



REGIONAL  
DISTRICT  
OF NANAIMO

**REQUEST FOR COMMENT ON NON-ADHERING RESIDENTIAL USE IN THE AGRICULTURAL  
LAND RESERVE APPLICATION NO. PL2025-116  
2219 GOMERICH ROAD, ELECTORAL AREA A**

**RECOMMENDATION**

That the Board recommend that the Agricultural Land Commission approve Non-Adhering Residential Use Application No. PL2025-116 (ALC File No. 104984) to permit the construction of a new second dwelling unit of 274.95 m<sup>2</sup> on the subject property.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application for non-adhering residential use in the Agricultural Land Reserve (ALR) from Cory Tomilin on behalf of owners Josh Nesvog and Jennifer Nesvog. The proposal is to allow construction of a new dwelling unit with a floor area of 274.95 m<sup>2</sup>. A Non-adhering Residential Use application is required as per the *Agricultural Land Reserve Use Regulation* (ALR Regulations). The ALR Regulations permit maximum floor area of 500 m<sup>2</sup> for the first dwelling unit and 90 m<sup>2</sup> for a second dwelling unit on parcels 40 hectares or smaller. There is already an existing dwelling on the property, and the proposed second dwelling exceeds the allowable size limit for an additional residence under the ALR Regulations. Therefore, a Non-adhering Residential Use application (NARU) application is required by the Agriculture Land Commission (ALC).

The subject property, legally described as The East 20 Acres of Section 10, Range 5, Cranberry District, is approximately 7.79 hectares in area and is located entirely within the ALR. The property is bound by Gomerich Road to the east and surrounded by agriculturally zoned properties which fall within the ALR. The property currently contains an existing dwelling unit, and an existing barn (see Attachment 1 – Subject Property Map and Attachment 2 – 2024 Aerial Photo). The property will be 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-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 designated as Agricultural within the ALR pursuant to the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1670, 2011” (OCP). The OCP supports agriculture and uses which are compatible with agriculture and contribute towards making it more productive. The applicant has indicated that the proposed increase in the size of the second dwelling unit is intended to accommodate family members who will be actively involved in ongoing farming operations, thereby enhancing the productivity of the farm and has made a NARU application to the ALC.

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

The subject property is zoned Agriculture 1 (AG1) subdivision district 'D' pursuant to "Regional District of Nanaimo Zoning Bylaw 2500, 2024" (Bylaw 2500). The AG1 zone permits Farm Use on lands within the ALR, Agriculture on lands not located in the ALR, and Residential Use permitting two dwelling units on parcels greater than 2.0 hectares. The AG1 zoning permits two principal dwelling units and does not restrict floor area for each unit. Rather the size of the dwelling unit is regulated through parcel coverage, setbacks, height restrictions, etc. The proposed construction of a second dwelling unit aligns with the permitted uses under the AG1 zone.

ALR Use Regulations limits the size of the principal dwelling unit to a total floor area of 500 m<sup>2</sup> and a total floor area of 90 m<sup>2</sup> for the second dwelling. The RDN calculates floor area as the sum total of the gross horizontal area of each floor of a building as measured from the inside surface of the outermost exterior walls and will include crawlspace area with a vertical clearance more than 1.2 metres in height as per the definition of floor area in Bylaw 2500. As such, RDN is responsible for reviewing applications to ensure compliance with the 90 m<sup>2</sup> floor area restriction imposed by the ALC.

The subject property currently contains an existing dwelling unit of approximate floor area of 358 m<sup>2</sup>, which will be designated as the first dwelling unit. The proposed second dwelling unit will be located on a previous farm house location, damaged by fire in 2009, where there is limited agricultural capability. The proposed dwelling unit comprises of a main floor with an approximate area of 150.25 m<sup>2</sup>, inclusive of covered patio and porch areas, along with a crawlspace with a vertical clearance of 1.5 metres, measuring 124.7 m<sup>2</sup> in floor area. This results in a total floor area of 274.95 m<sup>2</sup>, exceeding the 90 m<sup>2</sup> limit set by the ALC (see Attachment 3 and Attachment 4 – Proposed Site Plan and Proposed Building Plans).

The application indicates that the subject property is actively used for farming, primarily for the cultivation of fruit and vegetable crops associated with the family-operated business, Nesvog Meats and Sausage Company. The farming operation is managed by the property owners and their family members, who do not reside on the property. The current farming activities occupy approximately 10 acres, producing a wide range of vegetable crops including potatoes, carrots, cauliflower, broccoli, Brussels sprouts, cabbage, kale, lettuce, radish, beets, beans, peas, cucumbers, and tomatoes. Fruit crops grown on the property include blueberries, raspberries, black and red currants, peaches, apples, cherries, and plums. In addition, the farming operation includes soil preparation (plowing and rototilling), crop rotation, seeding, irrigation, pest management, weeding, pruning, and harvesting. The applicant has also identified future plans to expand the operation to include 300 chickens for egg production.

To support the continued operation and future expansion of the farm, which will require labour and ongoing monitoring, the property owners intend to create housing for family members. This would enable them to reside on the property and contribute directly to the management and productivity of the farming operation.

### ***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. 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

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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 aligns with the Strategic Focus Area of Planning and Managing for Growth, as outlined in the 2023 – 2026 Board Strategic Plan.

### **REVIEWED BY:**

P. Thompson, Manager, Current Planning  
L. Grant, General Manager, Development and Emergency Services  
T. Osborne, Acting Chief Administrative Officer

### **ATTACHMENTS:**

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