



Regional District of Nanaimo
Agricultural Area Plan Implementation

*Food Security Workshop Results
October 24, 2014*



Overview

As part of the Bylaw and Policy Updates Project, a workshop was held on October 24, 2014. The purpose of the workshop was:

1. to learn about agriculture in the region;
2. to present a draft discussion paper;
3. to obtain participant feedback on a set of 13 obstacles to agriculture that have been identified by the Regional District of Nanaimo (RDN);
4. to obtain participant feedback on a range of potential approaches for addressing the obstacles; and,
5. to provide an opportunity for workshop participants to identify additional obstacles and approaches.

Participants

There were about 35 participants in attendance which included RDN Elected Officials, the Agricultural Advisory Committee, RDN staff, the Ministry of Agriculture (MoA), the Agricultural Land Commission (ALC), Nanaimo Economic Development, staff from adjacent municipalities, agricultural organizations, and local area farmers.

Process

The RDN Food Security Workshop was held from 9:00 am – 4:00 pm. The morning involved presentations from guest speakers from the RDN, Island Health, Ministry of Agriculture, and a local area farmer.

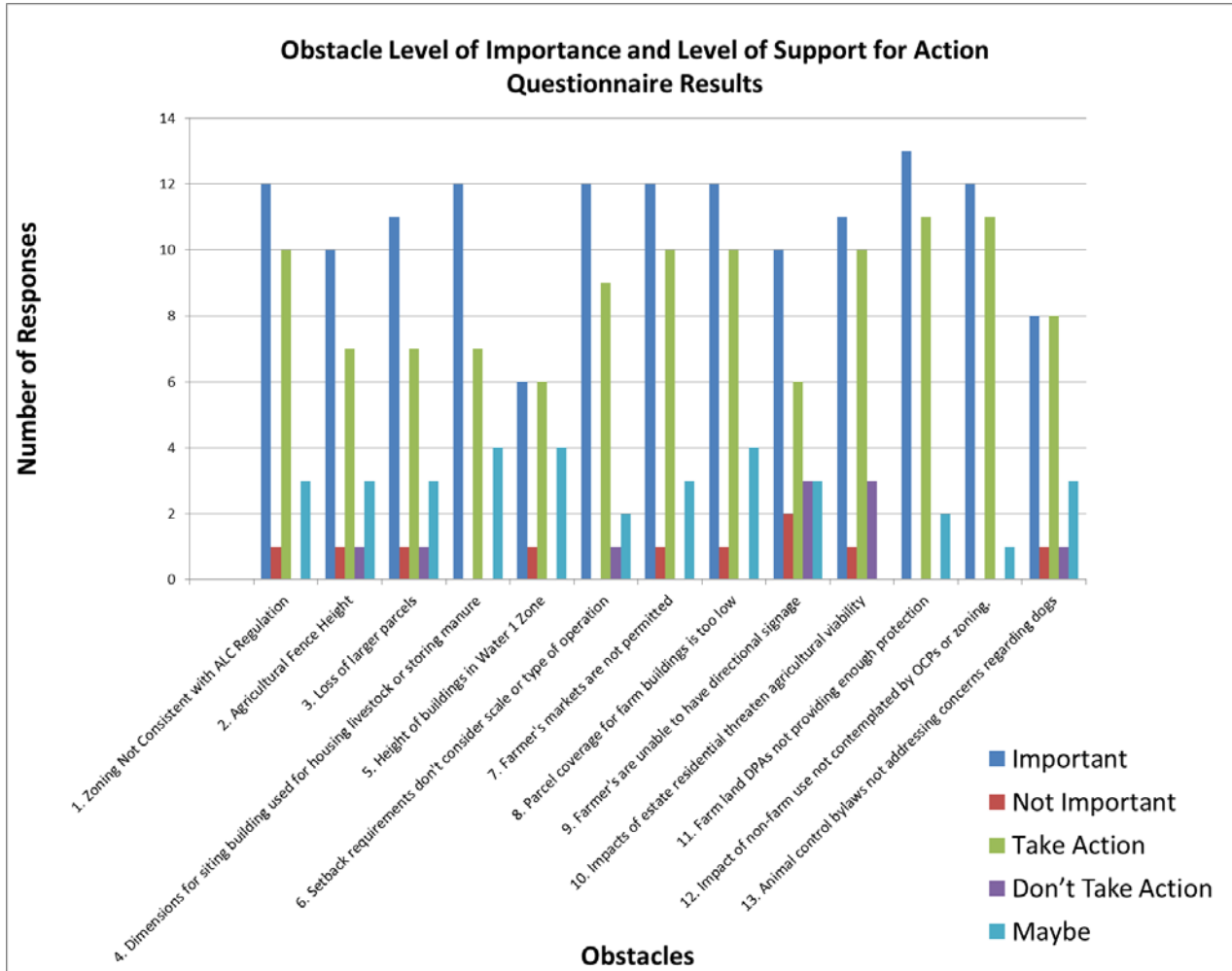
In late morning the RDN presented the draft Bylaw and Policy Updates Project discussion paper. Then participants spent the rest of the day in an exercise intended to get feedback on the draft obstacles and approaches identified in the discussion paper.

