

REGIONAL DISTRICT OF NANAIMO
AGRICULTURAL ADVISORY COMMITTEE
FRIDAY, November 25, 2016.
2:00 PM

(Board Room)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3 –6 Minutes of the regular Agricultural Advisory Committee meeting held August 26, 2016

That the minutes of the Agricultural Advisory Committee meeting held August 26, 2016 be adopted.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

REPORTS

7 ALC Final Decisions - Verbal Report from RDN staff
(Table attached)

Increasing Public Awareness of the Agricultural Area Plan and its Merits - Verbal Report from RDN staff
(No attachment)

Provincial AAC Workshop – Verbal Report from RDN staff
(No attachment)

AAC Membership Expiring at the End of this Year – Verbal Report from RDN staff
(No attachment)

8 – 24 RDN Area 'H' ALR Boundary Preliminary Analysis – Draft Report on Existing Conditions

Presentation by Andrea Lawseth *(in person)* and Ione Smith *(via teleconference)* from Upland Consulting regarding the ALR Preliminary Boundary Analysis report.

- 25 –57 PL2016-155 - ALR Subdivision/Non-Farm Use - 2575 Maxey Road – Electoral Area C
- 58 –87 PL2016-158 - ALR Non-Farm Use Application - 395 and 403 Lowry’s Road – Electoral Area G
- 88 –163 PL2016-151 - ALR Non-Farm Use Application – Island Highway West – Electoral Area H

Response to Changes to the Agriculture Land Reserve Use, Subdivision and Procedure Regulation – Gathering for Events – *To Be Distributed*

BUSINESS ARISING FROM DELGATIONS OR COMMUNICATIONS

NEW BUSINESS

ADJOURNMENT

Distribution: H. Houle (Chair), J. Fell, C. Haime, K. Reid, R. Thompson, C. Watson, M. Ryn, K. Wilson, G. Laird, J. Thony, M. Young, J. Stanhope, B. Veenhoff, P. Carlyle, G. Garbutt, J. Holm, P. Thompson, T. Armet, J. Schile, G. Keller, K. Marks, C. Simpson, P. Sherman

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE AGRICULTURAL ADVISORY COMMITTEE
MEETING HELD ON FRIDAY AUGUST 26, 2016 AT 11 AM
IN THE RDN BOARD ROOM**

Present:

H. Houle	Chairperson
J. Fell	Electoral Area F
M. Ryn	Regional Agricultural Organization
J. Thony	Regional Agricultural Organization
K. Reid	Shellfish Aquaculture Organizations
K. Wilson	Representative District 68
G. Laird	Representative District 68
R. Thompson	Representative District 69

Regrets

C. Haime	District of Lantzville
C. Watson	Representative District 69
D. Trudeau	Interim Chief Administrative Officer
G. Garbutt	Gen. Mgr. Strategic & Community Development
P. Thompson	Mgr. Long Range Planning
T. Armet	Mgr. Building, Bylaw Services & Emergency Planning Services, Bylaw Enforcement

Also in Attendance:

M. Young	Director Electoral Area C
B. Rogers	Director Electoral Area E
J. Holm	Mgr. Current Planning
G. Keller	Sr. Planner, Long Range Planning
K. Marks	Planner, Current Planning
C. Simpson	Sr. Planner, Long Range Planning
B. Farkas	Recording Secretary

CALL TO ORDER

The Chairperson called the meeting to order.

MINUTES

MOVED K. Wilson, SECONDED K. Reid, that the minutes of the Agricultural Advisory Committee meeting held on June 24, 2016, be adopted.

CARRIED

UNFINISHED BUSINESS

J. Holm provided an update on the ALC's decisions on past applications that have been considered by the AAC. There will be ongoing reporting provided to the committee when the ALC reaches a decision on an ALR application.

A copy of a letter to AAC Members from J. Schile, Planner was included in agenda. The letter outlines the decision by the ALC to deny the request for subdivision for PL2016-042.

In addition, the ALC has provided a decision for PL2016-035 on August 24, 2016. The ALC has refused the application for non-farm use. A letter explaining the ALC's decision will be provided to the Committee.

The ALC has also provided a decision for PL2015-160 on August 25, 2016. The ALC has refused the application for 2116 Alborn Highway for subdivision. A letter explaining the ALC's decision will be provided to the Committee.

REPORTS

ALR Application No. PL2016-096 - Subdivision

MOVED Director Fell, SECONDED K. Wilson, that application No. PL 2016-096, Edwards/Kallin, be forwarded to the Agricultural Land Commission with a recommendation to approve the subdivision within the ALR.

NOT CARRIED

MOVED G. Laird, SECONDED M. Ryn, that Application No. PL2016-096, Edwards/Kallin, that Part of Lot 1, District Lot 35, Wellington District, Plan 3225, Lying Southerly of a Line Drawn Parallel to and Perpendicularly Distant 2.645 Chains Northerly from the Southerly Boundary of Said Lot and 6617 Doumont Road – Electoral Area 'C' be forwarded to the Agricultural Land Commission with a recommendation to not approve the subdivision within the ALR.

CARRIED

ALR Application No. PL2016-097 - Non-Farm Use

MOVED Director Fell, SECONDED K. Wilson, that Application No. PL2016-097, Culverden Holdings Ltd., Lot 1, District Lot 171 and Block 564, Nanoose District, Plan VIP71158 and 1888 Kaye Road – Electoral Area 'E' be forwarded to the Agricultural Land Commission with a recommendation to allow the non-farm use in the ALR.

CARRIED

Changes to the ALR Regulations – Verbal Update

G. Keller provided the committee with an update on the recently amended ALR Regulations. Mr. Keller advised that the new regulations are available at the ALC's website.

There was discussion regarding the RDN's role in regulating events which will now be permitted on land located in the ALR.

J. Holm informed the committee that the new significant changes to the ALC regulations have been enacted since the recent adoption by the RDN Board of amendments to the RDN zoning bylaws (Bylaw 500 and Bylaw 1285) to ensure that the RDN bylaws are more consistent with the ALR regulations.

MOVED K. Wilson, SECONDED G. Laird, that the AAC forward a recommendation to the RDN Board requesting that the Board consider amendments to zoning Bylaws 500 and 1285 to address recent amendments to the ALR Regulations (B.C. Reg. 210/2016).

CARRIED

MOVED M. Ryn, SECONDED K. Wilson, that the AAC recommends the Board refer the matter of zoning bylaw amendments to address recent changes to the ALR Regulations (B.C. Regulations 210/2016) to the AAC for recommendations to the Board.

CARRIED

Exploration of Composting – Verbal Update

G. Keller stated that in the interest of time he will provide a verbal summary on the bus tour which is scheduled to depart immediately after the AAC meeting.

RDN Agricultural Bylaw Amendments – Verbal Update

K. Marks noted that the RDN Agricultural Bylaw Amendments were adopted June 28, 2016 and directed committee members to the RDN website for detailed information.

Brochure on Rural Areas Guide for Residents Living in Farming Areas – Verbal Update

K. Marks distributed the brochure to committee members and made note of suggested changes from the committee.

NEW BUSINESS

Electoral Area 'H' Official Community Plan Review

C. Simpson advised the committee of a preliminary analysis for an ALR boundary assessment underway in EA'H' and noted that a report will be provided to the AAC for their review when a draft version is available. Ms. Simpson also noted that aquaculture will be included in the report.

Parksville Economic Development Working Group

J. Thony advised that she is a committee member with the Parksville Economic Development Working Group who is proposing to build a demonstration farm.

Coastal Invasive Species Committee

J. Thony noted that the Coombs Farmers Institute now has a permanent seat on the board of the Coastal Invasive Species Committee.

Increased Public Awareness of Agricultural Area Plan

J. Thony indicated that there is a need for greater awareness of the AAP among the general public.

MOVED J. Thony, SECONDED M. Ryn, that the AAC recommend that the Board direct staff to look into ways to better inform the public of the existence of the AAP and its merits.

CARRIED

J. Holm invited the committee members to contact staff at any time for consultation regarding the process of bringing new agenda items to the committee and preparing motions for the committee.

ADJOURNMENT

The meeting was adjourned at 12:25 p.m.

CHAIRPERSON

AAC Comment and ALC Decisions – February 2014 to November 25, 2016

AAC has been providing comment on applications to the Provincial ALC in accordance with RDN Board Policy B1-08 *Review of Provincial Agricultural Land Reserve Applications* since February 2014. In that time the AAC has provided comment on 15 applications to the ALC. The applications, AAC comment and ALC decisions are summarized in the following table:

Approved	Blue
Refused	Pink
New Decisions	Bold
Pending	White

Application No	Application Type	Property Legal/Civic Address	EA	AAC Recommendation	ALC File No	ALC Decision
PL2014-005	ALC Inclusion/Exclusion	0848214 BC LTD	H	None provided	53673	Approved
PL2014-010	Subdivision	2455 Holden Corso Road & 1617 Rugg Road	A	Approval	53680	Refused
PL2014-013	Subdivision	531, 533, 539 Parker Road West	G	None provided	53681	Refused
PL2014-017	Subdivision	2670 McLean's Road	C	Approval	54215	Refused
PL2014-027	Subdivision	2729 Parker Road	E	Approval	53723	Approved
PL2014-051	Subdivision	2560 Grafton Ave. & 2555 Tintern Road	F	Approval	53789	Refused
PL2015-057	Nonfarm Use	640 Grovehill Road	H	Approval	54288	Approved
PL2015-160	Subdivision	2116 Alberni Highway	F	None provided	55109	Refused
PL2015-177	Subdivision	Part of Lot 1, Plan 2273, Virginia Road	F	None provided	54599	Refused
PL2016-034	Subdivision	2070 Akenhead Road	A	Approval	54876	Pending
PL2016-035	Nonfarm Use	Lot 1, Plan EPP16024 & Lot C, Plan VIP80909, Hodge's Road	G	Approval	54982	Refused
PL2016-042	Nonfarm Use	2602 Holden Corso Road	A	Approval	55086	Refused
PL2016-064	Nonfarm Use	2347 & 2419 Cedar Road	A	Approval Area 1 Non Approval Area 2	55251	Pending
PL2016-096	Subdivision	That Part of Lot 1, District Lot 35, Wellington District, Plan 3225, Lying Southerly of a Line Drawn Parallel to and Perpendicularly Distant 2.645 Chains Northerly from the Southerly Boundary of Said Lot	C	Non Approval	55410	Pending
PL2016-097	Nonfarm Use	Lot 1, District Lot 171 and Block 564, Nanoose District, Plan VIP71158	E	Approval	55354	Pending

RDN Area 'H' ALR Boundary Preliminary Analysis
Report on Existing Conditions

DRAFT

November 16, 2016



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1.0 Introduction

This report on existing conditions provides a first step in summarizing information for the ALR Boundary Review for Area 'H'. It provides a rationale for the initiative, and describes the criteria that will be used to perform the preliminary analysis. Data gaps are also identified.

The objective of the ALR Boundary Review for Area 'H' is to provide increased confidence for decision-makers when determining whether certain areas should be included or excluded from the Agricultural Land Reserve (ALR). The preliminary analysis builds on the fine-tuning completed by the Agricultural Land Commission (ALC) in 1987 and considers the following:

- Information contained in local applications submitted to the ALC (and the ALC's decisions) over the last 15 years;
- Changes in community plans;
- Existing Agrologist reports; and
- Updates to technical mapping data.

2.0 Scope and Purpose

The scope of this report includes a background investigation (including a review of existing documents), the development of a rationale, a mapping update, a day spent ground-truthing several sites, and discussions with landowners, RDN staff, and other stakeholders. The consultation efforts were intended to inform stakeholders about the project and to focus on confirming mapping information gathered by the consultants on biophysical characteristics of the parcels as well as pertinent historical information. The report also provides a rigorous set of criteria through which the current boundary (at both the sub-area and parcel scale) of the ALR in Area 'H' can be analyzed in order to provide increased certainty for all land owners and government.

This summary document contains all the existing knowledge regarding the ALR in Area 'H' and will be used to inform the preliminary analysis of the ALR boundary, which will be provided in the submission of a final report.

3.0 Context and Background Information

3.1 ALR: Early History

In the early 1970s, the province delineated the ALR boundary based on the Government of Canada's Canada Land Inventory (CLI) maps which were available at a 1:50,000 scale. The CLI system rated land for agricultural capability on a scale of Class 1 to Class 7 based on biophysical factors such as soils and climate. Class 1 land is considered the most suitable for a wide range of agricultural production while Class 7 land has no capability for agriculture. The original

designation guidelines, generally stated, included lands in the ALR if they had improved capability ratings of Class 1 to 4.

The draft ALR maps were produced in the early 1970s by the BC Ministry of Agriculture and were then provided to Regional Districts so that recommendations and adjustments could be made based on public information from community meetings. The official ALR boundaries were subsequently confirmed by government between 1974 and 1975. The result was 4.7 million ha of land included in the ALR in BC, with approximately 50% of it Crown Land, often undeveloped and forested. The other 50% is privately owned and used for residential and agricultural use. The majority of the ALR lies in central and northern BC, namely the Peace River, Cariboo, East Kootenay, Bulkley Nechako, Fraser-Fort George and Thompson Nicola Regional Districts.

The ALC is an independent administrative tribunal of appointed Commissioners (and staff) who are dedicated to preserving agricultural land and encouraging farming in BC. The ALC administers the ALR in accordance with the ALC Act through six regional panels. While applications for ALR subdivision, exclusion, inclusion, and non-farm use for lands are vetted by the Regional District, the ALC has the final decision-making power. The ALC also conducts other activities such as policy development, local government land use planning, bylaw reviews, regulation interpretation, ALR boundary reviews and compliance and enforcement.

3.2 ALR: Fine Tuning in RDN Area 'H'

ALR fine tuning reviews were first initiated by the ALC in the 1980s in order to have the boundary refined for accuracy in areas where new data had become available and/or a multitude of exclusion applications and landowner complaints were occurring. The ALC had staff and resources dedicated to reviewing ALR boundaries throughout the 1980s, however the funding for the Fine Tuning Program ceased in 1990.

During the mid-1980s, Vancouver Island received much of the ALC's Fine Tuning funding, based on the availability of updated and more detailed CLI mapping data. In the case of Eastern Vancouver Island, it was determined that the old CLI system was not comprehensive enough to classify land for specialty crops. For example, Class 3, 4 and often Class 5 soils may be highly suitable for forage production and specialty crops, but were considered "marginal" when measured against the CLI standard of being able to produce conventional soil-based crops. Therefore, it was determined that the suitability of soils for particular crops needed to be re-considered and suitability for non-soil based agriculture should also be assessed.

In 1987, a thorough review of agricultural capability within Area 'H' was completed to determine if any land should be included and/or excluded from the ALR. The purpose of this process was to review, in a consistent manner and using predetermined criteria, lands with potential for agriculture that were outside the ALR and those with limited opportunities for agriculture that were within the ALR. The process included re-mapping soils and agricultural capability data at the 1:20,000 mapping scale as well as the consideration of specialty crops, land use, parcel size, location, community development plans, and provincial plans.

The process was undertaken over a two-year period (1986-1987) and resulted in the inclusion of 865 ha of land into the ALR and the exclusion of 1,410 ha from the ALR, resulting in a net exclusion of 545 ha. At that time, the General Manager of the ALC stated that the process created a more credible and defensible ALR boundary within Area 'H'.

The land that was brought into the ALR included areas with agricultural capability ratings of Class 1 to 3 that was under forest cover at that time. The majority of land excluded from the ALR was Class 5 to 7, although some areas had small pockets of better capability. Some of the land that was excluded had good capability for agriculture, but was determined to have little potential for long term agricultural use because it had already been subdivided into small lots (less than 2 ha or 5 acres). This indicates that the ALC considers small lots to have less potential for farming. Some of the land excluded in the Qualicum Bay area had already been alienated from agricultural use through development into a fire hall and a community centre.

4.0 Rationale for the Review of the ALR Boundary in Area 'H'

In November 2015, the RDN Board endorsed a terms of reference for the Electoral Area 'H' Official Community Plan Review project which included completion of a preliminary analysis of the ALR boundary in Area 'H' as background information for the review. During the course of subsequent public engagement related to the Official Community Plan (OCP) review for Area 'H' in 2016, the desire to have the ALR boundary re-reviewed was reinforced at community meetings and through an online survey. The feedback included comments regarding the desire to exclude and/or subdivide ALR for increased development and for hobby farming purposes. Others commented that the ALR is a valuable resource that should be protected. The OCP Community Working Group met several times between April and July 2016 to discuss key issues related to the OCP update, including the discussion of certain parcels of land within the ALR. An open house was subsequently held regarding the Area 'H' OCP review on June 22, 2016 in Bowser. Discussion occurred on several subjects and was not particularly focused on the ALR. Specific comments relating to agriculture included the following:

- Whether development should occur on specific ALR properties.
- Support for the ALR and that it should only be used for agricultural uses.
- That residents in the Arrowsmith area should receive support from the RDN for ALR exclusion.
- Questions regarding the suitability of soil for cultivation of crops in some ALR properties.
- That the use of ALR for increased housing should be explored.

In June, twelve residents of the Boorman Rd neighbourhood submitted a petition to the RDN requesting that a block ALR exclusion application be supported in order to encourage hobby farming on smaller 5 acre lots. This request reflects numerous subdivision, exclusion, and non-farm use applications that have been submitted to the ALC by residents in this area (which includes Whistler Rd, Fowler Rd, Bonsai Place, and Rembar Rd) since 2000. Most of these applications have been denied by the ALC. Other parts of Area 'H' that have seen clusters of ALC applications include Grovehill Rd and areas around Spider Lake and Horne Lake.

5.0 Sources of Data

5.1 Existing Studies

The following studies were used to inform this report:

- Order in Council for inclusion and exclusion of ALR and associated report and maps regarding ALR Boundary Fine Tuning program for Regional District of Nanaimo, BC Ministry of Agriculture and Fisheries and Agricultural Land Commission (1987).
- History of ALC applications and associated decision letters since 2000.
- Reports from Professional Agrologists that accompanied historical ALC applications, including:
 - Agricultural Capability Assessment for 2450 Whistler Rd West, Lot 6, District Lot 81, Newcastle District, Plan 8857, by Catherine Orban, PAg (2008).
 - Land Capability Assessment and associated subdivision plan map for 421 Boorman Road, Lot 28, District Lot 81, Newcastle District, Plan 1967, by Peter T. Mason and Mel Zwierink, PAg (1999).
 - Agricultural Capability Assessment for 7955 Island Highway West (Cook Properties) by Laura Hooper-Byrne, PAg (2015).
 - Supplementary Report for Application to the ALC for the Remainder of Lot A, Plan 48840, District Lots 1 & 86 and Lot B, Plan 38643, District Lot 86, by Brian French (1999).
 - Land Capability Assessment for 2715 Turnbull, Lot A, Block 360, Alberni District and Newcastle District (2003).
 - Agricultural Capability Assessment for 4920 Island Highway West, Lot 24, District Lot 81, Newcastle District, by Nicole Muchowski, PAg (2010).
- Agriculture Water Demand Model report for the Regional District of Nanaimo by the BC Ministry of Agriculture (2013).
- Agricultural Land Use Inventory for the Regional District of Nanaimo by the BC Ministry of Agriculture (2011).
- Soils of Vancouver Island, a compendium published by the BC Forest Service (1973).
- Soils of Southeast Vancouver Island published by the BC Ministry of Agriculture and Food (1985).
- ALR Boundary Review Manual published by the Agricultural Land Commission (2014).
- Electoral Area 'H' Agricultural Bylaw and Policy Updates Project, draft property data summary (2016).
- Electoral Area 'H' Official Community Plan Background Report (2016).
- Electoral Area 'H' Official Community Plan survey results and notes from community meetings (2016).

5.2 Mapping Data

Digital (PDF) versions of agricultural capability maps were used to determine overall agricultural capability for the sub-areas. The following Agricultural Capability Maps for Regional District of Nanaimo were used:

- Soil maps for agricultural soil management groups, published by BC Ministry of Environment and Parks at scale of 1:20,000 (1984).
- Agricultural Capability maps published at scales of 1:125,000; 1:50,000 (1979); and 1:20,000(1984) (by Talisman Projects Inc. in 1979 and BC Ministry of Environment and Parks in 1986).

Geographic Information Systems (GIS) data was also obtained in thematic map layers to allow for integrated analysis of land data. The data layers include:

- 20 m topographical contours (Terrain Resource Information Management (TRIM))- GeoBC.
- Watercourses and Environmental Features (TRIM).
- Ground water wells – BC Ministry of Environment Water Resources Atlas (2016).
- Parcel data including Farm Tax status (Regional District of Nanaimo).
- Lot and Coverage Data from the Agricultural Land Use Inventory (ALUI) – BC Ministry of Agriculture (2012).
- Source data and results from the Agricultural Water Demand Model (BC Ministry of Agriculture (2013).

5.3 ALC Application History

A review of 37 historical ALC applications (submitted since 2000 for the purposes of inclusion, exclusion, subdivision, and non-farm use) is included here. The purpose of this review is to obtain a full picture of the type of applications that are being submitted regionally as well as to investigate the nature and consistency of the ALC’s decisions. As part of the analysis, a detailed inventory of historical applications submitted to the ALC from landowners within the RDN Area “H” was compiled. Information regarding the ALC decisions were obtained from RDN staff and was analyzed to determine the basis for approval or rejection of applications. The data set was completed with assistance from ALC staff.

A review of applications was conducted on a sub-area-scale. For ease of analysis, Area “H” is grouped into the following six sub-areas:

- Sub-area 1: Deep Bay (3 applications);
- Sub-area 2: Bowser (no applications);
- Sub-area 3: Qualicum Bay and Dunsmuir including Horne Lake Rd. (14 applications);
- Sub-area 4: Boorman Rd., Whistler Rd., Fowler Rd., Bayliss Rd., and Oakdowne Rd. (15 applications);
- Sub-area 5: Horne Lake area (no applications); and
- Sub-area 6: Spider Lake area (5 applications).

Several landowners submitted repeat applications. For instance, if an exclusion application was denied then the landowner may have submitted a subdivision application a few years later, or a request for reconsideration. No applications were submitted in the Bowser or Horne Lake areas. Overall, the decisions of the ALC have been consistent across Area “H” applications.

They can be summarized as follows:

- 4 non-farm use applications, two of which were approved (one for a secondary dwelling and one for a seniors assisted living facility);
- 7 exclusion applications (one recently submitted and not yet decided). Two of the exclusion applications were approved (one due to poor agricultural capability in the Spider Lake area and the other due to concerns around shellfish operations in the Deep Bay area);
- 22 subdivision applications, seven of which were approved to improve the operational conditions of the agricultural sites;
- 1 application to include a portion of land and then subdivide the larger lot, which was approved; and
- 3 inclusion applications, which were all approved.

Despite the application that was approved for exclusion, having poor agricultural capability was not generally considered by the ALC to be a significant enough factor to warrant exclusion, non-farm use, or subdivision of the ALR land base. The ALC has repeatedly noted that non-soil based agricultural activities could and should be explored in areas with marginal (Class 4-5) and challenging (Class 6-7) soils. The ALC does not encourage repeat applications that do not otherwise demonstrate any relevant new information. It is clear that the ALC has been consistent in these repeat application decisions and that a different conclusion is unlikely in the future.

5.3.1 Deep Bay: 2 Exclusion Applications and 1 Non-farm Use Application

- One exclusion application was approved due to poor agricultural capabilities and concerns from the local shellfish operators regarding potential impact of upland and upstream agricultural activities.
- A second application for non-farm use (in order to construct an additional dwelling for an employee and to establish a pallet building and repair business) was denied. The ALC's reasoning was that the construction and establishment of the pallet business had no benefit to agriculture in the region and was inconsistent with ALR regulations and intentions.
- A third application for exclusion (by representatives of the Cook properties) has recently been submitted to the ALC and is being processed. A decision has not yet been made. The site is not being used for agriculture and proponents argue that any agricultural development of the site may negatively impact nearby shellfish operations.

5.3.2 Inland Island Highway (South of Horne Lake Exit): 4 Subdivision Applications

- Three applications were by the same landowner for subdivision of a lot and two blocks, with the addition of a third block in the final application, which was a reconsideration request. The fourth application was submitted by a different landowner with a much smaller parcel size.
- Three of the four subdivision applications were approved. The ALC reasoning for approving the subdivisions was that the subdivision of high capability land into parcel sizes that remained large enough to be viable parcels, but more financially attractive, would allow for a wider variety of agricultural operations and would be more likely to be farmed. The ALC also agreed that the properties were bisected by the highway, which created challenges in farming the lot as one contiguous operation.

- The properties ranged from 58 ha to 400 ha in size and were all zoned as either A-1 or A-2. The final subdivision resulted in properties ranging from 8.3 ha to 167.8 ha, which remain within the zoning's minimum parcel size.

5.3.3 Grovehill Rd: 4 Subdivision and 1 Non-farm Use Application

- Three subdivision applications were submitted by the same landowner for the same parcel, with slight variations each time. The initial application and follow-up reconsideration request were submitted for subdivision into two or three lots. Each of these applications was denied by the ALC due to concerns that the subdivision would reduce options for agricultural use and would encourage further parcelization of properties. The application was later re-submitted for non-farm use to construct a second dwelling, which was approved as it was considered part of the farm operation and required for parents and co-owners of the farm who were living off-site.
- The fourth subdivision application was approved due to a BC Hydro and Terasen Gas right-of-way. Each parcel on either side of the right-of-way contained a house and the proposed subdivision would already recognize the de facto situation.

5.3.4 Boorman Rd (including Whistler Rd and Fowler Rd): 10 Exclusion and Non-farm Use Applications

- A total of ten applications were submitted from landowners on Boorman Rd, Whistler Rd, and Fowler Rd since 2000. All, except one application, have been denied by the ALC.
- The application that was approved was for non-farm use for a seniors housing complex. The senior residents were to be encouraged to engage in farming activities on-site. The housing complex was developed, however it is currently sitting vacant.
- Five of the remaining nine applications were submitted by the same landowner (annually) as reconsideration requests. The reason for denial by the ALC was consistent for all applications: it was determined that the subdivision of parcels into small lots (usually 5 acres or less) would reduce the agricultural potential of the parcels. The ALC also noted that subdivision into small lots would also increase expectations of surrounding landowners. While the marginal nature of the soil on these properties was taken into consideration, the ALC was of the opinion that non-soil based agriculture should and could be explored.

6.0 Development of Criteria to Assess ALR Boundary

Using predetermined criteria to examine the suitability of land within the ALR in Area 'H' allows the preliminary analysis to be conducted in a consistent manner. The proposed set of criteria can be used on a "sub-area" scale and then "parcel-based" for sub-areas where the ALR boundary may warrant a greater degree of attention. The criteria for both sub-area and parcel-scale analysis is based primarily on biophysical data and land use activities in order for the results to be robust and defensible.

6.1 Sub-Area Criteria

As a first step, a sub-area-scale analysis is performed using a set of high-level criteria. For ease of analysis, Area "H" is grouped into the following six sub-areas:

- Sub-area 1: Deep Bay;
- Sub-area 2: Bowser;
- Sub-area 3: Qualicum Bay and Dunsmuir including Horne Lake Rd.;
- Sub-area 4: Boorman Rd, Whistler Rd, Fowler Rd, Bayliss Rd, and Oakdowne Rd;
- Sub-area 5: Horne Lake area; and
- Sub-area 6: Spider Lake area.

The criteria used for examining agricultural suitability at the sub-area level include:

- 1) ALR Designation: Large proportional presence of Agricultural Land Reserve designation in the sub-area is a general indicator of agriculturally-suitable lands.
- 2) BC Assessment Class 9 (Farm Class status): The presence of farming operations with Farm Class status indicates that farming may be viable in the sub-area.
- 3) Steep Slopes: Sub-areas with a lot of steep slopes reduce the diversity of agricultural operations that are suitable to an area.
- 4) Soil Types: The presence of large amounts of stony soils, organic (peat) soils, or other soils with significant constraints will be considered as a challenge to soil-based farming (although not necessarily a challenge to farming entirely).
- 5) History of ALC applications: Sub-areas with pockets of multiple ALC applications may warrant further attention at a parcel-level. However, the details included in the decisions (results) of the ALC applications will need to be given consideration at the parcel-scale level of analysis.

6.2 Parcel-Based Criteria

Additional parcel-based suitability analysis may be required for certain sub-areas, using the following criteria:

- 1) **Agricultural Capability:** Agricultural capability includes references to soil type and topography as well as any potential limitations (stoniness, need for irrigation, slopes, soil structure) at a scale of 1:20,000. However, livestock operations, poultry, or non-soil based agriculture (greenhouses, aquaculture) are all examples of agricultural activities that can thrive on parcels with marginal or low agricultural capability ratings. Pockets of Class 4, 5, and 6 land can slowly be improved over time and eventually be added to the productive farm unit.
- 2) **Agricultural Suitability:** This is a further interpretation of agricultural potential based on soil, crop, climate and productivity limitations for the site and the area. Suitability more closely represents the practical options for agricultural use of the site. Both soil-bound and non-soil bound farm operation options are considered, as both types of farms can be successful from a business perspective. The potential influence of climate change on a site will also influence suitability.
- 3) **Parcel size:** The size of the farm property is an important determinant with regard to viability. The diversity of what can be produced is reduced as the parcel becomes smaller, and economies of scale increase as the parcel size increases. As a general rule, the ALC notes that farms under 5 acres are alienated from commercial farming. These smaller farms tend to be used primarily for rural residential purposes and can also lead to the erosion of the ALR boundary, therefore subdivision is generally discouraged.
- 4) **Irrigation and Drainage:** A viable farm requires water for irrigation during the growing season and drainage infrastructure during the wetter shoulder season and winter months. It is reasonable to expect a certain level of investment and site development on the part of the landowner to set up the irrigation (pumps, drip lines, sprinklers) and drainage (tiles, ditches) systems. The criteria considers whether irrigation water is available on site, from an adjacent site, or lacking. It also notes whether drainage is naturally occurring or if infrastructure is required.
- 5) **Roads:** Roads can be both an opportunity and a hindrance for farms. Working farms require roads in order to move farm vehicles and products into and out of the farming operation. However, if a busy road bisects a farm parcel and alienates a portion of the site it can have a negative effect. Farms also benefit from egress (secondary entrance/exit) although this is not an absolute requirement.
- 6) **BC Assessment Class 9 (Farm Class status):** BC Assessment confers Farm Class Status (Class 9) to farm operations that are able to provide evidence of a minimum income being generated. The existence of Farm Class Status, whether current or historical, is an

indicator of overall viability of the parcel. Farm Class Status of adjacent parcel(s) may also be considered.

- 7) Land use: Similar to the Farm Class Status criteria, the presence of farming activity of the parcel will be considered. Land Use Inventory data, stakeholder discussion, and ground-truthing can be used. The presence of agricultural operations on adjacent and/or nearby parcels will also be considered.
- 8) Land Cover: Land cover differs from land use in that it describes the buildings and infrastructure present on the parcel. Alienation of land from agriculture (presence of roads or waterbodies) and overall amount of paved surfaces will be considered.

These criteria will be applied to the sub-areas, and parcels (if applicable) and recommendations associated with the analysis will be provided in the final preliminary analysis report.

7.0 Ground-Truthing

Consultants spent a day (September 22, 2016) in Area 'H' to verify maps and other data sources for accuracy with regard to agricultural suitability, property boundaries, water features, steep slopes, and roads. The criteria were also tested to ensure they were robust and resulted in reasonable conclusions at the sub-area and parcel-based scales. Using a similar approach to that taken during an Agricultural Land Use Inventory, some of the parcels were viewed from the property line, properties were walked when possible, and meetings were held with specific landowners, as requested.

7.1 Ground-Truthing Goals

The broad goals of the ground-truthing were to:

- Communicate and raise awareness about the project in order to generate discussion with landowners on potential issues and priorities;
- To inform and confirm mapping, reporting, and data review;
- Gather input and feedback from landowners; and
- Determine data and information gaps.

7.2 Landowner Outreach

Meetings with landowners were scheduled on an as-request basis. The following steps were taken to reach out to landowners in Area 'H'.

- 1) Initial communication between RDN and landowners: Outreach was conducted through a combination of mail letters, phone calls, and email. Landowners were invited to submit

all relevant information regarding their parcels and ALR claims. They were also asked if they would like to request a face-to-face meeting with the consultants. (July and August 2016).

- 2) Communication between consultants and interested landowners: Members of the consulting team connected with interested landowners to set up a date and time for the ground-truthing visit. (August and September 2016).
- 3) Meetings between landowners and consultants: Members of the consulting team spent a full day in Area 'H' to meet with stakeholders and perform ground-truthing. A total of 7 subareas were visited and three detailed landowner meetings, each approximately 45 mins in length, occurred. (September 22, 2016)

7.3 Ground-Truthing Itinerary

As a result of this outreach, the following ground-truthing itinerary was established:

- Oakdowne Rd, Corcan Rd: viewed Farm Class properties outside the ALR. These included an alpaca farm and several horse and hobby farms.
- Boorman Rd, Whistler Rd, Fowler Rd, Rembar, Bonsai Place: Met with landowners and viewed agricultural properties with and without Farm Class status in the area, including a forage and hay farm, horse farms, and mixed-use farms. The Arrowsmith Golf Course was also noted in this area, which is located within the ALR.
- Grovehill Rd.: Drove to the end of Grovehill and viewed properties that have submitted repeated ALC applications, as well as at least one property that appeared to be a functioning agricultural operation (horse and hay farm).
- Horne Lake Rd (including Olympic Rd, Thorpe Rd): Viewed properties that have Farm Class properties and that are outside the ALR as well as a couple of properties that have submitted repeat ALC applications. Agricultural activities included berries, fruit trees, and poultry.
- Spider Lake Rd and Turnbull Rd: Met with landowners and viewed properties with and without Farm Class status in the area, including a garlic farm, a small-scale poultry farm, and fruit tree operations.
- Deep Bay (including Gainsberg Rd): Took a tour of the Cook Properties and discussed their development plans. Viewed properties that have Farm Class properties and/or active agricultural status.
- Island Highway around Qualicum Bay and Widgeon Rd: Viewed some Farm Class properties that are outside the ALR as well as properties that have had applications rejected by the ALC.

