



REGIONAL
DISTRICT
OF NANAIMO

**REQUEST FOR COMMENT ON NON-FARM USE IN THE AGRICULTURAL LAND RESERVE
APPLICATION NO. PL2025-092 – 1197, 1199, 1203 AND 1205 LEFFLER ROAD
ELECTORAL AREA F**

RECOMMENDATION

That the Board recommend that the Agricultural Land Commission approve non-farm use Application No. PL2025-092 (ALC File No. 104934) to permit an existing accessory building on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for non-farm use in the Agricultural Land Reserve (ALR) from Jonathan Paetkau on behalf of Kokoszka et al. The applicant is seeking approval of a non-farm use application to permit a 117.05m² accessory building that was recently constructed on the subject property without the proper approvals or permits. The applicant has stated they intend to use this accessory building for future farm use and agriculture operations, adding that this is the first step in preparing the infrastructure necessary for a future farm. A non-farm use application is required as under the *Agricultural Land Reserve Use Regulations* to permit the construction and placement of fill for an accessory building on ALR land.

The applicant initially submitted a Notice of Intent (NOI) with the Agriculture Land Commission (ALC) for the placement of fill for the accessory building. However, the ALC reviewed the NOI application and found that the lack of farm status and level of development on the property as well as the current level of, or lack of, agriculture occurring on the property was not sufficient to find the accessory building necessary for farm use. They informed the applicant that the proposal would be best reviewed by the Commission through the application process as a Soil/Fill application. During the preliminary review of the Soil/Fill application the RDN Planning Department discovered that the accessory building was already constructed. The RDN Planning Department then confirmed with the ALC Island Regional Planner and ALC Island Land Use Planner that due to the lack of farming occurring on the property and the fact the structure was already built, the application should more appropriately be submitted as a non-farm use application.

The subject property, legally described as Lot 1, District Lot 139, Nanoose District, Plan 20629, is approximately 1.37 hectares in area and is located entirely within the ALR. The property is bound by Leffler road to the east, an unconstructed roadway to the west and surrounded by other ALR properties. The property currently contains four single family dwelling units that were previously approved through ALC Resolution #261/96 in light of resolution #458/96 which related to the ALC Coombs – Errington ALC Review. The property also contains three sheds and the newly constructed accessory building (see Attachment 1 – Subject Property Map and Attachment 2 – 2024 Aerial Photo). The property is serviced by a well and onsite sewage disposal.

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. 1874, 2023” (RGS). The RGS policies recommend minimizing the

potential impact non-farm land 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 that may diminish its resource value or potential. The applicant has identified that the fill was for a structural pad and that the accessory building is intended for agricultural activities. However, the benefit to farming has not been demonstrated.

Agricultural Area Plan Implications

The Agriculture Area Plan (AAP) states that the Agricultural Land Commission (ALC) Act requires that agricultural land within the ALR not be used for non-farm uses unless specifically permitted by the Act or its associated regulations. The ALC Act takes precedence over other provincial legislation and local bylaws and policies. The ALC invites comments and input from local governments and Agricultural Advisory Committees regarding the potential impact of ALR exclusion, inclusion, non-farm use, and subdivision applications on the surrounding agricultural community. The ALC has stated specifically that it would welcome comments regarding ALR applications from the RDN.

Land Use Implications

The subject property is zoned Agriculture 1 (A-1) pursuant to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” (Bylaw 1285). The A-1 zone allows for various uses including Dwelling Unit, Farm Use – on lands located in the Agriculture Land Reserve, and Agriculture – on lands not located in the Agriculture Land Reserve. Permitted accessory uses to the Dwelling Unit are Accessory Buildings and Structures, Homebased Business and Secondary Suite. The A-1 zone restricts the maximum lot coverage for non-farm buildings and structures to 10%. The applicant has constructed a 117.05m² accessory building. This accessory building combined with the four existing dwelling units and three sheds would have a maximum parcel coverage of approximately 5.7% and would not exceed the maximum permitted parcel coverage. The building is a permitted use as a residential accessory building in the A-1 zone in bylaw 1285. However, even though the accessory building meets the parcel coverage requirements, it was constructed without a building permit and necessary approvals from the ALC and therefore a Non-Farm Use application is required.

Intergovernmental Implications

This report along with the corresponding Board resolution will be forwarded to the ALC for consideration. The ALC will assess the application and existing buildings for compliance with the relevant provincial regulations and will issue a decision.

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 are provided in Attachment 5. In accordance with Policy B1.8, the Electoral Area Services Committee will consider the application and make a recommendation to the RDN Board, and upon approval to then forward the application to the ALC with a unique and separate resolution.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2025-2029 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
T. Osborne, A/Chief Administrative Officer

ATTACHMENTS:

1. Subject Property Map
2. 2024 Aerial Photo
3. Site Plan
4. Building Plans and Elevations
5. Area Director Comments