The workshop resulted in three key sources of data which are provided below.

1. Individual Questionnaire Results

Participants were provided an opportunity to complete a questionnaire where they could rank the draft obstacles according to their level of importance. The questionnaire also provided an opportunity for respondents to indicate if the RDN should take action on each of the identified approaches.

The chart below shows a visual representation of the questionnaire responses. Note a significant portion of participants did not complete the questionnaire.



As shown above, the blue bar represents the number of respondents who indicated that an obstacle was either very important or important. The red bar represents the number of respondents that indicated that an obstacle was not important. The green bar represents the number of respondents that indicated that the RDN should take action on a particular obstacle while the purple bar represents the number of respondents who indicated that the RDN should not take action on a particular obstacle. The light blue bar represents respondents who were undecided if the RDN should take action on a particular obstacle.

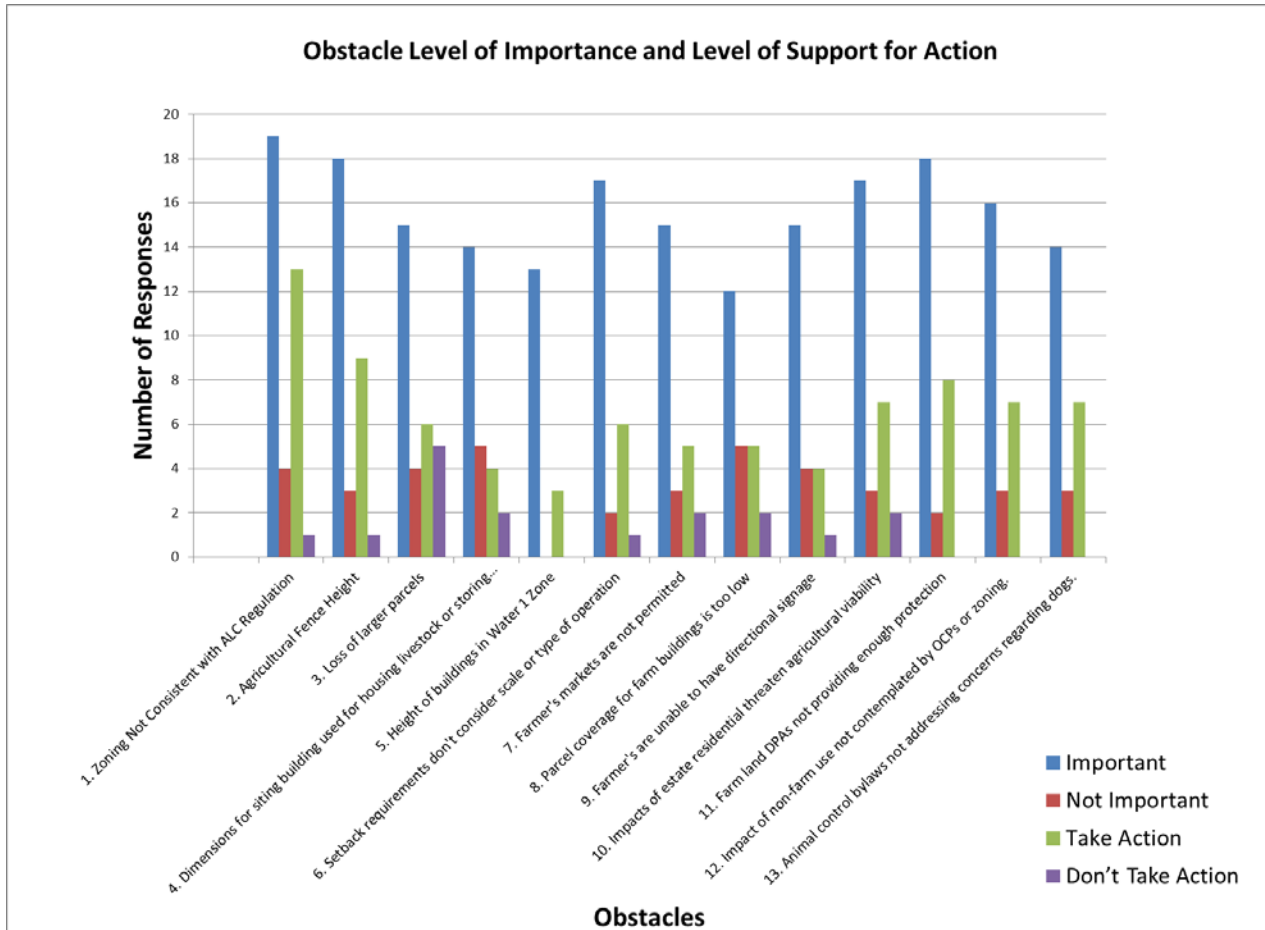
As can be seen above, the majority of respondents felt that most of the obstacles were important and that the RDN should consider taking action on each of the obstacles. Obstacle 11 was considered the most important and had the most support for further action. This was closely followed by Obstacles 1, 7, 8, and 12 which were also considered most important and had the greatest support for further action. The obstacle that was considered least important was obstacle 5 – Height of Buildings in the Water 1 Zone.

2. Group Exercise Results

Obstacle Ranking and Action Results

