



REGIONAL
DISTRICT
OF NANAIMO

ALR Application PL2025-050 Bylaw Interpretation

RECOMMENDATION

That the Board receive the report “ALR Application PL2025-050 Bylaw Interpretation” for information.

BACKGROUND

The Board motion in relation to Agricultural Land Reserve (ALR) Application No. PL2025-050 to include land into the ALR, was to provide an explanation of the regulations in the “Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw 1285) as they pertain to food processing, home business and the growing of crops on lands zoned residential. At its regular meeting held June 24, 2025, the Board passed the following motion:

25-321 “that the item be referred back to staff to include information as to whether or not, as proposed, this is a prohibited use.”

Bylaw 1285 is drafted to include a list of uses that are prohibited in every zone unless specifically permitted. Among those uses that are prohibited in every zone is food processing. Food processing means changing the form of any vegetable, mineral or animal foodstuffs for distribution or sale. Food processing as a use is specifically permitted in the A-1, C-3, C3A and I-2 zones. The bylaw does not specifically permit that use in any other zones.

The regulations for home based business are written in the same manner as the generally prohibited uses and contain a list of uses that are prohibited as a home business. Most of these uses are the same as those listed in the uses prohibited in all zones. The bylaw does not specifically permit food processing as a home based business.

With respect to home based business, the bylaw prohibits the canning of food with a pH level equal to or greater than 4.5. The bylaw does not specifically permit the canning of food with a pH level of less than 4.5. For the canning of food to be permitted as a home based business the interpretation of that use would have to be that the canning of food is not considered food processing as the canning of food is not changing the form of a foodstuff.

A home based business is permitted in all zones as residential use is permitted in all zones. The growing of fruits, vegetables, flowers or other crops is permitted as a home based business and there is no restriction on the amount of land that can be used for the growing of crops. The crops produced on a property can then be sold on site as part of the home based business. There is no limit on the amount of crops that can be grown and then sold as part of a home based business. The primary limitation for that type of home based business is the size of the building or area within a building for the sale of the products grown on the property.

Alcohol production, specifically the beer brewing process, does meet the definition of food processing as it involves a process that changes the form of the foodstuff (barley) for distribution or sale. As food processing is not specifically permitted as a home based business, the use is not permitted.

To permit the brewing of beer as a home based business, the approval of a zoning amendment or temporary use permit is required.

FINANCIAL IMPLICATIONS

There are no financial implications for this report.

STRATEGIC PLAN ALIGNMENT

The Strategic Focus area is Water Security - Evaluate our land use decisions through a water security lens. Water use in relation to this application has been identified as the main concern.

REVIEWED BY:

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

ATTACHMENT

1. Excerpts from Bylaw No. 1285, 2002