ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

March 2, 2016

AGRICULTURE ADVISORY COMMITTEE

Your next meeting has been scheduled for Tuesday, March 8th at 3:00 pm in the board room at the Alberni-Clayoquot Regional District office. Agenda items include:

- AF15001 – Hawkins/Gaiga – 6741 Cypress Blvd
- AF16001 – Bowerman Excavating Ltd (Lance Goddard, Agent) – 725 Franklin River Rd

Please let me know if you have any questions or concerns regarding this meeting and/or if you have any items to add to the agenda.

The applicants have received a copy of their report and have been notified of the meeting.

Sincerely,

CHDodds

Charity Hallberg Dodds
Planning Assistant

CC: Applicant(s)

ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

MEMORANDUM

To: Board of Directors and the Agriculture Advisory Committee

From: Heather Adair, Planner

Date: March 1, 2016

Subject: AF15001 – Application for a Non-Farm Use at 6741 Cypress Blvd

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Background

The attached staff report was presented to the Agriculture Advisory Committee on January 19, 2016. At this meeting the Committee tabled the application and requested that staff present options regarding a Temporary Use Permit (TUP) for businesses operating at 6741 Cypress Blvd.

Attached is Appendix "A" which outlines the Temporary Use Permit procedures.

The Agriculture Advisory Committee is reviewing this application for a second time on March 8, 2016. The application will then proceed to the Board of Directors meeting on March 9, 2016.

Non-Farm Use applications must be reviewed by the Board of Directors before being processed by the Agriculture Land Commission (ALC). Should the Board of Directors forward the application onto the ALC, the land commission will review and make a decision regarding the Non-Farm Use application. If the Board of Directors is consider denying the application, the board can invite the applicants to a subsequent board meeting to present their case as to why this matter should not be denied.

Should the Non-Farm Use application be approved by the ALC, a rezoning application or a Temporary Use Permit application would need to be made by the property owner to adjust the permitted uses on this property. The Board of Directors would review the rezoning or temporary use permit application after a public input process has been concluded including neighbour notification.

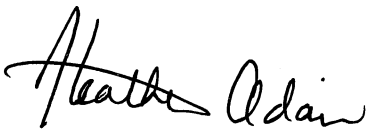
Options

1) Pass a resolution to deny forwarding the Non-Farm Use application to the Agriculture Land Commission noting that the application does not comply with the ACRD Zoning Bylaw or the Cherry Creek Official Community Plan,
2) Forward the application to the Agriculture Land Commission recommending support subject to a Temporary Use Permit,

Members: City of Port Alberni, District of Ucluelet, District of Tofino, Yuułuʔiłʔatḥ Government, Huu-ay-aht First Nations, Uchucklesaht Tribe
Electoral Areas "A" (Bamfield), "B" (Beaufort), "C" (Long Beach), "D" (Sproat Lake), "E" (Beaver Creek) and "F" (Cherry Creek)

3) Forward the application to the Agriculture Land Commission recommending support subject to rezoning.

Prepared by:



Heather Adair, Planner

Reviewed by:

Mike Irg, Manager of Planning & Development

Wendy Thomson, Manager of Administrative Services

TEMPORARY USE PERMIT

Procedure:

Under Section 493 of the *Local Government Act*, the Regional District may issue a Temporary Use Permit, by resolution, in areas where areas are designated in an Official Community Plan. A Temporary Use Permit may do one or more of the following:

i. Allow a use not permitted under the Zoning Bylaw;
ii. Specify conditions under which the temporary use may be carried on;
iii. Allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued.

Where a temporary use permit is designated in an OCP, the Regional District must give notice to the public in accordance with the requirements of the *Act* which includes notifying the neighbouring property owners and tenants, and publishing a notice in the newspaper.

The Temporary Use Permit is valid for up to 3 years and may be renewed by the Regional District once. After this time has expired the property owner must apply to rezone the property to allow for the continued use or discontinue the specified use.

Subject to approval of a Non-Farm Use by the Agriculture Land Commission the following types of conditions are examples of conditions that could be regulated in a Temporary Use Permit:

- number of employees on site
- the number of commercial vehicles & machinery on site
- the area used to store commercial vehicles & machinery
- hours of operation
- days of operation
- noise levels
- setbacks for buildings
- emissions

Charity Hallberg

From: Charity Hallberg
Sent: February-15-16 11:45 AM
To: ACRD Directors
Cc: Mike Irg; Heather Adair; 'Sutton, Elizabeth ALC:EX'; 'Barb Deederly'; 'Bob Vandermolen'; 'Carrie Smith'; 'Denis Francoeur'; 'Jamie McKinnon'; 'John Versteeg Jr.'; 'Lindsay Rogers'; Lucas Banton; 'Markus Urner'; 'Mike Jones'; 'Mike Stini'; 'Ann Collins'; 'John Oosterom'; 'Lisa Aylard'; Mike Kokura; 'Robert Haynes'; 'Ron Emblem'; 'Vicki Lee'; 'Wayne Smith'
Subject: FW: Please forward this letter to Cherry Creek APC Ag com. & Regional Board

Importance: High

Hi Everyone,
Please see the letter below. We have an active application with the ALC/ALR for a non-farm use for the property located at 6741 Cypress Blvd. The Haukas' live right next door.

Charity Hallberg Dodds
Planning Assistant
Alberni-Clayoquot Regional District

From: HNH [mailto:hnh1944dn@shaw.ca]
Sent: February-15-16 11:31 AM
To: Charity Hallberg
Subject: Please forward this letter to Cherry Creek APC Ag com. & Regional Board

To the Regional Board of Directors ,

I am writing this letter regarding a commercial bus business and diesel truck repair shop operating in our neighbourhood .

Off Road Diesel and Island Shuttle Busses are both located at 6741 Cypress Blvd, Port Alberni , BC. Both these businesses operate in violation of the rural zoning , Cherry Creek Official Community Plan and the Agricultural Land Commission (ALC) regulations .

Besides the violation of the bylaws and regulations , our specific complaints include :

1. Strong diesel fumes from vehicles left idling for hours at a time ; on October 7th, a dump truck was idling from 4:45 until 6:10 PM !
2. Traffic increase in the neighbourhood from the commercial operations including occasional roadway hold-ups due to equipment loading/off-loading .
3. Noise from vehicle acceleration as individuals come and go .
4. Our quality of life is deteriorating as we often has to stay indoors due to the fumes and noise !
5. Land value decrease; neighbours have been told that their property has been appraised less than last year due to the adjacent business operations.
6. Busses are parked onsite 24 hours/day, 7 days/week.

We have lived at 6767 Cypress Blvd for 53 years (Kare) and 15 years for (Helena). We have had a small farm operation for 20 years . We produce vegetables and fruit for sale at the Farmers Market . We cherish

our rural lifestyle and are devastated by the negative impact these businesses have created .