As part of the group exercise, participants were asked to review the obstacles and approaches on an individual basis. Then participants were asked to rank each obstacle based on its level of importance and indicate if they believe the RDN should take action on the obstacle.

Participants used green dots on a large poster-sized table to mark their selections. The chart below is a visual representation of the results.



As shown above, the blue bar represents the number of respondents who indicated that an obstacle was either very important or important. The red bar represents the number of respondents that indicated that an obstacle was not important. The green bar represents the number of respondents that indicated that the RDN should take action on a particular obstacle while the purple bar represents the number of respondents who indicated that the RDN should not take action on a particular obstacle.

As can be seen above, the majority of respondents felt that most of the obstacles were important. Notwithstanding the above, Obstacle 1 was considered the most important and had the greatest support for further action. Although Obstacles 3, 5, 7, 8, and 9 were considered important, fewer participants supported taking further action to address these obstacles.

The obstacle that was considered least important was obstacle 8, however there was support to consider further action.

General Ideas and Discussion

Part of the exercise involved small group discussion where participants were given an opportunity to discuss the draft obstacles.

Of the 13 obstacles that were identified, due to time constraints, workshop participants helped select the top 8 obstacles for further discussion. The following represents the notes recorded on flipchart paper for each obstacle that was discussed as well as a brief summary of the conversation.