These site visits, along with discussions with stakeholders, were used to fact-check the GIS mapping, Agricultural Land Use Inventory maps, and Agrologist reports, where applicable. Digitized GIS maps were used as a primary guide to assessing the criteria prior to ground-truthing.

The criteria approach proved to work quite well, however, it became apparent that the available topographic data (20 m TRIM contours) is not sufficient to make a desktop assessment as to a slope's impact on agricultural suitability. Numerous small and medium-scale topographic features were observed during the ground-truthing that could have an impact on individual parcel's agricultural suitability that were not identifiable from the TRIM contours in GIS.

8.0 Existing Conditions: Key Findings

8.1 Gaps in Data and Resources

As the mapping portion of the existing conditions report progressed, it became apparent that a number of data sets are available at a level of resolution that is too coarse to provide analysis at the parcel level. However, efforts to provide findings on a sub-area level were successful. In particular, the following data gaps were identified:

- Slope data is only available at 20 m contours. While this provides a high-level determination of slope impact on a sub-area basis it does not account for site-specific topographical variations.
- Agricultural Capability (CLI) data maps were originally completed by hand in the 1980s. Efforts to digitize these maps is challenging due to registration issues. Efforts to overlay this data on a sub-area bases were somewhat successful, but usefulness at a parcel scale is limited due to the scale of the source analysis. This underscores the importance of individual Agrologist reports at the parcel level.

8.2 Existing ALR Boundary

The majority of ALR in Area 'H' is located in Qualicum Bay, Dunsmuir, and Deep Bay. During the 1980s the ALR fine tuning program was extended to include eastern Vancouver Island, including RDN Area 'H'. At that time, a net exclusion of approximately 545 ha occurred. While a number of applications have been made by landowners to exclude and subdivide land from the ALR since that time, few have received support from the ALC, and therefore the ALR boundary has not changed substantially.

The current ALR boundary includes a variety of agricultural capability ratings, mainly Classes 2, 3, 4, and 5. The feasibility for a diversity of soil-based agricultural production may be marginal, but the suitability for forage crops, non-soil based farming, and livestock remains high. Maps were created to present the updated ALR boundary for RDN Area 'H' (see Appendix).

8.3 Agricultural Land Use

Based on findings from the Agricultural Land Use Inventory, BC Farm Class status data, and a day spent ground-truthing farmland in Area 'H', the following agricultural uses were noted most frequently:

- Horse / equine operations;
- Hay and forage crops;
- Small scale poultry production;
- Llama and alpaca production;
- Small to medium-scale fruit and nut tree production;
- Pasture (managed and unmanaged);
- Sheep and goat;
- Tree plantations (Christmas trees, fibre/pulp trees);
- Field vegetables; and
- Berries.

These agricultural uses are consistent with those that could be expected to be found on marginal (Class 3, 4, 5) agricultural soils.

Maps indicating ALR and presence of parcels with BC Farm Class status were created and are attached (see Appendix). Results indicate that most properties with Farm Class are within the ALR, with some exceptions noted around Deep Bay (Jamieson Rd) and Qualicum Bay (Widgeon Rd and Oakdowne Rd).

8.4 Environmental Features

Based on mapping and ground-truthing it became clear that steep slopes and marginal (stony, coarse) soils are the most common constraints to farming found in Area 'H'. Access to water for irrigation purposes does not appear to be a challenge. Maps developed to highlight environmental features indicate an overwhelming presence of water wells throughout the ALR in Area 'H'. While challenges in aligning the hand-drawn CLI Agricultural Capability maps prevented precise location analysis of soils, a sub-area map was created to present this data alongside slopes and water wells. The main agricultural capability constraints noted in the mapping were T (Topography), P (Stoniness), and A (Aridity), which are consistent with observations made during ground-truthing. These maps are provided in the Appendix.

9.0 Next Steps

The information contained in this report, along with the criteria developed to determine agricultural suitability, will be used to perform a preliminary analysis of the ALR boundary in Area 'H'.

While this is underway the following consultation will occur with stakeholders:

- Inform the AAC: The consulting team will assist RDN staff in developing materials for AAC members to inform them of the project's progress and provide updates on stakeholder engagement. This will provide the AAC with an opportunity to submit feedback on the existing conditions report.
- Inform the Area 'H' OCP advisory committee: The consulting team will assist RDN staff in developing content to inform the Area 'H' OCP committee meeting and associated Open House. This content will include the rationale, criteria, and updated boundary maps for the project. Depending on the timeline of these events it is possible that a draft of the final preliminary analysis report will be available for presentation.
- Presentation of draft report to RDN staff: The consulting team will draft the report and present it to RDN staff. At that time, staff may choose to refer the report to specific stakeholders (ALC, BC Ministry of Agriculture, landowners, AAC) for feedback.
- Final report is available for public viewing: The report will be finalized and linked to the RDN website.

10.0 Appendix

The following maps are attached:

ALR Applications and Decisions (2000-2015)

Three maps are provided to indicate the status of historical (2000-2015) ALC applications:

- ALR in Area 'H' level
- Deep Bay and Dunsmuir sub-area level
- Qualicum Beach and Spider Lake Rd sub-area level

Parcels with Farm Class Status (2015)

Four maps are provided to indicate the parcels that had BC Farm Class status in 2015:

- Full Area 'H' level
- ALR in Area 'H' level
- Deep Bay and Dunsmuir sub-area level
- Qualicum Beach and Spider Lake Rd sub-area level

Environmental Features (2015)

Two maps are provided to indicate possible constraints to farming:

- ALR in Area 'H' level
- Deep Bay and Dunsmuir sub-area level
- A map of the Qualicum Beach and Spider Lake Rd sub-area level remains under production

TO: Agricultural Advisory Committee (AAC) **DATE:** November 10, 2016

FROM: Kristy Marks
Planner **MEETING:** AAC – November 25, 2016

FILE: PL2016-155

**SUBJECT: Request for Comment on Non-Farm Use in the ALR Application No. PL2016--155
Kauwell/Rudischer
Lot 2, Section 17 and 18, Range 5, Mountain District, Plan 40319
2575 Maxey Road - Electoral Area 'C'**

PURPOSE

To present an application for non-farm use within the Agricultural Land Reserve (ALR) to the Agricultural Advisory Committee (AAC) for the opportunity to provide comment on the application to the Agricultural Land Commission (ALC).

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for a non-farm use in the ALR from Dean Kauwell and Erica Rudischer. The subject property is legally described as Lot 2, Section 17 and 18, Range 5, Mountain District, Plan 40319 on Maxey Road. The subject property is approximately 15.26 hectares in area and is located entirely within the ALR. The parcel is located on the south west side of Maxey Road, is split by the Millstone River and is bound by developed rural parcels to the north, south, east and west. The property is currently vacant and contains a hay field on the east side of the river and the western portion of the property does not have any road frontage or access and contains a wetland and wooded area. The portion of the property that is accessible by Maxey Road is almost entirely within the floodplain of the Millstone River (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

The applicant proposes to construct a dwelling unit near the southeast corner of the subject property within the Millstone River Floodplain and has cleared the vegetation near the road and placed a significant amount of fill on the property (see Attachment 3 for Site Plan). The fill is required to elevate the proposed building site above the minimum 3.0 metre flood construction level and to create a suitable building site for the dwelling unit and any hay or farm equipment storage buildings. The applicant has indicated that the toe of the fill slope is expected to extend just past the edge of the field and hay production is not expected to be impacted. A copy of the applicant's submission package is included in Attachment 10.

AAC members were provided an opportunity to attend the site on November 1, 2016.

REGIONAL GROWTH STRATEGY

The subject property is currently designated 'Resource Land and Open Spaces' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The RGS policies supports minimizing the potential impacts that non-farm land uses may have on farming operations and recommends the inclusions of policies in official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur (see Attachment 7). Further to this, the RGS encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 8 and 9).

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Rural' pursuant to the "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" (see Attachment 6). The policies of this designation support traditional rural activities, including those associated with normal agriculture and silviculture and recognizes that where land in the ALR is proposed for non-farm, use, approval must first be obtained from the Agricultural Land Commission. In addition, all subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 3.1 – Agriculture of the OCP (see Attachment 6).

The parcel is also designated within the Fish Habitat Protection and Hazards Lands Development Permit Areas. A Development Permit is required for the proposed development and the applicants have applied under Application No. PL2016-136.

Amendments to "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997" are not required.

ZONING

The parcel is currently zoned Agriculture 1 Zone (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500) (see Attachments 4 and 5 for zoning regulations and minimum parcel size). The AG1 Zone permits Principle Uses including: Farm Use, Agriculture, Residential Use; Accessory Residential Uses: Home Based business and Secondary Suite and Accessory Farm Uses: Temporary Sawmill, Agricultural Education and Research, Agri-tourism Accommodation, Production of Biological Integrated Pest Management Products and generally allows 2 dwelling units on parcels greater than 2.0 ha in area. The applicant proposes to fill an area of the parcel within the Millstone River Floodplain to construct a dwelling unit as shown on the Proposed Site Plan prepared by JE Anderson & Associates dated August 12, 2016, (see Attachment 3).

Amendments to Bylaw 500 are not required.

BOARD POLICY AND AAC PROCEDURE

RDN Board Policy B1.8: *Review of ALR Applications* provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use, on lands within the

ALR. Policy B1.8 also includes a standing Board resolutions for non-farm use of lands within the ALR which reads as follows:

All applications under the *Agriculture Land Commission (ALC) Act* for exclusion, subdivision, or non-farm use of ALR land are to be forward to the Agricultural Advisory Committee (AAC) along with a completed ALC local government report in order to allow the AAC to provide comment and recommendation on the application. If the Area Director has provided comments on the application, the Director's comments will be included with the referral to the AAC. AAC comments and recommendations are to be forward to the ALC by including the AAC motion in the local government report to the ALC.

In accordance with the AAC Terms of Reference, the role of the AAC-members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as-needed basis, as directed by the Board. In addition to members' local knowledge and-input, comment on ALR applications may be guided by Board-approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC, on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN's agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC from the AAC is consensus based, through Committee adoption of a motion. If an AAC_member has comments regarding an application being submitted to the ALC, the appropriate time to provide those comments is in the Committee meeting, during discussion on the application, and prior to the Committee's adoption of its motion. Only motions approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the Staff Report that is forwarded to the ALC.

The comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. As per Policy B1.8 any comment from the AAC is provided in addition to the applicable standing Board resolution and Electoral Area Director's comment (if provided). The ALC is the authority for decisions on matters related to the ALR and will consider comments in making its decision on an application.

ELECTORAL AREA DIRECTOR COMMENT

As per Board Policy B1.8, all applications under the *Agriculture Land Commission (ALC) Act* for exclusion, subdivision, or non-farm use of ALR land are to be forward to the applicable subject property's Electoral Area Director, for comment.

With respect to this application, Director Young provided the following comments:

The site visit took place at 2575 Maxey Road, Lot 2, Section 17 and 18, Range 5, Mountain District Plan 40319 - Electoral Area 'C' on Tuesday, November 1, 2016. Attending, the site visit was RDN Staff, Kristy Marks, Planner, Agricultural Advisory Committee Members, Catherine Watson, Garry Laird and Keith Wilson; Charles Pinker, Alternate Director of Electoral Area 'C', Electoral Director Area 'B', Howard

Houle, Chairman of the Agricultural Advisory Committee and Electoral Director Area 'F', Julian Fell, member of the Agricultural Advisory Committee.

I have visited the property at 2575 Maxey Road on three occasions but was unable to attend the actual site visit on November first, but have spoken to Alternate Director Pinker, Director Houle and Director Fell and with their discussion and input would like to state that I am in favour of supporting the application for fill soils to be placed in the scrub area adjacent to Maxey Road to support a dwelling unit.

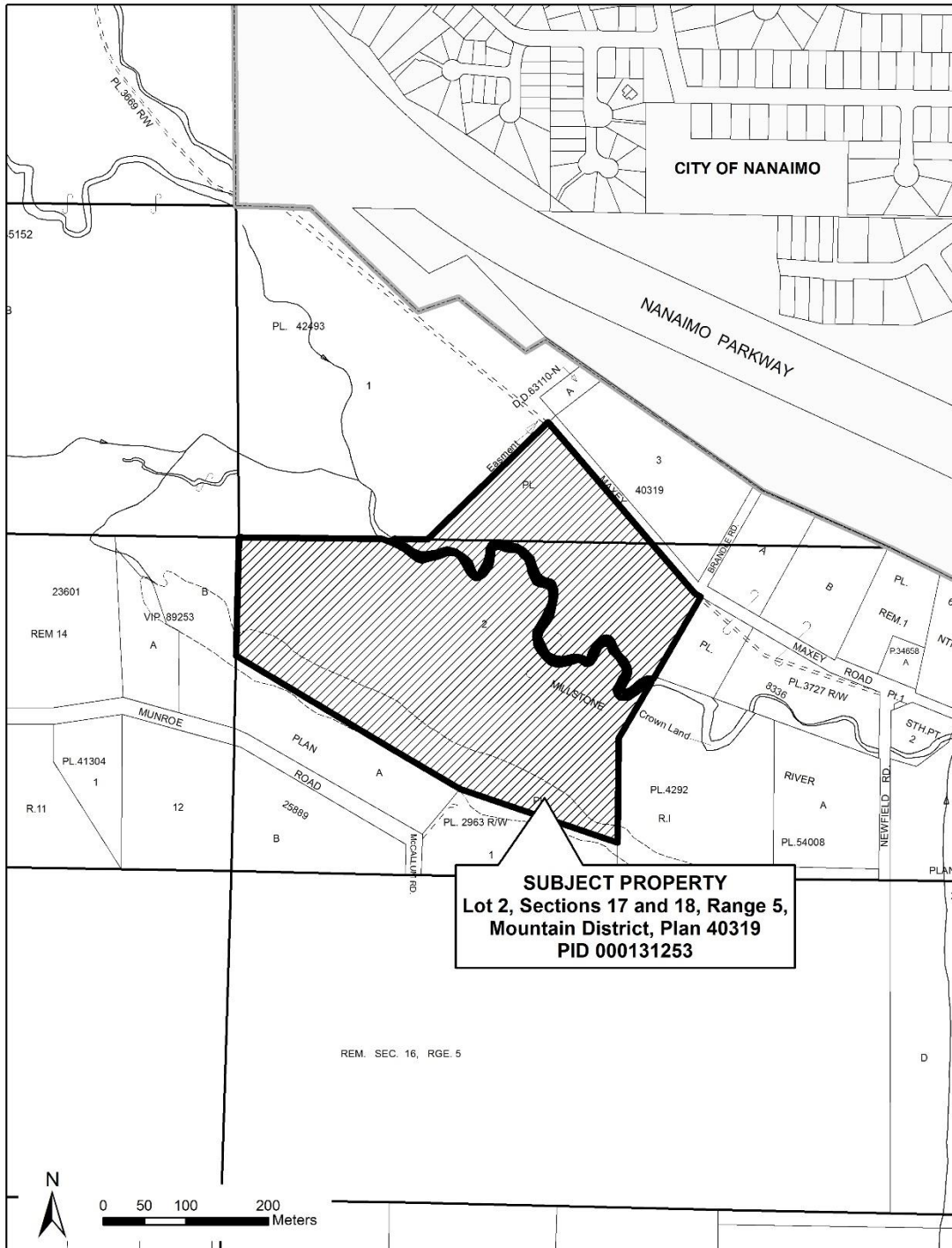
SUMMARY/CONCLUSIONS

This is an application for non-farm use in the ALR to allow the placement of fill within a floodplain area to support a dwelling unit on 15.26 ha parcel located in Electoral Area 'C'. Should the AAC wish to provide comments to the ALC, it may do so by considering the adoption of a motion. Any comments provided by the Committee will be provided to the ALC, along with a copy of this report to assist the ALC in making a decision on this application.

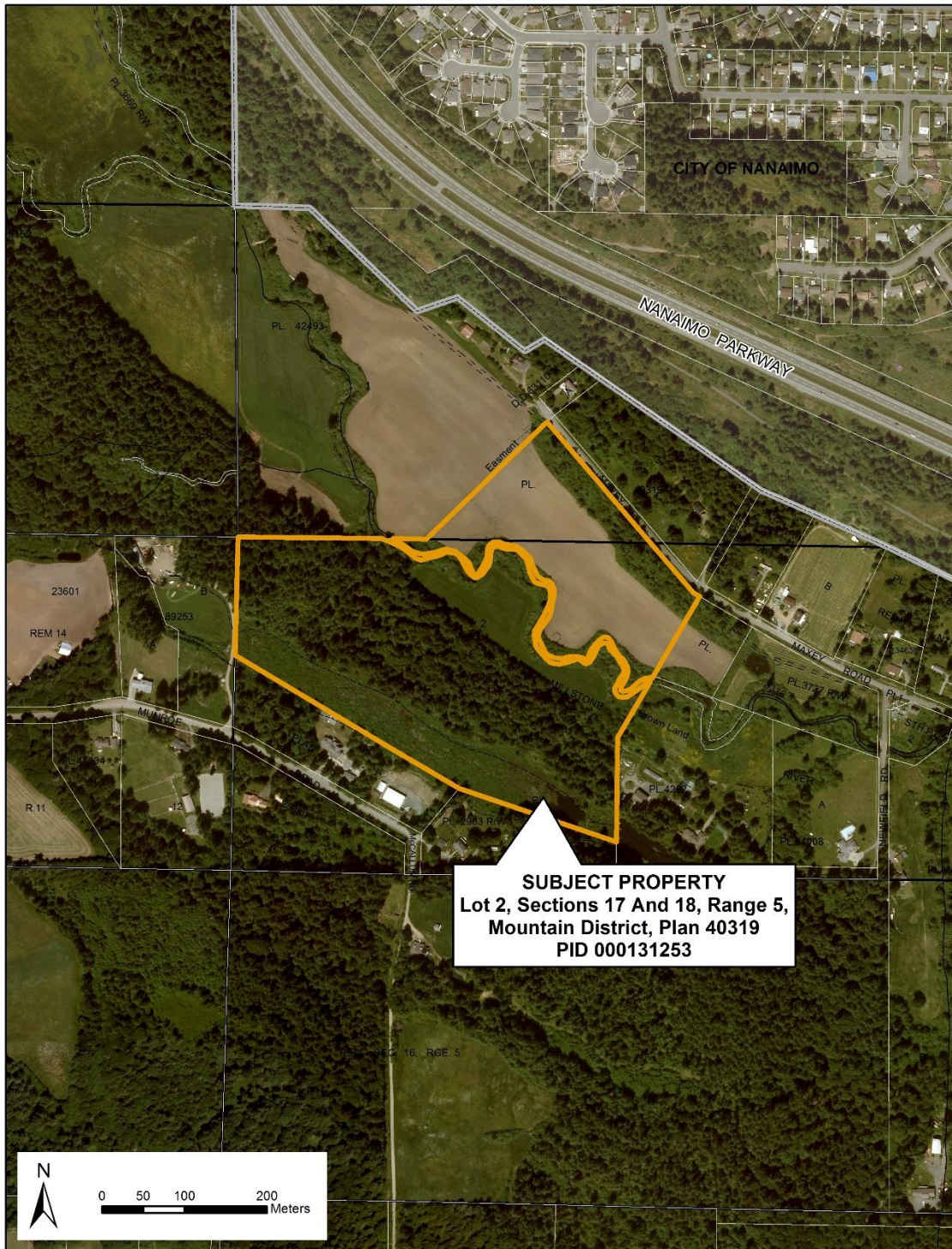


Report Writer

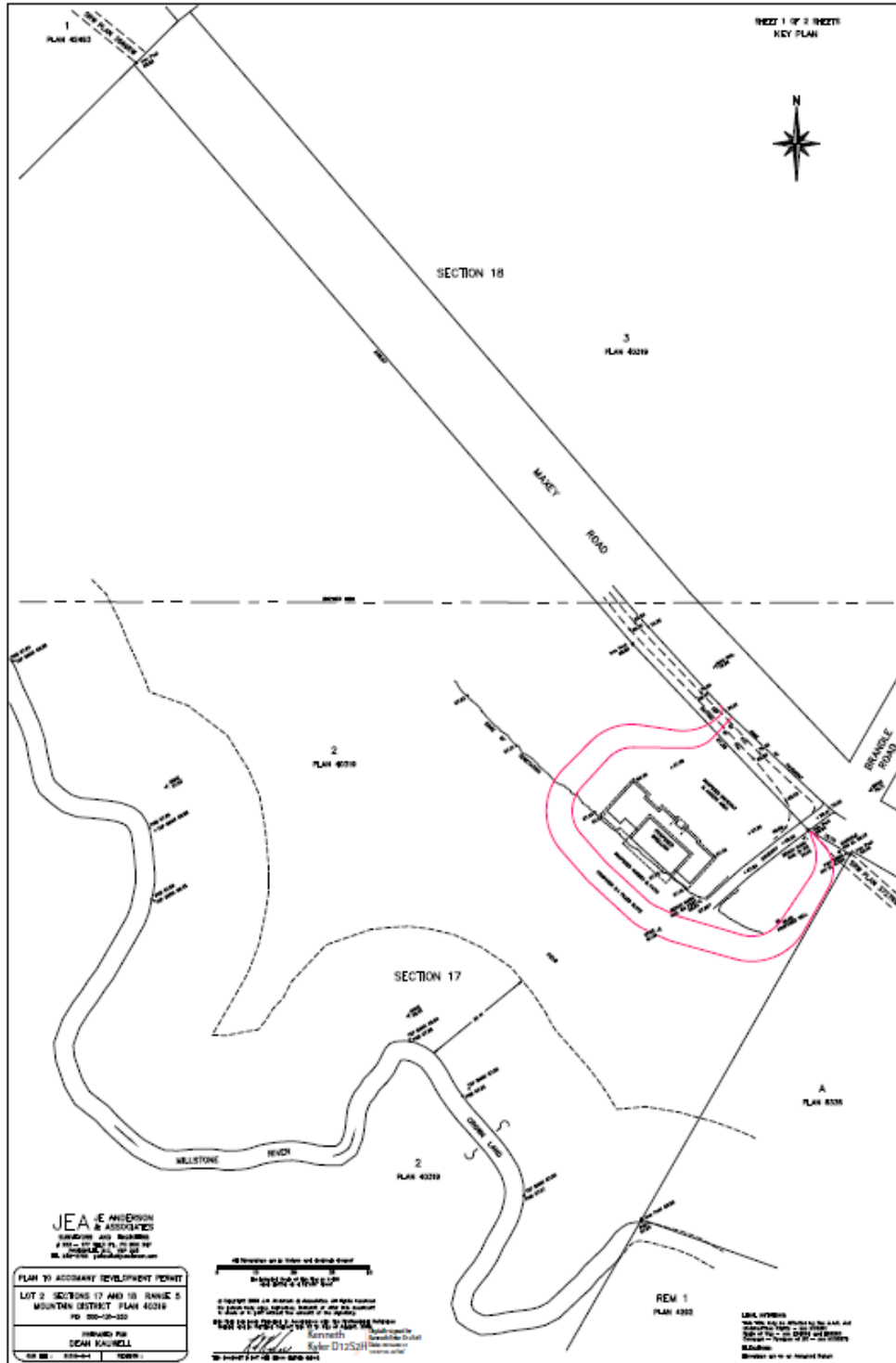
Attachment 1
Subject Property Map



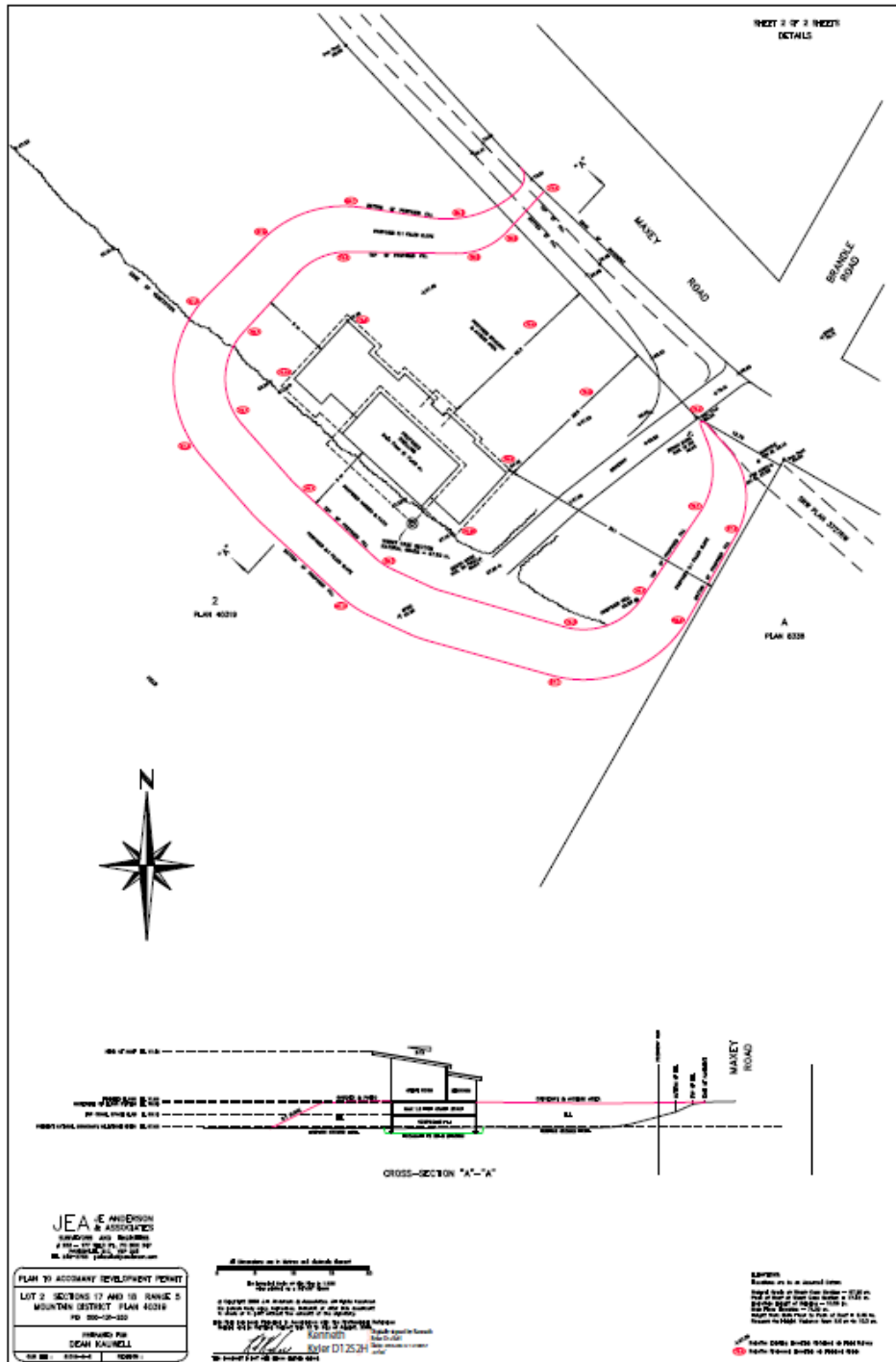
Attachment 2
2014 Aerial Photo



Attachment 3
Proposed Site Plan
(Page 1 of 2)



Attachment 3
Proposed Site Plan - Detail
(Page 2 of 2)



**Attachment 4
 Existing Zoning
 (Page 1 of 3)**

Section 3.4.1

AGRICULTURE 1

AG1³⁴³⁵

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses

- a) Farm Use – on lands located in the Agricultural Land Reserve
- b) Agriculture – on lands not located in the Agricultural Land Reserve
- c) Residential Use

Permitted Accessory Residential Uses

- a) Home Based Business
- b) Secondary Suite

Permitted Accessory Farm Uses

- a) Temporary Sawmill
- b) Agricultural Education and Research
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products

3.4.1.2 Maximum Number and Size of Buildings and Structures

- | | | |
|--|---|-------|
| 1) Accessory residential buildings | combined floor area of 400 m ² | |
| 2) Dwelling units/parcel | | |
| a) on a parcel having an area of 2.0 ha or less | | 1 |
| For Electoral Areas 'A', 'C', 'E', and 'H' | | |
| b) on a parcel having an area greater than 2.0 ha | | 2 |
| For Electoral Area 'G' | | |
| c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' | | 2 |
| d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. | | 2 |
| 3) Height (non-farm and accessory farm buildings and structures) | | 9.0 m |

³⁴ Bylaw No.500.383, Adopted June 25, 2013

³⁵ Bylaw No. 500.402, adopted June 28, 2016

**Attachment 4
Existing Zoning
(Page 2 of 3)**

AGRICULTURE 1 continued

- 4) Parcel coverage
- | | |
|---|-----|
| a) Non-farm buildings and structures | 10% |
| b) Farm or agriculture buildings and structures | 25% |
| c) Greenhouses | 75% |
- d) In no case shall the combined parcel coverage exceed 75%.
- e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
- i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.
-

3.4.1.3 Minimum Setback Requirements

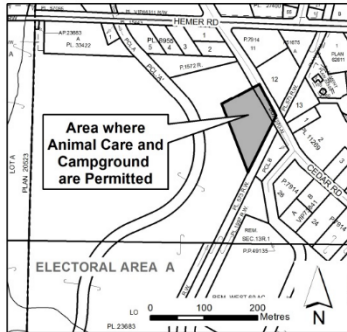
- 1) All non-farm buildings and structures – All lot lines 8.0 m
except where:
- a) the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from other lot lines, excluding the front lot line;
 - b) any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.3.8 and 3.3.9 shall apply.
- 2) All agriculture or farm buildings, structures and uses – in accordance with Section 3.3.10.
-

3.4.1.4 Other Regulations

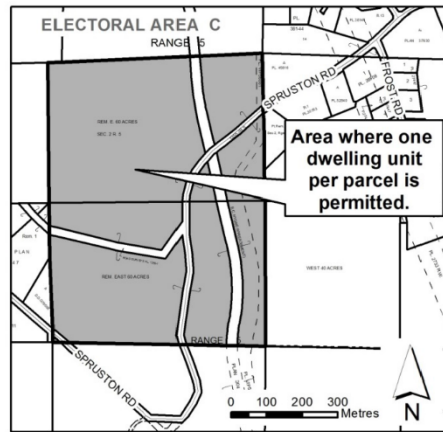
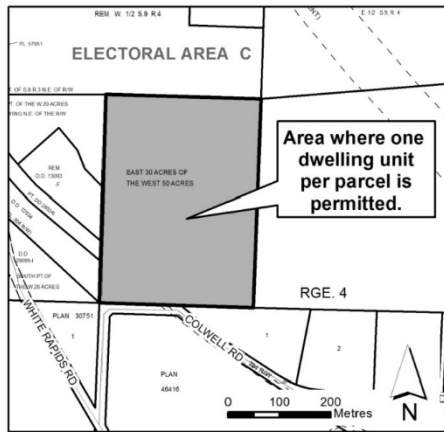
- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- 3) Specific 'Farm' and 'Permitted' uses as defined in the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* shall be developed in accordance with Section 3.3.15 and 3.3.16 of this Bylaw.
- 4) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Commission Act* is subject to the *Agricultural Land Commission Act* and *Regulations*, and applicable orders of the Land Reserve Commission.

Attachment 4
Existing Zoning
(Page 3 of 3)

- 5) Animal Care and Campground shall be permitted in the shaded area outlined in bold in the map below.



- 6) Notwithstanding Section 3.4.1.2 Dwelling units/parcel the maximum number of dwelling units permitted in the shaded areas outlined in bold in the maps below shall be limited to one dwelling unit per parcel.



Attachment 5
Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size

Part 4 – Subdivision Regulations '4B' – Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below: ¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ⁴⁵	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
T ⁹	600 m ²	No further subdivision		
V ¹⁰	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹¹	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998

² Bylaw No. 500.347, adopted September 22, 2009

³ Bylaw No. 500.27, adopted August 9, 1988

⁴ Bylaw No. 500.66, adopted December 12, 1989

⁵ Bylaw No. 500.324, adopted February 28, 2006

⁶ Bylaw No. 500.264, adopted October 10, 2000

⁷ Bylaw No. 500.264, adopted October 10, 2000

⁸ Bylaw No. 500.27, adopted August 9, 1988

⁹ Bylaw No. 500.394, adopted August 25, 2015

¹⁰ Bylaw No. 500.253, adopted January 11, 2000

¹¹ Bylaw No. 500.275, adopted October 9, 2001

Attachment 6
Official Community Plan Land Use Designation
(Page 1 of 6)

Regional District of Nanaimo
 EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Objectives: Resource

- *Support and maintain* the long-term viability of the natural resource land base and *protect* it from activities and land uses, which may diminish its resource value or potential.
- *Encourage* the comprehensive management of the resource land base.
- *Minimize* the impact of resource operations and activities on the natural environment and neighbouring land uses and development.