We feel as though our enjoyment of our lands should be considered when making a decision on the ALR application for non-farm use .Our rights as neighbourhood residents are no less important !

Sincerly,
Helena and Kare Haukas

ALBERNI-CLAYOQUOT
REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3 Telephone (250) 720-2700 FAX: (250) 723-1327

Application to Allow a Non-Farm Use within the Agriculture Land Reserve

To: Russell Dyson, CAO and Regional Board of Directors

Date: December 21, 2015

File No.: AF15001

Owners: Joseph Hawkins and Marina Gaiga

Legal Description: LOT 1, DISTRICT LOT 103, ALBERNI DISTRICT, PLAN 11820

Location: 6741 Cypress Blvd

Electoral Area: Area "F" (Cherry Creek)

Recommendation:

That the Regional Board:

- Receive the staff report; and
- Pass a resolution to deny forwarding the Non-Farm Use application to the Agriculture Land Commission noting that the application does not comply with the ACRD Zoning Bylaw or the Cherry Creek Official Community Plan;

  Note: If the Regional Board is contemplating denying an application the appropriate motion would be:

  "The Regional Board is, at this time, disposed to deny this application. Prior to doing so the Board wishes to offer the applicants the opportunity to present their own case as to why this matter should not be denied".

Applicant's Intention: To apply to the Agriculture Land Commission to allow Non-Farm Uses for the property located at 6741 Cypress Blvd. The non-farm uses on this property include a 'Truck Repair Shop' and a 'Shuttle Bus Company'.

Observations:

1. **Property Description:** This 3.04 acre property includes a large accessory building (2600ft^2) with a washroom which was constructed beginning in 2013. Several building permit inspections were completed in 2013 and 2014 but no final inspection has been

completed. When the accessory building permit was issued, it was noted that "no overnight accommodations or commercial use" were to be allowed. An older home on the property was demolished in 2014 and a new home (2274 ft^2) was constructed beginning in 2014. The house and accessory building are built toward the front of the property with the remainder of the property behind the house being forested.

2. Provincial soil mapping, which indicates the "land capability for agriculture", shows that the subject property is covered by two map units.

Unit 1 (Western piece)
Unimproved soil conditions = class 3 AW
Improved Soil Conditions = class 2 D

A = Soil Moisture Deficiency
W= Excess Water
D = Undesirable Soil Structure and/or Low Perviousness.

Unit 2 (Eastern piece)
Unimproved soil conditions = class 3 PW
Improved Soil Conditions = class 3 DP

P = Stoniness
W= Excess Water
D = Undesirable Soil Structure and/or Low Perviousness.

Soil Capability Class explanations are as follows:
Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Services:

(a) Sewage Disposal: On-site septic disposal. A new septic system was installed in 2014.

(b) Water Supply: Cherry Creek Waterworks District

(c) Fire Protection: Cherry Creek Fire Protection

(d) Access: Property is accessed from Cypress Blvd.

3. Existing Planning Documents Affecting the Site:

A. **Agricultural Land Reserve**: Entirely within the ALR

B. **Official Community Plan**: The Cherry Creek Official Community Plan designates the subject property as "Agriculture Use". The minimum parcel size for "Agriculture Use" designation is 2 hectares (4.94 acres).

Relevant Agricultural Use Objectives listed under Section 4.1 include:

Objective 4.1.1	Maintain and foster agriculture use and food production.
Objective 4.1.2	Promote the diversification of agricultural products.
Objective 4.1.3	Encourage the protection of clean groundwater for agricultural operations.
Objective 4.1.4	Facilitate activities identified in the Alberni Valley Agricultural Plan.

Relevant Agricultural Use Advocacy Policy under section 4.2 include:

Policy 4.2.5	Encourage the interim use of agricultural lands for forestry, silviculture, open space and recreational uses that will not impair the future agricultural viability of those lands.

The proposed Non-Farm Use of the property including a 'Truck Repair Shop' and a 'Shuttle Bus Company' does not comply with the Cherry Creek OCP Agriculture Use designation. The proposed Non-Farm Use of the property does not comply with the Agricultural Use Objectives & Advocacy Policy identified above.

5. **Zoning:** Rural (A2) District

Permitted uses in Rural (A2) District that also comply with the ALC regulations include:

- Single Family Dwelling
- Home Occupations*
- Arboreta, botanical gardens, wildlife refuges and similar uses
- Farming, seed and hay dealing, truck gardening, orchard or nursery cultivation, greenhouses, and other similar enterprises and uses including the incidental direct sale of farm produce to the consumer
- Grazing livestock, but excluding abnormally intensive livestock feeding operations
- Mushroom growing, provided that such use is located at a distance of not less than 30.48m (100 feet) from all street or lot lines
- Accessory buildings and uses
- Upland aquaculture (Fish Farming) including all activities incidental to such operations such as hatchery and nursery facilities, grow out ponds, storage and processing aquatic organisms cultivated, reared and harvested on the lots

- Wineries and Cideries provides that a vineyard or orchard at least 2 hectares (5 acres) in area is under continuous cultivation on the same farm or legal parcel
- Sales of wine and cider produced on the farm and related products, provided that the retail area does not exceed 500 square feet or 5 percent of the floor area of the winery, whichever is more; winery and cidery tours, as ancillary uses to a winery or cidery
- Medical Marihuana Facilities provided that the facilities are located on a lot that is 2.43 hectares (6 acres) or greater in area and that the facilities are located a minimum of 30.48 meters (100 feet) from all lot lines

* Home Occupation is defined in the ACRD zoning bylaw as "means any homecraft, professional practice, or other livelihood which may be conducted in accordance with the provision of subsection 6.7 and which is clearly incidental both to the use of a dwelling unit for residential purposes and to the residential use of a lot occupied by a dwelling".

Subsection 6.7 of ACRD zoning bylaw states the following:

(1) A home occupation shall involve no internal or external structural alterations to the dwelling; there shall be no exterior indication (other than a sign) that the building is being utilized for any purpose other than that of a dwelling, and no building, structure, fence or enclosure, other than those in conformity with permitted residential uses in the zoning district in which it is located may be erected.
(2) A home occupation shall not involve the use of mechanical equipment save as is similar to that ordinarily employed in purely private domestic and household use for recreational hobbies. In particular, the premises must not be used for manufacturing or any other light industrial use, and the home occupation carried on therein shall not produce noise, vibration, smoke, dust, odour litter, or heat, other than that normally associated with a dwelling, nor shall it create or cause any fire hazard, electrical interference or traffic congestion on the street.
(3) No part of the premises shall be used primarily as a warehouse or retail outlet and there shall be no external storage of materials, containers, or finished product, except for the temporary storage of harvested crops.
(4) Subject to more restrictive requirements of professional practice where applicable, one person who is not a resident in the dwelling unit may be employed in the home occupation.
(5) The operation of kindergarten, daycare or preschool as a home occupation shall be for a maximum of eight children at any one time.
(6) The operation of a boarding, lodging, or foster home as a home occupation shall not include the keeping of more than four boarders, lodgers, or foster children.
(7) The operation of a dance school as a home occupation shall be limited to a maximum of eight students at any one time.