Obstacle 1: Zoning Not Consistent with ALC Regulation

- Increase consistency but perhaps not 100%
- Do need to change subdivision to match minimum parcel size in ALC policies
- Section 46 in the *ALC Act* (Regarding prohibiting inconsistencies)
- Provide/enhance communication regarding the different agencies involved in subdivision of land.
- Overall there was support for the RDN to take action to address this obstacle.

Obstacle 2: Agricultural Fence Height

- The height of solid fences should be restricted
- Concern was expressed that taller solid fences may have a negative impact on agriculture through shade effects and disruption of wind.
- Fences that interfere with sightlines should be restricted.
- The RDN should not restrict the height of transparent fences on land zoned for agriculture.
- There appeared to be support to take action on this obstacle.

Obstacle 3: Loss of larger parcels

- Challenges include: family subdivisions, economic pressures to subdivide, increase potential higher yields on smaller farms (intensive organic)
- Local farms vs. large farms
- Intensive vs. pastoral
- Inconsistent rules and regulations
- RDN opportunities
 - Consistent subdivision regulations
 - Farm land bank? Protection or trust?
 - Minimum lot size?
 - Increase mill rates for un-farmed lands in the ALR (stick vs. carrot)
 - Change zoning
- There was a desire to have a variety of parcel sizes.

Obstacle 6: Setback requirements don't consider scale or type of operation

- **Challenges:**
 - **Lot configuration** (e.g. if lot is narrow, a 30 m setback requirement may preclude a feasible agricultural use; 30 m seems excessive for a small agricultural buildings/operations like a chicken coup vs a larger commercial poultry operation).

- **Doesn't consider adjacent uses** (the 30 m setback seems unnecessary where the agricultural operation is adjacent to other agricultural lands, vacant lands, or commercial/industrial lands where the potential impact on adjacent uses is negligible).
- **Lack of wildlife buffers** (the setback requirement should be based on the need to protect wildlife e.g. pollinators, not an arbitrary setback).
- **Location of setbacks** (the 30 m setback sterilizes the use of land for agriculture).
- **Actions:**
 - **New bylaw requirements** (establish new setback requirements based on relevant best practices that maximize agricultural use and minimize potential impacts on adjacent uses).
 - **Expand Setback Exemptions** based on other adjacent uses (need bylaw flexibility to allow ag uses of appropriate scale in the setback area; there should be more exemption criteria based on type of adjacent uses e.g. if agricultural land is adjacent to residential use, a smaller chicken coup of a specified number of chickens should be allowed within the setback; need to allow farmers to use the fullest extent of their property).
 - **Establish and protect pollinator pathways** (need to establish pollinator pathways within an appropriate setback); also need to educate people about the need to implement measures to protect pollinators).
 - **Setbacks should be imposed on residential not ALR land/ agricultural lands.** (setback requirements should be imposed on, and located within, adjacent residential lands, not within ALR/ agricultural lands, as the setback is intended to minimize impact of development on agricultural productivity and minimize potential land use conflicts).

Obstacle 9: Farmer's unable to have directional signage

- Farm signs managed by the Ministry of Transportation and Infrastructure (MOTI) need to belong to registered society. MOTI has a template.
- Talk to other Local Governments who have signs in the road right-of-way and follow procedure.

Obstacle 10: Impacts of estate residential threaten agricultural viability

- Challenges and potential consequences:
 1. **Fire access** (when the home plate is located further away from the road, this can result in challenges and inefficiencies for fire protection services).
 2. **Building footprint** (an unrestricted home plate can result in a large building footprint, including the services needed to support the buildings (e.g. driveways, septic system sizing) which reduces agricultural capacity).
 3. **Siting of the home plate** (a lack of restrictions on where a home plate may be located within a property may result in a home plate location that disrupts agricultural use or reduces agricultural capacity. For example, siting the home plate and related improvements well within the property increases impacts from:
 - Transportation access/roadway (longer driveways and roads within the property further removes land from farming)
 - Servicing (longer servicing corridors for hydro, water/sewer also reduce land area for farming)
 - Allowing a second dwelling unit in zoning further reduces agricultural opportunity/viability

- **Actions:**
 1. Consider sizing the home plate in relation to the size of the parcel to maximize area for farming.
 2. Size of the home plate should consider buffers/setbacks to minimize impacts on the agricultural use.

