

The Regional District of Nanaimo's Arrowsmith Benson - Cranberry Bright Official Community Plan Development Permit Area for the Protection of Farming

The Local Government Act provides opportunities for local governments to delineate development permit areas (DPAs) for the protection of farming ([Sec 919.1\(1\) \(c\)](#)). [Section 920\(10\)](#) of the Act provides for the adoption, within an official community plan, regulations for screening, landscaping, fencing and siting of buildings or structures, in order to provide for the buffering or separation of development from farming.

The following provides a summary of key sections of the Regional District of Nanaimo's Arrowsmith Benson - Cranberry Bright Official Community Plan relevant to the establishment of the DPA and the actual provisions of the Development Permit contained in the Plan.

In July 1999 the Regional District of Nanaimo adopted the [Arrowsmith Benson - Cranberry Bright Official Community Plan](#). The Plan contains eight integrated goals. A Development Permit Area for the protection of farming is established as a key means to help ensure compatibility between agricultural and non-agricultural uses. Four of the Plan's eight goals relate to the objective of addressing land use compatibility.

Goal 1 - Contain Urban Sprawl - Urban boundaries are used to define the margins of the communities and the urban boundary will be reinforced with larger parcels, natural open spaces and parks to buffer surrounding areas from village development and to enhance the community identity and village character.... One of the goal's three objectives is to provide a clear separation between urban and non-urban areas. The fourth policy to contain urban sprawl emphasizes that development standards, parks and open space will be used to create a buffer between lands within the Extension Village, Urban Boundary and abutting lands in accordance with the policies contained in Goal 2 – Create Complete Communities.

Goal 2 - Create Complete Communities - Policy (k) under the goal of creating complete communities encourages, where feasible, increased setbacks, larger parcel sizes and the provision of park land will be used to ensure that a buffer is maintained on lands adjoining the Extension Village, Urban Boundary in accordance with the policies of Goal 1 – Contain Urban Sprawl.

Goal 3 - Protect Rural Integrity - This goal's aim is to protect the rural land base for rural uses, especially resource uses such as forestry and agriculture. Land with the Agricultural Land Reserve (ALR) is contained within the "Resource" designation and the Plan notes that the designations provide for the mitigation of potential land use conflicts between resource-based activities and residential uses. The Plan recognizes that the long term viability and productivity of resource based activities are increasingly threatened by urban encroachment and the spread of incompatible land uses. The Plan seeks to protect the natural resource value of the land by supporting land use compatibility, maintaining larger lot sizes and supporting the retention of land within the ALR. The protection of resource lands is viewed as a critical component in preserving the character and economy of the Plan Area.

Goal 6 - Create a Vibrant and Sustainable Economy - The Plan supports the area's economic strengths - one of which is identified as agriculture (p. 21). To help ensure that agriculture remains an important economic activity in the Plan area, specific emphasis is placed on the significance of avoiding land use conflict. As noted in the following quote from the 'Agriculture' section of Goal 6, the Plan is designed to provide considerable harmony between local and provincial objectives.

“While regulations governing the ALR largely ensure that lands within the ALR are protected for agricultural use, land use conflicts may occur at the interface between the ALR and residential development. *The Farm Practices Protection (Right to Farm) Act* provides protection for farm operations within the ALR from nuisance suites and incompatible local government regulation. Additional protection is also provided through the *Land Title Act*, which enables an Approving Officer to require that a subdivision does not unreasonably interfere with adjacent farming operations due to inadequate buffering or separation and provides for the elimination of unnecessary road endings. In addition to the policies of this Goal, the ALR is protected from residential encroachment through the urban boundary and rural integrity protection policies of Goals 1 and 3 and the development permit area requirements of Appendix A (Development Permit Areas).” (p.22 &23)

Goal 6 contains the following supportive ‘Objective’:

“• *Protect* the needs and activities of agricultural operations when considering non-agricultural uses on or adjacent to agricultural lands.” (p.23)

‘Policies’ aimed at reducing land use conflict include:

- “5) Subdivision, within the ALR, to a parcel size less than 8.0 hectares will not be supported.
- 6) Broad-based agricultural activities, including livestock and horticultural uses of a farm and the processing, production, distribution and sale of agricultural products grown and reared on that farm, will be encouraged and supported on agricultural lands. To ensure that such activities, including those of an intensive nature, do not give rise to conflicts with adjoining uses or the environment, the following will be encouraged:
 - a) such activities be conducted in accordance with recognized codes of practice, standards and environmental guidelines; and
 - b) lands within the ALR which are adjacent to the Extension Village, Urban Boundary be used for agricultural uses which are compatible with, and supportive of, Village land uses.
- 7) Where appropriate, land use will be used to create a transition between ALR and non-ALR lands.
- 8) A Farmland Protection, Development Permit Area will be established. (See Appendix A – Development Permit Areas.) (p. 23)
- 9) Road, utility and communication right-of-way extensions through, or adjacent to, lands within the ALR will not be supported when a viable alternative exists. Such extensions should not negatively affect existing farm operations. Roads should be designed to discourage through traffic and further road expansion within the Agricultural Land Reserve. Alignments should be established in consultation with affected local landowners. Utility and communication right-of-way extensions through, or adjacent to, lands within the ALR should not negatively impact the long term agricultural viability of the land. (Extensions require the approval of the Agricultural Land Commission.)
- 10) The Regional District will encourage the Approving Officer to ensure subdivision does not unreasonably interfere with adjacent farming operations due to inadequate buffering or separation and provide for the elimination of unnecessary road endings.” (p.24)

**From - Goal 6: Create a Vibrant and Sustainable Economy
Arrowsmith Benson - Cranberry Bright Official Community Plan**

Excerpt:

The following is an excerpt from the Regional District of Nanaimo's Arrowsmith Benson - Cranberry Bright Official Community Plan's Development Permit Area (DPA) Guidelines regarding the protection of farming areas pertinent to Section 919.1(c) of the Local Government Act.