Policies: Resource

Action:

1. Land within the *Resource* designation as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 50.0 hectares.¹
2. On land in the *Resource* designation, residential development shall be limited to one (1) dwelling unit per four (4) hectares, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Resource* designation shall generally be associated with those activities involving natural resource harvesting or extraction, primary processing and passive recreational uses, including campgrounds. This shall not preclude the Regional District Board from amending the Land Use and Subdivision Bylaw to either include or exclude other uses, which are deemed to be compatible or incompatible with the *Resource* designation.
4. The Regional District may consider the issuance of temporary use permits for the manufacture of asphalt products or soil composting operations on land within the *Resource* designation of this Plan provided that such operations are to be located on parcels greater than 8.0 hectares in area and associated impacts will not adversely impact neighbouring land or development or the natural environment. In the case of soil composting, such activities shall be solely for the purpose of reclaiming mined land.

Development Activated:

5. Where land designated as *Resource* is proposed to be subdivided, the Regional District shall encourage the Approving Officer to give due consideration to the protection of any adjacent forestry and/or agricultural lands, including active and *bona fide* farming operations not located within the Agricultural Land Reserve, by encouraging buffers and subdivision road layout designs which minimize intrusive points of access.

4.2 RURAL

The Rural designation applies to lands with recognized agricultural or forestry value and which are designated as either Agricultural Land Reserve or Forest Land Reserve. These

¹ Bylaw No. 1055.02 adopted January 24, 2006

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Official Community Plan Land Use Designation
(Page 2 of 6)

Regional District of Nanaimo

EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW No. 1055

lands, which account for approximately 29% of the Plan Area's land base (950 hectares), significantly contributes to its predominant rural character by supporting traditional rural activities, large parcels and green spaces. FLR lands designated as Rural are generally in close proximity to lands used primarily for residential purposes and presently do not support intensive processing operations. The Rural designation is intended to protect agricultural and forestry lands and associated operations by relieving development pressures.

Objectives: Rural

- Support and encourage agricultural activities on productive agricultural lands.
- Support silviculture activities on productive forestry lands.
- Preserve and enhance the Plan Area's rural character and environmental quality.

Policies: Rural

Action:

1. Land within the *Rural* designation, as shown on Map No. 3 attached to and forming part of this Plan, shall have a minimum parcel size of 2.0 hectares except those lands that as of the date of this amendment are designated as **Crown Lands** (forest) or where for taxation purposes are designated as **Managed Forest Class** shall have a minimum parcel size of 50.0 hectares.²
2. On land in the *Rural* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. On land in the *Rural* designation, the creation of parcels having an area less than two (2) hectares by way of subdivision pursuant to the *Condominium Act* (British Columbia), with the exception of subdivision pursuant to the *Bareland Strata Regulations* (British Columbia), shall not be supported.
4. Permitted uses within the *Rural* designation shall generally be limited to traditional rural activities, including those associated with normal agriculture and silviculture practices. Intensive forestry processing uses shall not be supported on lands designated as *Rural* in this Plan.
5. Where land is removed from the Agricultural Land Reserve or the Forest Land Reserve the *Rural* designation shall remain unless redesignated by amendment to this Plan and permitted uses shall be generally be limited to traditional rural activities.

Development Activated:

6. Where land is within the Agricultural Land Reserve and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, except where additional dwellings are necessary for farm purposes subject to the

² Bylaw No. 1055.02 adopted January 24, 2006

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Official Community Plan Land Use Designation
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Regional District of Nanaimo
 EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

Agricultural Land Commission Act. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 3.1 - Agriculture of this Plan.

4.3 RURAL RESIDENTIAL

The Rural Residential designation reflects lands characterized by large lots and low population density and which are not within the Agricultural Land Reserve or Forest Land Reserve. Traditional rural activities such as agricultural operations, hobby farms and large-lot residential uses predominate. The Rural Residential designation assists in maintaining the rural character of the community and providing large pockets of green space within the community. Approximately 1000 hectares of land are within the Rural Residential designation, representing approximately 30% of the total Plan Area.

Objectives: Rural Residential

- *Preserve and enhance* the Plan Area's rural character and environmental quality.
- *Support* traditional rural land uses and activities within the Plan Area.
- *Provide* for some flexibility in the form and character of rural subdivision development.

Policies: Rural Residential

Action:

1. Land within a *Rural Residential* designation as shown on Map No. 3, attached to and forming part of this Plan shall have a minimum parcel size of 2.0 hectares.
2. On land in the *Rural Residential* designation, residential development shall be limited to one (1) dwelling unit per one (1) hectare, to a maximum of two (2) dwelling units per parcel.
3. Permitted uses within the *Rural Residential* designation shall generally be limited to traditional rural activities and passive recreation.
4. Notwithstanding Regional District regulations and/or policies related to the maximum number of dwellings per parcel, this Plan recommends that the Land Use and Subdivision Bylaw permitting a maximum of two (2) dwelling units on parcels greater than 2.0 hectares be amended as follows:
 - a) residential development shall be permitted to a maximum density of two (2) dwelling units on parcels of greater than 2.0 hectares, which existed prior to the adoption of such an amendment to the Land Use and Subdivision Bylaw;
 - b) residential development shall be limited to a density of not more than one (1) dwelling unit per two (2) hectares, to a maximum of two (2) dwelling units per parcel, for parcels created subsequent to the adoption of such an amendment to the Land Use and Subdivision Bylaw (see Figure 4.1); and
 - c) the creation of parcels having an area less than two (2) hectares by way of subdivision pursuant to the *Condominium Act* (British Columbia), with the

Attachment 6
Official Community Plan Land Use Designation
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Regional District of Nanaimo
 EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW No. 1055

SECTION 3 - NATURAL RESOURCE MANAGEMENT

The East Wellington - Pleasant Valley Plan Area contains a variety of lands with natural resource value, including those for agriculture, aggregates and forestry. These lands have historically played a significant role in shaping the character of the Plan Area as well as providing important economic benefits. Their long-term viability and productivity is increasingly threatened by urban encroachment and the spread of incompatible uses, necessitating special attention and protective measures. It cannot be overlooked that operations and activities related to these resources can have equally significant consequences on the natural environment and existing residents and development. It is important to achieve a balance.

The policies in this section define the community's intentions and priorities with respect to the long-term management and use of lands with natural resource value. Where stated policies relate to matters beyond the jurisdiction of the Regional District, they are only intended to compliment, guide and assist senior governments in their decision-making processes.

General Objectives:

- *Protect and maintain* the agricultural, forestry and aggregate land base and associated activities.
- *Minimize* the impact of agriculture, forestry and aggregate-related activities on both the natural environment and other land uses and development.
- *Support* sustainable and best management practices for the resource base.
- *Advocate* comprehensive resource management decision-making where resource lands are in conflict with other lands.

3.1 AGRICULTURE

Agriculture plays an integral role in defining the rural character of the Plan Area. Agricultural lands establish limitations on the extent of development, provide buffer areas between established residential areas and represent both a primary and secondary source of income for some Plan Area residents. The Regional District supports and encourages land management practices, which preserve agricultural land and the sustainable production of food.

Approximately 24% of the total area, equating to approximately 790 hectares of land, has been designated Agricultural Land Reserve (ALR) under the provincial *Agricultural Land Commission Act*. The Agricultural Land Commission is one of the main agencies responsible for managing the use and subdivision of ALR lands and, along with the Ministry of Agriculture, is also an important agency for promoting agricultural activities. The ALR's integrity is often threatened at the interface with urbanized development.

Objectives: Agriculture

- *Protect and maintain* the agricultural land resources of the Plan Area for present and future food production.

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Official Community Plan Land Use Designation
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Regional District of Nanaimo
EAST WELLINGTON - PLEASANT VALLEY OFFICIAL COMMUNITY PLAN - BYLAW NO. 1055

- *Recognize* and *protect* the needs and activities of agricultural operations when considering non-agricultural uses on adjacent lands.
- *Encourage* sustainable and environmentally sound farming practices.
- *Ensure* that the availability and quality of water supply is protected and seek ways and means of improving water availability for irrigation purposes.

Policies: *Agriculture*

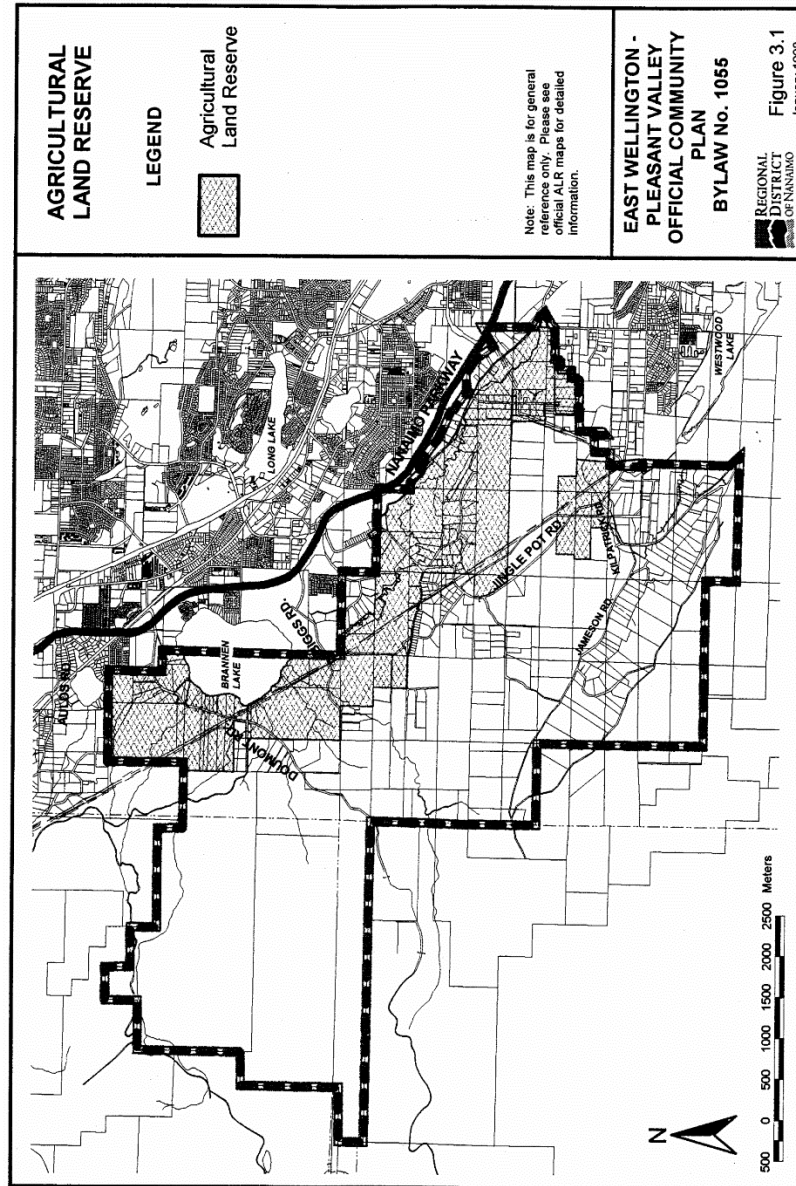
Action:

1. Lands within the Agricultural Land Reserve, as well as all other lands considered to be agricultural in character or supportive of agriculture, shall generally be designated as *Rural* in this Plan.
2. Broad-based agricultural activities, including agricultural, livestock and horticultural uses and the processing, production, distribution and sale of locally grown products, shall be encouraged and supported on agricultural lands both within and outside the Agricultural Land Reserve. It is recognized that the regulation of intensive agricultural operations located on land outside the Agricultural Land Reserve, which may that may be detrimental to the natural environment and surrounding lands, may be necessary.
3. The retention of large land holdings within the Agricultural Land Reserve shall be encouraged to maintain the option and feasibility of farm use.
4. The Regional District shall encourage adjacent land uses to be compatible with existing farm uses and to minimize impacts on agricultural lands.
5. The Regional District shall support the Agricultural Land Commission's mandate of preserving and encouraging the use of agricultural land for agriculture. The Regional District may support the use of agricultural land for non-farm purposes provided that the Agricultural Land Commission first grants permission for the proposed use and the use is compatible with surrounding land use patterns and development.

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Figure 3.1



Attachment 7

Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;
- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 8

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:

- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
- Encourage the provincial government to protect the agricultural land base through the ALR;
- Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
- Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
- Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
- Encourage and support value-added agricultural industries; and
- Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'Imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Despite ongoing debate about the environmental benefits of 'buying local' food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region's carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

The '5 A's' of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

(J. Oswald, 2009)

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 3)

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 3)

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

Attachment 10
Applicant's Submission
(Page 1 of 10)

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55804

Application Status: Under LG Review

Applicant: Dean Kauwell , Erica Rudischer

Agent: Dean Kauwell

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 10/01/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use (Placement of Fill)

Proposal: The purpose of this proposal is to place fill soils in the 30m wide scrub area that parallels Maxey Rd for 280m. The benefit to agriculture is the creation of a suitable site to construct a farm dwelling and hay/farm equipment storage buildings. The fill is required to elevate the site above the flood plain level and create level access from Maxey Rd that is approximately 3.0m above the fields. The toe of the fill slope is expected to extend just past the edge of the field. Hay production is expected to stay unchanged.

Agent Information

Agent: Dean Kauwell

Mailing Address:

115 Lenwood Rd

Nanaimo, BC

V9X 1A4

Canada

Primary Phone: (250) 816-1135

Email: deankauwell@gmail.com



Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 000-131-253

Legal Description: LOT 2 SECTIONS 17 AND 18 RANGE 5 MOUNTAIN DISTRICT PLAN 40319

Parcel Area: 15.3 ha

Civic Address: 2642 MAXEY RD, NANAIMO, BC

Date of Purchase: 05/04/2016

Farm Classification: Yes

Owners

1. **Name:** Dean Kauwell

Address:

115 Lenwood Rd

Nanaimo, BC

V9X 1A4

Canada

Scanned

Applicant: Dean Kauwell , Erica Rudischer

**Attachment 10
Applicant's Submission
(Page 2 of 10)**

Phone: (250) 816-1135
Email: deankauwell@gmail.com
2. **Name:** Erica Rudischer
Address:
115 Lenwood Rd
Nanaimo, BC
V9X 1A4
Canada
Phone: (250) 619-2016
Email: erikauwell@gmail.com

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
PID 000-131-253: 6.0ha(40%) TIMBER PRODUCTION, 4.4ha(30%) HAY, 4.1ha (25%) UNPRODUCTIVE SWAMP/RIVER RIPARIAN, 1.0ha (5%) SCRUB ALONG MAXEY RD

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
NO AGRICULTURAL IMPROVEMENTS ON THE PARCEL

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
NO NON-AGRICULTURAL ACTIVITY

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity: SINGLE-FAMILY DWELLING

East

Land Use Type: Agricultural/Farm
Specify Activity: HAY

South

Land Use Type: Residential
Specify Activity: SINGLE-FAMILY DWELLING

West

Land Use Type: Agricultural/Farm
Specify Activity: HAY

Proposal

1. What is the purpose of the proposal? Describe any benefits to agriculture that the proposal provides.

The purpose of this proposal is to place fill soils in the 30m wide scrub area that parallels Maxey Rd for 280m. The benefit to agriculture is the creation of a suitable site to construct a farm dwelling and

Applicant: Dean Kauwell , Erica Rudischer

Attachment 10
Applicant's Submission
(Page 3 of 10)

hay/farm equipment storage buildings. The fill is required to elevate the site above the flood plain level and create level access from Maxey Rd that is approximately 3.0m above the fields. The toe of the fill slope is expected to extend just past the edge of the field. Hay production is expected to stay unchanged.

2. Proposal dimensions

Total fill placement area (to one decimal place) 0.8 ha

Maximum depth of material to be placed as fill 3 m

Volume of material to be placed as fill 12000 m³

Estimated duration of the project. 2 Years

3. Has a Professional Agriologist reviewed the project and provided a written report? If yes, please attach the Professional Agriologist report in the "Upload Attachments" section.

No

4. What alternative measures have you considered or attempted before proposing to place fill?

This is the only suitable building site on the property. The area is within the Millstone River flood plain. Local Government requires that the dwelling and other structures are to be at least 3.0m above the river high water level and at least 30m from the riparian area of the river.

5. Describe the type of fill proposed to be placed.

Gravel, sand, pit run, and soil from adjacent property excavated during Nanaimo City sewer trunk line upgrade.

6. Briefly describe the origin and quality of fill. Has the fill been assessed by a qualified professional to verify its agricultural suitability? If yes, please attach the assessment report in the "Upload Attachments" section.

The fill soils will sourced from a local gravel pit to build the base of the site and clean top soil of agricultural quality sourced from from adjacent property excavated during Nanaimo City sewer trunk line upgrade.

7. Describe the type of equipment to be used for the placement of fill. If applicable, describe any processing to take place on the parcel(s) and the equipment to be used.

Dump trucks will transport the fill soil to site and a dozer will be used to level and grade the soil.

8. What steps will be taken to reduce potential negative impacts on surrounding agricultural lands?

Geo-textile fabric berms will be placed at the toe of the fill slope and the slope will be seeded before the rainy season to avoid erosion.

9. Describe all proposed reclamation measures. If a reclamation plan from a qualified professional is available, please summarize the reclamation and attach the full plan in the "Upload Attachments" section.

Before fill soil is brought to site the native top soil will be scrapped and stockpiled to later be used as the top layer of the fill site. The site will be graded to maintain good natural drainage.

Applicant Attachments

- Agent Agreement - Dean Kauwell
- Site Plan / Cross Section - 55804
- Proposal Sketch - 55804
- Other correspondence or file information - Original Property Survey
- Certificate of Title - 000-131-253

Applicant: Dean Kauwell , Erica Rudischer

Attachment 10
Applicant's Submission
(Page 4 of 10)

ALC Attachments

None.

Decisions

None.

Applicant: Dean Kauwell , Erica Rudischer

**Attachment 10
Applicant's Submission
(Page 5 of 10)**

AGENT AUTHORIZATION LETTER

I (we) Dean Kauwell and Erica Rudischer
Printed/typed name(s) of landowner(s)

hereby appoint Dean Kauwell to
Printed/typed name of agent


make application to the Agricultural Land Commission as agent on my/our behalf with respect to
the following parcel (s): *Insert legal description for each parcel under application*


LOT 2 SECTIONS 17 AND 18 RANGE 5 MOUNTAIN DISTRICT PLAN
40319

I Dean Kauwell understand that as
Printed/typed name of agent

agent, I am required to ensure that all landowners are provided with information being
submitted to and received from the Agricultural Land Commission.

Signature(s) of landowner(s):

	Dean Kauwell	Sept 30/20
<small>Signature</small>	<small>Printed Name</small>	<small>Date</small>

	Erica Rudischer	Sept 30/20
<small>Signature</small>	<small>Printed Name</small>	<small>Date</small>

Attachment 10
Applicant's Submission
(Page 7 of 10)

TITLE SEARCH PRINT

2016-08-28, 13:08:07

File Reference:

Requestor: deankauwell@gmail.com

Declared Value \$530000

CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN

Land Title District	VICTORIA
Land Title Office	VICTORIA
Title Number	CA5159106
From Title Number	CA3713859
Application Received	2016-05-04
Application Entered	2016-05-10
Registered Owner in Fee Simple	
Registered Owner/Mailing Address:	DEAN ALEXANDER KAUWELL, FACILITY MANAGER ERICA ANNE RUDISCHER, OFFICE MANAGER 115 LENWOOD ROAD NANAIMO, BC V9X 1A4 AS JOINT TENANTS
Taxation Authority	NANAIMO/COWICHAN ASSESSMENT AREA
Description of Land	
Parcel Identifier:	000-131-253
Legal Description:	LOT 2 SECTIONS 17 AND 18 RANGE 5 MOUNTAIN DISTRICT PLAN 40319
Legal Notations	
THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED JULY 26, 1974, R.E. HOOPER, REGISTRAR PER:DA	
Charges, Liens and Interests	
Nature:	UNDERSURFACE RIGHTS
Registration Number:	M76301
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA AFB 38.87.D32020 DD 34642I SECTION 172 (3)

**Attachment 10
Applicant's Submission
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TITLE SEARCH PRINT

2016-08-28, 13:08:07

File Reference:

Requestor: deankauwell@gmail.com

Declared Value \$530000

Nature:	RIGHT OF WAY
Registration Number:	E84984
Registration Date and Time:	1976-09-29 09:14
Registered Owner:	GREATER NANAIMO SEWERAGE AND DRAINAGE DISTRICT
Remarks:	PART INTER ALIA FORMERLY LOT 1, PLAN 6957

Nature:	RIGHT OF WAY
Registration Number:	E88260
Registration Date and Time:	1976-10-18 10:52
Registered Owner:	GREATER NANAIMO SEWERAGE AND DRAINAGE DISTRICT
Remarks:	PART INTER ALIA IN SECTION 17

Nature:	COVENANT
Registration Number:	M100874
Registration Date and Time:	1983-10-14 11:24
Registered Owner:	HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks:	INTER ALIA SECTION 215 LTA INCLUDES INDEMNITY

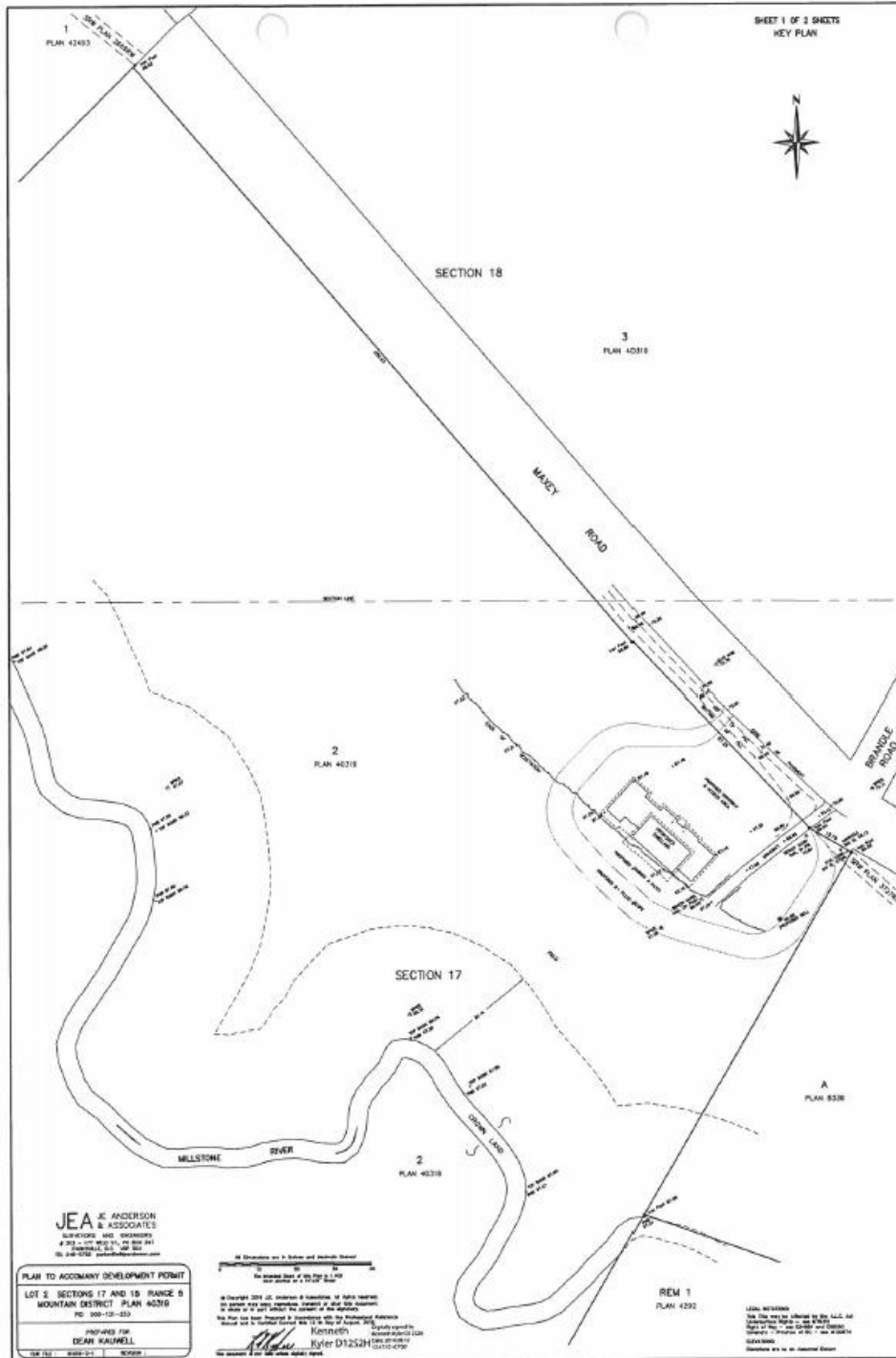
Nature:	MORTGAGE
Registration Number:	CA5159107
Registration Date and Time:	2016-05-04 09:44
Registered Owner:	CANADIAN IMPERIAL BANK OF COMMERCE

Duplicate Indefeasible Title NONE OUTSTANDING

Transfers NONE

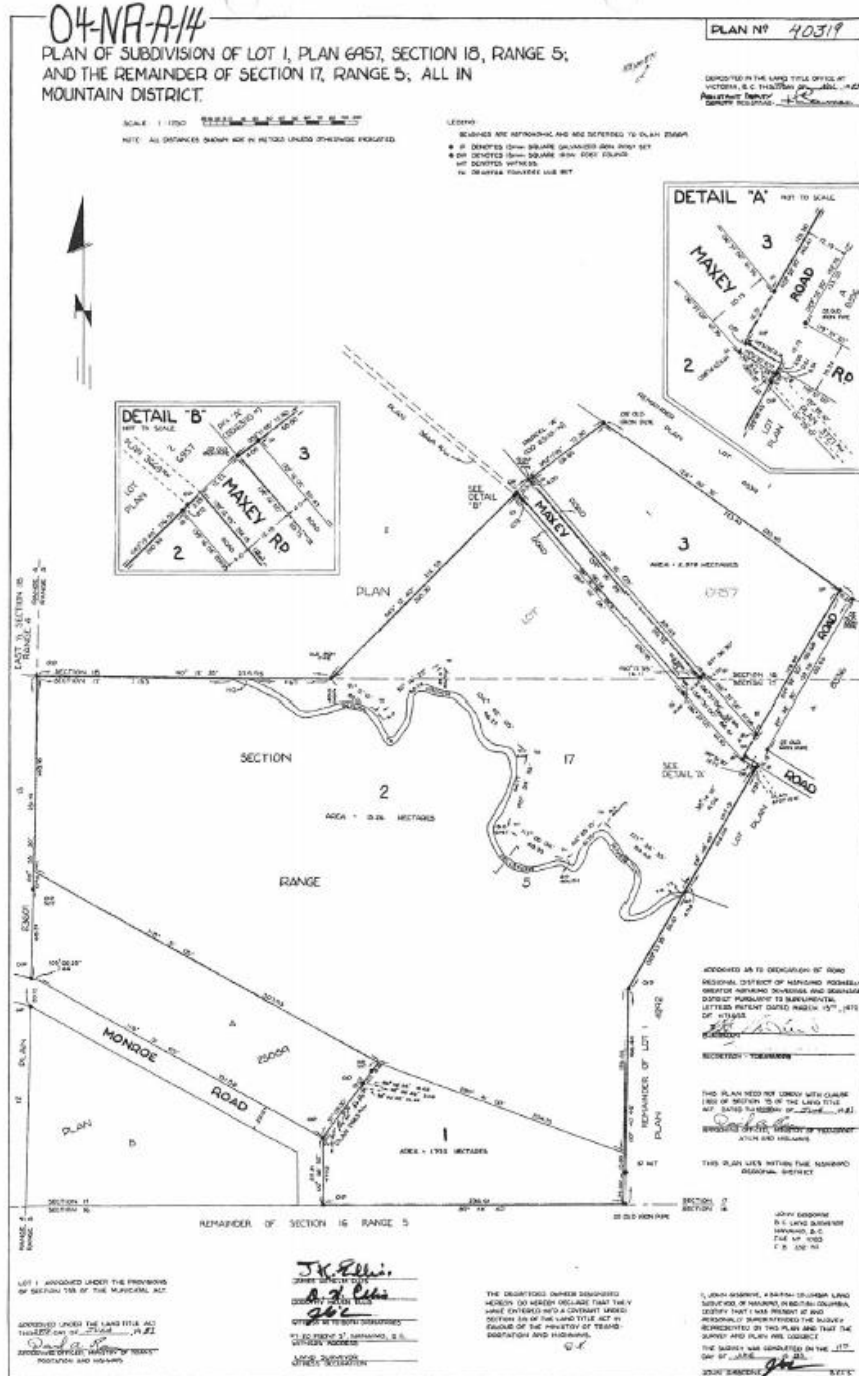
Pending Applications NONE

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Attachment 10

Applicant's Submission
(Page 10 of 10)



TO: Agricultural Advisory Committee (AAC) **DATE:** November 16, 2016

FROM: Greg Keller
Senior Planner **MEETING:** November 25, 2016

FILE: PL2016-158

SUBJECT: Request for Comment on Non-Farm Use in the ALR Application No. PL2016-158
Morningstar Springs Farm Ltd.
Lot 2, District Lots 19 and 83, Nanoose District, Plan EPP16024
395 & 403 Lowry's Road
Electoral Area 'G'

PURPOSE

To present an application for non-farm use within the Agricultural Land Reserve to the Agricultural Advisory Committee for the opportunity to provide comment on the application to the Agricultural Land Commission.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for non-farm use in the Agricultural Land Reserve (ALR) from Clarke Gourlay on behalf of Morningstar Springs Farm Ltd. The subject property is legally described as Lot 2, District Lots 19 and 83, Nanoose District, Plan EPP16024 and the civic address is 395 & 403 Lowry's Road. The subject property is approximately 36.4 hectares in area and is located entirely within the ALR. The parcel is located south west of the terminus of Lowry's Road and is surrounded by other agricultural properties. There is a watercourse located on the east portion of the property. The property currently contains a dairy and cheese making operation along with pasture, a petting farm, a farm retail store, one dwelling unit, and a number of farm and accessory buildings (see Attachment 1 - Subject Property Map and Attachment 2 - Aerial Photo).

The applicant proposes to construct a second site-built dwelling unit for the purpose of housing farm labour.

Agricultural Advisory Committee (AAC) members were provided an opportunity to attend the site on October 24, 2016.

A copy of the applicant's submission package is included in Attachment 10.

REGIONAL GROWTH STRATEGY

The subject property is currently designated 'Resource Land and Open Spaces' pursuant to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" (RGS). The policies of this designation do not address the number of dwelling units per parcel and do not support the creation of

new parcels that are smaller than the size supported by the Official Community Plan in effect at the date of the adoption of the RGS (see Attachment 7). Further to this, the RGS encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 8 and 9).

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Rural' pursuant to the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" (see Attachment 6). The policies of this designation support new residential development at densities of one dwelling unit per 8 hectares to a maximum of two dwelling units per parcel. In addition, the 'Rural' designation supports a minimum parcel size of 8.0 hectares for lands within the ALR.

The parcel is also designated within the Environmentally Sensitive Features (as a result of an older forest polygon and a watercourse) and Fish Habitat Protection Development Permit Areas (DPA). As the proposed dwelling unit would not be located within 30 metres of the watercourse and would be located outside of the identified older forest polygon, a development permit would not be required.

Amendments to "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008" are not required.

ZONING

The parcel is currently zoned Agriculture 1 (AG1), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500) (see Attachments 4 and 5 for zoning regulations and minimum parcel size). The AG1 Zone permits farm use on lands located in the ALR, agriculture on lands not located in the ALR and a range of accessory residential and farm uses. The AG1 zone also permits two dwelling units on the subject parcel.

The applicant proposes to construct a second site-built dwelling unit on the subject property as shown on the Proposed Site Plan prepared by the applicant (see Attachment 3).

Amendments to Bylaw 500 are not required.

BOARD POLICY AND AAC PROCEDURE

RDN Board Policy B1.8: *Review of ALR Applications* provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use, on lands within the ALR. Board Policy B1.8 also includes a standing Board resolution for non-farm use of lands within the ALR which reads as follows:

All applications under the *Agriculture Land Commission (ALC) Act* for exclusion, subdivision, or non-farm use of ALR land are to be forwarded to the Agricultural Advisory Committee (AAC) along with a completed ALC local government report in order to allow the AAC to provide comment and recommendation on the application. If the Area Director has provided comments on the application, the Director's comments will be included with the referral to the AAC. Agricultural Advisory Committee comments and recommendations are to be forward to the ALC by including the AAC motion in the local government report to the ALC.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as needed basis, as directed by the Board. In addition to members' local knowledge and input, comment on ALR applications may be guided by Board approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN's agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC from the AAC is consensus based, through committee adoption of a motion. If an AAC member has comments regarding an application being submitted to the ALC, the appropriate time to provide those comments is in the committee meeting, during discussion on the application, and prior to the committee's adoption of its motion. Only motions approved by the committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the staff report that is forwarded to the ALC.

Comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. As per Policy B1.8 any comment from the AAC is provided in addition to the applicable standing Board resolution and Electoral Area Director's comment (if provided). The ALC is the authority for decisions on matters related to the ALR and will consider comments in making its decision on an application.

ELECTORAL AREA DIRECTOR COMMENT

As per Board Policy B1.8, all applications under the *Agriculture Land Commission (ALC) Act* for exclusion, subdivision, or non-farm use of ALR land are to be forwarded to the applicable subject property's Electoral Area Director for comment.

With respect to this application, Director Stanhope has no comment.