Obstacle 11: Farm land DPAs not providing enough protection

- Increase DPA to 100 metres minimum and require at the time of subdivision.
- DP to protect farm land and pollinator habitat
- Use buffer for vegetation screen/ green space/ trails and stormwater management
- Apply farm land DPAs in all Electoral Areas for all ALR adjacent lands.
- DP conditions for new development and subdivision:
 - Lot size/density
 - Siting and size of dwelling
 - Orientation of dwelling
 - Restrictive covenants for non-farm lands and disclosures
- Find a local property to use as a demonstration of best management practices.

Obstacle 13: Animal control bylaws not addressing concerns regarding dogs.

- Obstacles:
 - Identification of the dog
 - Definition of harassment of livestock
 - Structure for enforcement
 - Penalties for dangerous dogs and dogs at large
- Solutions:
 - Dog licensing (if politically unacceptable chip wiring)
 - Create a compensation fund that uses penalties collected from the owners of dangerous dogs and dogs at large to provide compensation to farmers for damages caused by dogs.
 - Education and awareness (Dogs should be treated the same as cattle or other livestock)
 - Note attached information was provided by Mayta Ryn in relation to this discussion topic.

New Obstacles

As part of the exercise, participants were given an opportunity to identify additional obstacles not identified in the draft discussion paper. The following obstacles were identified.

1. RDN zoning does not allow for adequate accommodation for seasonal workers
2. The RDN Waste Stream Management Bylaw does not allow farmers to accept organic waste for composting for use on site.
3. Development is allowed to proceed without adequate consideration given to groundwater for agriculture.

3. Plant issues in the Field

A poster titled 'Plant Issues in the Field' was provided at the workshop for participants to use to identify other issues that were not the focus of this workshop so they could be addressed at a later date or considered during later phases of the Bylaw and Policy Updates Project. The following comments were provided on the poster using the sticky notes provided.

- Great site regarding food security: <http://www.phsa.ca/healthprofessionals/population-public-health/food-security/default.htm>
- In many situations where ALR land has been subdivided, MOTI has road allowance that may never be developed basically removing productive farm land. Perhaps discussion with MOTI to allow licence of use for agriculture until developed.
- Ensure that wildlife habitat is included in the consideration of setbacks, particularly in areas of heavy wildlife use and urban/rural interface. Look at continuity of land included in the ALR that provides wildlife corridors and areas that are important for wildlife use (migration, breeding, etc.).
- Conservation covenants as put forward by landowners in a land trust situation.
- Buffer zones: Consider education and possible changes to bylaws to enhance pollinators throughout the region.
- Beban Park Master Plan needs to specifically mention and commit to a covered farm market in the Plan.

Limitations and Next Steps

The results of the workshop indicate:

1. that most of the obstacles are considered important and
2. that further action is supported on a number of the identified obstacles

Specifically, making the zoning consistent with the ALR Regulation, increasing maximum fence height and parcel coverage, enabling directional signage, providing more protection in the Farm Land Protection Development Permit Areas, addressing the impacts of non-farm use, and improving animal control received the most support for further action.

The results demonstrate that the workshop achieved its purpose by providing an opportunity to learn about agriculture and an opportunity to identify and discuss potential obstacles to agriculture in the region and some potential approaches for how they could be addressed. Further phases of the Bylaw and Policy Updates Project will refine and seek input on how the RDN could address the identified obstacles.

Regional District of Nanaimo
Agricultural Advisory Committee
DOG HARASSMENT OF LIVESTOCK

Necessary Elements of a Bylaw to Deal with this Issue:

- A. Identification of the Dog**
- B. Definition of Harassment of Livestock**
- C. Structure for Enforcement**
- D. Penalties for Dangerous Dogs that are Harassing Livestock**

A. The First and Most Important Element of an Effective Bylaw is Identification of the Dog.

Why? Animal Control Officer and RCMP will not act on this issue unless they can identify the dog.