Section 300.5 (3) of the ACRD zoning bylaw states that parking spaces located in an A, R, or RM Districts shall be used solely for the parking or private non-commercial vehicles.

The permitted uses in the Rural (A2) district do not include a 'Truck Repair Shop' or a 'Shuttle Bus Company'.
The 'Truck Repair Shop' does not comply with the 'Home Occupation' definition as the business is not located in the home. Section 6.7 (1) of the ACRD zoning bylaw does not permit other buildings other than the dwelling to be erected for a home occupation. The 'Truck Repair Shop' also does not comply with Section 6.7 (2) as the use of mechanical equipment is not allowed or any other light industrial use and shall not produce noise, vibration, smoke, dust, odour litter, or heat, other than that normally associated with a dwelling.
The portion of the 'Shuttle Bus Company' could be classified as a Home Occupation that is run from the dwelling on the property, but the Home Occupation does not allow for the parking and storage of the Shuttle Buses on the property as per Section 300.5 (3) of the zoning bylaw.

Comments:

This Non-Farm Use application is the result of a Bylaw Enforcement complaint that was received from the public. All applications related to this property including this Non-Farm Use application to the ALC will be processed accordingly prior to further bylaw enforcement action being taken.

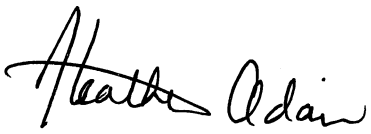
This application for a Non-Farm Use does not comply with the ACRD Zoning Bylaw or the Cherry Creek Official Community Plan.

The Regional District has examined options for home industry in the ACRD Zoning Bylaw rewrite that is currently being undertaken. The proposed Home Industry regulations in the new Zoning Bylaw, which are supported by policies in the Cherry Creek OCP require a minimum lot size of 2 hectares (5 acres) with a 15m setback from the home industry to adjacent properties. It is important to note that the ACRD zoning bylaw has not been amended to reflect the above home industry suggestions, but staff highlights this to outline the feedback received through community consultation.

Due to the proximity to neighbours, the stated objectives and policies in the Cherry Creek OCP, and the non-compliance with the ACRD zoning bylaw, staff does not support the Non-Farm Use application on this property. Planning staff recommend that the Board of Directors deny forwarding this application to the Agriculture Land Commission.

If this Non-Farm Use application was forwarded to the Agriculture Land Commission, and if the Non-Farm Use was approved, the applicant would need to apply to the ACRD for rezoning and an Official Community Plan amendment.

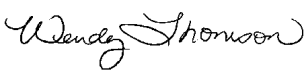
Submitted by:



Heather Adair, Planner/Bylaw Officer

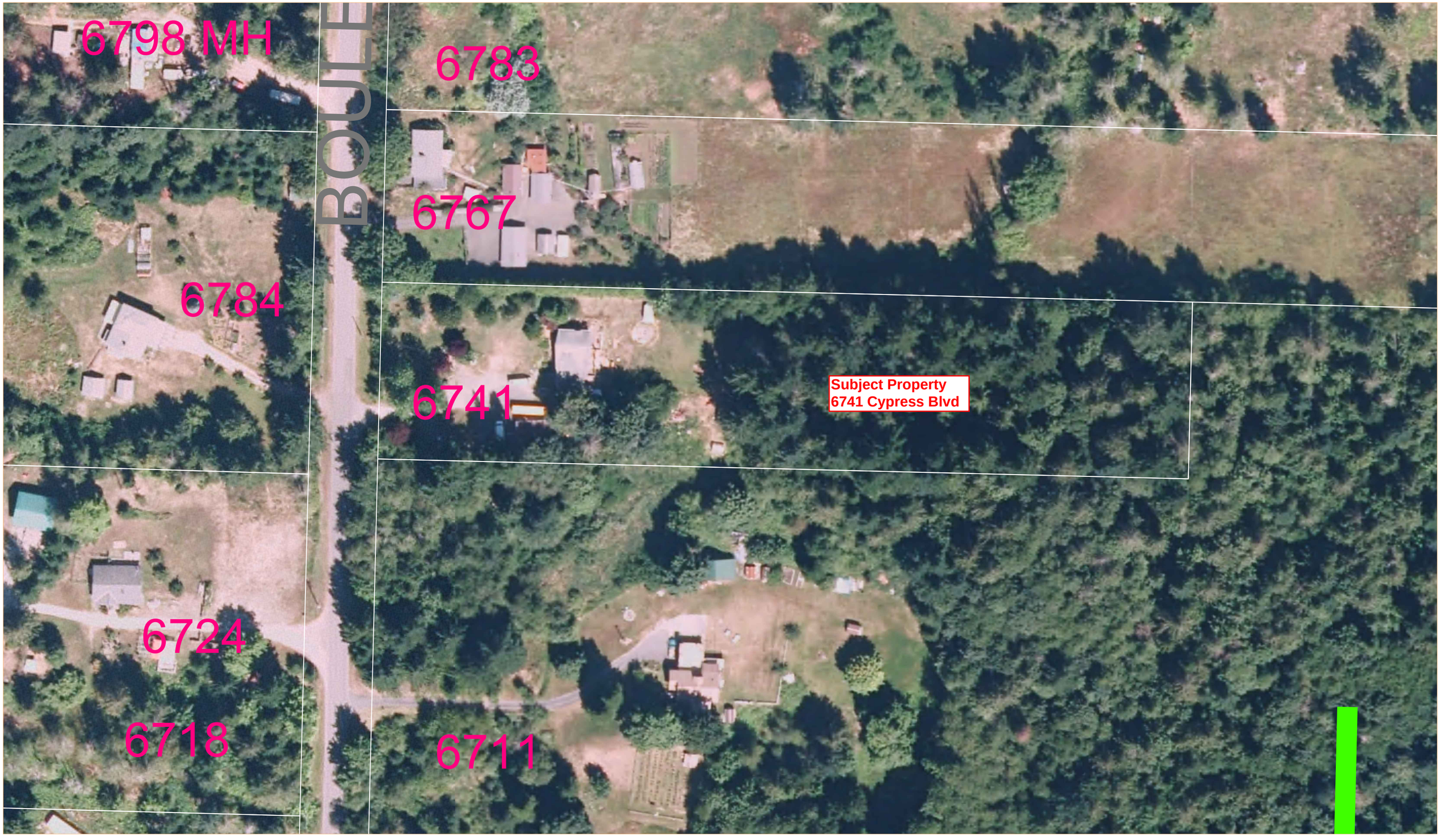
Reviewed by:

Mike Irg, Manager of Planning and Development



Wendy Thomson, Manager of Administrative Services

Bobcat
442


6798 MH
BOULE
6783
6767
6784
6741
Subject Property
6741 Cypress Blvd
6724
6718
6711

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 54658
Application Status: Under LG Review
Applicant: Marina Gaiga , Joe Hawkins
Local Government: Alberni-Clayoquot Regional District
Local Government Date of Receipt: 12/02/2015
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Non-Farm Use
Proposal: To continue to operate a home based business.]Spin Spring 2011 - Spinal Cord Injury BC sci-bc.ca/wp-content/uploads/the-spin-spring-2011.pdf o Cached o Similar Jan 12, 2011 - Meet Port Alberni's Joe Hawkins, diesel mechanic extraordinaire. .... BC Paraplegic Association, 780 SW Marine Drive. Vancouver, British ... Please copy and paste the above link on google search for more information.