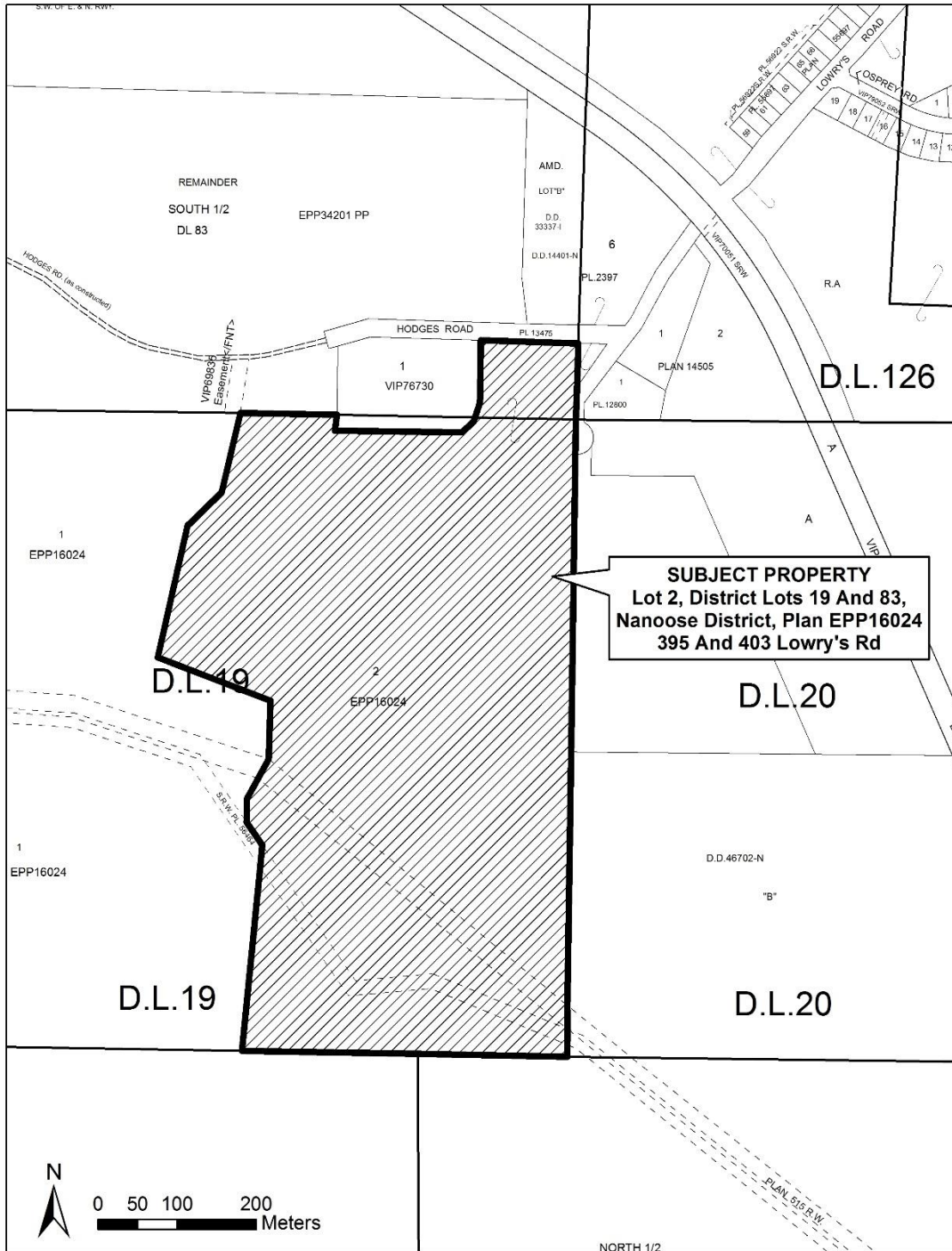
SUMMARY/CONCLUSIONS

This is an application for non-farm use in the ALR to construct a second site-built dwelling unit for the purpose of housing farm labour on a 36.4 hectare parcel located in Electoral Area 'G'. Should the AAC wish to provide comments to the ALC, it may do so by considering the adoption of a motion. Any comments provided by the committee will be provided to the ALC, along with a copy of this report to assist the ALC in making a decision on this application.

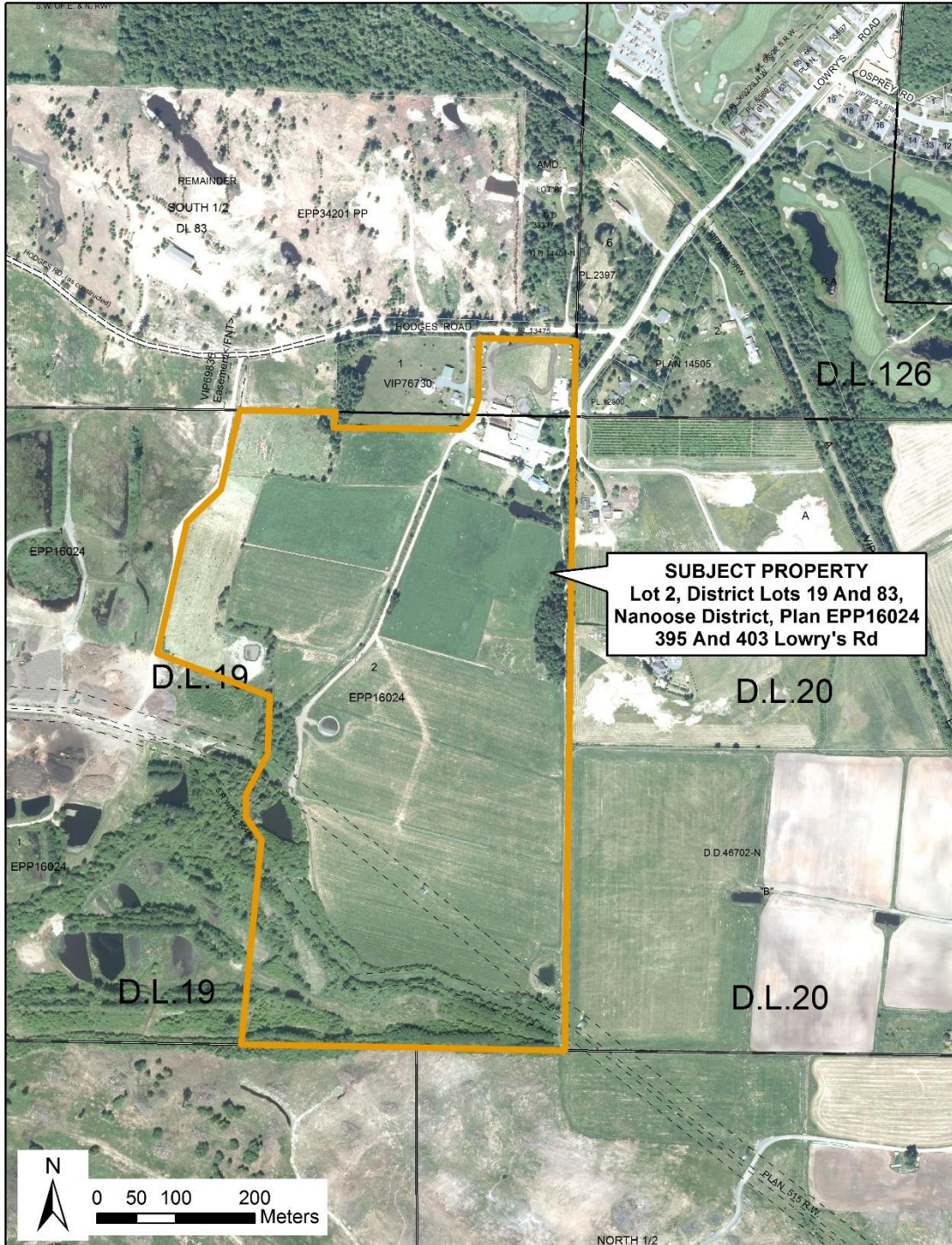


Report Writer

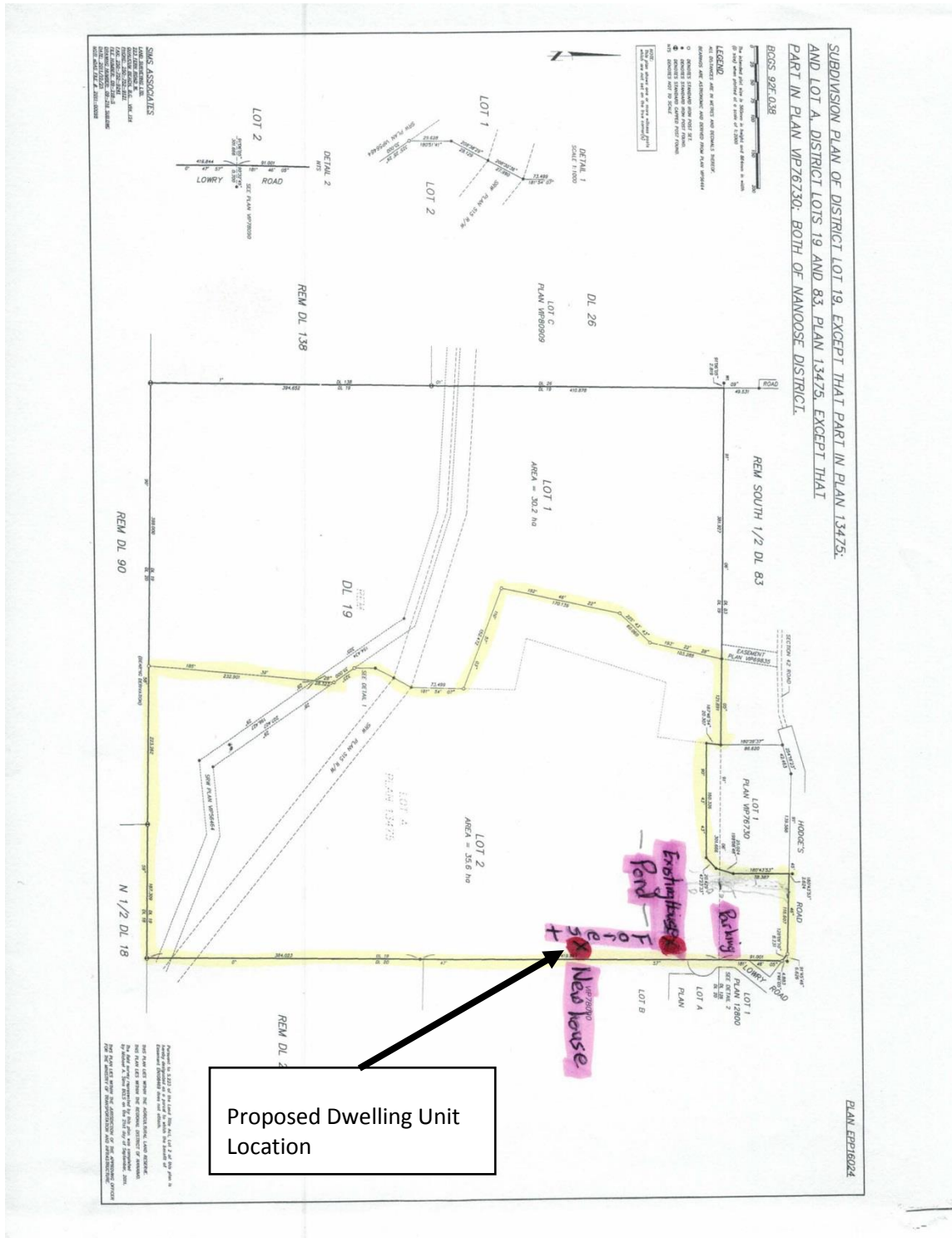
Attachment 1
Subject Property Map



Attachment 2
2014 Aerial Photo



Attachment 3 Proposed Site Plan



Proposed Dwelling Unit
Location

**Attachment 4
 Existing Zoning
 (Page 1 of 3)**

Section 3.4.1

AGRICULTURE 1

AG1³⁴³⁵

3.4.1.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses

- a) Farm Use – on lands located in the Agricultural Land Reserve
- b) Agriculture – on lands not located in the Agricultural Land Reserve
- c) Residential Use

Permitted Accessory Residential Uses

- a) Home Based Business
- b) Secondary Suite

Permitted Accessory Farm Uses

- a) Temporary Sawmill
- b) Agricultural Education and Research
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products

3.4.1.2 Maximum Number and Size of Buildings and Structures

- 1) Accessory residential buildings combined floor area of 400 m²
- 2) Dwelling units/parcel
 - a) on a parcel having an area of 2.0 ha or less 1
 - For Electoral Areas 'A', 'C', 'E', and 'H'**
 - b) on a parcel having an area greater than 2.0 ha 2
 - For Electoral Area 'G'**
 - c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes' 2
 - d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 2.0 ha. 2
- 3) Height (non-farm and accessory farm buildings and structures) 9.0 m

³⁴ Bylaw No. 500.383, Adopted June 25, 2013

³⁵ Bylaw No. 500.402, adopted June 28, 2016

**Attachment 4
Existing Zoning
(Page 2 of 3)**

AGRICULTURE 1 continued

- 4) Parcel coverage
- | | |
|---|-----|
| a) Non-farm buildings and structures | 10% |
| b) Farm or agriculture buildings and structures | 25% |
| c) Greenhouses | 75% |
- d) In no case shall the combined parcel coverage exceed 75%.
- e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
- i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.
-

3.4.1.3 Minimum Setback Requirements

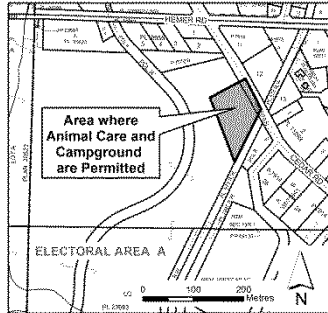
- | | |
|--|-------|
| 1) All non-farm buildings and structures – All lot lines | 8.0 m |
|--|-------|
- except where:
- a) the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 m from an interior side lot line and to 5.0 m from other lot lines, excluding the front lot line;
 - b) any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.3.8 and 3.3.9 shall apply.
- 2) All agriculture or farm buildings, structures and uses – in accordance with Section 3.3.10.
-

3.4.1.4 Other Regulations

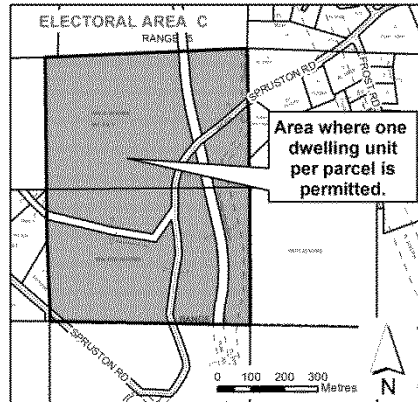
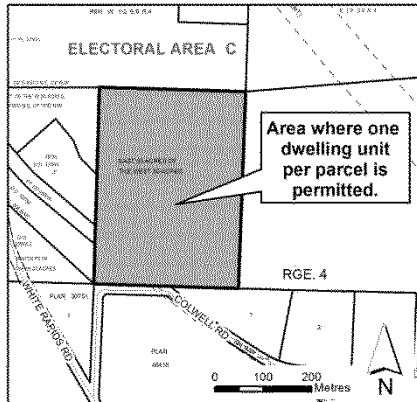
- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- 3) Specific 'Farm' and 'Permitted' uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 3.3.15 and 3.3.16 of this Bylaw.
- 4) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the ***Agricultural Land Commission Act*** is subject to the ***Agricultural Land Commission Act*** and ***Regulations***, and applicable orders of the Land Reserve Commission.

**Attachment 4
Existing Zoning
(Page 3 of 3)**

- 5) Animal Care and Campground shall be permitted in the shaded area outlined in bold in the map below.



- 6) Notwithstanding Section 3.4.1.2 Dwelling units/parcel the maximum number of dwelling units permitted in the shaded areas outlined in bold in the maps below shall be limited to one dwelling unit per parcel.



Attachment 5
Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size

Part 4 – Subdivision Regulations '4B' – Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below: ¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ^{4,5}	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
T ⁹	600 m ²	No further subdivision		
V ¹⁰	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹¹	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998² Bylaw No. 500.347, adopted September 22, 2009³ Bylaw No. 500.27, adopted August 9, 1988⁴ Bylaw No. 500.66, adopted December 12, 1989⁵ Bylaw No. 500.324, adopted February 28, 2006⁶ Bylaw No. 500.264, adopted October 10, 2000⁷ Bylaw No. 500.264, adopted October 10, 2000⁸ Bylaw No. 500.27, adopted August 9, 1988⁹ Bylaw No. 500.394, adopted August 25, 2015¹⁰ Bylaw No. 500.253, adopted January 11, 2000¹¹ Bylaw No. 500.275, adopted October 9, 2001

Attachment 6
Official Community Plan Land Use Designation
(Page 1 of 4)

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5.0 Protecting Rural Integrity

Electoral Area 'G' residents define rural as "a perpetuation of a style and quality of life for local residents on lands originally inhabited by First Nations Peoples and later established by pioneers for homesteading and agriculture, with a mixture of protected forests and a forest interface that allows for a continuum of wildlife habitat and access to environmentally sensitive trail systems."

In recognition of the community's value of the rural atmosphere of Electoral Area 'G', and the region's goal of protecting rural integrity, the Electoral Area 'G' OCP identifies the different types of neighbourhoods and land uses in the Plan Area that are considered to be rural in character, and provides policies to protect and enhance the unique attributes of these rural lands and ensure that changes which may occur on these rural lands contribute to, rather than detract from, the quality of life enjoyed by the residents of Electoral Area 'G'.

The Electoral Area 'G' Official Community Plan Area offers diverse rural and semi-rural lifestyles including rural residential areas outside of the Urban Containment Boundary as defined in the Regional Growth Strategy. The following sections set out the objectives and policies for protecting rural integrity in Electoral Area 'G'.

5.1 Rural and Rural Residential Land Use Designations

This Plan designates Rural and Rural Residential land use designations based on the minimum parcel sizes supported by the Regional Growth Strategy. Rural Residential designated lands in this Plan are intended to provide for larger-lot residential uses which may include traditional rural pursuits while also serving as a buffer between resource land and the more urbanized lands.

The Rural and Rural Residential area of Electoral Area 'G' contains a variety of lands with natural resource value including agriculture, aggregates and forestry. These lands have historically played a significant role in shaping the Plan Area's character, as well as providing important economic benefits. Their long term viability and productivity is increasingly threatened by urban encroachment and the spread of incompatible land uses necessitating special attention and protective measures.

The policies of this section define the community's intentions and priorities with respect to the long term management and use of rural residential lands. This section of the Plan recognizes the unique qualities of each distinct rural residential community and supports minimum parcel sizes based on policies in the Regional Growth Strategy. In doing so the Plan divides lands into the following four categories: 'Rural Residential 1', 'Rural Residential 2', 'Rural Residential 3', and 'Rural' as described below.

Objectives:

1. Protect and maintain the recreational, agricultural, forestry and aggregate land base and associated activities.
2. Minimize the impact of agriculture, forestry and aggregate-related activities on the natural environment and other forms of development and land uses.
3. Encourage farm activities on productive agricultural lands and on any lands capable of supporting viable agricultural activities.

Attachment 6
Official Community Plan Land Use Designation
(Page 2 of 4)

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-
4. Provide for continued rural residential opportunities without contributing to further rural sprawl.

General Policies:

The following policies apply to all lands within the, Rural Residential 1, Rural Residential 2, Rural Residential 3, and Rural land use designations.

Policies:

1. Lands designated Rural, Rural Residential 1, and Rural Residential 2 are shown on Map No. 3.
2. Although it is recognized that there are existing parcels within the Rural, Rural Residential 1, 2, or 3 designation that have been serviced with community water prior to the adoption of this Official Community Plan, the provision of or expansion to community water to service lands designated Rural, Rural Residential 1, Rural Residential 2, or Rural Residential 3 shall only be supported for health or environmental reasons and only where such services do not result in additional subdivision or development beyond what is permitted by the current zoning based on the minimum parcel size/site area requirements with no community servicing.
3. Zoning amendment proposals that have the potential to impact the quantity or quality of water resources shall be accompanied by a hydrological impact assessment report prepared by a professional engineer with experience in hydrologic analyses. The amendment proposal must also ensure that there are no impacts on fish habitat and the receiving waters, including channel stability and flow maintenance.
4. Permitted uses shall be compatible rural uses, rural residential uses and uses accessory to rural, and rural residential uses.
5. This Plan does not support lands within the Plan Area being pre-zoned for Animal Care. Lands within this Plan Area with existing Rural 2 and Rural 3 zoning may be considered for rezoning to remove 'Animal Care' as a permitted use, which may include changing the zoning designation to be consistent with the existing surrounding zoning designations.
6. Notwithstanding Policy 5 above, a rezoning to permit Animal Care may be supported within the Plan Area subject to its suitability being determined through the rezoning process.

Advocacy Policies:

7. The Ministry of Environment is encouraged to license and monitor groundwater extraction and monitor licensed surface water withdrawals.

Rural and Rural Residential designations

The Regional District of Nanaimo Regional Growth Strategy does not support the creation of parcels smaller than the size supported by the Official Community Plan in effect at the date of the adoption of the Regional Growth Strategy on June 10, 2003. Notwithstanding this requirement, if a parcel was serviced with community water since June 10, 2003, the minimum parcel size

Attachment 6
Official Community Plan Land Use Designation
(Page 3 of 4)

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supported by the zoning bylaw which was in affect on June 10, 2003 with community water service and no community sewer service may be supported.

The designations are intended to be consistent with the Regional Growth Strategy and recognize the unique rural qualities of existing rural neighbourhoods in Electoral Area 'G'.

Rural Residential 1

The Rural Residential 1 designation primarily includes lands in smaller-lot rural residential subdivisions that are generally not located in the Agricultural Land Reserve and that have been in existence prior to the adoption of the Regional Growth Strategy and in some cases prior to Regional District of Nanaimo zoning.

Policy:

8. The minimum parcel size for lands within the Rural Residential 1 land use designation shall be 1.0 ha.
9. Rezoning to permit parcels smaller than 1 hectare in the Rural Residential 1 land use designation shall not be supported.
10. New residential development shall be permitted at a maximum density of 1 dwelling unit per parcel.
11. Notwithstanding Policy 10 above, a 1 hectare minimum parcel size shall not be implemented in Dashwood until the Urban Containment Boundary feasibility study supported by Section 3.1 of this Plan is complete. In addition, the minimum parcel sizes in Dashwood may be adjusted to reflect the recommendations identified by the study. It should be noted that a Regional Growth Strategy amendment may be required.

Rural Residential 2

The Rural Residential 2 designation includes lands that are generally not located in the agricultural land reserve. Rural Residential 2 lands may have value for small-scale agricultural and forestry activities.

Policy:

12. The minimum parcel size for lands within the Rural Residential 2 land use designation shall be 2.0 ha although this Plan recognizes that there are existing parcels smaller than 2.0.
13. Rezoning to permit the creation of new parcels smaller than 2 hectares in the Rural Residential 2 land use designation shall not be supported.
14. New residential development shall be permitted at a maximum density of 1 dwelling unit per 2 hectares to a maximum of 2 per parcel.

Attachment 6
Official Community Plan Land Use Designation
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Rural Residential 3

The Rural Residential 3 designation includes lands that are generally not located in the Agricultural Land Reserve and that have been historically subdivided in to small lot rural residential located outside of the Urban Containment Boundary. The Rural residential 3 designation also includes larger lot rural residential lands that may have value for small scale agriculture and forestry activities.

19. The minimum parcel size within the Rural Residential 3 designation shall be 8 hectares although this Plan recognizes that there are existing parcels smaller than 8 hectares.
20. Rezoning to create parcels smaller than 8 hectares in the Rural Residential 3 designation shall not be supported.
21. New residential development shall be permitted at densities of 1 dwelling unit per 8 hectares to a maximum of 2 dwelling units per parcel.

Rural

The Rural designation primarily includes lands within the Agricultural Land Reserve although it is recognized that not all lands within this designation are within the ALR. Lands within the rural designation have value for agriculture, forestry, and other resource activities.

Policy:

22. The minimum parcel size for lands within the rural land use designation shall be 8 hectares although this Plan recognizes that there are existing parcels smaller than 8 hectares in area.
23. Rezoning to permit the creation of new parcels smaller than 8 hectares in the rural land use designation shall not be supported.
24. Where land is located within the Agricultural Land Reserve and is proposed for subdivision or non-farm use, including the placement of a second dwelling, approval must first be obtained from the Agricultural Land Commission, except where additional dwellings are necessary for farm purposes subject to the *Agricultural Land Commission Act*. All subdivision and non-farm uses within the ALR shall comply with the agricultural objectives and policies in Section 8.1 of this Plan.
25. New residential development shall be permitted at densities of 1 dwelling unit per 8 hectares to a maximum of two dwelling units per parcel.
26. Temporary Use Permits for primary resource processing, asphalt batch plant, concrete ready mix plant, yard waste chipping, or commercial composting and rezoning applications to rezone existing gravel pits to allow primary processing and related activities associated with gravel extraction may be supported in accordance with the Policies contained in Sections 8.3 and 8.7 of this Plan.
27. For any of the uses listed in Policy 26 above, the preferred option is to consider them for a Temporary Use Permit prior to considering them for a rezoning in accordance with Sections 8.3 and 8.7.

5.0 Protecting Rural Integrity

Attachment 7 Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.test

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;
- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 8

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

- 7.14 Recognize the importance of agriculture to the region's economy. To this end, the RDN and member municipalities agree to:
- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
 - Encourage the provincial government to protect the agricultural land base through the ALR;
 - Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
 - Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
 - Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
 - Encourage and support value-added agricultural industries; and
 - Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *'Imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region'*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Despite ongoing debate about the environmental benefits of 'buying local' food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region's carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

The '5 A's' of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

(J. Oswald, 2009)

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 3)

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

Attachment 9
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 3)

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

Attachment 10
Applicant's Submission

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55827

Application Status: Under LG Review

Applicant: Morningstar Springs Farm Ltd.

Agent: Clarke Gourlay

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 10/12/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Non-Farm Use

Proposal: We would like to build a second home on our farm, this one for necessary farm labour. It will be built within 75 feet of the property line in a forested area that already has existing electrical, water and driveway access. As such it will in no way impede upon land being actively cultivated. As explained below, we believe this house to serve an essential agricultural purpose within our farm operation.

Agent Information

Agent: Clarke Gourlay

Mailing Address:

403 Lowry's Rd

Parksville, BC

V9P 2B5

Canada

Primary Phone: (250) 954-3941

Mobile Phone: (250) 954-7442

Email: clarke@cheeseworks.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 028-988-876

Legal Description: Lot 2, Plan EPP16024, District Lot 19, Nanoose Land District, & DL 83

Parcel Area: 36.4 ha

Civic Address: 403 Lowry's Rd., Parksville, BC V9P2B5

Date of Purchase: 06/01/2004

Farm Classification: Yes

Owners

1. **Name:** Morningstar Springs Farm Ltd.

Address:

403 Lowry's Rd

Parksville, BC

V9P 2B5

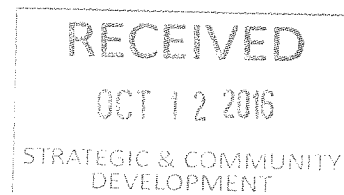
Canada

Phone: (250) 954-3941

Email: clarke@cheeseworks.ca

nancy@cheeseworks.ca.

Applicant: Morningstar Springs Farm Ltd.



Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).

We manage 90 acres of farmland broken down as follows:

- * 80 acres cultivated grass forage and pasture*
- * 5 acres berry and rhubarb cultivation*
- * 3 acres shelter belts, forest and riparian areas*
- * 2 acres farmstead (principal residence, barns, cheese and wine processing areas and farmgate store)*

In terms of animal farming we currently have ~80 dairy cows/heifers (currently milking 50), as well as a menagerie of goats, sheep, ducks, pigs, chickens, horses and donkeys.

Our principal income as a farm is from cheese sales, the cheese being produced from our own milk

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).

We have owned the farm for 12 years. In chronological order we have:

- 1. Upgraded and repaired old barns and a long dormant (and outdated) milking parlour and milk room.*
- 2. Fenced and cross fenced the entire property, and added water points throughout, for seasonal grazing.*
- 3. Built a milk processing plant for cheese making (and added on to it several times over the years).*
- 4. Converted an existing building into a farmgate store.*
- 5. Converted an existing building into a winery (and subsequently added on to it). Planted a "fruityard" (our wine is made with fruit/berries), including a specialty irrigation system and full deer fencing.*
- 6. Built a new dairy barn with room for 70 cows (up to 60 milking) and a VMS robotic milking station. Subsequently retrofitted the old barns for a combination of continued animal housing, and bedding, feed and farm equipment storage.*

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).

All other uses relate principally to, and are ancillary to, the farming uses. These include agri-tourism events (ex: heritage farm days, jazz, tea and cheesecake afternoon concert, Christmas on the Farm open house, etc); petting-zoo-style animal education/access for the public and special needs groups (we do not charge); seasonal nature/pasture walks (on existing farm roads), store parking, a picnic area, riparian and forest improvements, etc.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: Residential and Golf Course

East

Land Use Type: Agricultural/Farm

Specify Activity: Residential, dog breeding, berries and nuts

South

Land Use Type: Agricultural/Farm

Specify Activity: Ranch-like open pasture

West

Land Use Type: Agricultural/Farm

Specify Activity: Fish Compost/Greenhouses & Forages

Proposal

1. How many hectares are proposed for non-farm use?

0.1 ha

2. What is the purpose of the proposal?

We would like to build a second home on our farm, this one for necessary farm labour. It will be built within 75 feet of the property line in a forested area that already has existing electrical, water and driveway access. As such it will in no way impede upon land being actively cultivated. As explained below, we believe this house to serve an essential agricultural purpose within our farm operation.

3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.

Due to our large number of animals and the significant level of public access to our farm, we feel it is vital to have staff on the farm at all times. Though we employ 25 people (up to 33 in the summer), all but our family currently live off-farm.

We have typically only brief evening tasks (~30 min between 8 and 9pm) which, while necessary, are difficult to staff with someone living off the farm. And there are no employees on the farm during the night, other than family. Ensuring these evening jobs, the farm's security, and appropriate animal/equipment oversight during this evening and night period can only be achieved and consistently maintained through creating a residential opportunity for farm staff, on the actual farm itself.

For 12 years we have managed these needs from our one house, however this is no longer adequate. Our on-farm evening/night time labour needs have recently increased for two reasons: The first is simply generational. Our children are now adults and leaving our home, thus can no longer be relied upon for evening/night time interventions. Concurrently our parents are now too old to provide any meaningful intervention (and only my mother actually lives on the farm with us). This decrease in on-farm labour cannot be addressed from the existing house; Second, as this generational transition has been happening, we have also been growing our herd, so that we have many more animals now than we had during our earlier years on the farm. Care of these animals is mostly taken up by day-time staff, but again not during the evenings/nights. This gradually increasing work load jumped sharply and permanently in Dec 2015 with the addition to the farm of a robotic milking system. We are now actively milking cows 24 hours a day. While scheduled human involvement with the robot and cows takes place during regular working hours, there are "alarms", caused by any number of robotic and cow issues which do need timely intervention during the evening and night. With only one milking system, if it goes down for 8 hours over night, it will take up to 2 days to get fully caught up on our milkings, causing considerable stress to the cows during this time and a substantial (temporary) drop in milk production.

There are other examples of evening work that needs to take place on the farm, that while less typical of agricultural labour, are still very much a part of our farm operation. Someone needs to intervene in the cheese plant three days a week to drain fromage frais (a fresh cheese we sell) at 8pm. Other days we need to flip our hard cheeses in the evening. These tasks, like evening farm chores, do not take long (~0.5 hours), and so are difficult to staff with off-site labour, but are a necessary part of the day. Likewise we get occasional requests to do evening farm tours, most of which we are currently turning down for staffing reasons, but which would contribute to the overall effectiveness of our marketing.

This combination of less labour available from our home and more work to be done outside of regular work hours, can only be met through providing one member of our farm staff with housing on the farm.

4. Does the proposal support agriculture in the short or long term? Please explain.

As described above, this house will become part of our essential agricultural base on the farm by ensuring the security of our land, animals and equipment 24/7, by allowing for timely intervention into problems arising periodically in our milking system outside of the regular work day and by providing access to staff input on regularly scheduled, short duration tasks that take place outside of the regular work day. These are both immediate and long-term needs.

In addition to labour and security issues, there is a secondary but significant long-term benefit to building another house on the farm: We are already an inter-generational farm. Until recently we have had four generations of our family living in the principal residence. In our succession planning we are actively working towards passing the farm to our children (they are already minority share holders). There will be a future day, we trust not too far away, when this necessary farm and cheese plant labour will be filled by our own children. While we have enjoyed having our (now single) parents and grandparents living in our one home, this scenario breaks down over the long term with daughters-in-law and grand children. So while the need for farm labour housing is both immediate and long term, it is our longer term hope that this second house would also allow for the continued and smooth inter-generational transition of farm management and ownership.

Applicant Attachments

- Agent Agreement - Morningstar Springs Farm Ltd.
- Proposal Sketch - 55827
- Certificate of Title - 028-988-876

ALC Attachments

None.

Decisions


None.

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE
Certificate Number: STSR2143018

Clarke Gourlay
403 Lowry's Rd.
Parksville BC V9P2B5
Pick up by: Clarke Gourlay

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://stc.ltsa.ca/stc> (access code 960468).

I certify this to be an accurate reproduction of title number **CA2942466** at 18:18 this 11th day of October, 2016.