How? Licensing or Mandatory Chip Identification

Photos are good but not positive identification.

Tattoos are not really effective because they fade beyond recognition and are not linked by a universal and accessible record keeping system. Animal control officers have trouble identifying a dog from the Lower Mainland by tattoo let alone one from another province or country.

Microchip identification is moving to a universal system that is accessible by everyone in the animal control field. At present, the vet or pet owner registers the chip identification on an internet website which is easily accessible.

Licensing - a mandatory microchip identification system would be cheaper for the pet owner and might be more politically acceptable, but it fails to raise revenue from pet owners to offset animal control costs. In 2014, Nanaimo City covered approximately 65% of its animal control costs from licensing fees.

Why don't all the rural districts of the RDN already have licensing for dogs?

District H of the CVRD (North Oyster Diamond) shares its northern border with District A of the RDN and has had dog licensing since the 1970s. In what seems to be a direct result of mandatory licensing, dog harassment of livestock is under better control in District H than District A. When the licensing of dogs was first introduced for rural areas in the CVRD, dogs remained unlicensed and ran free, but gradually attitudes changed. Increasingly, dogs were licensed and kept under control in rural areas and farmers gradually experienced less problems with dogs running freely across their property. Attitudes will not change until a system of mandatory identification for dogs is introduced and dog owners start to see their responsibilities in a different light.

I am told that this issue is the “Third Rail” among the directors of some rural districts in the RDN. Don’t touch it or you will lose your seat. I can understand how emotional this issue can be with dog owners, but attitudes changed in the CVRD and they can change in those districts in the RDN who do not presently have licensing. Mandatory microchip dog identification might be more politically acceptable as there is a one time cost of \$25-80. However, it will not raise the money that licensing fees raise. Without this revenue from licensing fees, the animal control contract will not include money for enforcement in rural areas.

Need for Licensing of Dogs in the Rural Districts of the RDN:

- (a) To positively identify dogs that are harassing livestock.**
- (b) To take the burden off farmers to take care of the problem of dogs harassing or killing their livestock.**

The RDN, the RCMP, and the Animal Control officers should not be asking farmers to take care of this problem themselves because:

- 1. Under the present Livestock Act and Regional District Bylaws, it might be interpreted as illegal.**
- 2. Farmers shooting dogs is dangerous.**
- 3. Attitudes towards “shooting, shovelling and shutting up” have changed in rural areas.**
- 4. There should be fair and equitable responsibility for animal control throughout the RDN.**

- 1. Under one interpretation of the present Livestock Act, it has been judged illegal for a farmer to shoot a dog unless it is actively killing their livestock.**

The act reads:

A person may kill a dog if the person finds the dog

(a) Running at large

AND

(b) Attacking or viciously pursuing a person or a domestic animal.

THE KEY IS THE WORD “AND”.

A rancher was convicted for shooting a dog that had been actively harassing her livestock, but was shot when it was leaving the property. How possible is it for a farmer to kill a dog that is actively harassing or killing his livestock – you have to get the gun out first and, by that time, the dog has either killed or left. The penalty asked for in this case – 2 years in jail and a lifetime ban on owning animals – has really scared farmers and ranchers.

Ranchers and the BC Cattlemen’s Association rallied around this rancher and the conviction was overturned at the Supreme Court Level. The provincial government has said that it will look into changing the Act to make it possible for farmers to legally protect their livestock from dangerous dogs.

At the present time, it is still a questionable act for a farmer to protect his livestock from harassing dogs. Much safer if he catches them in the act of actively killing an animal, but this is difficult to accomplish. Licensing and penalties for allowing dogs to run at large would offer an alternative to killing a dog that is at large on your property and harassing your livestock.

