including dog trials and an agility facility, within an existing building and outdoors on the subject property. The applicant has been advised by the Agricultural Land Commission (ALC) that a non-farm use application is required to allow dog training, as the dog trial events taking place on the property exceed the ALC's legislation that permits gathering for events. In addition, while dog trials are permitted in the ALR as an agri-tourism activity on properties classified as farm under *Assessment Act*, the ALC has advised the applicant that, in this case, dog trials and training do not meet the requirements for agri-tourism as they are not secondary, incidental, or compatible with the agricultural production activities on the property. The ALC also does not allow permanent facilities to be constructed or erected in connection with special events or agri-tourism activities. While dog training is not a permitted farm use, pet breeding and boarding are permitted farm uses that may be prohibited by local governments under Division 2, Section 23 of the *Agricultural Land Reserve Use Regulation*.

The subject property, legally described as Lot 10, District Lot 8, Cameron District, Plan 1981, is approximately 7.6 hectares in area and is located entirely within the ALR. The property is bound by Palmer Road to the north and developed rural properties in the ALR to the south, east, and west. The property currently contains a dwelling unit, manufactured home, several accessory/farm buildings, and an approximately 1,115 m² Quonset building (see Attachment 1 – Subject Property Map and Attachment 2 – 2022 Aerial Photo). The property is serviced by a well and onsite sewage disposal.

The subject property is classified as farm by BC Assessment and the applicants have indicated that approximately 4 hectares of the property are utilized for hay production and that they are also growing and selling fruits and vegetables, leasing land for sheep and horses, and selling eggs. In addition, the applicants operate a dog training facility, which includes agility training and dog trials, on the property both outdoors and within the Quonset building. They have indicated that the Quonset building was constructed as a multi-purpose agricultural building/indoor riding ring that would support drying and storing of products grown on the farm, storing equipment seasonally, 4-H activities, and dog training. Until the applicants were advised they could no longer use the Quonset building, they note the building was used for an average of 13-15 hrs a week for dog training. The RDN has issued a Do-Not-Occupy Notice for the Quonset building as no building permit and occupancy permit were issued for this building.

The applicant has also submitted a separate Notice of Intent Application to the ALC for the placement of fill related to the construction of a large Quonset building and parking area that were constructed without ALC approval. This application will be reviewed separately by the ALC and does not require RDN comment.

Regional Growth Strategy and Official Community Plan Implications

The subject property is currently designated as Resource Lands and Open Space pursuant to the “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” (RGS). The RGS policies recommend minimizing the potential impact non-farmland use will have on farm operations and encourage the provincial government to protect the agricultural land base through the ALR.

The subject property is also designated as Resource Lands within the ALR pursuant to the “Regional District of Nanaimo Electoral Area ‘F’ Official Community Plan Bylaw No. 1152, 1999” (OCP). The OCP supports the long-term viability of the natural resource land base and protection from activities and land uses that may diminish its resource value or potential. Permitted uses shall be associated with those uses supported by the ALC.

The applicants have noted that providing a moderate amount of dog training, or even renting farm space to other dog trainers, horse owners, sheep owners, or goat owners is a farm use diversification that would give them the opportunity to grow their crops and help supplement their farm income. In addition, they have stated that their proposal to continue training dogs on their farm would make a positive impact on the local community; bring tourists to the area from all over the world, support young people with an activity that bridges the gap between agriculture awareness and the urban familiarity, provide an activity for local seniors to socialize and exercise, while learning about the workings of the farm.

Land Use Implications

The subject property is zoned A-1 (Agriculture 1) pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw 1285, 2002”. The A-1 zone permits 2 dwelling units on the subject property, farm use on lands within the ALR, a home-based business, a secondary suite and several accessory farm uses including agriculture education and research, temporary sawmill, agri-tourism accommodation, the production of biological integrated pest management products, and gathering for an event. These accessory farm uses are also subject to all applicable ALC Regulations. The applicant proposes to operate a dog training facility on the subject property, both outdoors and within the existing Quonset building on the property.

If the Quonset building is utilized as a farm building with low human occupancy only, then a building permit is not required, and it is the applicant’s responsibility to ensure the building meets the National Farm Building Code of Canada. However, should the non-farm use application be approved, there are several requirements the applicant

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File No. PL2024-006

would need to address related to land use and building regulations. The applicant would need to apply to the RDN for a Temporary Use Permit or re-zone the subject property to allow the proposed dog training facility use. In addition, the applicant would be required to provide confirmation that the Quonset building is structurally sound and meets all fire safety regulations. This will require reports from qualified professionals and potentially modifications to the building and surrounding area.

As the role of the ALR is to preserve land for farming, any non-farm use on the land should not interfere with this potential. The RGS, OCP and Agricultural Area Plan (AAP) contain direction to minimize the impact of non-farm uses on existing or potential farm operations and minimize the use of ALR land for non-farm uses. However, the OCP also notes that permitted uses shall be those supported by the ALC. Should the ALC approve the non-farm use application, there are several requirements the applicant would need to satisfy to obtain a building permit for the proposed use within the existing Quonset structure and a Temporary Use Permit or zoning amendment would also be required. Therefore, a position of support or opposition is not proposed for this non-farm use application and instead it is recommended that the ALC consider the potential impact that the proposed non-farm use would have on existing and potential farm operations.

Board Policy Procedure

Regional District of Nanaimo “Board Policy B1.8: Review of Provincial Agricultural Land Reserve Applications” (Policy B1.8) provides an opportunity for the Agricultural Advisory Committee (AAC) and Electoral Area Director to provide comments on applications for non-adhering residential use, soil use, inclusion, subdivision, or non-farm use on lands within the ALR. The Electoral Area Director comments have not yet been received. In accordance with Policy B1.8, the Electoral Area Services Committee will consider the application and forward it to the ALC with a unique and separate resolution for the application.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2024-2028 Financial Plan.

STRATEGIC PLAN ALIGNMENT

The proposed development has been reviewed and has no implications for the 2023-2026 Board Strategic Plan.

REVIEWED BY:

P. Thompson, Manager, Current Planning
L. Grant, General Manager, Development and Emergency Services
D. Holmes, Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. 2022 Aerial Photo
3. Site Plan
4. Electoral Area Director Comments
5. Public Submissions Received

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