REGISTRAR OF LAND TITLES



Title Issued Under	SECTION 98 LAND TITLE ACT
Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	CA2942466 CA2942467 EX98345
Application Received	2013-01-08
Application Entered	2013-01-17
Registered Owner in Fee Simple Registered Owner/Mailing Address:	MORNINGSTAR SPRINGS FARM LTD., INC.NO. BC712054 403 LOWRY'S ROAD PARKSVILLE, BC V9P 2B5
Taxation Authority	PORT ALBERNI ASSESSMENT AREA

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2143018

Description of Land

Parcel Identifier: 028-988-876
Legal Description:
LOT 2 DISTRICT LOTS 19 AND 83 NANOOSE DISTRICT PLAN EPP16024

Legal Notations

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE CA4403876

PERSONAL PROPERTY SECURITY ACT NOTICE, SEE CA5060747

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED JULY 26, 1974

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE FB451032

Charges, Liens and Interests

Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA A.F.B. 9.693.7434A 77229G SECTION 172(3) FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E AND N RAILWAY COMPANY
Nature:	RIGHT OF WAY
Registration Number:	144369G
Registration Date and Time:	1950-03-20 14:10
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	PART IN DL 19; INTER ALIA
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	ED14447
Registration Date and Time:	1990-02-06 10:58
Registered Owner:	FORTISBC ENERGY (VANCOUVER ISLAND) INC. INCORPORATION NO. 236352
Transfer Number:	FB475875
Remarks:	INTER ALIA PART IN PLAN VIP56464

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2143018

Nature: EASEMENT
Registration Number: EN108469
Registration Date and Time: 1999-11-29 09:03
Remarks: INTER ALIA
APPURTENANT TO LOT 1, DISTRICT 116, NANOOSE
DISTRICT, PLAN 12149 EXCEPT PLAN VIP57241
PART FORMERLY DL 19 NANOOSE DISTRICT EXCEPT
PLAN 13475

Nature: EXCEPTIONS AND RESERVATIONS
Registration Number: EP3782
Registration Date and Time: 2000-01-14 09:46
Registered Owner: WEYERHAEUSER COMPANY LIMITED
INCORPORATION NO. A50607
Remarks: INTER ALIA
SEE EP3781
PART FORMERLY DL 19 NANOOSE DISTRICT
PLAN 13475

Nature: MORTGAGE
Registration Number: CA5060745
Registration Date and Time: 2016-03-23 14:05
Registered Owner: THE TORONTO-DOMINION BANK

Nature: ASSIGNMENT OF RENTS
Registration Number: CA5060746
Registration Date and Time: 2016-03-23 14:05
Registered Owner: THE TORONTO-DOMINION BANK

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

Morningstar Springs Farm Ltd.
403 Lowry's Rd.
Parksville, BC
V9P2B5

October 11, 2016

Agricultural Land Commission
133-4940 Canada Way
Burnaby, BC
V5G4K6

To whom it may concern,

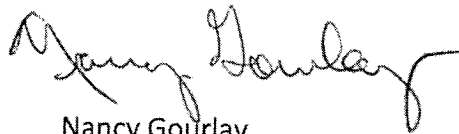
We, the undersigned, being the only two officers of Morningstar Springs Farm Ltd, appoint Mr. Clarke Gourlay to be the agent of the said corporation for all purposes related to our property at the above address and all applications to the Agricultural Land Commission in British Columbia.

Thank you for your cooperation in this matter.

Sincerely,



Clarke Gourlay
Secretary // Treasurer



Nancy Gourlay
President

From: Clarke Gourlay [mailto:clarke@cheeseworks.ca]
Sent: Thursday, October 13, 2016 3:19 PM
To: Planning Email
Cc: 'Wilcott, Christopher ALC:EX'
Subject: Cover letter for application ALC ID#55827, RDN Ref # PL2016-158

RDN Planners and Board,

As I prepared my ALC application for staff housing on our farm, I failed to note specifically on the application that we are applying under Section 18 of the ALC Act, as interpreted in ALC Policy #9. Which of course means that I am not applying under Section 3, as interpreted by ALC Policy #8. While I believe this will be evident to the ALC, I write to you as I believe this is an important distinction.

Section 18 relates specifically to “farm help” accommodation. And this is exactly what we are applying for. Two reasons this is important to us:

1. This house must be available for any farm staff we allow, whether or not they are “immediate family” (as is the requirement for Section 3 house applications).
2. It is not our intention to use a manufactured home (with CSA Z240 standards), nor to build a 2nd floor suite, as would be required under Section 3.

Thank you for your attention to our application and we look forward to hearing back from you if you have any questions, and eventually from the ALC with the outcome to our application.

Sincerely

Clarke Gourlay
Agent (and Owner)
Morningstar Springs Farm Ltd.

From: Clarke Gourlay [mailto:clarke@cheeseworks.ca]
Sent: Saturday, October 29, 2016 10:51 AM
To: 'Wilcott, Christopher ALC:EX'
Cc: 'Sutton, Elizabeth ALC:EX'; Keller, Greg
Subject: Addition to ALC file #55827 (RDN file# PL2016-158)

Chris,

We enjoyed a visit last week from the RDN (planner Greg Keller, elected directors and the Agricultural Advisory Committee) concerning our application for agricultural labour housing. A new and I believe salient factor came up that I had not included in our application, and so I write for the benefit of the ALC to provide that information.

Our farm has historically included “milker” housing, or to be more clear a second residence for agricultural labour, since approximately 1962 when our current house was built. In 2003/04 the previous owners subdivided the property as a home-site severance, taking the older “milker” housing with their 5-acre parcel. They then built a new home and “decommissioned” the milker house. Indeed, in the intervening years our staff have periodically been able to arrange rentals of the milker house, assisting us greatly, but it is currently occupied by others and as such cannot be relied upon for consistent use by our farm. So, while this property was being operated as a “simple” dairy farm under the previous owners, there was convincing need (and actual use) for the second home for farm labour. Since the farm lost the second house and we purchased it we have continued to dairy farm, and also have both added to the size of the farm (through a lot-line adjustment with a different neighbour) and added considerably to the complexity of the farming operation (through growing fruit, value-added processing and accessibility to the public).

Thank you,

Clarke Gourlay

TO: Agricultural Advisory Committee (AAC) **DATE:** November 16, 2016

FROM: Jamai Schile
Planner **MEETING:** AAC – November 25, 2016

FILE: PL2016-151

**SUBJECT: Request for Comment on Exclusion in the ALR Application No. PL2016-151
Ezra Cook Holdings Ltd.
Lot 13, Newcastle District, Except the Esquimalt and Nanaimo Railway Company Right of
Way as Said Right of Way is Coloured Red on DD 4433N
Electoral Area ‘H’**

PURPOSE

To present an application for exclusion from the Agricultural Land Reserve (ALR) to the Agricultural Advisory Committee (AAC) for the opportunity to provide comment on the application to the Agricultural Land Commission (ALC).

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application for exclusion from the ALR from Felice Mazzoni on behalf of Ezra Cook Holdings Ltd. The subject property is legally described as Lot 13, Newcastle District, Except the Esquimalt and Nanaimo Railway Company Right of Way as Said Right of Way is Coloured Red on DD 4433N. The subject property is approximately 55 hectares in area and is located entirely within the ALR. The parcel is bound by the Baynes Sound to the north, the Island Highway West to the south and is surrounded by land zoned for agricultural and resource management uses. The property currently is forested and is otherwise unoccupied (see Attachments 1 and 2 for Subject Property Map and Aerial Photo).

The applicant proposes to create a self-contained residential development; designed in such a way to protect and enhance the aquatic and ecological function of the local area. A copy of the applicant’s submission package, including an Agricultural Capacity Assessment prepared by Laura Hooper-Byrne, MSc., P. Ag, and dated November 9, 2015 is attached as Attachment 9.

AAC members were provided an opportunity to attend the site on October 24, 2016.

REGIONAL GROWTH STRATEGY

The subject property is currently designated ‘Resource Land and Open Spaces’ pursuant to the “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011”. The Regional Growth Strategy (RGS) polices support land use that is primarily intended for resource uses such as agriculture, forestry, aggregate, other resource development and long-term open space uses.

The applicant is proposing to create a self-contained residential development as an alternative to agricultural use. The proposal is envisioned to be a one-of-a-kind aquatic, habitat-friendly development. Within the context of the RGS land designation, 'destination resorts', such as eco-tourism-style accommodation and eco-adventure experiences as well as ecological conservation are supported. With respect to the proposed residential use, any proposals to create new parcels smaller than the size supported by the Official Community Plan would not be consistent with the RGS (see Attachment 6). Further to this, the RGS encourages the provincial government to protect and preserve the agricultural land base through the ALR (see Attachments 7 and 8).

Amendments to the "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011" are required.

OFFICIAL COMMUNITY PLAN

The subject property is currently designated as 'Resource Lands', pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", (see Attachment 5). This designation applies to lands that are used and valued for agriculture, forestry, natural resource extraction, or environmental conservation opportunities. Even though the applicant has not specified the desired density of the proposed self-contained residential development, the Official Community Plan (OCP) policies support a minimum parcel size of 50.0 hectares except for lands within the ALR, which have a minimum permitted parcel size of 8.0 hectares.

Amendments to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" are required.

The parcel is also designated within the Environmentally Sensitive Feature - Aquifer, Coastal, Lake, Wetlands Ponds, Fish Habitat Protection, Hazard Lands and Highway Corridor Development Permit Areas. A development permit would be required prior to any subdivision or alteration of the land.

ZONING

The parcel is currently zoned Agriculture 2 Zone (AG2), Subdivision District 'A', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", (see Attachments 3 and 4 for zoning regulations and minimum parcel size). The Agriculture 2 Zone permits Principal Uses, including: Farm Use, Agriculture, Residential Use, Extraction Use, Log Storage and Sorting Yard, Primary Processing; Accessory Residential Uses: Home Based Business and Accessory Farm Uses: Temporary Sawmill, Agricultural Education and Research, Agri-tourism Accommodation, Production of Biological Integrated Pest Management Products. The zone permits two residential dwelling unit on a parcel 8.0 hectares or greater.

Amendments to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" are required.

BOARD POLICY AND AAC PROCEDURE

RDN Board Policy B1.8: *Review of ALR Applications* provides an opportunity for the AAC to review and provide comments on ALR applications for exclusion, subdivision and non-farm use, on lands within the ALR. Policy B1.8 also includes a standing Board resolutions for exclusion of lands within the ALR which reads as follows:

If the ALC deems it appropriate to remove land from the ALR then the Board will consider the development of the land in accordance with the Regional Growth Strategy and the Official Community Plan.

In accordance with the AAC Terms of Reference, the role of the AAC members is to provide local perspective and expertise to advise the Board (and in this case comment to the ALC) on a range of agricultural issues on an ongoing and as-needed basis, as directed by the Board. In addition to members' local knowledge and input, comment on ALR applications may be guided by Board-approved policies such as the RDN AAC, the Board Strategic Plan, the RGS and the applicable OCP along with the relevant land use bylaws. Members of the AAC can also find information related to ALR land use and agriculture in BC, on the Agricultural Land Commission and Ministry of Agriculture websites. Local and contextual information can also be found on the RDN's agricultural projects website at www.growingourfuture.ca.

Comment provided to the ALC from the AAC is consensus based, through Committee adoption of a motion. If an AAC member has comments regarding an application being submitted to the ALC, the appropriate time to provide those comments is in the Committee meeting, during discussion on the application, and prior to the Committee's adoption of its motion. Only motions approved by the Committee will be forwarded to the ALC for its consideration. Comments from individual AAC members will not be included in the Staff Report that is forwarded to the ALC.

The comment provided by the AAC is not an approval or denial of the application and is only a recommendation to the ALC regarding a specific application. As per Policy B1.8 any comment from the AAC is provided in addition to the applicable standing Board resolution and Electoral Area Director's comment (if provided). The ALC is the authority for decisions on matters related to the ALR and will consider comments in making its decision on an application.

ELECTORAL AREA DIRECTOR COMMENT

As per Board Policy B1.8, all applications under the *Agriculture Land Commission (ALC) Act* for exclusion, subdivision, or non-farm use of ALR land are to be forward to the applicable subject property's Electoral Area Director, for comment.

With respect to this application, Director Veenhof advises that any RDN exclusion recommendation should be founded in the larger community interest. With the review of the Area H OCP underway, the community is currently being consulted on this application. Whilst these consultations are not complete, there would seem to be a certain level of community support for a development proposal that defends the natural potential of these lands and, thus, support for exclusion from the ALR. It is expected that the RDN Board will vote on the OCP in the late spring of 2017. Until that vote, any formal position on this application is subjective.

SUMMARY/CONCLUSIONS

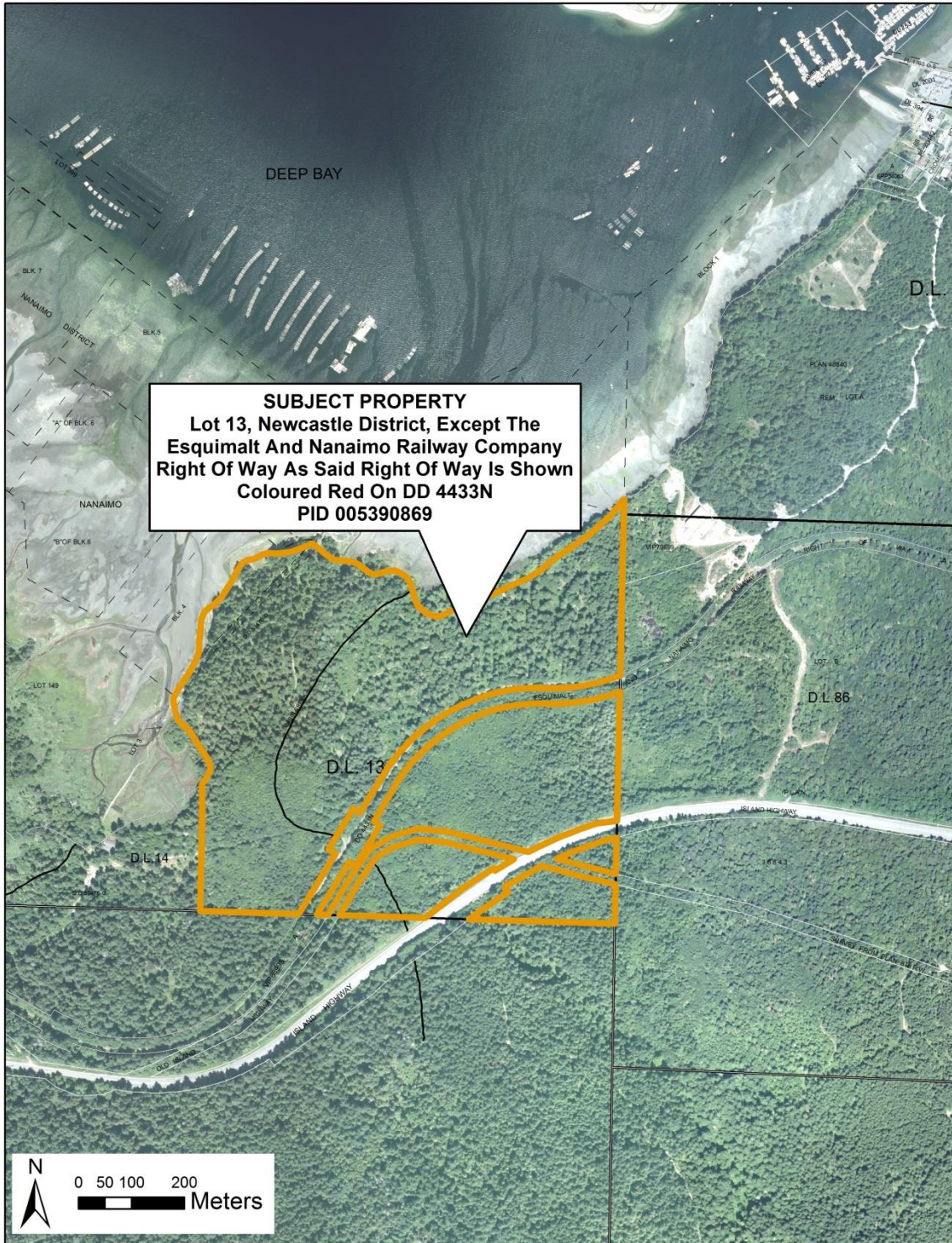
This is an application for exclusion from the ALR to create a self-contained residential development on a 55 hectare parcel located in Electoral Area 'H'. Should the AAC wish to provide comments to the ALC, it may do so by considering the adoption of a motion. Any comments provided by the Committee will be provided to the ALC, along with a copy of this report to assist the ALC in making a decision on this application.



Jamai Schile

Senior Planner

Attachment 2
2012 Aerial Photo



**Attachment 3
Existing Zoning
(Page 1 of 2)**

Section 3.4.2

AGRICULTURE 2

AG2³⁶

3.4.2.1 Permitted Uses and Minimum Site Area

Permitted Principal Uses	Required Site Area:
a) Farm Use – on lands located in the Agricultural Land Reserve	n/a
b) Agriculture – on lands not located in the Agricultural Land Reserve	n/a
c) Residential Use	n/a
d) Extraction Use	2.0 ha
e) Log Storage and Sorting Yard	1.0 ha
f) Primary Processing	5.0 ha

Permitted Accessory Residential Uses

- a) Home Based Business

Permitted Accessory Farm Uses

- a) Temporary Sawmill
- b) Agricultural Education and Research
- c) Agri-tourism Accommodation
- d) Production of Biological Integrated Pest Management Products

3.4.2.2 Maximum Number and Size of Buildings and Structures

1) Accessory residential buildings	combined floor area of 400 m ²
2) Dwelling units/parcel	
a) on a parcel having an area of 8.0 ha or less	1
<i>For Electoral Areas 'A', 'C', 'E', and 'H'</i>	
b) on a parcel having an area of 8.0 ha or more	2
<i>For Electoral Area 'G' only</i>	
c) on a parcel having an area equal to or greater than twice the minimum parcel size as established by Schedule '4B Subdivision District – Minimum Parcel Sizes'	2

³⁶ Bylaw No. 500.402, adopted June 28, 2016

**Attachment 3
Existing Zoning
(Page 2 of 2)**

AGRICULTURE 2 continued

- d) Notwithstanding subsection (c), on a parcel located in this zone and created prior to February 22, 2011 and having an area greater than 8.0 ha 2
- 3) Height (non-farm and accessory farm buildings and structures) 9.0 m
- 4) Parcel coverage
 - a) Non-farm or non-agricultural buildings and structures 10%
 - b) Farm or agriculture buildings and structures 25%
 - c) Greenhouses 75%
 - d) In no case shall the combined parcel coverage exceed 75%
 - e) Notwithstanding a), b), c) and d) above or any other regulation in this Bylaw, the following agricultural structures shall be exempt from maximum parcel coverage:
 - i) Permeable detention ponds
 - ii) Support structures used for shading, frost and wind protection, netting, or trellising.

3.4.2.3 Minimum Setback Requirements

- 1) All residential and non-farm buildings and structures:
 - a) All residential buildings and structures – All lot lines 8.0 m
 - b) All other non-farm buildings and structures – All lot lines 20.0 m
 - c) Except where any part of a parcel is adjacent to or contains a watercourse or the sea then the regulations in Sections 3.3.8 and 3.3.9 shall apply
- 2) All agriculture or farm buildings, structures and uses – in accordance with Section 3.3.10.

3.4.2.4 Other Regulations

- 1) For any part of a parcel in the Agricultural Land Reserve, 'Farm Use' shall be a permitted principal use and for any part of a parcel not located in the Agricultural Land Reserve, 'Agriculture' shall be a permitted principal use.
- 2) Accessory Farm uses are only permitted on that part of a parcel that is within the Agricultural Land Reserve.
- 3) Specific 'Farm' and 'Permitted' uses as defined in the ***Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*** shall be developed in accordance with Section 3.3.15 and 3.3.16 of this Bylaw.
- 4) Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the ***Agricultural Land Commission Act*** is subject to the ***Agricultural Land Commission Act*** and ***Regulations***, and applicable orders of the Land Reserve Commission.

Attachment 4
Bylaw 500, Schedule '4B' Subdivision Districts – Minimum Parcel Size

Part 4 – Subdivision Regulations '4B' – Subdivision Districts

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500

SCHEDULE '4B' SUBDIVISION DISTRICTS - MINIMUM PARCEL SIZES

- 1) The minimum size of any lot created by subdivision shall be determined by the standard of services provided and shall meet the applicable minimal parcel size set out below: ¹

Minimum Parcel Sizes				
Subdivision District	Community Water & Sewer System	Community Water System - No Community Sewer	Community Sewer System - No Community Water	All Other Subdivisions
A	20.0 ha	20.0 ha	20.0 ha	20.0 ha
B	8.0 ha	8.0 ha	8.0 ha	8.0 ha
C	5.0 ha	5.0 ha	5.0 ha	5.0 ha
CC ²	4.0 ha	4.0 ha	4.0 ha	4.0 ha
D	2.0 ha	2.0 ha	2.0 ha	2.0 ha
E	1.6 ha	1.6 ha	1.6 ha	1.6 ha
F	1.0 ha	1.0 ha	1.0 ha	1.0 ha
G	8000 m ²	1.0 ha	1.0 ha	1.0 ha
H	5000 m ²	1.0 ha	1.0 ha	1.0 ha
J ³	4000 m ²	6000 m ²	1.0 ha	1.0 ha
K	4000 m ²	4000 m ²	4000 m ²	4000 m ²
L	2000 m ²	2000 m ²	4000 m ²	4000 m ²
M	2000 m ²	2000 m ²	1.0 ha	1.0 ha
N ^{4,5}	1600 m ²	1600 m ²	1.0 ha	1.0 ha
P	1000 m ²	1600 m ²	1.0 ha	1.0 ha
Q (EA G only)	700 m ²	⁶ 1.0 ha	1.0 ha	1.0 ha
Q (other EAs)	700 m ²	2000 m ²	1.0 ha	1.0 ha
R	500 m ²	⁷ 1.0 ha	1.0 ha	1.0 ha
S ⁸	400 m ²	2000 m ²	1.0 ha	1.0 ha
T ⁹	600 m ²	No further subdivision		
V ¹⁰	50.0 ha	50.0 ha	50.0 ha	50.0 ha
Z	No further subdivision			
CD9 ¹¹	400 lots with approved pump and haul service connection			

¹ Bylaw No. 500.238, adopted February 10, 1998
² Bylaw No. 500.347, adopted September 22, 2009
³ Bylaw No. 500.27, adopted August 9, 1988
⁴ Bylaw No. 500.66, adopted December 12, 1989
⁵ Bylaw No. 500.324, adopted February 28, 2006
⁶ Bylaw No. 500.264, adopted October 10, 2000
⁷ Bylaw No. 500.264, adopted October 10, 2000
⁸ Bylaw No. 500.27, adopted August 9, 1988
⁹ Bylaw No. 500.394, adopted August 25, 2015
¹⁰ Bylaw No. 500.253, adopted January 11, 2000
¹¹ Bylaw No. 500.275, adopted October 9, 2001

Attachment 5
Official Community Plan Land Use Designation
(Page 1 of 2)



Regional District of Nanaimo
ELECTORAL AREA 'H' OFFICIAL COMMUNITY PLAN - BYLAW NO. 1335

Water Boards. The Regional District will facilitate such input and will ensure that all studies are appropriately designed and conducted.

LAND USE DESIGNATIONS

5.2 RESOURCE LANDS

This land use designation applies to lands that are used and valued for agriculture, forestry, natural resource extraction, or environmental conservation opportunities. All lands within the Agricultural Land Reserve are in this land use designation. Lands that were formerly in the Forest Land Reserve (major forestry holdings) and large parcel Crown land holdings (other than those designated as Park Lands) are also within this land use designation.

It is recognized that certain matters considered in this section are beyond the jurisdiction of the RDN. The objectives and policies relating to these matters are intended to serve as indicators of community preference and assist senior levels of government in planning and decision-making.

Objectives

1. *Maintain* the renewable natural resource land base and protect it from activities that may diminish resource value and potential.
2. *Encourage* more comprehensive management of the resource land base.
3. *Protect* the environment.
4. *Encourage* and protect outdoor recreational opportunities.
5. *Direct* development that is compatible with the Community Values and Development Guideline Criteria Statements.

Policies

1. Land within the Resource Management designation is shown on Map No. 5.
2. Lands within this designation shall have a minimum permitted parcel size of 50.0 hectares, except for lands within the Agricultural Land Reserve.
3. For lands within the ALR, an 8.0-hectare minimum permitted parcel size shall be supported by this Plan.
4. Notwithstanding Policy 5.2.2 above, any lands within the ALR having a minimum permitted parcel size of less than 8.0 hectares pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 at the date of adoption of this Official Community Plan shall retain that minimum permitted parcel size (these parcels are illustrated on Map No. 5).
5. For lands within the Agricultural Land Reserve, the regulations and policies of the **Agricultural Land Commission** apply.
6. Where land is in the ALR and is proposed for subdivision, a second dwelling unit, or a non-farm use, approval must first be obtained from the ALC.

Attachment 5
Official Community Plan Land Use Designation
(Page 2 of 2)



Regional District of Nanaimo
ELECTORAL AREA 'H' OFFICIAL COMMUNITY PLAN - BYLAW NO. 1335

7. Areas with environmentally sensitive or significant ecological resources within the Resource Management designation are identified on Map No. 3. Protection of these areas shall be encouraged through federal, provincial, Regional District or private initiatives and incentives.
8. All development on Resource Lands will be encouraged to use best practice interface forest fire mitigation techniques for building and landscaping.

Attachment 6

Regional Growth Strategy Land Use Designation

Resource Lands and Open Space

The Resource Lands and Open Space land use designation includes:

- Land that is primarily intended for resource uses such as agriculture, forestry, aggregate and other resource development; and
- Land that has been designated for long-term open space uses.

This designation includes:

- Land in the Agriculture Land Reserve;
- Crown land;
- Land designated for resource management or resource use purposes, including forestry, in official community plans;
- Recognized ecologically sensitive conservation areas;
- Provincial parks;
- Regional parks;
- Large community parks;
- Cemeteries;
- Existing public facilities outside of areas planned for mixed-use centre development;
- Destination Resorts; and
- Golf courses.

Resource activities on land in this designation should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. Land use control, and resource management of lands in this designation is shared between landowners, local, provincial and sometimes federal government. Much of the forest land is privately owned. Forest companies, farmers, shellfish aquaculture (and associated research facilities) and aggregate resource development companies are recognized to have the right to operate on land within this designation in compliance with local, provincial and federal government regulations.

No new parcels that are smaller than the size supported by the official community plan in effect at the date of the adoption of this *Regional Growth Strategy* may be created on land in this designation.

Attachment 7

Regional Growth Strategy Goal 7 – Enhance Economic Resiliency - Agriculture

Agriculture

7.14 Recognize the importance of agriculture to the region’s economy. To this end, the RDN and member municipalities agree to:

- Support the management of the Agriculture Land Reserve (ALR) by the provincial government;
- Encourage the provincial government to protect the agricultural land base through the ALR;
- Support the agricultural use of ALR lands within designated Urban Areas or Rural Village Areas except in instances where urban land uses have already been established at the time of the adoption of this RGS;
- Recognize that all ALR lands will be subject to the regulations of the Agricultural Land Commission;
- Support the preparation of a study of agriculture in the region for the purpose of identifying the issues and needs (both immediate and future) of the agricultural sector;
- Encourage and support value-added agricultural industries; and
- Enhance opportunities for agricultural activity on lands not in the ALR.

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 1 of 3)

Goal 8 - Food Security - Protect and enhance the capacity of the region to produce and process food.

Most of the food we eat comes from other parts of the world. A study conducted by the Region of Waterloo Public Health in Ontario (M. Xuereb, 2005) found that *‘Imports of 58 commonly eaten foods travel an average of 4,497 km to Waterloo Region’*. Although there are currently no regionally specific studies estimating the distance food travels to reach our plates, it is safe to estimate that many of the foods we regularly consume travel on average at least 2,400 km to reach us (a widely quoted figure for North America, based on research conducted in Iowa by R. Pirog, et al 2001).

Despite ongoing debate about the environmental benefits of ‘buying local’ food versus making dietary changes (C. Weber and H. Scott Matthews, 2008), it is clear that our dependence on imported foods means that our access to food is vulnerable to the effects of weather and political events that may occur thousands of kilometers away. As well, world energy prices play a large role in the cost of food production and distribution. Greater food security means that more food is grown locally and therefore is not as susceptible to events occurring outside the region.

Local food production generates numerous economic, environmental and social benefits. Agriculture employs almost 3,000 people and generates a flow of income into the region. Local sources of food help reduce the region’s carbon footprint by reducing transportation-related GHG emissions. In addition, the nutritional content of locally produced food is often greater than imported food – providing a healthier choice of food for residents.

Ensuring the long-term viability of farming and agricultural activity in the region requires a coordinated effort on the part of local, provincial and federal authorities. In addition to the provisions of Policy 5.4, the RDN and member municipalities can undertake a number of actions to support and enhance the viability of food production in the region as set out in the following policies (See Map 5 – Agricultural Lands).

The ‘5 A’s’ of food security:

- *Available – sufficient supply*
- *Accessible – efficient distribution*
- *Adequate – nutritionally adequate and safe*
- *Acceptable – produced under acceptable conditions (e.g. culturally and ecologically sustainable)*
- *Agency – tools are in place to improve food security*

(J. Oswald, 2009)

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 2 of 3)

Protecting the agricultural land base is a key requirement for enhancing food security. The Agricultural Land Reserve (ALR) established by the Province in 1973 has largely been effective in reducing the loss of agricultural lands. Since 1974 the percentage of land protected under the ALR in the RDN has decreased approximately 12%, from 10.10% of the total land base to approximately 8.85% (www.alc.gov.bc.ca/alr/stats).

The majority of ALR lands in the RDN are located in rural Electoral Areas, with smaller portions located within the boundaries of municipalities. This RGS recognizes and supports the jurisdiction of the ALC over all ALR lands and strongly supports the retention and use of all ALR lands for agriculture. The RDN will continue to endorse the Agricultural Land Commission's efforts in preserving agricultural lands. Other actions that would enhance food security in the region include:

- Supporting improved access to sustainable water supplies for irrigation;
- Encouraging best water management practices in agriculture;
- Providing drainage infrastructure for flood-prone lands that do not include environmentally sensitive areas;
- Improving infrastructure to provide agricultural services and processing; and improving access to markets.

Policies

The RDN and member municipalities agree to:

- 8.1 Encourage and support the Agricultural Land Commission in retaining lands within the ALR for agricultural purposes.
- 8.2 Discourage the subdivision of agricultural lands.
- 8.3 Include provisions in their official community plans and zoning bylaws to allow for complementary land uses and activities that support the on-going viability of farming operations.
- 8.4 Establish agriculture as the priority use on land in the ALR.
- 8.5 Minimize the potential impact non-farm land uses may have on farming operations and include policies in their official community plans and zoning bylaws that reduce the opportunity for land use conflicts to occur.
- 8.6 Encourage and support agricultural activity on lands that are not within the ALR. This may include small-scale home-based agricultural businesses.

Attachment 8
Regional Growth Strategy Goal 8 – Food Security
(Page 3 of 3)

- 8.7 Recognize the importance of value-added agricultural uses and complementary land use activities for the economic viability of farms. To support complementary farm uses, official community plans should consider:
- The provision of appropriately located agricultural support services and infrastructure;
 - Reducing impediments to agricultural processing and related land uses;
 - Allowing compatible complementary land use activities (e.g., agri-tourism);
 - Allowing farmers' markets and other outlets that sell local produce to locate in all parts of the community.
- 8.8 Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
- 8.9 Support the appropriate use of water resources for irrigation of agricultural lands.
- 8.10 Support the provision of drainage infrastructure to flood-prone lands that do not lie within environmentally sensitive areas.
- 8.11 Work in collaboration with federal and provincial agencies, adjacent regional districts, and agricultural organizations to improve access to markets for agricultural products.
- 8.12 Support partnerships and collaborate with non-profit groups to enhance the economic viability of farms.
- 8.13 Support farms that produce organic agricultural products and use sustainable farming practices.
- 8.14 Support the production, processing, distribution and sale of locally grown produce (including shellfish).

Attachment 9
Applicant's Submission

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 55717

Application Status: Under LG Review

Applicant: Ezra Cook Holdings Ltd. Inc. No. 458302

Agent: mazzoni.associates@gmail.com

Local Government: Nanaimo Regional District

Local Government Date of Receipt: 09/26/2016

ALC Date of Receipt: This application has not been submitted to ALC yet.

Proposal Type: Exclusion

Proposal: See Exclusion Report

Agent Information

Agent: mazzoni.associates@gmail.com

Mailing Address:

208 Simcoe

Victoria, BC

V8V 1K7

Canada

Primary Phone: (250) 413-7265

Email: mazzoni.associates@gmail.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 005-390-869

Legal Description: District Lot 13, except E&N R/W Plan DD4433N, Newcastle District

Parcel Area: 55 ha

Civic Address:

Date of Purchase: 01/31/1887

Farm Classification: No

Owners

1. **Name:** Ezra Cook Holdings Ltd. Inc. No. 458302

Address:

300-233 West 1st Street

North Vancouver, BC

V7M 1B3

Canada

Phone: (250) 413-7265

Cell: (250) 413-7265

Email: mazzoni.associates@gmail.com

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 009-666-231
Owner with Parcel Interest: Ezra Cook Holdings Ltd. Inc. No. 458302
Parcel Area: 71.6 ha
Land Use Type: Unused
Interest Type: Full Ownership
-

Current Use of Parcels Under Application

1. **Quantify and describe in detail all agriculture that currently takes place on the parcel(s).**

None

2. **Quantify and describe in detail all agricultural improvements made to the parcel(s).**

None

3. **Quantify and describe all non-agricultural uses that currently take place on the parcel(s).**

None - Forested.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: See Ag Report

East

Land Use Type: Agricultural/Farm

Specify Activity: See Ag Report

South

Land Use Type: Agricultural/Farm

Specify Activity: See Ag Report

West

Land Use Type: Agricultural/Farm

Specify Activity: See Ag Report

Proposal

1. **How many hectares are you proposing to exclude?**

55 ha

2. **What is the purpose of the proposal?**

See Exclusion Report

3. **Explain why you believe that the parcel(s) should be excluded from the ALR.**

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See Exclusion Report

Applicant Attachments

- Agent Agreement - mazzoni.associates@gmail.com
- Proposal Sketch - 55717
- Proof of Signage - 55717
- Proof of Advertising - 55717
- Proof of Serving Notice - 55717
- Professional Report - Planning Report
- Professional Report - Agricultural Report
- Certificate of Title - 005-390-869

ALC Attachments

None.