ARROWSMITH BENSON – CRANBERRY BRIGHT OFFICIAL COMMUNITY PLAN
BYLAW NO. 1148

APPENDIX A DEVELOPMENT PERMIT AREAS

This section of the Official Community Plan identifies those areas of Arrowsmith Benson – Cranberry Bright where the issuance of a development permit is required prior to the commencement of development. For those areas designated as development permit areas, the special conditions or objectives that justify the designation are described, and the guidelines respecting the manner by which the special conditions or objectives must be addressed are provided. Categories of development which are excluded from development permit requirements are also specified.

Pursuant to the *Municipal Act*, development permit areas may be designated for one or more of the following purposes:

- To protect the natural environment, its ecosystems and biological diversity;
- To protect development from hazardous conditions;
- **To protect farm land;**
- To revitalize an area where commercial use is permitted; or
- To establish objectives and provide guidelines for the form and character of commercial, industrial, or multiple family residential development.

The following development permit areas are designated in the Plan:

- Village Centre – Commercial, Development Permit Area (form and character)
- **Farm Land Protection, Development Permit Area (protect farm land)**
- Watercourse Protection, Development Permit Areas (protect natural environment)
- Sensitive Ecosystems, Development Permit Areas (protect natural environment)

Where land is subject to more than one development permit designation, a single development permit will be required, and the application will be subject to the requirements of all the applicable development permit designations.

FARM LAND PROTECTION DEVELOPMENT PERMIT AREA

Purpose:

To protect farm land.

Area:

The Farm Land Protection, Development Permit Area is as shown on Map No. 7, Development Permit Areas, and Sheet 2 of 5.

Justification:

This Development Permit Area is applicable to all lands adjoining the Agricultural Land Reserve (ALR), or separated by a right-of-way, a statutory right-of-way or a dedicated road. Lands located within the ALR require protection for long term agricultural use. Land use conflicts may develop between lands within the ALR and lands adjoining or reasonably adjacent to the ALR. These conflicts may compromise the agricultural use of the ALR lands. The incorporation of 15 metre wide buffers between new subdivisions and ALR lands will protect the agricultural use of ALR lands.

Application:

Prior to commencing a subdivision on lands adjoining the ALR boundary or which are separated by a right-of-way, a statutory right-of-way or a dedicated road, the owner must obtain a development permit in accordance with the Farm Land Protection, Development Permit Area Guidelines.

Exemptions:

A development permit is not required for the following:

- 1) construction, alteration or addition to a building or structure;
- 2) subdivision where the proposed parcels do not adjoin the ALR boundary or are not separated by a right-of-way, a statutory right-of-way or a dedicated road;
- 3) subdivision where the proposed parcels provide the following:
 - a) a minimum parcel depth of 50 metres, or
 - b) adequate parcel depth for a satisfactory building site area (including accessory buildings and if applicable, septic disposal system) and a 15 metre vegetated buffer area as described in Farm Land Protection, Development Permit Area, Guideline 2;
- 4) subdivision of lands within the Forest Land Reserve; or
- 5) subdivision of lands for the following purposes:
 - a) industrial uses;
 - b) public utility uses; or
 - c) park uses.

Guidelines:

- 1) Subdivision design must minimize the potential negative impacts on lands within the ALR
- 2) A minimum 15 metre wide vegetation buffer must be established parallel to the ALR Boundary in accordance with the following criteria:
 - a) All buffer areas must be landscaped using materials set out in Schedule 'C' of the March 1993, BC Agricultural Land Commission publication entitled *Landscape Buffer Specifications*. However, the use of existing native vegetation may be incorporated into the landscape plan;
 - b) Plant layout, spacing and support must be in accordance with Schedule 'B' of the March 1993, BC Agricultural Land Commission publication entitled *Landscape Buffer Specifications*;
 - c) The design and construction of the landscaped buffer must be to the standard of the BC Society of Landscape Architects/BC Nursery Trades Association (BCNTA) publication entitled *BC Landscape Standards*, 1997 edition;
 - d) If adequate fencing does not currently exist, fencing must be constructed where a subdivision adjoins the ALR boundary. Fencing must be constructed in accordance with Schedule 'D' of the March 1993, BC Agricultural Land Commission publication *Landscape Buffer Specifications*.
- 3) A Section 219 Covenant for the vegetation buffer area specified in Farm Land Protection, Development Permit Area, Guideline 2 must be registered on title which prohibits the removal of vegetation and the construction of, or addition to, any buildings or structures other than fencing in accordance with Schedule 'D' of the March 1993, BC Agricultural Land Commission publication entitled *Landscape Buffer Specifications*.



Arrowsmith Benson - Cranberry Bright Official Community Plan - Bylaw No. 1148, 1999

[Map No. 7a](#) - Development Permit Areas - Farmland Protection