Mailing Address:
6741 Cypress Blvd
Port Alberni, BC
V9Y 8T7
Canada
Primary Phone: (250) 730-2206
Mobile Phone: (250) 735-1466
Email: marina@alberniislandshuttle.com

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
   Parcel Identifier: 004-882-733
   Legal Description: lot 1, plan 11820, District Lot 103, Alberni Land District
   Parcel Area: 0.1 ha
   Civic Address:
   Date of Purchase: 02/01/2001
   Farm Classification: Yes
   Owners
   1. **Name:** Marina Gaiga
      Address:
      6741 Cypress Blvd
      Port Alberni, BC
      V9Y 8T7
      Canada
      Phone: (250) 735-1466
      Email: marina@alberniislandshuttle.com
   2. **Name:** Joe Hawkins
      Address:
      6741 Cypress Blvd
      Port Alberni, BC
      V9Y 8T7

Canada
Phone: (250) 730-2206
Cell: (250) 735-1466
Email: marina@alberniislandshuttle.com

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
At this time there is no agricultural. Plans of agricultural to raise chickens/livestock and have vegetable gardens in the future.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
A new home/shop has been constructed, a rancher, all wheelchair accessible. There are no agriculture improvements at this time.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
Shop that does mechanical repairs. Parking of two buses.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm
Specify Activity: residental, no farm activity

East

Land Use Type: Agricultural/Farm
Specify Activity: residental, no farm activity

South

Land Use Type: Agricultural/Farm
Specify Activity: residental, no farm activity

West

Land Use Type: Agricultural/Farm
Specify Activity: residental, no farm activity

Proposal

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

2. What is the purpose of the proposal?
To continue to operate a home based business.]Spin Spring 2011 - Spinal Cord Injury BC sci-bc.ca/wp-content/uploads/the-spin-spring-2011.pdf o Cached o Similar Jan 12, 2011 - Meet Port Alberni's Joe Hawkins, diesel mechanic extraordinaire. .... BC Paraplegic Association, 780 SW Marine Drive. Vancouver, British ... Please copy and paste the above link on google search for more information.

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.
No. The financial costs to do so would terminate the businesses. The owner of the repair shop is a paraplegic and the shop was built to accommodate his needs of being at his home. The paraplegic owner needs to be able to work around his disability on a day to day basis. There are two buses parked on the property for the other owner of the property.

4. Does the proposal support agriculture in the short or long term? Please explain.
The proposal supports agriculture in the long term as the mechanic shop continues to repair farm equipment/machinery/vehicles to neighbours in our area and as our future in farming continues to grow, it is an asset to our agricultural community to have a local repair shop in the area. The buses are use to transport fish farmers on a contract to their agricultural sites in the fish farming industry.

Applicant Attachments

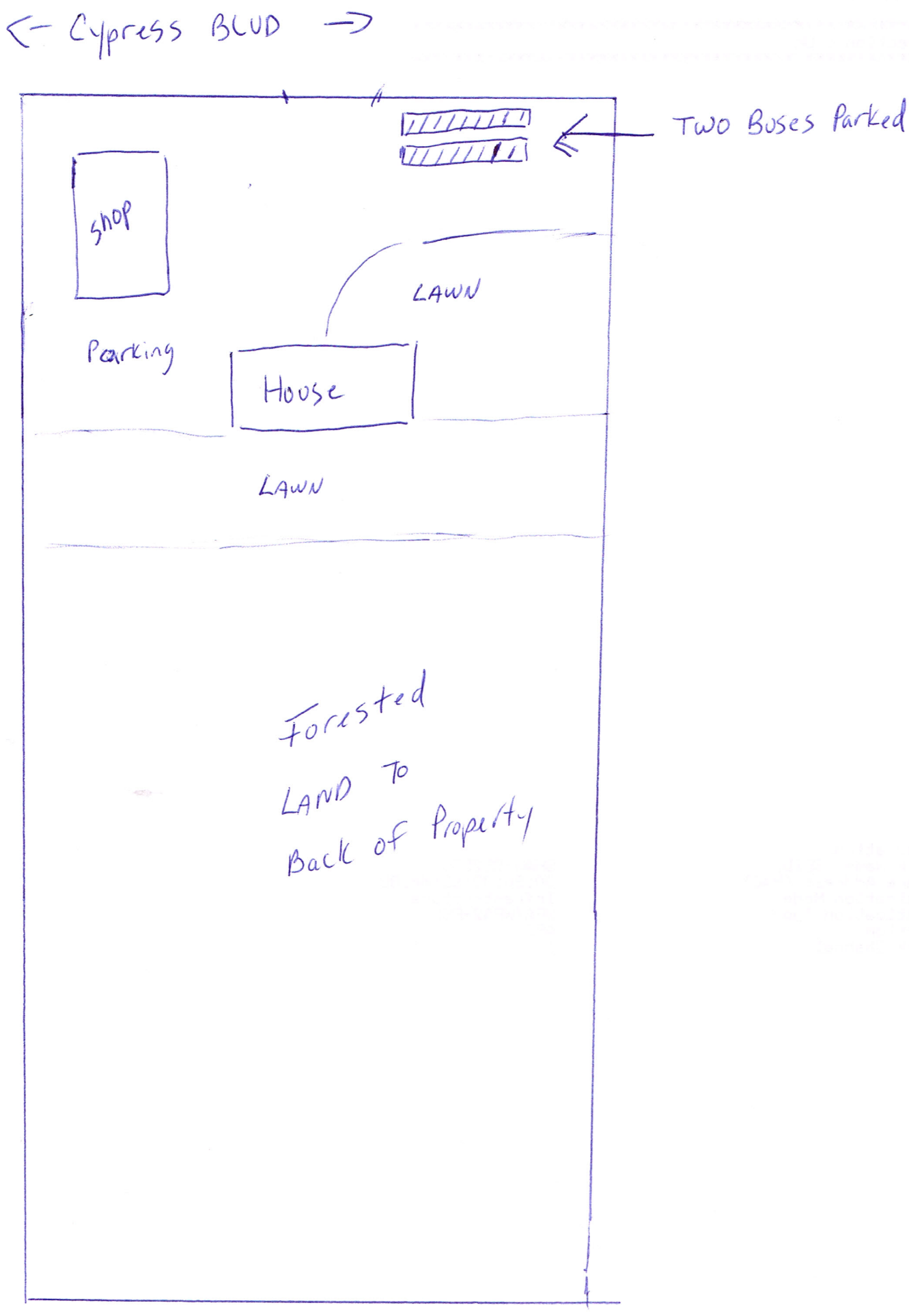
- Proposal Sketch - 54658
- Certificate of Title - 004-882-733

ALC Attachments

None.