Decisions

None.

AGENT AUTHORIZATION LETTER

I (we) Ezra Cook Holdings Ltd., Inc. No. 458302
Printed/typed name(s) of landowner(s)

hereby appoint Felice Mazzoni of Mazzoni & Associates Planning
Printed/typed name of agent

make application to the Agricultural Land Commission as agent on my/our behalf with respect to
the following parcel (s): District Lot 13, except E&N R/W Plan DD4433N, Newcastle District

I Felice Mazzoni of Mazzoni & Associates Planning understand that as
Printed/typed name of agent

agent, I am required to ensure that all landowners are provided with information being
submitted to and received from the Agricultural Land Commission.

Signature(s) of landowner(s):


Signature

John Stathers Sept 14 2016
Printed Name Date


Signature

Mary Louise Stathers Sept 14 2016
Printed Name Date

TITLE SEARCH PRINT

2016-09-02, 13:35:38

File Reference:

Requestor: VICTORIA LTO FRONT COUNTER 1

Declared Value: \$ 1268000

****CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN****

Land Title District
Land Title Office

VICTORIA
VICTORIA

Title Number
From Title Number

EL75998
EL75997

Application Received

1997-06-27

Application Entered

1997-07-11

Registered Owner in Fee Simple

Registered Owner/Mailing Address:

EZRA COOK HOLDINGS LTD., INC. NO. 458302
300 - 233 WEST 1ST STREET
NORTH VANCOUVER, BC
V7M 1B3

Taxation Authority

PORT ALBERNI ASSESSMENT AREA

Description of Land

Parcel Identifier: 005-390-869

Legal Description:

LOT 13, NEWCASTLE DISTRICT, EXCEPT THE ESQUIMALT AND NANAIMO RAILWAY COMPANY
RIGHT OF WAY AS SAID RIGHT OF WAY IS SHOWN COLOURED RED ON DD 4433N

Legal Notations

THIS CERTIFICATE OF TITLE MAY BE AFFECTED BY THE AGRICULTURAL LAND
COMMISSION ACT; SEE AGRICULTURAL LAND RESERVE PLAN NO. 5, DEPOSITED
JULY 26, 1974

SUBJECT TO WILLS VARIATION ACT, SEE EL75997, 1997.04.25, DATE OF
PROBATE

Charges, Liens and Interests

Nature:

EXCEPTIONS AND RESERVATIONS

Registration Number:

M76300

Registered Owner:

ESQUIMALT AND NANAIMO RAILWAY COMPANY

Remarks:

A.F.B. 9.693.7434A, DD 275666G, SECTION 172(3),
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE
ORIGINAL GRANT FROM E & N RAILWAY COMPANY

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TITLE SEARCH PRINT

File Reference:
Declared Value \$ 1268000

2016-09-02, 13:35:38
Requestor: VICTORIA LTO FRONT COUNTER 1

Duplicate Indefeasible Title	NONE OUTSTANDING
Transfers	NONE
Pending Applications	NONE

BC Company Summary
For
EZRA COOK HOLDINGS LTD.

Date and Time of Search: October 13, 2016 02:30 PM Pacific Time
Currency Date: June 27, 2015

ACTIVE

Incorporation Number: BC0455352
Name of Company: EZRA COOK HOLDINGS LTD.
Recognition Date: Incorporated on November 17, 1995
Last Annual Report Filed: November 17, 2015
In Liquidation: No
Receiver: No

COMPANY NAME INFORMATION

Previous Company Name: CROSS KEYS HOLDINGS LTD.
Date of Company Name Change: May 17, 1995

REGISTERED OFFICE INFORMATION

Mailing Address: BOX 47 STN MAIN
SQUAMISH BC V8B 0A1
CANADA
Delivery Address: 38717 BUCKLEY AVE
SQUAMISH BC V8B 0A1
CANADA

RECORDS OFFICE INFORMATION

Mailing Address: BOX 47 STN MAIN
SQUAMISH BC V8B 0A1
CANADA
Delivery Address: 38717 BUCKLEY AVE
SQUAMISH BC V8B 0A1
CANADA

DIRECTOR INFORMATION

Last Name, First Name, Middle Name:
Fletcher, Joanna Lynn

Mailing Address: [Redacted]
[Redacted]
CANADA
Delivery Address: [Redacted]
[Redacted]
CANADA

Last Name, First Name, Middle Name:
STATHERS, DAVID JAMES

Mailing Address:

[REDACTED]
[REDACTED]
CANADA

Delivery Address:

[REDACTED]
[REDACTED]
CANADA

Last Name, First Name, Middle Name:
STATHERS, KENNETH ROSS

Mailing Address:

[REDACTED]
[REDACTED]
CANADA L6H5V0

Delivery Address:

[REDACTED]
[REDACTED]
CANADA L3H5W0

Last Name, First Name, Middle Name:
Stathers Ian Yaro

Mailing Address:

[REDACTED]
[REDACTED]
CANADA

Delivery Address:

[REDACTED]
[REDACTED]
CANADA

Last Name, First Name, Middle Name:
Stathers, John Michael

Mailing Address:

[REDACTED]
[REDACTED]
CANADA

Delivery Address:

[REDACTED]
[REDACTED]
CANADA

OFFICER INFORMATION AS AT November 17, 2015

Last Name, First Name, Middle Name:
STATHERS, MARY LOUISE

Office(s) Held: (President)

Mailing Address:

[REDACTED]
[REDACTED]

Delivery Address:

[REDACTED]
[REDACTED]

Last Name, First Name, Middle Name:
STATHERS, KENNETH ROSS

Office(s) Held: (Secretary)

Mailing Address:

[REDACTED]
[REDACTED]
CANADA

Delivery Address:

[REDACTED]
[REDACTED]
CANADA

Last Name, First Name, Middle Name,
Suffix or Title

Office(s) Held: (Asks for position)

Mailing Address:

[REDACTED]
[REDACTED]

CANADA

Delivery Address:

[REDACTED]
[REDACTED]

CANADA

NOTICE OF EXCLUSION APPLICATION

Regarding Land in the Agricultural Land Reserve
I, EZRA COOK HOLDINGS LTD., INC. NO. 458302 of 300-233 WEST 1ST
STREET, NORTH VANCOUVER, BC, V7M 1B3 Intendon making an application
pursuant to section 30(1) of the Agricultural Land Commission Act to exclude from
the Agricultural Land Reserve the following property which is legally described as,
DISTRICT LOT 13, NEWCASTLE DISTRICT, EXCEPT THE ESQUIMALT
AND NANAIMO RAILWAY COMPANY RIGHT OF WAY AS SAID RIGHT OF WAY
IS SHOWN COLOURED RED ON DD 4433N. Any person wishing to express
an interest in the application may do so by forwarding their comments in writing
to the District of Nanaimo, Regional District of Nanaimo 6300 Hammond Bay Road,
Nanaimo, BC, V9T 6N2 by October 11 2016.

Scanned

EMPLOYMENT/EDUCATION

HELP WANTED

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Nanaimo News Bulletin

The Nanaimo News Bulletin has an opening for a Fill-in/Relief Carrier.

As a fill-in carrier you will provide coverage on door-to-door newspaper routes that don't have a regular carrier, or where the regular carrier is not able to deliver for an extended period. Delivery days are every Tuesday and Thursday and deliveries are to be completed by 6PM.

You should be dependable, self-motivated, physically fit as lifting and walking are required and be able to work to a deadline. Reliable transportation is a necessity.

The Nanaimo News Bulletin is part of Black Press, Canada's largest private community news media company with more than 170 community, daily and urban newspapers in BC, Alberta, Washington, Ohio, California and Hawaii.

Please direct interest and enquiries by September 30th to:
 Ryan McKinnon, Circulation Manager
 Nanaimo News Bulletin
 777 Poplar Street, Nanaimo, B.C., V9S 2H7
 or email circulation@nanaimobulletin.com



Black Press
 COMMUNITY NEWS MEDIA
 www.blackpress.ca

EMPLOYMENT/EDUCATION

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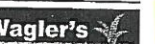
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 • Hedge & Tree Trimming
 • Yard Waste & Garbage Removal
 & MORE
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Budget

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Interior - Exterior
FREE ESTIMATES

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PETS

POSTER HOMES NEEDED

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 jwsk@shaw.ca
 1-604-250-3076
 for more information.

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LEGAL NOTICE

LEGALS

WITNESS TO A MOTOR VEHICLE ACCIDENT

DID YOU WITNESS A REAR-END MOTOR VEHICLE ACCIDENT ON WESTWOOD ROAD BY THE SPCA AT AROUND 9:30 PM ON AUGUST 24, 2016?

IF SO, PLEASE CONTACT IAIN MCIVER'S OFFICE AT (250) 753-6661 BETWEEN 9:00 AM AND 5:00 PM AS SOON AS POSSIBLE.

NOTICE OF EXCLUSION APPLICATION

Regarding Land in the Agricultural Land Reserve
 I, Ezra Cook Holdings Ltd., Inc. No. 458302, of BOX 47, SQUAMISH BC, V8B 0A1, Intend on making an application pursuant to Section 30(1) of the Agricultural Land Commission Act to exclude from the Agricultural Land Reserve the following property which is legally described as, District Lot 13, except E/W R/W Plan DD4433N, Newcastle District. Any person wishing to express an interest in the application may do so by forwarding their comments in writing to the Regional District of Nanaimo, Regional District of Nanaimo 6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2, by Oct. 11, 2016. This notice and the application are posted on the subject property. Please be advised that all correspondence received by the local government and/or the ALC forms part of the public record, and is disclosed to all parties, including the applicant.

RENTALS

COMMERCIAL/INDUSTRIAL

SOUTH NANAIMO: Vancouver Island Large 2800 Sq. Workshop with parking, avail. for more info 1-604-594-1960
 Also a separate Large Industrial Parking Area, good for trucks, trailers, containers, car lot etc. Best Island Hwy Exposure. 1-604-594-1960

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TWO BDRM HOME \$1300. Incl. util. Looking for responsible tenant(s). Bowen, owner dwmtra, recent renos, Indry, deck, shed, parking. Close to school, shopping, bus etc, VILL. No smoking, small pet considered. Credit check/ref. pref. 1/2 month sec. deposit Avail. Oct. 1. View Sun. Sept 16 (1-4 PM) (250)468-7747 or call/text (250)739-9350 for appt.

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DOWNTOWN Nanaimo Office for Rent includes furnishings, internet and utilities \$362.50 per month. Email: info@nanaimoexecutiveoffices.com Phone: 250-740-1223

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North Nanaimo: Available Oct 2, quiet spacious & clean 1 bdrm. for rent. Furnished with ocean view, rent includes private bathroom, private entrance, parking up to 2 vehicles, hydro, heat, and wifi, shared patio, shared washer/dryer. N/S N/P \$ 550.00 per month 250-729-7575

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LEGAL NOTICE

LEGALS

RENTALS

SUITES, UPPER

LOST Eddie Bauer black backpack in down town area or on bus going northbound on Sun. Sept. 4th Key was in bag. Call 250-591-0997 or turn into Nanaimo Reg. Bus Service

BUYING OR SELLING? Call 1-866-865-4460

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GARAGE SALES

GARAGE SALES

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St. Paul Lutheran Church 394 Shepherd Avenue Saturday, Sept. 24th 8:00 a.m. - 2:00 p.m. All Proceeds for Community Hall Plain or Shinel

North Oyster & Area Historical Society Giant Bag & Box Sale Sunday, Sept 25 9 am to 3 pm 13467 Cedar Road (Across from North Oyster School) Huge Selection for Everyone! Hot Dogs and Pop Sale All Proceeds for Community Hall Plain or Shinel

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0614200	Fifth St., Fourth St., Hillcrest Ave., Lambert Ave., Wakefish Ave.	63
07151000	Asteria Pl., Hecate St., Medea Way, Pine St.	39
07171000	Athletic St., Bowman Ave., Conraught Ave., Duke St., Railway Ave.	85
09110100	Eagle Cres., Thunderbird Dr.	25
09110200	Bob-O-Link Way, Chick-A-Dee Cres., Thunderbird Dr.	58
09110400	Boundary Ave., Cardinal Way, Cormorant Ave., Duggan Rd.	38
09110500	Begonia Way, Lancashire Ave., Northfield Rd.	45
15053600	Fernandez Pl., Malpass Rd., Metral Dr., Tulip Pl.	51
20060300	Norwell Dr., 105th St., 106th St., 107th St., Astley Ave., Sauman Rd.	58

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FRIDAY, SEPTEMBER 30, 2016 25

FAMILY ANNOUNCEMENTS
DEATHS

ALVIN JOHN SUNDIN

July 1, 1941 - September 28, 2016

Alvin passed away at his home in Vancouver on Sept. 28, 2016.
Alvin lived most of his life in Vancouver where he worked as a success for 4 years. He got up in the Comox Valley and remained a special part of his life. He enjoyed many outdoor activities: fishing, hunting, skiing and hiking. He leaves behind his sister Barbara McAmble (Horn), niece Elaine Fisher, nephew Ross, and nephew Wayne Brown.
To all who knew him, Alvin was a "gentle soul." A celebration of his life will be held in Vancouver at a later date.

Comox Valley Funeral Home
250-334-0707

COMMUNITY ANNOUNCEMENTS
LEGALS

NOTICE OF EXCLUSION APPLICATION

Regarding Land in the Agricultural Land Reserve
MARY LOUISE STATHOS, of BOX 47, SQUAMISH BC V8B 0A1, intend on making an application pursuant to Section 30(1) of the Agricultural Land Commission Act to exclude from the Agricultural Land Reserve the following property which is legally described as, DISTRICT 1, LOT 15, NEWCASTLE DISTRICT. Any person wishing to express an interest in the application may do so by forwarding their comments in writing to the Comox Valley Regional District, 600 Comox Road, Courtenay, BC, V9N 5P6, by October 14, 2016. This notice and the application are posted on the subject property. Please be advised that all correspondence received by the local government and/or the ALC forms part of the public record and is disclosed to all parties, including the applicant.

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hland@emconservices.ca
Fax: 250 336 8892

*Please refer to the job posting for the complete job description.

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Please send cover letter and resume to: **CSN - Reliable Auto Body 787 Cumberland Road Courtenay BC V9N 2E1 Fax 250-334-2068 or email: reliableauto@body101elus.net**

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Please send cover letter and resume to: **CSN - Reliable Auto Body 787 Cumberland Road Courtenay BC V9N 2E1 Fax 250-334-2068 or email: reliableauto@body101elus.net**

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EXCLUSION PROOF OF SERVING NOTICE

AS REQUIRED BY SECTION 16 OF THE AGRICULTURAL LAND RESERVE USE, SUBDIVISION AND PROCEDURE REGULATION

IEzra Cook Holdings Ltd. Inc. No. 458302..... (full name of declarant)

of..... Box 47, Squamish BC, V8B 0A1..... (mailing address)

do solemnly declare that a copy of the notice of application and a copy of the signed application as required by Section 16 of the *Agricultural Land Reserve Procedure Regulation* for land legally described as

District Lot 13, except E&N R/W Plan DD4433N, Newcastle District.....was served to the following owners of land.

NAME AND ADDRESS	LEGAL DESCRIPTION OF LAND	DATE OF SERVICE	HOW SERVED (Registered mail or delivered)
VANCOUVER ISLAND UNIVERSITY, 900 FIFTH STREET, NANAIMO, BC, V9R 5S5	LOT 1 DISTRICT LOTS 1 AND 86 NEWCASTLE DISTRICT PLAN VIP79699	September 17, 2016	Delivered
BAYNES SOUND INVESTMENTS LTD., INC.NO. BC0800395, #701 - 17665 - 66A AVENUE, SURREY, BC V3S 2A7	- LOT A DISTRICT LOTS 1 AND 86 NEWCASTLE DISTRICT PLAN 48840, EXCEPT PART IN PLANS VIP56846 VIP70719 VIP79699 EPP34061 AND EPP41048 - LOT B, DISTRICT LOTS 1 AND 86, NEWCASTLE DISTRICT, PLAN 38643 - LOT C, DISTRICT LOT 86, NEWCASTLE DISTRICT, PLAN 38643 EXCEPT THAT PART IN PLAN VIP52642	September 17, 2016	Delivered
WARREN CHARLES COOK, MACHINE TENDER 1451 GALERNO ROAD, CAMPBELL RIVER, BC V9W 1K2	DISTRICT LOT 14, NEWCASTLE DISTRICT, EXCEPT THE ESQUIMALT AND NANAIMO RAILWAY COMPANY RIGHT OF WAY AS SAID RIGHT OF WAY IS SHOWN COLOURED RED ON DD 4433N	September 17, 2016	Delivered
THE CROWN IN RIGHT OF BRITISH COLUMBIA 200 - 546 YATES STREET VICTORIA, BC V8W 1K8	DISTRICT LOT 72, NEWCASTLE DISTRICT, EXCEPT THAT PART BEING THE RIGHT OF WAY OF THE ESQUIMALT AND NANAIMO RAILWAY COMPANY, AS SHOWN COLOURED RED ON PLAN ATTACHED TO DD 27719 AND EXCEPT PLAN VIP65558	September 17, 2016	Reg. Mail

And I make this solemn declaration believing it to be true and correct to the best of my knowledge.

Ezra Cook

(Signature of declarant)

September 08, 2016

(Date)

IMPORTANT - AN APPLICATION FILED UNDER SECTION 30 OF THE AGRICULTURAL LAND COMMISSION ACT MUST INCLUDE A COPY OF THIS STATEMENT COMPLETED IN FULL, AND SIGNED AND DATED BY THE PERSON WHO SERVED THE NOTICE. Please complete as many copies of this page as necessary.

ALR Exclusion Application Report

Property Information

Subject property is located at Deep Bay BC and totals 135 acres. It is approximately 4 km north of Bowser, BC, on Deep Bay (Schedule A). The subject property is located within the Regional District of Nanaimo and is entirely within the ALR.

- Property Description (Appendix I: Orthophoto of Subject Property)
- Property Legal Description: District Lot 13, except E&N R/W Plan DD4433N, Newcastle District
- PID: 005-390-869
- Owner: Ezra Cook Holdings Ltd.

The Subject Property is approximately 4 km north of Bowser, BC on Deep Bay. The total area of the subject property is approximately 55 hectares which lie completely within the ALR and is located in Baynes Sound.

Shellfish farms are primarily located around the west coast of Vancouver Island, and in the Georgia Basin. Historically, the most prolific areas for production have been in the Baynes Sound, Cortes Island, and Okeover Inlet areas, and it is these areas that are most heavily reliant on aquaculture for their social health and economic well-being. Statistics for the year 2000 show that there were 417 active tenures, operated by 231 separate businesses. Almost all shellfish tenure holders live and work in the communities in which their farms are located.

It is estimated that over 1000 people are currently employed in shellfish aquaculture – it is the number one employer on Cortes Island and in Baynes Sound. There are prospects for 1000 new jobs to be created in BC through controlled growth over the next 10 years. Shellfish farms operate year-round, so employment is not seasonal. The industry is very labour intensive, with more per capita being spent on wages than other comparable sectors such as fishing and terrestrial agriculture.

The increasing use of equipment and other devices to assist in handling product means that there are good job opportunities for men and women of all ages. The application of science and technology to increase productive capacity makes the industry increasingly attractive to young people, and gives them an opportunity to return to work in their home communities after training. Marketing efforts and an increasing emphasis on value-added products have resulted in steady gains in farmgate and wholesale values during the same ten-year period.

In demand worldwide, BC shellfish aquaculture is a \$37 million environmentally sustainable industry, providing 1,000 full-time, year-round jobs. The Canadian aquaculture industry has become an important contributor to Canada's economy. In 1986, Canadian aquaculture production amounted to only 10,488 tonnes, valued at \$35 million; by 2006, production had grown to 171,829 tonnes with a value of over \$912 million. Aquaculture now accounts for 14% of total Canadian fisheries production and 33% of its value.

Lot 13 is within the Nanaimo Regional District and is zoned AG2A. This zone allows agriculture, aquaculture, extraction use (gravel, peat), home-based business, log storage and sorting, primary processing, residential use and silviculture and is entirely within the ALR (Appendix II: ALR Map).

The Landowners can trace family ownership back three generations to 1887 when the lot was purchased in 1887 by Ezra and Ephram Cook (Great grandparents to Landowners). Freda Cook (Landowners' mother) owned Lot 13 from the 1940's to late 1960's. Freda Cook's children Mary-Louise Stathers and Geraldine Cook (the Landowners) became joint owners of the property in 1969 (estimated). Land title files will show that the property changed hands in the mid-1970's however this reflected joint-ownership changed to Geraldine (Ezra Cook Holdings) owning Lot 13 independent of her sister. Relevance to the ALC and Site Severance: there is a provision for a homestead site severance on ALR properties that were owned prior to the creation of the ALC in 1972.

The Subject Property has never been used for agricultural activities: neither commercial ventures nor hobby farms. Currently this property is forested with a mix of older, selectively logged second growth and younger regenerating second growth. The species mix in the older stands is mainly coniferous Douglas Fir and Western Red Cedar with subordinate Sitka Spruce and Hemlock. The younger regenerating areas are mixed deciduous Alder and Western Big-leaf Maple with Douglas-fir, Western White Pine and Cedar. The foreshore area is relatively undisturbed and intact.

Lot 13 is bisected by Sandy Creek which is contained within a ravine. This lot has an environmental notation for wetland on the northeast corner and a creek verge in the south between Highway 19A and the E&N Railway.

Historically Lot 13 was used as a small settlement by the Dollar Logging Company at the turn of the last century, and later by a shipwright. The property is bisected by the E&N Railway right-of-way. The lot has been extensively logged and has little merchantable timber remaining. According to information provided by the Landowners the Subject Property has never been used for agricultural activities: neither commercial ventures nor hobby farms. Lot 13 is adjacent to Vancouver Island University Marine Field Station (east), forested rural residential lands (west), established aquaculture facilities (north), and transportation corridors (south).

A site inspection of Lot 13 in Deep Bay, BC (the Subject Property) was carried out on June 28, 2015 by Laura Hooper-Byrne, P. Ag. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Landowners requested this inspection as a component of their application to the Regional District of Nanaimo (RDN) and the Agricultural Land Commission (ALC) to exclude the Subject Property from the Agricultural Land Reserve (ALR). (Appendix VIII)

The soils and agricultural capability as mapped by the Ministry of Environment was generally confirmed with minor anomalies noted. Lot 13 had mixed improved agricultural capability ranging from unimprovable Class 5 to Class 2. More detailed survey would be required to better define boundaries for potential residential development and agricultural improvements. Lot 13 has only moderate suitability for intensive crop production due to poor water holding capacity and uncertainty of irrigation water supply. Non-soil bound uses such as feedlot, intensive hog or poultry production, or pot nursery could be physically located on the property however the downstream impact of agricultural run-off has the potential to be devastating to the established aquaculture activities in the Bay.

Under the current circumstances, the most suitable agricultural uses of the Subject Property are considered to be non-soil bound operations or crops which require significant improvements; both of which have the potential for a negative impact on sensitive downstream ecosystems and established aquaculture activities in the marine area immediately adjacent to the Subject Property. In addition, the proposed improvements (significant quantities of irrigation water and high fertilizer additions) are not considered to be desirable due to the sensitive downstream ecosystems and established aquaculture activities in Deep Bay, immediately adjacent to the Subject Property. The attached Agricultural Report supports the fact that aquaculture and agriculture cannot successfully coexist due to their close proximity given the scientific data available on the impacts of pesticides and faecal coliforms on the shellfish and public health. These findings are also supported by the Vancouver Island University Centre for Shellfish Research:

“Land-based agriculture with the runoff into the water that can occur from manure and fertilizer does not mix well with aquaculture. Your plan to ensure a major conservation area on the waterfront of the property, should it be removed from the ALR, meshes well with VIU's long term desire to support our neighbours in the Baynes Sound area through sustainable aquaculture research and educational programs.” (Appendix III)

The results of this assessment and review indicate that the exclusion of this property from the ALR is not anticipated to have any negative impacts on local or regional agricultural capacity. The exclusion of the Subject Property from the ALR is not expected to set a precedent for other properties in the area, due to its unique configuration and location. Anyone wishing to use this property as a precedent would have to demonstrate that their parcel was of similar size and location, have negative impact on aquaculture, shared comparable moderate to severe agricultural capability limitations and shared three generation ownership without farm-use.

Implications of Agriculture vs. Aquaculture

The United States Food and Drug Administration (USFDA, 1995) has described agricultural runoff and animal faecal pollution as non-point sources of pollution which can release chemical and/or microbiological contaminants of public health concern in shell fish production areas. The Canadian

Shellfish Sanitation Program (CSSP) Manual of Operations outlines the policies and procedures which are used to evaluate regional activities associated with the Shellfish Sanitation Program (Government of Canada, 2012) and states that the aquaculture of shellfish may only be conducted in approved or conditionally approved area classifications. These two classifications are the most stringent classifications for tolerances of faecal contamination and chemical and toxin levels (Government of Canada, 2012) and thus are the most threatened by upland agricultural activities.

Rainwater runoff, contaminated with agricultural inputs such as pesticides, is known to attribute to shellfish mortality episodes. Shellfish beds are also threatened by rainwater contaminated by faecal coliforms in sufficient concentrations may be prohibited from harvesting or require heat treatment before consumption.

The Agricultural Report included in the application supports the fact that aquaculture and agriculture cannot successfully coexist in this close proximity given the data available on the impacts of pesticides and faecal coliforms on the shellfish and public health. Site characteristics such as the on-site existing streams and riparian areas, the slope of the subject property, the existing rainfall characteristics, all contribute to an increased risk to foreshore contamination. Any agricultural activities that involve non-soil bound uses have the potential to create conflicts down slope in the established aquaculture facilities on the foreshore as a result of negative water quality impacts.

Nanaimo Regional District and the Agricultural Area Plan (August 2012)

A vision for the future of agriculture and aquaculture in the RDN was developed, discussed, and refined throughout the public engagement process in the creation of the form of the Agricultural Area Plan (AAP). This vision was derived from the policy direction of the RDN Regional Growth Strategy and from public input. It synthesizes the desired goals for farmers, consumers, and other members of the regional food system for the next 20 to 30 years. The agriculture and aquaculture “vision” includes the following statement:

“The region will be valued and farmland will be protected from development. Residents will recognize agriculture and aquaculture as important industries and will respect the role of food producers within both rural and urban settings. All levels of government will provide expertise and support for agriculture and aquaculture through: the provision of extension services and information; proactive planning for infrastructure, emergency management, and climate change; and the creation of bylaws and streamlined regulations that support agriculture and aquaculture”.

The following goals and objectives have been outlined by the AAP:

1. Protect and Enhance the Agricultural Land Base in the RDN As evidenced by the Agricultural Land Use Inventory conducted in 2011, a significant portion of the ALR land base is not being used to its fullest food production capacity, with hundreds of hectares remaining forested. At the same time, farmland adjacent to urban areas is being subjected to non-farming pressures that commonly result in disputes between neighbours. To enhance and preserve the use of farmland, farmers will need access to information about agronomic data and the freedom to pursue farming activities with the assurance that disputes from non-farming neighbours will be

minimized.

2. Improve Training, Skills, and Labour Opportunities in the RDN A lack of training and skills, both for new and existing farmers can be a barrier to achieving innovation, value-added, and other profitability goals. Similarly, a lack of a general farm labour pool prevents many farms from producing and harvesting larger yields and more diverse crops.
 - a. Partner with government agencies and community groups to address specific regional training needs.
 - b. Provide leadership in advertising and coordinating farming and aquaculture employment opportunities.
3. Improve Opportunities for On-Farm Water Resource Management As agricultural operations grow, infrastructure needs grow. Some of the existing water-related infrastructure is in need of repair or improvement to maintain efficient operating conditions. Water access for irrigation and drainage management are increasingly challenging for farmers in the RDN.
 - a. Improve access to information regarding watersheds, groundwater, and the effects of local water resource management on agriculture.
 - b. Improve opportunities for on-farm water storage, supply, and drainage.
4. Support Agriculture and Aquaculture in Land Use Regulations and Policies - While it may not always be the intent, a number of government policies and regulations pose challenges for farmers. In many cases, the requirements affecting farming activities are scattered throughout various sources of legislation, bylaws, zoning regulations and policies. Farmers attempting to work their way through the regulatory system can be shuffled from department to department, and from agency to agency. The desired focus is to make the system more responsive to the needs of the agricultural and aquaculture sector while meeting its regulatory objectives.
 - a. Solidify the RDN's role in supporting agricultural, aquaculture, and associated farm practices.
 - b. Enhance the RGS and OCPs to strengthen agriculture and aquaculture.
 - c. Ensure land use regulations and policies accommodate and encourage agriculture and aquaculture.
 - d. Encourage the development of additional policies and actions that benefit RDN agriculture and aquaculture.

In this instance there are unique circumstances on the subject property that limit its agricultural potential on the upland property without jeopardizing the foreshore aquaculture operations. This application meets the vision outlined in the AAP. We will be looking to the RDN to support this application and protect the foreshore by allowing rural residential use on the property through:

1. Changes to its Official Community Plan (Electoral Area H), - The Land Owners are actively involved in the current OCP Review.
2. ALR Boundary Review Project – The owners have forwarded the completed Agricultural Report by Laura Hooper P.Ag to Upland Consulting (Consultant of the RDN involved with the project)
3. Zoning Bylaw

4. Regional Growth Strategy (If applicable) – Proposed land uses on the upland property do not require expansion of municipal infrastructure.

The RDN Board adopted the region's first Agricultural Area Plan (AAP) on October 23, 2012. The AAP was created with the input of a diversity of stakeholders including agricultural and aquaculture producers, processors, retailers and consumers. One of the AAP's Goals was to "Support Agriculture and Aquaculture in Land Use Regulations and Policies". A specific action identified under this goal is to "continue to work with member municipalities to encourage the efficient use of existing urban and future urban lands as identified in the RDN's Regional Growth Strategy" (7.1E page 53 AAP).

Both the RGS and AAP support aquaculture and agriculture. The AAP recognizes the potential sources of conflict between agriculture and aquaculture, in particular citing "issues of water use and the potential effects of runoff from agricultural and urban land uses into aquaculture sites" (AAP page 2).

This includes coordinated actions to address surface water issues and concerns (4.213) such as strengthening the RDN's development approval process to consider the water-related impacts of new development on both aquaculture and agriculture (7.11D).

The Agricultural Area Plan supports both agriculture and aquaculture (as defined below) and recognizes that there are potential sources of conflict between the activities of these industries, in particular the issues of water use and the potential effects of runoff from agricultural and urban land uses into aquaculture sites. The recommendations and actions outlined in the AAP endeavour to address these potential conflicts in a proactive manner in support of both agriculture and aquaculture and to encourage better communication between the two industries (see Recommended Actions 1.3G, 2.2F, 2.5D, 4.1B, 4.1F, 4.2B, and 7.1D in Table 7, Section 6.0). Aquaculture in the RDN is defined as ocean-based operations focussing on the farming of shellfish (mussels, oysters, prawns, crabs).

Aquaculture Industry Support for Exclusion Application

Taylor Seafoods, Odyssey Shellfish Ltd., and W.Cook/Ezra Cook, owners of the aquaculture licenses adjacent to and beside the Subject property have provided letters of support for this exclusion application (Appendix IV) so that upland agricultural uses and associated risks do not affect existing shellfish operations on the foreshore. The British Columbia Shellfish Growers Association has also provided a letter of support for this ALR exclusion application. In their opinion, any proposed agricultural use on the Subject property, will be detrimental to their operations on the foreshore and will jeopardize \$17 million in shellfish product. The economic impact of contamination of the foreshore would include 30 full time jobs and the economic loss of a major shellfish operation for British Columbia. The impact of potential foreshore contamination is not contained to the adjacent foreshore, and may affect foreshore licenses and tenures along the coast.

ALC

The BC Agricultural Land Commission (ALC) was created in 1973 to preserve agricultural land as an issue of provincial concern. The ALC's mandate has three objectives: to preserve agricultural land; to encourage farming on agricultural land in collaboration with other communities of interest; to

encourage local governments, first nations, the provincial government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws, and policies.

The Agricultural Land Commission approved a previous ALR Exclusion Application (#S-34715) (Appendix V) and approved the exclusion of two neighbouring pieces of property: Lot A, District Lots 1 and 86, Newcastle District, Plan 48840, Except That Part in Plans VIP56845 and VIP70719, and Lot B, District Lots 1 and 86, Newcastle District, Plan 38643. Three of the contributing factors that influenced the Commission's decision were:

1. the relatively poor agricultural capability ratings for the properties as expressed in the report by a professional agrologist.
2. the Commission's observations regarding the limitations of the land to support agriculture identified during its site inspection, and
3. the concerns expressed by the shellfish industry representatives regarding potential damage to their industry in adjacent waters if certain types of agriculture were to be practiced on the property.