2. Farmers shooting dogs is dangerous.

Last month, one of my neighbours had their grandson shot dead while out hunting dogs that were harassing their livestock in Northern British Columbia. Imagine how much more dangerous it is for residents in our semi rural areas.

3. Attitudes towards “shooting, shovelling and shutting up” have changed in rural areas.

When I moved to the Cedar-Yellow Point area in 1976, farmers took care of these problems on their own. They shot all dogs that crossed their fence line. We had an intense discussion at the Nanaimo Cedar Farmers Institute and times have changed. The farmers in my area now take photos - which are a talking point with their neighbours, but not positive identification. And they try to take problem dogs to the Animal Control Shelter, but they will not accept the dangerous dog unless it can be proven that it has killed an animal or the dog itself is injured. They do phone the Animal Control Officers and the RCMP with absolutely no success. The response is “take care of it yourself.” Until there are clear bylaws covering this issue and money in the animal control budget, the Animal Control Officers and RCMP are not going to respond.

4. Fair and equitable responsibility for animal control throughout the RDN.

When the people in rural areas kept their own dogs with them on the farm and took care of animal control themselves, there was no need for them to contribute to the cost of animal control through licensing fees. However, they no longer shoot problem dogs or drown kittens. They take them to the animal control centre or expect the animal control officer to come to the site and take care of the problem for them. In addition, they no longer keep their dogs with them when they are on the farm and keep them chained up as watch dogs when they are away. They take their dogs with them to other areas of the RDN for companionship and exercise so the dogs are out and about in other areas of the Regional District. Licensing fees are a way for pet owners to contribute to the costs associated with pet services. Licensing fees provide approximately 65% of the funding for animal control services within the City of Nanaimo. Rural residents use the pet services operated by the RDN and are enraged if they are turned away so they need to contribute in the same way that the urban residents of the district contribute.

B. Definition of Harassment of Livestock

Not just actively killing livestock. Should be defined as “inducing fear” or “worrying livestock”.

BCSPCA Policy under its Model Animal Control Bylaws suggests:
(5) No owner of a dog shall permit his or her dog to, without provocation:
(a) chase, bite or attack any person or domesticated animal; or
(b) cause damage to any property.

C. Structure for Enforcement.

Who will enforce?

The farmer is the person who is on the spot to enforce, but the present Livestock Protection Act does not clearly give him/her the authority to take action. Until the provincial government chooses to change the act, enforcement comes down to local authorities empowered by local bylaws.

BCSPCA Policy under its Model Animal Control Bylaws suggests:
“an animal control officer” or “any other authority”

How will they enforce?

BCSPCA Policy under its Model Animal Control Bylaws suggests:
“apply to the provincial court for an order”

D. Penalties for dangerous dogs that are harassing livestock.

BCSPCA Policy under its Model Animal Control Bylaws suggests:
“dog be destroyed in the manner specified in the order”

There also needs to be a fund set up that can provide compensation for livestock that is killed by a dangerous dog.

The applicable section of the BCSPCA Model Bylaws in full is:

The Following Special Powers in Relation to Dangerous Dogs are Empowered to Municipalities by the BC Community Charter [SBC 2003], Section 49:

(1) In this section only, “dangerous dog” means a dog that:

- (a) has killed or seriously injured a person,
- (b) has killed or seriously injured a domestic animal, while in a public place or while on private property, other than property owned or occupied by the person responsible for the dog, or
- (c) an animal control officer has reasonable grounds to believe is likely to kill or seriously injure a person (or animal).

(10) In addition to any other authority, if an animal control officer has reasonable grounds to believe that a dog is a dangerous dog, the officer may apply to the Provincial Court for an order that the dog be destroyed in the manner specified in the order.

The benefit of writing bylaws that include the suggestions in the BCSPCA Model Bylaws is that the BCSPCA has the support of the majority of pet owners and has a reputation for compassionate and

responsible care for animals. This lessens the political risks of opposition from the pet owning community.

DRAFT