Decisions

None.


← Cypress BLVD →
Two Buses Parked
shop
LAWN
Parking
House
LAWN
Forested
LAND To
Back of Property

ALBERNI-CLAYOQUOT REGIONAL DISTRICT

3008 Fifth Avenue, Port Alberni BC, CANADA V9Y 2E3 Telephone (250) 720-2700 Fax (250) 723-1327

Non-Farm Use Application within the Agriculture Land Reserve

To: Russell Dyson, Chief Administrative Officer; and
Regional Board of Directors

Date: March 01, 2016

File No.: AF16001

Owners: Bowerman Excavating Ltd. (Lance Goddard, agent)

Legal Description: LOT 3, DISTRICT LOTS 125, 162G AND 271, ALBERNI DISTRICT, PLAN VIP81247

Location: 725 Franklin River Road

Electoral Area: Area "F" (Cherry Creek)

Recommendation:

THAT the Board of Directors pass a resolution to forward the non-farm use application to the Agricultural Land Commission noting that support of the music festival use is conditional on the approval of a temporary use permit.

Applicant's Intention: The applicant intends to host a music festival with ancillary camping, parking and marshalling grounds on the subject property for a three day event in August. The total festival grounds would encompass +/- 17 ha (43 ac) of the subject property and would include separate stage, camping and parking areas with a ticketing and shuttle bus drop off staging area. The applicant intends to obtain permission from the Agricultural Land Commission to host the event at this site for one weekend per year in the summer over a period of 5 years. The "Five Acre Shaker Music Festival" has previously run for the past two years at a 2 ha (5 ac) site in Beaver Creek.

Observations:

1. **Property Description:** The subject property slopes steeply down from Franklin River Road to a low lying level area where the fields are located and where McFarland Creek

dissects the property. There is a single family dwelling and several outbuildings in the north east portion of the property. The low lying area of the property is primarily developed into pasture that is not currently being actively farmed or utilized. The steeper slopes to the west of the property are forested. There is a gravel extraction and rock crushing operation on the south west and south east portions of the property. A logging road dissects the south west tip of the property.

The music festival would be located in the level pasture area and is split into three separate zones. The ticketing, drop off and parking area would encompass +/- 2 ha (5 ac) at the entrance to the field area at the bottom of the access road. The camping area would encompass +/- 1.5 ha (3.8 ac) to the south of the parking area and to the east of McFarland Creek. The camping area is designed to avoid a low lying marsh area. The event area which includes the stage, food and beverage facilities and games area would encompass +/- 10 ha (25 ac) to the west of McFarland Creek. The area would be accessed over an existing bridge across the creek which will be repaired and improved prior to the event taking place. The festival grounds are designed to avoid any direct impact on McFarland Creek.

2. Provincial soil mapping, which indicates the "land capability for agriculture", shows that the subject property is covered by a number of soil mapping units. The portion of the property under application where the event would be held is classified as follows:

Unimproved soil conditions = **Class 3 LW**
Improved soil conditions = **Class 3 L**

Land Capability Subclass for Organic Soils
L = Degree of Decomposition - Permeability

Land Capability Subclass for Mineral Soils
W= Excess Water

Soil Capability Class and Subclass explanations are as follows:

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

Degree if Decomposition – Permeability – Soil is limited by the degree of decomposition which affects drainage, permeability, capillary rise of water and rate of subsidence. The presence of mineral soil layers may be limiting to optimum crop yield and to drainage.

Excess Water – Soils are limited by excess water, other than from flooding, which limits agricultural use. The excess water may be due to poor drainage, high water tables, seepage, and/or runoff from surrounding areas.

Services:

(a) Sewage Disposal: On-site sewage disposal. There is a single family dwelling on the property serviced by a septic field. The music festival will not employ any on-site sewage disposal and will be entirely serviced by portable toilets pumped throughout the weekend of the event.

(b) Water Supply: The single family dwelling on the property is connected to the City of Port Alberni water system. There is no water access into the field where the event will take place. The applicants will need to provide all the potable water required for the music festival.

(c) Fire Protection: The property is not within a fire protection area. In the event of a fire the applicants would be responsible for any fire suppression themselves. Options for emergency fire suppression may include utilizing water trucks and pumping water from McFarland Creek.

(d) Access: The site is accessed via a shared driveway that dissects the neighbouring property located at 757 Franklin River Road. The access driveway provides access into the field with one bridge crossing McFarland Creek to access the west side of the creek where the music stage and camping areas would be located. The bridge crossing will be repaired and upgraded by the property owner to accommodate the traffic required by the event organizers. There will be no personal vehicle access over the bridge for attendees during the event.

There is another road access into the south end of the property where the gravel pit is located. This access is gated and traverses through the neighbouring privately owned forest resource land to the south of the property.

3. Existing Planning Documents Affecting the Site:

A. **Agricultural Land Reserve**: Approximately 40 ha (99 ac) of the total 69.5 ha (172 ac) lies within the Agricultural Land Reserve. The portion of the property lying within the ALR encompasses almost the entirety of the level, low lying areas including the field area where the music festival would take place.

The *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* designates permitted uses within the ALR and a non-farm use application is required to allow any use not allowed by the legislation. This non-farm use application is required to allow the music festival on the subject property.

B. **Official Community Plan**: The Cherry Creek OCP designates the property as Resource Use. The OCP supports forestry, agriculture, aquaculture, public and private utilities and communications uses on lands designated as Resource Use. The music festival does not comply with the Resource Use designation in the Cherry Creek OCP. Policy 3.2.12 of the OCP allows for temporary permits to be considered within all land use designations. The proponents are applying for a

temporary use permit to allow for the music festival to take place on the subject property.

No Development Permit will be required for the event provided that no permanent buildings are constructed and no land clearing or land alteration takes place specific to hosting the music festival.

C. **Zoning:** The property is split zoned Forest Rural (A3) District and Forest Reserve (A4) District. The A4 zoned portion of the property is +/- 17 ha (43 ac) in area and located on the south west corner of the property on the south side of the logging road that dissects the parcel. The A3 zoned portion is the remainder of the property lying to the north of the logging road amounting to +/- 52.5 ha (129 ac) of land. The music festival would be located on the portion of the property encompassed by the Forest Rural (A3) District zoning. A music festival is not a permitted use in the A3 District.