The decision noted above is recorded as Resolution #485/2003. This property under application shares the same characteristics as per the Agricultural Report, including the same risks to the shellfish industry.

It is the intent of this application to preserve existing aquaculture use on the foreshore property by removing the potential for agriculture use on the upland property. It is not feasible for the landowners to preserve the property within the ALR without using it for a purpose or use. Without the opportunity to use the property other than for agriculture, the property owners shall be forced to sell the property for agricultural use by another party.

There also exists the ability to possibly include the aquaculture foreshore leases into ALR boundary as "aquaculture" is a permitted use within the ALR. There exists a collaborative opportunity between government organizations (DFO and ALC) to include protection for the foreshore and through exclusion, allow for protection from future farming activities on the subject property while maintaining agricultural inventories. As ALC legislation and policies already define aquaculture as a permitted use, the boundary could be extended to include the lease areas. The leases include Lease #402 and #404 both owned by Ezra Cook Holdings, Warren Cook, and Bruce Cook of Lorindale holdings (Appendix VI) as well as other owner by third parties.

Proposed Land Uses and Density

There a number of land use options that exist that can allow the property to be utilized for purposes other than ones that will detrimentally effect shellfish operations on the foreshore. As the attached Agricultural Report indicates, the viability of the foreshore property for aquaculture purposes is affected by surface runoff and groundwater infiltration. Any proposed uses on the site would have to successfully co-exist and would have to create little or no run-off or contain mitigation measures that would not allow any risk to the aquaculture industry. It is proposed that a research partnership with

Vancouver Island University Centre for Shellfish Research and Vancouver Island University School of Planning be created to help inform and design parameters for a completely self-contained residential development as an alternative to agriculture including:

1. Detailed Site inventory
 - Identification of all aquatic and riparian ecosystems on and near the proposed development site
2. Site Planning and Design
 - Develop and implement completely self-contained, sealed on-site sewage disposal methods for residential use that have no risk for groundwater contamination
 - Complete stormwater infiltration into the ground with appropriate stormwater detention ponds where necessary
 - Retain wide riparian protection areas
 - Design the development to protect aquatic and riparian features and functions
 - Manage stormwater sustainably
 - Identify potential off-site impacts prior to development, and design the development to avoid or mitigate these impacts
 - Maintain natural hydrologic cycles in wetlands, ponds, streams and natural seepage areas to retain biodiversity and wetland function
3. Riparian and Foreshore Protection
 - Consult the Instream Works Best Management Practices guide
 - Protect riparian vegetation
 - Protect water quality
 - Avoid water level fluctuations in amphibian habitat
4. Human Access to Aquatic and Riparian Ecosystems - Control access to aquatic and riparian ecosystems
5. Ecosystem-specific best management practice - Protect wetlands, vernal pools, lakeshores and marine sensitive zones
6. Minimize impermeable surface - This allows natural percolation of the rainwater into the vegetation and soils and controls water runoff rates and temperature.
7. Rainwater harvesting - Capture runoff from the roofs of home and store in above ground or below ground tanks for water reuse. In addition to reducing the demand on the on-site water supply and system, rainwater harvesting provides peak runoff rate reduction, stormwater temperature control and ground water recharge.
8. Storm service rock pits - Provide each lot with a subsurface rock pit that would provide storage for runoff, control temperature and provide time for ground water recharge. An overflow to the off-site drainage system would be provided for major rainfall events.

9. Bioswales - low gradient, linear, vegetated features that remove silts and other contaminants from parking lots and road ways that often incorporate a below ground storage reservoir in the form of drain rock and an overflow pipe. In addition to contaminant removal and major flow routing, the bioswales provide storage volumes, peak runoff rate reduction, temperature control and allow ground water recharge to occur.
10. Detention ponds - these are features that would be used to control the release of major rainfall events to limit the peak discharge rates to predevelopment levels. They may include "dry ponds" that would only fill during heavy rainfall; "wet ponds" that contain water year-round or subsurface pipes. All would be designed to restrict the flow rate of runoff to the receiving surrounding water courses.

The owner of the property understands that aquatic and riparian ecosystems need to be protected during upland development. On Eastern Vancouver Island, the accelerated growth, urbanization, and resource extraction that characterizes the human setting are often in conflict with the high value water and fisheries resources that characterize the biophysical setting and support the community. Habitat-related fisheries declines are likely a direct result of the various site-specific and cumulative impacts to water quantity, water quality, and fish habitat that stem from these conflicts. Impacts include:

- shortages of surface water and groundwater (for domestic, agricultural, hydroelectric uses);
- reduction of instream flow for fish;
- siltation of rivers and spawning habitat;
- contamination of water by coliforms and toxins, rendering some water sources and marine shellfish unfit for consumption;
- alteration of runoff patterns from farm lands; and
- flooding resulting in property and topsoil loss, and costly bank destabilization.

To address these concerns, and in accordance with the Environmental Best Management Practices for Urban and Rural Land Development in British Columbia, any development on the subject property would employ the following objectives to minimize environmental impacts and facilitate overall environmental sustainability:

- identify all aquatic and riparian values, features and functions prior to any development;
- protect, restore and enhance the ecological integrity of aquatic and riparian ecosystems, including the natural ecosystem features and functions;
- protect the water quality and quantity in aquatic ecosystems; and,
- maintain, restore or enhance aquatic and riparian ecosystems as wildlife corridors through rural areas, including connections to terrestrial habitats.

Benefits and Aquaculture

This application has the potential to create a one-of-a-kind aquatic habitat-friendly development with partnerships with the Regional District of Nanaimo in terms of policy development, Vancouver Island University and the Provincial Government. It is the intent of this application to not only protect existing shellfish operations, but enhance them by allowing for increased infrastructure for the shellfish industry,

awareness and education, as well as test site for groundwater containment and control. It is proposed that the subject property be used as a collaborative model of foreshore protection that can be used in similar areas where aquatic habitat is at risk from contamination.

This project would also allow the shellfish industry (Odyssey Shellfish) access to BC hydro infrastructure which would reduce the risk of oil and fuel contamination from generators and would save Odyssey \$100,000 a year on fuel and maintenance. Access to hydro power on the foreshore through the upland property would greatly enhance the environmental safety of continuing shellfish operations.

Another ancillary amenity for the aquaculture industry from upland development would be the creation of public and industry access to the foreshore through the construction of a road and dock. Currently the only access is by boat which increases the operational cost of the industry.

The obvious benefit to aquaculture through this proposal is the continued sustainable harvesting of shellfish along the foreshore of Subject property as well as along the foreshore to other shellfish operations and businesses. However there are a number of other initiatives the family wishes to explore regarding the subject property which include:

- Increased parkland dedication
- Public access to waterfront along with public education regarding the protection of aquatic habitat
- Extension of riparian areas
- Protection of riparian areas
- Creation of a trail network linking Deep Bay with Cook Creek.
- Provision of increased infrastructure that supports shellfish
- Provision of land for an Oyster hatchery
- Partnership and learning opportunities with Vancouver Island University and the Centre for Shellfish Research

Benefits to Electoral Area "H" and the Regional District of Nanaimo economy

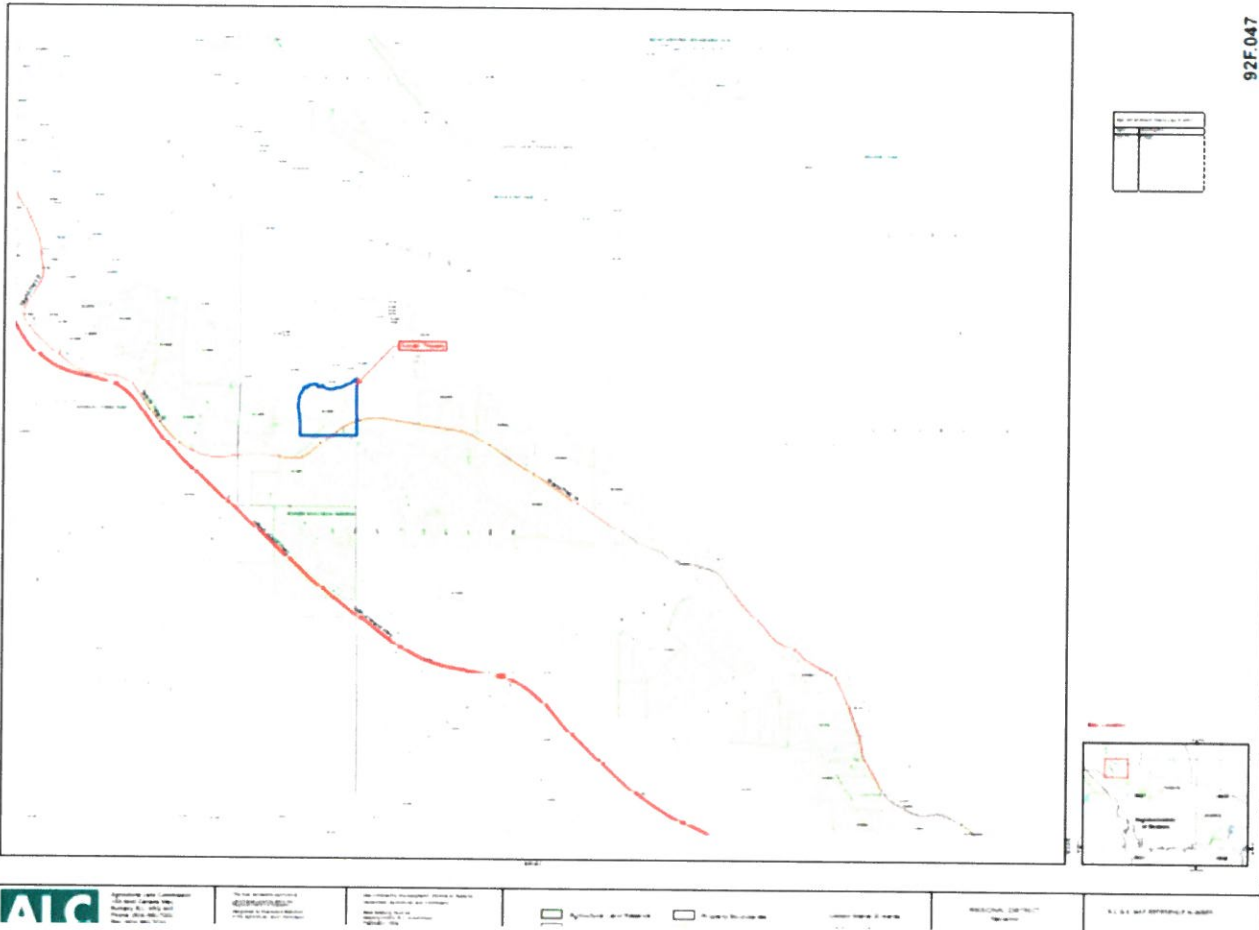
This project will have various direct and spinoff benefits that would accrue to the Regional District of Nanaimo including capital expenditures, indirect spending from residential home owners, construction employment, tax revenue, building permits and fees and development charges. Economic impacts would also include the effects of spending from the households and businesses in the local economy as a result of the direct and indirect investments from the development as well as the employees of the development, or local businesses working on the development, spend their income or revenue associated with the project within the community.

It also represents an opportunity to create sustainable rural properties of which there would be no comparison in Nanaimo in terms of low impacts to the natural environment in the context of storm water runoff and management and sewage containment.

Appendix VII – Pictures



Appendix II



92F.047

Appendix III



Facilities & Ancillary Services
900 Fifth Street
Nanaimo, BC V9S 1R6
250.740.6505

John Stathers
496 Chester Road
Qualicum Beach, BC V9K 1C1

August 30, 2016

Dear Mr. Stathers

Thank you for meeting with Vancouver Island University (VIU) and arranging the recent tour of your properties adjacent to the VIU Deep Bay Marine Field Station. As discussed, we are very supportive of activities that serve to protect the water quality in Baynes Sound for the betterment of the aquaculture industry as well as our educational and research activities aimed at supporting a thriving shellfish industry.

Land-based agriculture with the runoff into the water that can occur from manure and fertilizer does not mix well with aquaculture. Your plan to ensure a major conservation area on the waterfront of the property, should it be removed from the ALR, meshes well with VIU's long term desire to support our neighbours in the Baynes Sound area through sustainable aquaculture research and educational programs.

Please feel free to call me with any questions in this matter.

Sincerely

A handwritten signature in black ink that reads "Alan Cumbers".

Alan Cumbers, Executive Director Facilities and Ancillary Services

BCSGA

BC Shellfish Growers Association

John Strathers
496 Chester Road
Qualicum Beach, BC
V9K 1C1

March 19, 2015

Dear John Stathers,

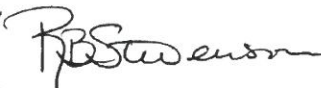
On March 17th, I brought your request for a letter of support to our board of directors for their consideration. All of the directors support your quest to apply for an ALC exclusion for ditrict 13 and 15 along the waterfront in Deep Bay.

First most, the board appreciated that you have sought their input, and that you understand and value the shellfish industry farming activities in Deep Bay. The water fronting your property supports about \$17 million dollars worth of shellfish being grown annually, and some 30 people's jobs. It is crucial that the industry maintain the water quality ratings that permit the growing of shellfish. Should there be, for example, the agricultural activity of raising livestock on the fronting foreshore lands, our livelihoods would be at risk.

Please accept this as a positive letter supporting your initiative, and commending your understanding of our need to protect the marine resource in which we farm.

If you require anything further, please contact me for support.

Sincerely,



Roberta Stevenson, Executive Director

BC Shellfish Growers Association
Unit F – 2002 Comox Ave. Comox, BC V9M 3M6
t: 250.890.7561 f: 250.890.7563 www.bcsga.ca

Keith Reid
Odyssey Shellfish. Ltd.
7400 Island Hwy,
Bowser, B.C.
V0R 1G0

November 15, 2015

Dear Mr Stathers,

As the owner of Odyssey Shellfish, I would like to thank you for your consideration of my business as you manage your properties that are directly above my shellfish leases. I understand that your family has owned the property for more than a hundred years and I appreciate your stewardship and care for the environment.

My company employs 40 people in the local community and contributes substantially to the local economy. The water quality in Baynes Sound and, in particular, Deep Bay is of utmost concern to me.

I understand that your property is in the Agricultural Land Reserve and have a concern that any agricultural activity on your properties would severely impact my shellfish farm. The agricultural runoff during rainstorms would, in my opinion, shut down the shellfish industry in the area and put me out of business. I view agriculture above the leases as a direct threat to my business and the lively hood of the people who I employ.

I would support you in changing the land use from agricultural to residential.

If you apply to the ALC for an exclusion, please accept my full support.

Sincerely,



Keith Reid
Owner
Odyssey Shellfish Ltd

Appendix V

October 14, 2003

Reply to the attention of Gordon Bednard

Khevin Development Services Ltd.
140 – 4651 Shell Road
Richmond, BC V6X 3M3

Attention: Mr. Kabel Atwall

Dear Mr. Atwall:

**RE: Application #S-34715
Lot A, District Lots 1 and 86, Newcastle District, Plan 48840, Except That Part
in Plans VIP56845 and VIP70719, and
Lot B, District Lots 1 and 86, Newcastle District, Plan 38643**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to exclude 78.1 ha from the Agricultural Land Reserve for residential subdivision into 125 lots of 0.2 to 2 ha in size. The application was submitted pursuant to section 30(1) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on October 2, 2003 at the Regional District of Nanaimo office. The Commission also thanks you, your clients and Mr. French for the cooperation and efforts made in exploring possible benefits for agriculture.

The Commission recalled that during its initial discussion regarding the proposal it indicated that it wished to explore some benefit to agriculture in exchange for the requested exclusion. With this advice you and your clients explored various options for providing a net benefit to agriculture as was explained in your July 9, 2003 letter. Apparently the possibility of including lands into the ALR was found to be extremely problematic and difficult. However, you suggested that perhaps a donation of 2.0 ha to Malaspina University-College for use in conjunction with its Centre for Shellfish Research may provide a suitable benefit. While the Commission did recognize the benefit of this proposal, it did not feel that, by itself, the proposal was sufficient to meet the potential loss to the agricultural land base.

In your September 17, 2003 letter you expressed your clients' willingness to fund a study that would:

- examine all the land in the ALR in the Deep Bay-Shaw Hill electoral area and lying east of the mountains, to determine what can and cannot be improved for agricultural purposes, and
- examine all the land in the ALR in the Deep Bay-Shaw Hill electoral area and lying east of the mountains, to determine what lands are capable of being used for agricultural purposes.

It was proposed that Mr. Brian French, P. Ag. would undertake this study and that it would have an upset cost of \$50,000.

When the Commission met with you and your associates on October 2, 2003 the Commission advised that it was not prepared to accept the study as proposed. This being said, the Commission referred to a proposed study by Land and Water British Columbia Inc. (LWBC) entitled, *Vancouver Island Agricultural Suitability Studies*, that is intended to identify land suitable for inclusion into the ALR and to promote the agricultural use of Crown land within the ALR. The Commission felt the dedication of funds in aid of the LWBC study would be more appropriate.

...2

Khevin Development Services Ltd.
Oct 14/03 - Page 2

Based on the foregoing, the Commission advises that it has approved the exclusion of the two properties from the ALR as proposed subject to it receiving

- a letter of undertaking between the applicant and Malaspina University-College, prepared by the applicant's lawyer, confirming that a 2.0 ha waterfront area will be donated to Malaspina University-College for use as an aquaculture research facility in conjunction with its Centre for Shellfish Research, and
- confirmation that the applicant has provided LWBC with \$50,000.00 to help fund the *Vancouver Island Agricultural Suitability Studies*. The Commission suggests you contact Mr. Mark Hallam, Regional Manager – Vancouver Island, Land and Water British Columbia Inc. Mr. Hallam's office is located at 5th Floor, 609 Broughton Street, Victoria BC. Please quote his File No. 1409189.

The Commission's decision was based on the following factors:

1. the relatively poor agricultural capability ratings for the properties as expressed in the report by a professional agrologist
2. the Commission's observations regarding the limitations of the land to support agriculture identified during its site inspection
3. the concerns expressed by the shellfish industry representatives regarding potential damage to their industry in adjacent waters if certain types of agriculture were to be practiced on the property, and
4. the benefit provided by the endowment of a site for a shellfish research facility to Malaspina University-College and the contribution of \$50,000.00 to LWBC towards a study to identify suitable agricultural land on Vancouver Island.

The decision noted above is recorded as Resolution #485/2003. This decision is also subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

Once again, the Commission thanks all parties for their cooperation throughout this application and with this cooperation the Commission believes a benefit to agriculture has been achieved.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

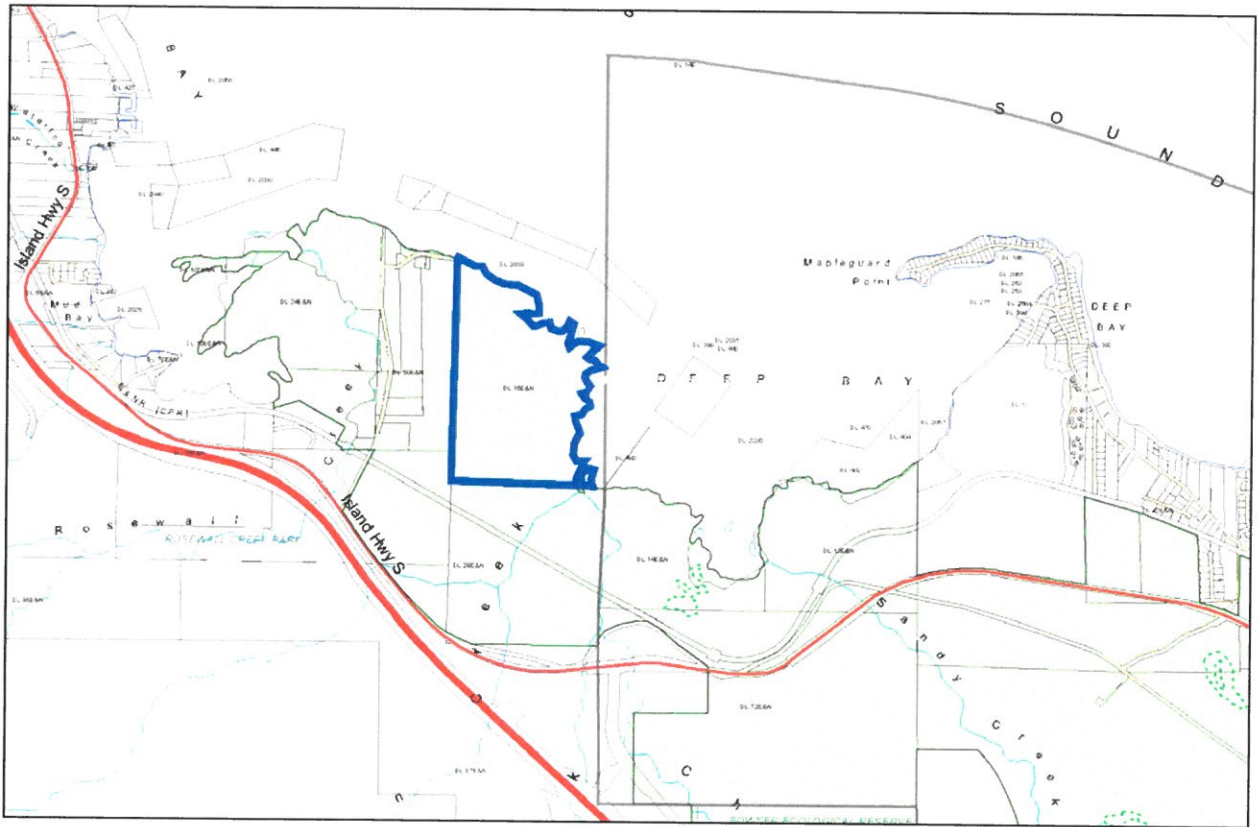
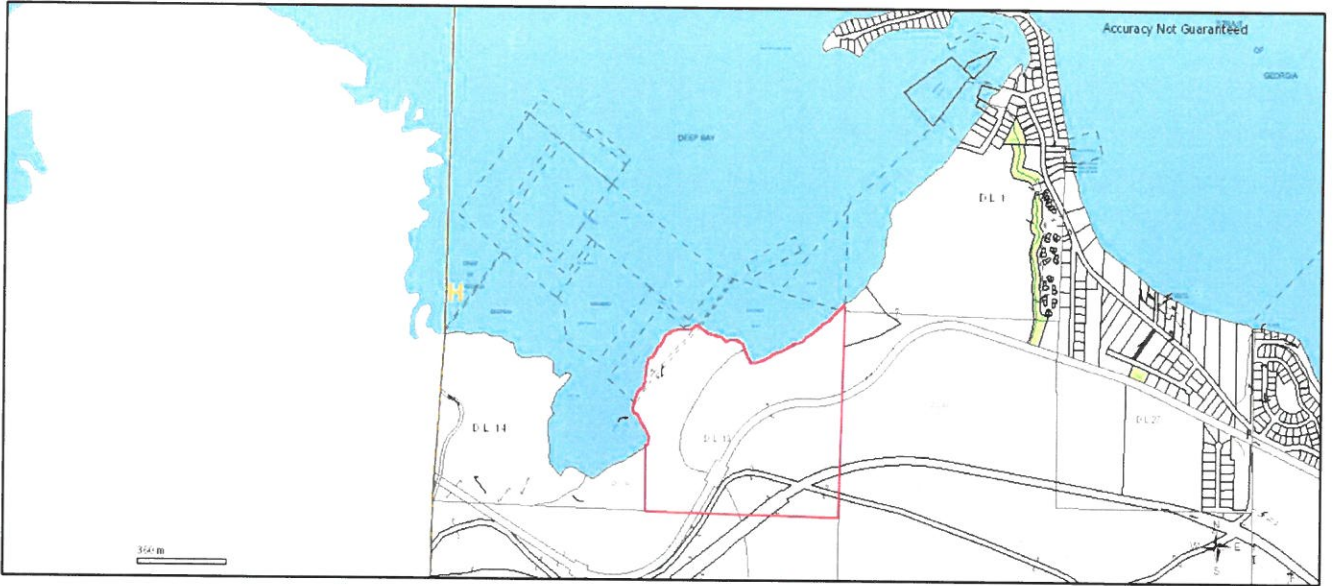
Per:

K. B. Miller, Chief Executive Officer

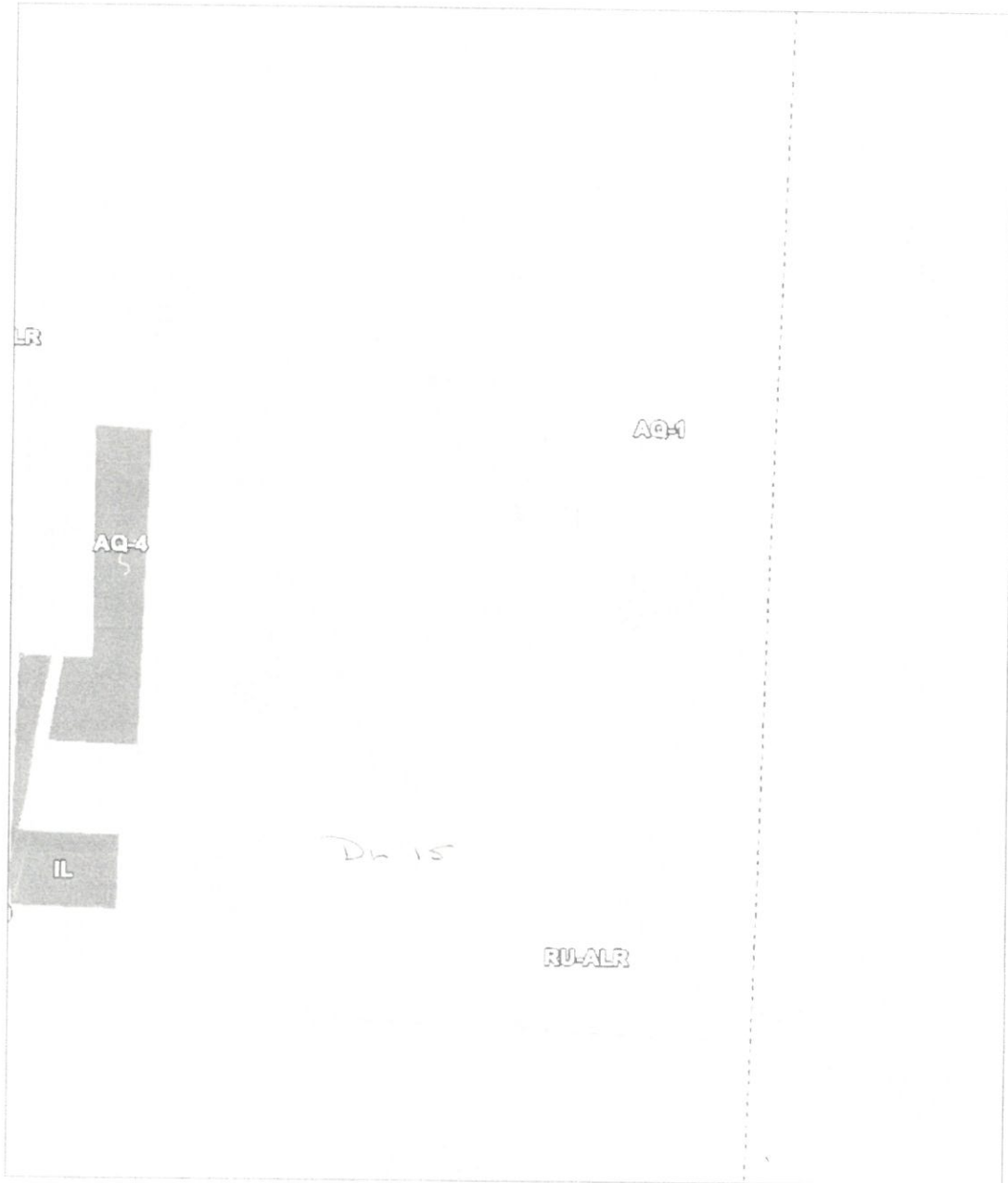
cc: Regional District of Nanaimo Attn: Keeva Kehler file # 6635 05 0301
Approving Officer, Ministry of Transportation, Nanaimo
BC Assessment, Nanaimo
509209 BC Ltd. 5020 Johnson Road, Port Alberni, BC V9Y 5L7

BU/lv/Enclosure: Map of properties
I:34715d3

Appendix VI



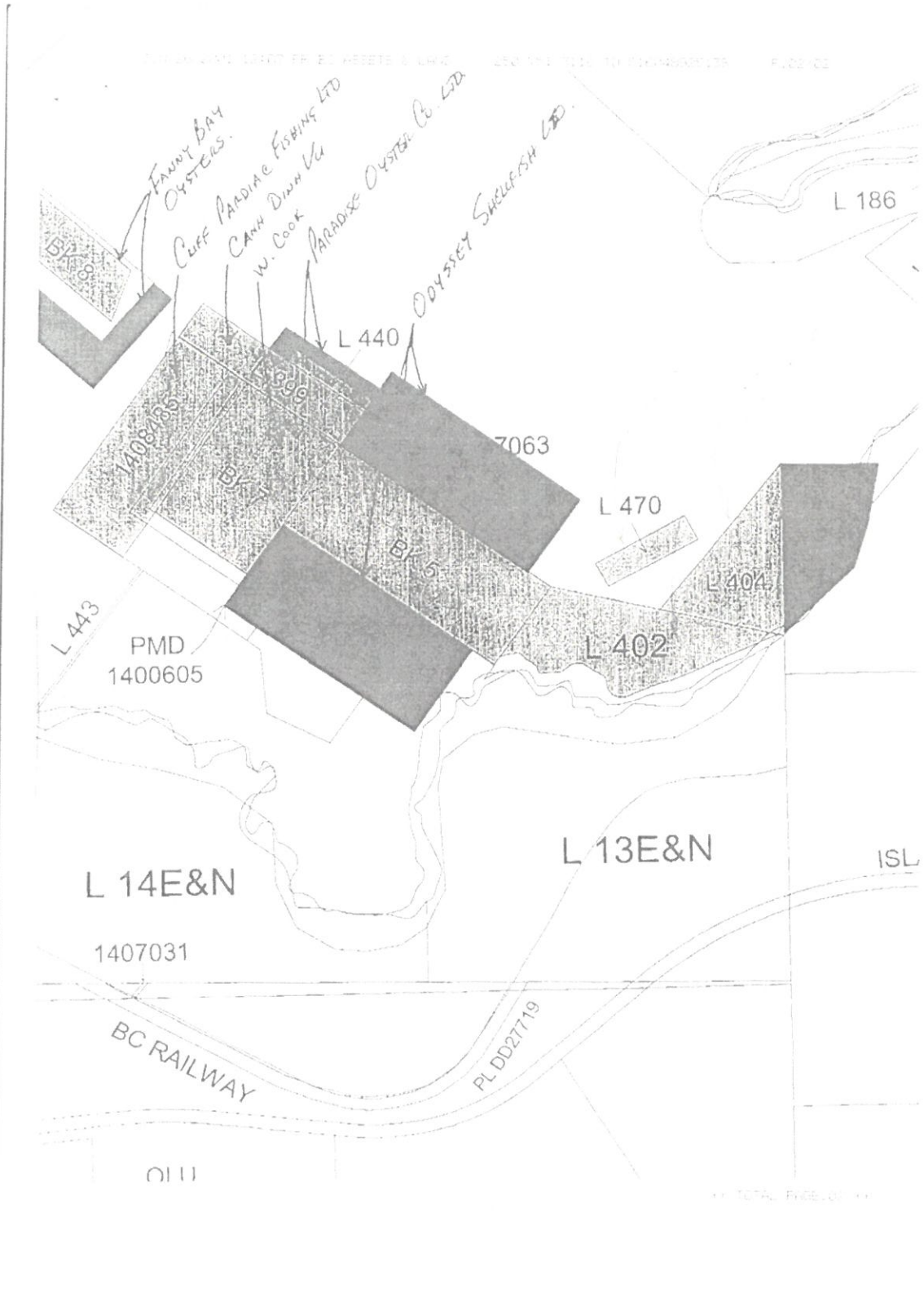
Comox Valley



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Foreshore Leases in front of DL 13



Appendix VII

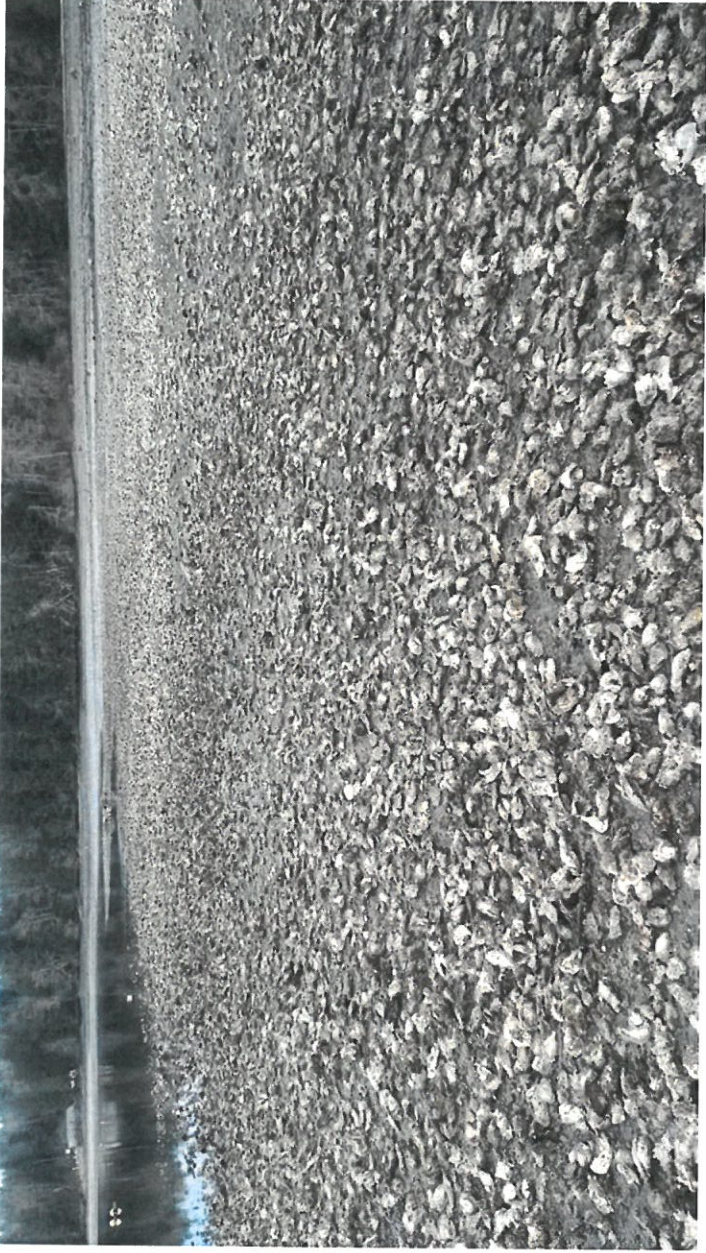
Lot 13 View to Oyster Leases and Denman Island



Odyssey Shellfish Operation in Front of Lot 13



Oyster Lease in Front of lot 13



Oysters



Appendix VIII

AGRICULTURAL CAPABILITY ASSESSMENT

FOR:

7955 Island Highway West

District Lot 13, except E&N R/W Plan DD4433N, Newcastle District

PID 005-390-869

Prepared for: The Landowners

Prepared by: Laura Hooper-Byrne, M. Sc. P. Ag.

2021 Goodridge Road,

Sooke, BC V9Z 0C6

Version: Final

Report Date: November 9, 2015

EXECUTIVE SUMMARY

As requested by the Landowners, a site inspection of Lot 13 in Deep Bay, BC (the Subject Property) was carried out on June 28, 2015 by Laura Hooper-Byrne, P. Ag. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Landowners requested this inspection as a component of their application to the Regional District of Nanaimo (RDN) and the Agricultural Land Commission (ALC) to exclude the Subject Property from the Agricultural Land Reserve (ALR).

Historically Lot 13 was used as a small settlement by the Dollar Logging Company at the turn of the last century, and later by a shipwright. The property is bisected by the E&N Railway right-of-way. The lot has been extensively logged and has little merchantable timber remaining. According to information provided by the Landowners the Subject Property has never been used for agricultural activities: neither commercial ventures nor hobby farms.

The Subject Property is entirely within the ALR. Lot 13 is adjacent to Vancouver Island University Marine Field Station (east), forested rural residential lands (west), established aquaculture facilities (north), and transportation corridors (south). Lot 13 is within the Nanaimo Regional District and is zoned RM1A.

An overview assessment of the soils was conducted on the Subject Property by C&F Land Resource Consultants (Brian M. French P. Ag.) on March 6, 2008. Hand exposed soil pits were exposed on several transects across the property and exposed soil cuts were observed. Shallow confirmation pits were exposed along a transect to confirm soil changes. A total of seven representative soil samples were taken from the test pits.

The soils and agricultural capability as mapped by the Ministry of Environment was generally confirmed with minor anomalies noted. Lot 13 had mixed improved agricultural capability ranging from unimprovable Class 5 to Class 2. More detailed survey would be required to better define boundaries for potential residential development and agricultural improvements. Lot 13 has only moderate suitability for intensive crop production due to poor water holding capacity and uncertainty of irrigation water supply. Non-soil bound uses such as feedlot, intensive hog or poultry production, or pot nursery could be physically located on either lot however the downstream impact of agricultural run-off have the potential to be devastating to the established aquaculture activities in the Bay.

Under the current circumstances, the most suitable agricultural uses of the Subject Property are considered to be non-soil bound operations or crops which require significant improvements; both of which have the potential for a negative impact on sensitive downstream ecosystems and established aquaculture activities in the marine area immediately adjacent to the Subject Property. In addition, the proposed improvements (significant quantities of irrigation water and high fertilizer additions) were not considered to be desirable due the sensitive downstream ecosystems and established aquaculture activities in Deep Bay, immediately adjacent to the Subject Property. It is believed that aquaculture and

agriculture cannot successfully coexist in this close proximity given the scientific data available on the impacts of pesticides and faecal coliforms on the shellfish and public health.

The results of this assessment and review indicate that the exclusion of this property from the ALR is not anticipated to have any negative impacts on local or regional agricultural capacity. The exclusion of the Subject Property from the ALR is not expected to set a precedent for other properties in the area, due to its unique configuration and location. Anyone wishing to use this property as a precedent would have to demonstrate that their parcel was of similar size and location, have negative impact on aquaculture, shared comparable moderate to severe agricultural capability limitations and shared three generation ownership without farm-use.

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November, 2015

Lots 13 Newcastle District

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Appendix 1: Orthophoto of Subject Property

Appendix 2: ALR Map

Appendix 3: Ministry of Environment Soil Mapping

INTRODUCTION

1.1 PROJECT DESCRIPTION

As requested by the Landowners, a Site Inspection of Lot 13 in Deep Bay, BC (the Subject Property) was carried out by Laura Hooper, P. Ag. on June 28, 2015. The purpose of this inspection was to assess the agricultural capability and suitability of the Subject Property. The Landowners requested this inspection as a component of their application to the Regional District of Nanaimo (RDN) and the Agricultural Land Commission (ALC) to exclude the Subject Property from the Agricultural Land Reserve (ALR).

The Landowners had commissioned an overview assessment of the soils of the Subject Property completed by C&F Land Resource Consultants Ltd on August 8, 2008. A site inspection was carried out on March 6, 2008 by Brian French, P. Ag. (C&F Land Resource Consultants Ltd.) with Catherine Orban, P. Ag. in attendance. The current report summarizes these findings.

2 LOCATION, HISTORY, LAND USE & PROPOSED EXCLUSION

2.1 SUBJECT PROPERTY

Property Description (Appendix 1: Orthophoto of Subject Property)

Property Legal Description: District Lot 13, except E&N R/W Plan DD4433N, Newcastle District

PID: 005-390-869

Area: 55 hectares

Owner: Ezra Cook Holdings Ltd.; and

The Subject Property is approximately 4 km north of Bowser, BC on Deep Bay (Appendix A). The total area of the subject property is approximately 55 hectares which lie completely within the ALR.

Lot 13 is within the Nanaimo Regional District and is zoned AG2A. This zone allows agriculture, extraction use, home based business, log storage and sorting, primary processing, residential use, and is entirely within the ALR (Appendix 2: ALR Map).

2.2 HISTORY

The Landowners can trace family ownership back three generations to 1887 when the lot was purchased in 1887 by Ezra and Ephram Cook (Great grandparents to Landowners). Freda Cook (Landowners' mother) owned Lot 13 from the 1940's to late 1960's. Freda Cook's children Mary-Louise Stathers and Geraldine Cook (the Landowners) became joint owners of the property in 1969 (estimated). Land title files will show that the property changed hands in the mid-1970's however this reflected joint-

ownership changed to Geraldine (Ezra Cook Holdings) owning Lot 13 independent of her sister.

Relevance to the ALC and Site Severance: there is a provision for a homestead site severance on ALR properties that were owned prior to the creation of the ALC in 1972.

The property has been held by the Landowners' family since 1887. Historically a portion of Lot 13 was used as a small settlement by the Dollar Logging Company at the turn of the last century, and later by a shipwright. Both lots have been extensively logged and have little merchantable timber remaining. According to information provided by the Landowners the Subject Property has never been used for agricultural activities: neither commercial ventures nor hobby farms.

Currently this property is forested with a mix of older, selectively logged second growth and younger regenerating second growth. The species mix in the older stands is mainly coniferous Douglas Fir and Western Red Cedar with subordinate Sitka Spruce and Hemlock. The younger regenerating areas are mixed deciduous Alder and Western Big-leaf Maple with Douglas-fir, Western White Pine and Cedar. The foreshore area is relatively undisturbed and intact.

Lot 13 is bisected by Sandy Creek which is contained within a ravine. This lot has an environmental notation for wetland on the northeast corner and a creek verge in the south between Highway 19A and the E&N Railway.

2.3 SURROUNDING LAND USE

Land use in the surrounding area includes aquaculture, rural residential, schools, parkland and light industrial. The ALR boundaries in the immediate vicinity follow property boundaries.

Table 1. Adjacent Land Use to Lot 13, Deep Bay, BC

Location	Land Use	ALR Status
Subject Property	Forested/Transportation Corridors	IN
North	Shellfish aquaculture facilities	N/A
East	Vancouver Island University Marine Field Station, residential	OUT
South	Forested/Transportation Corridors	IN

West	Natural Glacial Waters Inc., Rosewall Creek Park , and rural residential property	IN
------	---	----

Lot 13 is adjacent to Vancouver Island University Marine Field Station (east), established aquaculture facilities (north) and transportation corridors, forested land and rural residential properties (south and west) and established aquaculture facilities (north). Lot 13 is within the Nanaimo Regional District and is zoned RM1A. The property is entirely within the ALR.

2.4 PROPOSED EXCLUSION

The Subject Property is contiguous lot subject to exclusion from the ALR. The property is bounded to the north by established shellfish aquaculture faculties, forested lands in the ALR to the south, and parkland, rural residential, institutional and light industrial use to the east and west.

3 SOILS INFORMATION

Soil conditions are a key factor in determining the overall agricultural capability of any given site. The soil conditions on the Subject Property are described in this section; beginning with the published government survey information, followed by the existing soil conditions, based on the data and observations made during the site inspection, conducted on March 6, 2008.

3.1 Ministry of Environment – Soils Mapping

The Ministry of Environment (MOE) mapping at 1:20,000 scale identified eleven Soil Series on the properties and three miscellaneous land types. Almost all the soils were derived from fluvial, alluvial or beach deposits with minor areas of marine over morainal and organic soils. The surface horizon mainly differentiated the Soil Series with the surface texture ranging from coarse sand and gravel to silt loam capping with underlying coarse textured sand or gravel. Series with coarse, gravelly surface textures included Cassidy, Kaptara and Quennell. Series with medium to coarse textures, silt loam to sand, include Beddis, Chemainus, Comiaken, Brigantine and Crofton.

3.2 SOILS ON SITE INSPECTION

Seven main soil units were identified on the property differentiated primarily based on soil texture, stratigraphy, stoniness and drainage. These soil units are based on preliminary reconnaissance survey and does not constitute a detailed soil survey as would be required to establish soil boundaries and characteristics at the 1:5,000 scale level of intensity. The reconnaissance level of intensity was considered adequate to provide general review and confirmation of the 1:20,000 Ministry of Environment mapping and assess the suitability of the properties for various uses at the conceptual planning level. Units with similar management and capability characteristics were grouped together for clarity in assessing potential uses.

Hand exposed soil pits were exposed on several transects across the property and exposed soil cuts

were observed. Shallow confirmation pits were exposed along transects to confirm soil changes. No samples were taken for analysis at this stage of the project.

Soil Unit 1

Unit 1 was the dominant unit and occupied the fluvial landforms which have been capped with a silty veneer due to periodic flooding of Rosewall Creek. The silt loam veneer ranged from 150mm to 600mm and greater and was generally thicker to the south. The topography ranged from near level to moderately hummocky with slopes generally less than 5%. But occasionally to 30% and complex in the northeast corner of Lot 13. The soil was well to rapidly drained with a perched water table at the silt loam-gravel interface which increased the water storage capacity. The surface stoniness was very low in the deeper profiles and moderate in the shallow profiles due to mixing with the underlying gravels. The rooting depth was generally confined to the silt loam layer for most feeder roots but deep water roots easily penetrated into the gravel subsoil.

Soil Pits 1, 2, 3, 4 and 5 exhibited the characteristics of Soil Unit 1. A typical stone free profile exposed at Soil Pit 2 was described as follows:

LFH	12- - 0 cm	Duff, needles and roots;
Aej	0 - 10 cm	Greyish brown fine to medium loamy sand, single grained; common roots, stone free; smooth boundary to:
Bf	10 - 60 cm+	Reddish brown fine to medium sand; single grained; few roots, stone free.
A typical gravelly profile exposed at Soil Pit #5 was described as follows:		
Bm	0 - 65 cm	Medium brown fine to very fine loamy sand, single grained; common roots; slightly gravelly; abrupt smooth boundary to:
BC	65 - 70 cm+	Yellowish brown fine to very fine loamy sand, gravelly; single grained; few roots.

Soil Unit 2

Unit 2 was the sub-dominant unit and occupied the fluvial and glacio-fluvial landforms which did not have any significant fine capping. The surface texture was generally fine to medium loamy sand to sandy loam. The topography ranged from near level to gently sloping with mostly simple slopes 2 to 10%. The soil was well to rapidly drain with some areas having cemented subsoil horizons which impede downward water movement. The surface stoniness was variable from nearly stone free to moderately stony. The rooting depth was generally unrestricted except where the

cemented pans formed.

Soil Pits 5, 6 and 7 exhibited the characteristics of Soil Unit 2. A typical profile exposed at Soil Pit #6 was described as follows:

LF H	5 - 0 cm	Duff, needles, twigs, leaves and roots; clear boundary to:
Ah	0 - 33 cm	Dark greyish brown silt loam; soft, weak subangular blocky structure breaking to fine granular; few roots; stone free; abrupt smooth boundary to:
IIC	33 - 50+ cm	Greyish brown sand and gravel; few large roots.

Soil Unit 3

Soil Unit 3 occupied the foreshore reaches and was developed from recent (post glacial) marine beach deposits. The texture was coarse sands and gravels with a thin organic mat formed under the Shore Sitka Spruce vegetation. The topography was generally ridged or hummocky with slopes less than 5%. The soil was well to rapidly drain at the surface but restricted by tidal action in the subsoil layers.

Soil Unit 4

Soil Unit 4 occupied the artificially drainage impaired areas on Lot 13 lying south of the E&N Railway tracks. The railway berm has created a restricted drainage environment which causes a high water table and inundation for extended periods of the year.

Soil Unit 5

Soil Unit 5 the north eastern lower slopes of Lot 13 and was developed from fine sandy parent materials. Extensive seepage occurs within this unit caused by upland drainage water encountering an impermeable layer of marine deposits underlying the sand capping. This soil appears to be unstable and subject to slumping. The topography was complex with north aspect slopes 10 to 30%.

Soil Unit 6

Soil Unit 6 was developed from historical and recent local stream activity resulting in steep sided banks and recent alluvium in creek channels. These areas were not mapped due to environmental issues.

Soil Unit 7

Soil Unit 7 was an area in the southwest corner of Lot 13 which had been subject to historic gravel extraction with loss of all topsoil. It was mapped as a miscellaneous land type.

4 CLIMATIC CAPABILITY FOR AGRICULTURE

The climatic capability for agriculture is based on the limitations associated with the combined influence of the climate and soil moisture regimes as well as the thermal limitations for any given location. Climatic capability is a modifying component used in determining the overall agricultural capability and suitability of a given site.

The overall climate capability classification for the properties is Class 1d which is the highest rating in the Province. There are no climate limitations for the range of crops suitable in the region. The properties fall within the Comox climate zone which has a significant growing season moisture deficit ranging from 157mm to 357mm depending on the available water storage capacity of the soil.

In terms of micro-climate, the Deep Bay area is in a rain shadow position which results in slightly lower rainfall and slightly higher sunshine hours than some other areas on the east coast of Vancouver Island. No detailed climate data is available for this site.

In terms of aspect, that is the slope position with respect to incident sunlight, Lot 13 is mainly north facing which puts it in an inferior position in terms of solar radiation.

In terms of advective cooling influence from the ocean, the properties would be subject to significant cooling effects which would reduce the heat units available for growing sensitive crops. The cooling effect decreases with distance from the ocean.

5 AGRICULTURAL CAPABILITY

Agricultural capability ratings are based primarily on the influence of soils and climate, as modified by topography for any given location. The rating system uses a variety of measurable parameters (e.g. slope angle, depth to bedrock, soil moisture deficiency, excess soil moisture, coarse fragment content, soil texture, groundwater depth, soil salinity) and provides objective classifications. This interpretive classification system groups soils into seven classes according to potentials and limitations for agriculture. Lands in Classes 1 to 4 inclusive are considered capable of sustained production of common cultivated field crops. Class 5 lands are capable of use only for producing perennial forage crops or specially adapted crops. Class 6 lands are capable of only providing sustained natural grazing for domestic livestock. Class 7 lands are incapable of use for either arable culture or grazing (BC Ministry of Agriculture and Food and Ministry of Environment, April 1983).

In most cases, both unimproved and improved agricultural capability ratings are determined for the area that is under consideration. The unimproved rating reflects the capability of the property in its natural or current state. The improved rating is theoretical and represents the anticipated agricultural capability

of the property after improvements (e.g. irrigation, enhanced drainage, soil amendments, fill placement, stone-picking, and/or subsoil decompaction) are made to mitigate the limitations. Some limitations, such as topography, shallow bedrock and slope angle, are not considered to be improvable.

The soils, climatic and topographic conditions of the Subject Property has been described and discussed in the preceding sections. In the following section, the overall agricultural capability of the Subject Property is described and discussed according to published information as well as that obtained from the site inspection conducted on June 24, 2015.

5.1 Ministry of Environment - Agricultural Capability Mapping

The Ministry of Environment 1:20,000 scale mapping was the most recent published agricultural capability mapping available and was based on the 1:20,000 soil survey information combined with topographic and climatic data.

Table 1: Subject Property - Ministry of Environment Agricultural Capability Mapping @ 1: 20,000.

Agricultural Capability	Unimproved: 5A Class 5A with subordinate limitations imposed by stoniness (P), topography (T) and fertility (F) on some units. Minor units 4W, 4WA and 7T.
	Improved: 5A to 2A Ranged from Class 5A on the coarse textured soils to Class 2A on the areas with finer soils. The sandy soils improved to Class 3AF.

5.2 Comparison of Ministry of Environment and On-Site Inspection Ratings

The current agricultural capability interpretation is preliminary and based on the limited reconnaissance soil survey carried out on the Properties. In general, the ratings are consistent with the MOE ratings in most respects.

The agricultural capability ratings for Lot 13 are generally consistent with the MOE mapping. Detailed mapping boundaries were not applied due to the limited fieldwork carried out which did not allow for determination of detailed soil boundaries.

The southern and western portions of the property had fine to medium loamy sand textures which would have an unimproved capability of Class SA. With irrigation, these soils will improve to Class 3A or Class 2A depending on whether the texture is medium loamy sand or fine loamy sand. Stoniness was generally moderate with mainly gravel size stones. The stonier areas could introduce a P limitation at the Class 2 or 3 levels.

The north-eastern portion north of the E&N Railway had complex topography and slopes 10% to 30%. The unimproved agricultural capability was Class SA on the more subdued slopes and Class 5AT on the steeper areas. With irrigation, these soils would improve to Class 3A T on the more subdued slopes and Class 5T on the steeper areas.

5.3 Feasibility of Improvements

The water bearing potential of Lot 13 is unknown. The Quadra Sands aquifer lies to the east and may extend within the property. Without irrigation water, the potential for agricultural development of this lot is questionable. The level of stoniness on most areas of the property is not severe enough to warrant formal stone removal. Care would need to be exercised during clearing and cultivation activities to not cause undue disturbance of the silt loam capping and bring up underlying stones.

5.4 Agricultural Suitability

Agricultural suitability is a further interpretation of agricultural potential based on soil, crop, climate and productivity limitations for the site and the area. While agricultural capability is an abstract classification indicating the range of crops which could be grown, agricultural suitability more closely represents the practical commercial options for agricultural use of the land. It has been assumed in making these suitability interpretations that the improvements as required to achieve the improved agricultural capability ratings would be in place. Soil bound and non-soil bound uses are discussed in general terms.

AC Unit	AG Capability Unimproved (Improved)	Suitability for Agricultural Activities (availability and development of irrigation is assumed)
Soil Bound Agriculture		
		<p>The sandy soil conditions on the Subject Property would be only moderately suited to field crops, mainly due to the low water holding capacity which would require large amounts of irrigation water applied frequently. Also, the broken soil landscape would make development of uniform fields difficult.</p> <p>The subdued sloping areas of Lot 13 would be moderately well suited to strawberry and raspberry production. Lot 13 is not well suited to blueberry, cranberry or grape production due to the low water holding capacity or poor north facing aspect in the case of grapes. Grapes would be only marginally suitable due to the advective cooling effects of Deep Bay.</p> <p>Significant irrigation and fertilizer would be required to maintain reasonable yields. This has the potential to create conflicts down slope in the established aquaculture facilities in Deep Bay as a result of negative water quality impacts.</p>
Intensive Soil Bound Livestock - Agricultural operations which depend, in whole or in part, on growing their own feed for livestock production.		
		<p>Forages could be grown on most of the arable area of the subject properties with moderate suitability under irrigated conditions. Significant irrigation and fertilizer would be required to obtain reasonable yields. This has the potential to create conflicts down slope in the established aquaculture facilities in Deep Bay as a result of negative water quality impacts.</p>
Intensive Non-Soil Bound Livestock and Horticultural Agriculture		
		<p>Non-soil bound uses include feed lot, intensive hog or poultry production, pot nursery, greenhouses or mushrooms. Any of these uses could physically be located on the Subject Property but there are significant disadvantages in terms of location and infrastructure availability. This has the potential to create conflicts down slope in the established aquaculture facilities in Deep Bay as a result of negative water quality impacts.</p>

5.5 Most Suitable Agricultural Use

The agricultural suitability of the Subject Property is primarily limited by its low water holding capacity and low fertility. These limitations can be mitigated however there are concerns that the agricultural inputs required to negate these limitations have a real potential to contaminate the rainwater runoff. This mitigation has the potential to negatively impact the preexisting active, established and successful shellfish production occurring in Deep Bay foreshore immediately adjacent to the Subject Property.

The United States Food and Drug Administration (USFDA, 1995) has described agricultural runoff and animal faecal pollution as non-point sources of pollution which can release chemical and/or microbiological contaminants of public health concern in shell fish production areas. The Canadian Shellfish Sanitation Program (CSSP) Manual of Operations outlines the policies and procedures which are used to evaluate regional activities associated with the Shellfish Sanitation Program (Government of Canada, 2012) and states that the aquaculture of shellfish may only be conducted in approved or conditionally approved area classifications. These two classifications are the most stringent classifications for tolerances of faecal contamination and chemical and toxin levels (Government of Canada, 2012) and thus are the most threatened by upland agricultural activities.

Rainwater runoff, contaminated with agricultural inputs such as pesticides, is known to attribute to shellfish mortality episodes (Köck-Schulmeyer et al., 2010, p. 259). Shellfish beds are also threatened by rainwater contaminated by faecal coliforms in sufficient concentrations may be prohibited from harvesting or require heat treatment before consumption.

It is believed that aquaculture and agriculture cannot successfully coexist in this close proximity given the scientific data available on the impacts of pesticides and faecal coliforms on the shellfish and public health.

6 IMPACT ANALYSIS

The impacts of the proposed exclusion of the Subject Property on the local and regional agricultural context has been summarized below:

AREA OF CONCERN	ANTICIPATED IMPACTS FROM PROPOSED EXCLUSION	COMMENTS
Agricultural Development of Subject Property on Surrounding Lands	If the Subject Property was developed as small horticultural operations, there may be increased traffic and equipment noise as a result. If an intensive non-soil bound livestock operation (e.g. feedlot) was located on the Subject Property, there would likely be conflicts established aquaculture operations, with the surrounding residential and park areas associated with increased odours, noise and traffic.	
Residential Development of Surrounding Lands on Subject Property	Further residential development of the surrounding lands would not have any direct impacts on the Subject Property under the current conditions.	If further residential developments are constructed on the surrounding lands, after there is further development of agricultural activities on the Subject Property, there potential for conflicts/complaints associated with farm activities in a suburban setting will increase.

AREA OF CONCERN	ANTICIPATED IMPACTS FROM PROPOSED EXCLUSION	COMMENTS
Regional & Local Agricultural Productive Capacity	The Subject Property does not contribute to local or regional agricultural capacity. Therefore, the proposed exclusion is not anticipated to result in any negative impacts to productive capacity.	
Surrounding Agricultural Operations	While there are no commercial agricultural operations adjacent to the Subject Property, there are several larger agricultural parcels in the general vicinity. The proposed exclusion is not expected to have any negative impacts on any of these properties.	
Precedent of Exclusion for Triggering Future Applications	The Subject Property is located within a pocket of properties within the ALR boundary, and are surrounded on three sides by properties that also within the ALR.	In order for a precedent to be established, any other properties seeking exclusion must first demonstrate that they share a number of conditions with the Subject Property. This may include: 1. Limited access to the areas with the highest agricultural capability; and 2. Class 5 to 7 (unimprovable) capability on large portions of the parcel.

7 SUMMARY AND CONCLUSIONS

7.1 Agricultural Capability and Proposed Subdivision

1. The Subject Property is approximately 4 km north of Bowser, BC on Deep Bay. The total area of the subject property is approximately 108.61 hectares which lies completely within the ALR.
2. Historically, the Subject Property has not been used for either commercial agricultural activities or as small hobby farms.
3. It is believed that aquaculture and agriculture cannot successfully coexist in this close proximity given the scientific data available on the impacts of pesticides and faecal coliforms on the shellfish and public health.
4. The distribution of soil types as identified in the site inspection was generally consistent with the information presented in Ministry of Environments' Soils Mapping. In general, the minor differences in soil mapping have been attributed to the different scale intensities as they applied to the Subject Property.
5. The published MOE agricultural capability rated both of the Subject Property at Class 5, improvable to Class 3 and Class 2 in minor areas (mapped at 1:50,000). Soil moisture deficiency and minor cumulative limitations were identified as the primary limitations to agriculture.
6. The proposed improvements (primarily irrigation and drainage enhancements) were not considered to be feasible due to the fragmented configuration, limited access and the small size of the areas with the highest agricultural capability.
7. Under the current circumstances, the most suitable agricultural uses of the Subject Property would be as small hobby farms or small non-soil bound horticultural operations.
8. The exclusion of the Subject Property from the ALR is not anticipated to have any negative impacts on local or regional agricultural capacity, or on surrounding agricultural operations.
9. The exclusion of the Subject Property from the ALR is not expected to set a precedent for other properties in the area. Anyone wishing to use this as a precedent would have to demonstrate that their parcel was of similar size and location and shared comparable agricultural capability limitations.

7.2 Conclusions

The Subject Property located at Deep Bay BC total 108.61 hectares, and according to information provided by the Landowners and their Agent, have not been used for any commercial agricultural activities. The most suitable agricultural uses of the Property would be as small hobby farms or non-soil bound horticultural operations. The Subject Property is located in a small pocket of ALR, and border significant aquaculture operations to the north.

The results of this Assessment and review indicate that the exclusion of the Property is not anticipated to have any negative impacts on local or regional agricultural capacity, or on surrounding agricultural operations. The exclusion of the Subject Property from the ALR is not expected to set a precedent for other properties in the area. Anyone wishing to use this property as a precedent would have to

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demonstrate that their parcel was of similar size and location, have historic long term land ownership before the formation of the ALC; shared comparable moderate to severe agricultural capability limitations and shared close proximity to commercial shellfish aquaculture production.

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9 LIMITATIONS

I, Laura Hooper Byrne certify that I supervised and carried out the work as described in this report. The report is based upon and limited by circumstances and conditions referred to throughout the report and upon information available at the time of the site investigation. I have exercised reasonable skill, care and diligence to assess the information acquired during the preparation of this report. I believe this information is accurate but cannot guarantee or warrant its accuracy or completeness. Information provided by others was believed to be accurate but cannot be guaranteed.

The information presented in this report was acquired, compiled and interpreted exclusively for the purposes described in this report. I do not accept any responsibility for the use of this report, in whole or in part, for any purpose other than intended or to any third party for any use whatsoever. This report is valid for one year only after the date of production.

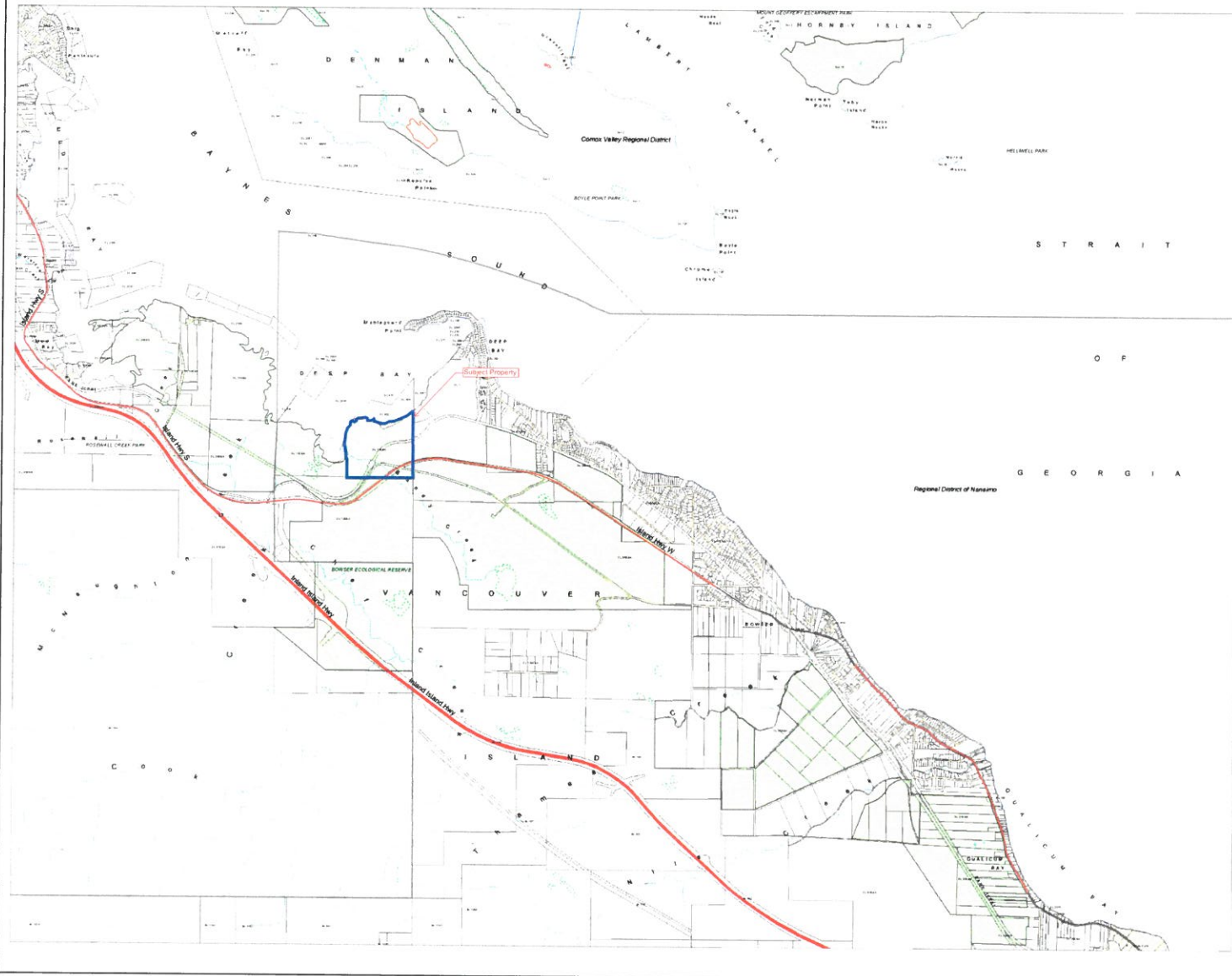
Laura Hooper-Byrne, MSc, PAg

November 9, 2015



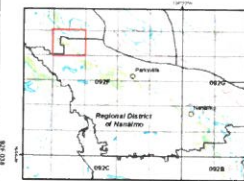
Appendix 1: Orthophoto of subject property.





Map Amendment History as of 2007	
Date	Description
Oct-10	1st Issue

Map Location



Agricultural Land Commission
 133-4940 Canada Way
 Burnaby B.C. V5C 4R6
 Phone: (604) 690-7000
 Fax: (604) 660-7033
 ALC Website: www.alc.gov.bc.ca

This map represents Agricultural Land Reserve (ALR) parcels only within the Regional District of Nanaimo. Originated by Resolution #8-2002 of the Agricultural Land Commission.

Map amendment period: October 31, 2010

Map compiled by the Geographic Information Systems Department, Agricultural Land Commission

Base Mapping Source:
 Mapping control: B.C. Government
 Projection: 1983
 Coordinate: Integrated Coordinate System
 The Agricultural Land Commission assumes no liability for the accuracy of its base mapping information.

- Agricultural Land Reserve
- Regional District Boundaries
- Municipal Boundaries
- Property Boundaries
- Indian Reserves

Contour Interval: 20 metres
 B.C. Albers Projection
 NAD 83

REGIONAL DISTRICT
 Nanaimo

SCALE: 1:20,000
 0 200 400 800 1200

B.C.G.S. MAP REFERENCE NUMBER:

92F.047