Section 493 of the *Local Government Act* allows the Regional District to issue a temporary use permit, by resolution, in areas that are designated in an Official Community Plan. A temporary use permit may allow for a use not permitted under the Zoning Bylaw and specify conditions under which the temporary use must be carried.

Where a temporary use permit is designated in an OCP, the Regional District must give notice in accordance with the requirements of the *Act* which includes notifying the neighbouring property owners and tenants, and publishing a notice in a local newspaper.

The temporary use permit is an application made to the Regional District and is a separate process from the non-farm use application to the Agricultural Land Commission. Aside from ALC approval, there are a number of issues that will need to be resolved in the temporary use permit before planning staff will support the music festival taking place at this location. These may include, but are not limited to, the following:

1) Approval from the Agricultural Land Commission
2) Protection of land during event and restoration of land post event
3) Geotechnical capability for the soil to suitably accommodate the event
4) Total event capacity including tickets, camping and parking
5) Special event liability insurance
6) Access and egress to and from the site
7) Fire protection
8) First aid and emergency medical facilities
9) Security and fencing
10) Water supply – both potable water and water for fire suppression

11) Sanitary Facilities
12) Liquor and food vendor licensing
13) Garbage, recycling, wastewater collection and removal
14) Power to service the festival grounds where required
15) Lighting
16) Noise control

Written support and/or approval will be sought from a number of affected agencies including the Ministry of Transportation with respect to access/egress, Ministry of Health with respect to public health, RCMP with respect to security and the Liquor Control and Licensing Branch.

The proponents are finalizing the details of their temporary use permit application. The non-farm use application is the first step in the approval process for the event to locate at this property.

History:

1. The Agricultural Land Commission (ALC) considered an application from the previous property owner in 2000 to allow gravel extraction on a 5.25 hectare (12.9 acre) portion of the property in the south east. The gravel extraction and reclamation "to enhance the agricultural capability of the property" was approved by the ALC by Resolution #330/2000. This area is located where the current gravel pit is operated on the south east portion of the property. The rock quarrying operation has since expanded into non-ALR land in the south west portion of the property.

2. The 69.5 ha (172 ac) subject property was created by subdivision in 2006 when three adjoining parent parcels amounting to a total of 98.49 ha (243 ac) were subdivided into four lots. The four lot subdivision resulted in two vacant lots created to the north of the subject property – one being 13.3 ha (32.8 ac) and the other being 14.7 ha (36.3 ac) – and one lot being 1.87 ha (4.6 ac) in size containing an existing single family dwelling to the east of the subject property. Historically the parent parcels formed the Port Potato Farm properties where potatoes and other crops were cultivated on up to 120+ acres from the 1950s to the early 2000s. Since commercial potato cultivation ceased operation the fields have been primarily left for pasture with intermittent hay crops and domestic cattle and horses.

Comments:

1. There are a number of factors that need to be resolved or accommodated to host a safe and suitable music festival at this site. Many of these issues are listed previously in this report and will need to be resolved prior to final approval of the temporary use permit to allow the event at this property. The issues that directly relate to the agricultural capability, and the impact that the proposed non-farm use will have on the agricultural

viability at this site, are discussed in this report. Approval of the non-farm use application is ultimately decided upon by the Agricultural Land Commission should the ACRD Board choose to forward the application for their consideration.

2. From the perspective of planning staff, the protection of agricultural land during the event and restoration of land after the event are the primary issues with this non-farm use application. The applicants have committed to the following to mitigate the effects the festival will have on the agricultural property:
    a. Shuttle buses will be utilized by organizers, with off-site parking located in the City, to minimize the number of vehicles parking at the site in order to reduce soil compaction.
    b. No permanent structures, roads or paved surfaces will be built on site.
    c. An environmental fee will be included with the ticket price which will be utilized after the event is complete to help condition the soil.
    d. The layout of the event will be switched each year to allow heavily used portions of the property to naturally regenerate porosity.
    e. Spill containment trays will be placed underneath all generators, fuel processing equipment and fuel storage areas to ensure no spilled liquids enter the environment.
    f. Portable toilets will be used on site and pumped out throughout the event weekend.
    g. Garbage and recycling bins will be made available at the site and a "green team" will be established to maintain the bins, pick up litter and generally monitor the site. All solid waste will be hauled away immediately following the event.
    h. The applicants will submit a post event report to the ALC no later than 90 days following the event to report on the site condition and measures put in place to condition the land post event.

3. Given the planning completed by the organizers of this event to mitigate any impact on the ongoing viability of agricultural land at this site and the minimal impact of hosting the festival over one three day summer weekend per year, planning staff supports this application being forwarded to the Agricultural Land Commission for their consideration.

Submitted by: Alex Dyer

Alex Dyer, Planner

Reviewed by: Wendy Thomson

Wendy Thomson, Manager of Administrative Services

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 54935
Application Status: Under LG Review
Applicant: BOWERMAN EXCAVATING LTD.,INC.NO.BC060B910
Agent: Lance Goddard
Local Government: Alberni-Clayoquot Regional District
Local Government Date of Receipt: 02/22/2016
ALC Date of Receipt: This application has not been submitted to ALC yet.
Proposal Type: Non-Farm Use
Proposal: The purpose of this proposal is to have the ALC consider issuing a 5 year permit to host a music festival and camping area on the above stated parcel. The music festival will be a three day event in August and will be the only use of the field for the entire year. The field area is not currently being used for any agricultural purposes and the owner has no intention of using the property for agricultural in the future. Since we are applying for a permit on a property within the ALR we feel it is or due diligence as event promoters that we put procedures in place to mitigate the effects a festival can have on agricultural property. Below are some procedures we are committed to put in place to insure as little impact to the land as possible. Soil: -Shuttle buses will be put in place by the organizers to reduce vehicles on site in order to reduce soil compaction. -No permanent structures/roads/paving will be built on the site. -An environmental fee will be added to the ticket price. After the event is complete organizers will use the environmental fee to help condition the soil. -Each year the organizers will switch the layout of the festival. This will allow the sections that were heavily used the previous year to regenerate porosity. -Spill containment trays will be placed underneath every generator and under any fuel processing equipment as well as underneath stored fuel to ensure there are no spilled liquids going onto the ground. Waste Management -Porta potties will be on site and will be serviced by a pumper truck throughout the weekend. -Ample garbage and recycling bins will be available. The organizers will establish a green team that will maintain garbage and recycle bins, do litter picks and monitor porta potties and hand wash stations. -A roll of bin will be delivered to the site prior to the event starting and waste will hauled away after the event. -A post event report will be submitted to the ALC no later than 90 days after the event and will report on the site condition post event as well as measures put in place to condition the land post event.

Agent Information

Agent: Lance Goddard
Mailing Address:
5771 Beaver Creek Road
Port Alberni, BC
V9Y 8X5
Canada
Primary Phone: (250) 720-6781
Mobile Phone: (250) 266-0487
Email: lancegoddard@shaw.ca

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
   Parcel Identifier: 026-808-471
   Legal Description: LOT 3, DISTRICT LOTS 125, 162G AND 271, ALBERNI DISTRICT, PLAN VIP81247
   Parcel Area: 71.2 ha
   Civic Address: 725 Franklin River Rd, Port Alberni, BC V9Y V0R
   Date of Purchase: 10/25/2007
   Farm Classification: No
   Owners
   1. **Name:** BOWERMAN EXCAVATING LTD.,INC.NO.BC060B910
      Address:
      6255 FERGUSON ROAD
      PORT ALBERNI, BC
      V9Y 8L4
      Canada
      Phone: (250) 723-8775
      Email: bowermanexcavating@shaw.ca

Current Use of Parcels Under Application

1. Quantify and describe in detail all agriculture that currently takes place on the parcel(s).
Not all the land in this parcel is under the ALR. The section of land that is within the ALR is 100% hay.

2. Quantify and describe in detail all agricultural improvements made to the parcel(s).
There have been no agricultural improvements in the past 10 years.

3. Quantify and describe all non-agricultural uses that currently take place on the parcel(s).
On the south end of the parcel there is active rock quarry. The rock quarry is not within the ALR

Adjacent Land Uses

North

Land Use Type: Residential
Specify Activity: Residential non farm status with 2 STY house standard

East

Land Use Type: Other
Specify Activity: Forest Resource - Logging Roads and Bridge

South

Land Use Type: Other
Specify Activity: Resource Use- Rock Quarry and privately managed forest resource

West

Land Use Type: Other
Specify Activity: Forest Resource- Privately managed Forest Resource

Proposal

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

2. What is the purpose of the proposal?
The purpose of this proposal is to have the ALC consider issuing a 5 year permit to host a music festival and camping area on the above stated parcel. The music festival will be a three day event in August and will be the only use of the field for the entire year. The field area is not currently being used for any agricultural purposes and the owner has no intention of using the property for agricultural in the future. Since we are applying for a permit on a property within the ALR we feel it is or due diligence as event promoters that we put procedures in place to mitigate the effects a festival can have on agricultural property. Below are some procedures we are committed to put in place to insure as little impact to the land as possible. Soil: -Shuttle buses will be put in place by the organizers to reduce vehicles on site in order to reduce soil compaction. -No permanent structures/roads/paving will be built on the site. -An environmental fee will be added to the ticket price. After the event is complete organizers will use the environmental fee to help condition the soil. -Each year the organizers will switch the layout of the festival. This will allow the sections that were heavily used the previous year to regenerate porosity. -Spill containment trays will be placed underneath every generator and under any fuel processing equipment as well as underneath stored fuel to ensure there are no spilled liquids going onto the ground. Waste Management -Porta potties will be on site and will be serviced by a pumper truck throughout the weekend. -Ample garbage and recycling bins will be available. The organizers will establish a green team that will maintain garbage and recycle bins, do litter picks and monitor porta potties and hand wash stations. -A roll of bin will be delivered to the site prior to the event starting and waste will hauled away after the event. -A post event report will be submitted to the ALC no later than 90 days after the event and will report on the site condition post event as well as measures put in place to condition the land post event.

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.
Given the nature of music festivals there are a lot of considerations to be made when finding an adequate location. Impact on the land, noise, safety, fire and overall health and safety of those attending the event and those who live around the event are some examples of the considerations. In order to run a safe even the location must be in an area that can be accessed by emergency response equipment such as fire trucks and ambulances. The location must also be out of city limits enough so not to expose many homes that live on small residential lots. Furthermore, the property must be an adequate size to that allows participants to access and egress in a safe manner. The proposed parcel is able to meet all the health and safety requirements and through diligent planning we can work with the land to insure it maintained to an agricultural standard.

4. Does the proposal support agriculture in the short or long term? Please explain.
No, however we are committed to working with the ALC and all governing bodies to put systems in place to mitigate any negative effect a music festival could have on the land. We also are committed to giving back to the land through an environmental fee that each user will pay that will allow us to help support the agricultural capacity of the parcel.

Applicant Attachments

- Agent Agreement - Lance Goddard
- Proposal Sketch - 54935
- Site Photo - 360 Panoramic of property
- Certificate of Title - 026-808-471

I (we) Bowerman Excavating Ltd.
Printed/typed name(s) of landowner(s)

hereby appoint LANCE GODDARD 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 3, DISTRICT LOTS 125, 162G AND 271, ALBERNI DISTRICT, PLAN VIP81247

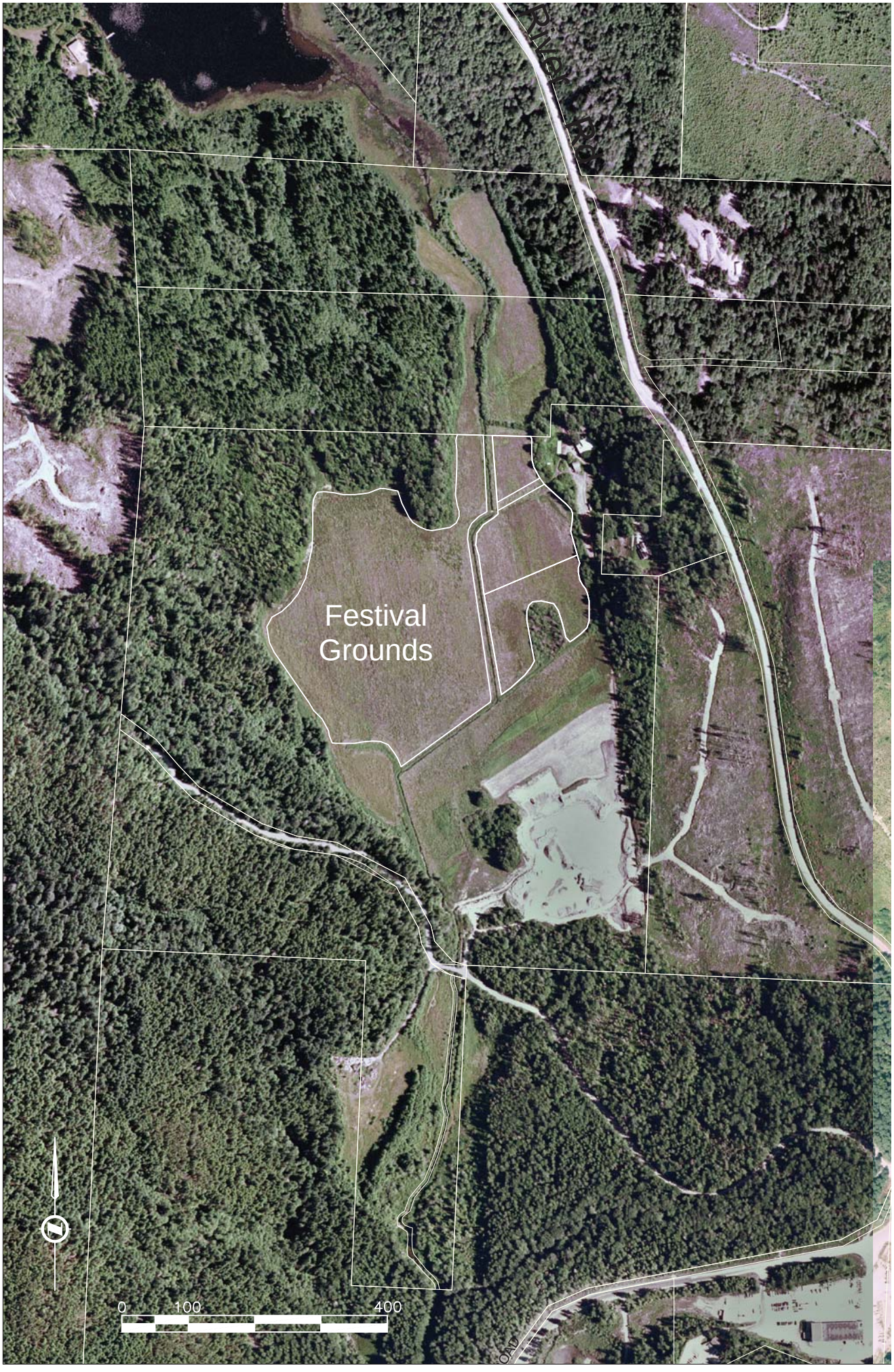
I LANCE GODDARD understand that as
Printed/typed name of agent

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

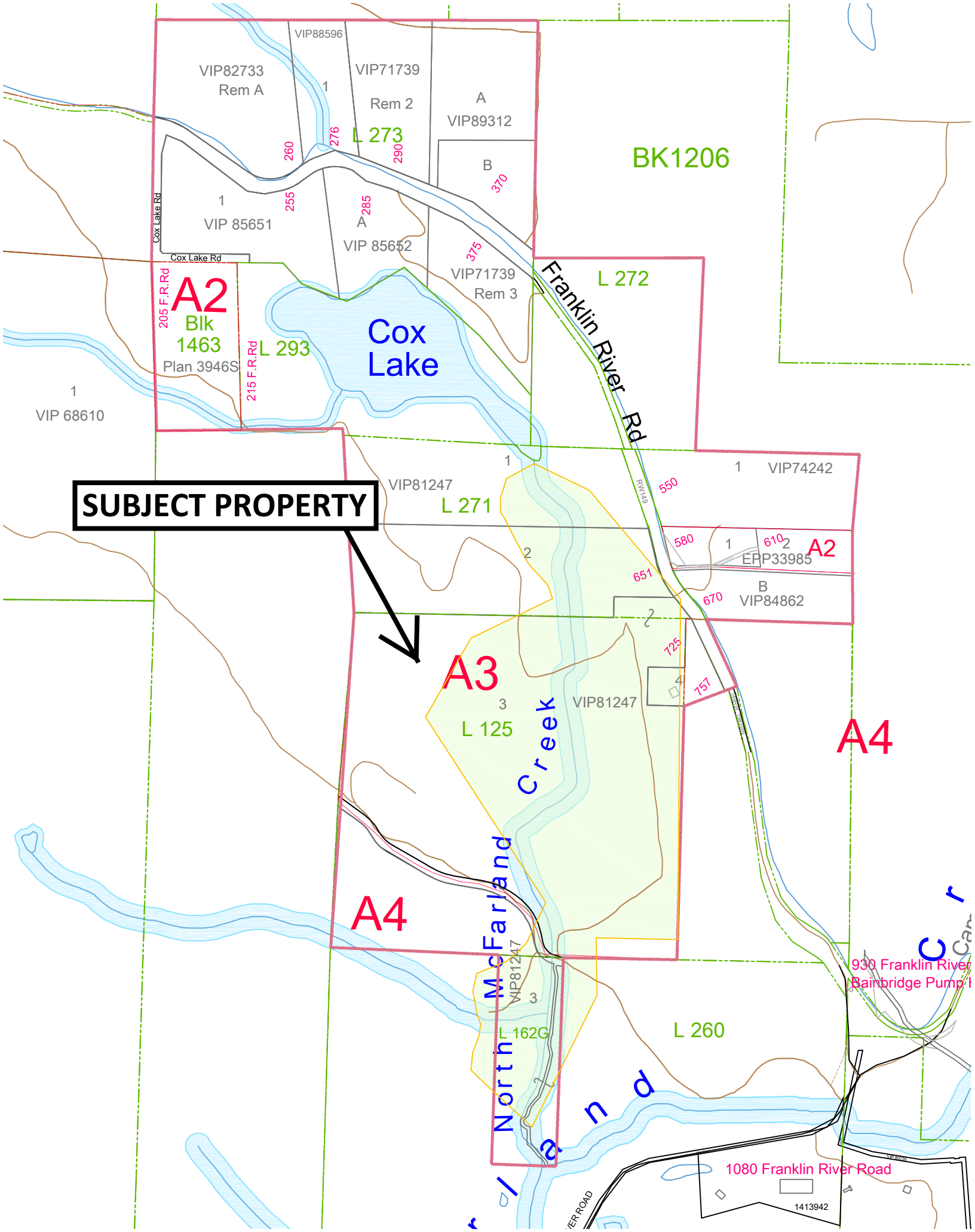
Signature(s) of landowner(s):

C. Bowerman	Craig Bowerman	Feb 18/2016
Signature	Printed Name	Date
[signature]	LANCE GODDARD	FEB 18/2016
Signature	Printed Name	Date

Ticketing & Shuttle
Round About
Stage
Entry Point
Water Truck
Access & Egress
Smoking Area
Games Area
Water Truck
Parking Area
16800m²
Port-A-Potties
Water Truck
Beer Gardens
Food Vendors
Smoking Area
First Aid Trailer
Event Area
106386.34 m²
Port-A-Potties
Smoking Area
Camping A
15200m2


Festival
Grounds
0
100
400

Festival
Grounds
0
20
80


SUBJECT PROPERTY
VIP82733
Rem A
VIP88596
VIP71739
Rem 2
L 273
A
VIP89312
B
BK1206
1
VIP 85651
A
VIP 85652
Cox Lake Rd
Cox Lake Rd
A2
Blk
1463
Plan 3946S
205 F.R.Rd
215 F.R.Rd
L 293
Cox
Lake
VIP71739
Rem 3
L 272
Franklin River Rd
1
VIP 68610
VIP81247
L 271
1
VIP74242
A2
EPP33985
B
VIP84862
A3
3
L 125
VIP81247
Creek
McFarland
North
A4
A4
VIP81247
3
L 162G
L 260
930 Franklin River
Bainbridge Pump
1080 Franklin River Road
1413942
260
276
290
255
285
370
375
550
580
610
651
670
725
757