

DATE OF MEETING APRIL 29, 2024

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SUBJECT KEEPING OF POULTRY IN RESIDENTIAL AREAS

OVERVIEW

Purpose of Report

To present to the Governance and Priorities Committee information on existing regulations for the keeping of poultry on residential properties within the City of Nanaimo and considerations for potential bylaw amendments to support the City's goals of food security.

Recommendation

That the Governance and Priorities Committee recommend that Council direct Staff to prepare amendments to the City of Nanaimo "Zoning Bylaw 2011 No. 4500", as outlined in the Staff Report dated 2024-APR-29.

BACKGROUND

The City has received several inquiries regarding the applicable bylaw regulations for the keeping of poultry on residential properties within the City of Nanaimo. Since the adoption of the "Animal Responsibility Bylaw 2021 No. 7316" (Animal Responsibility Bylaw) in 2021, the City has received an increased number of calls for service relating to poultry. Residents have expressed concerns about potential transmission of disease, noise, odours, living conditions and the keeping of poultry on residential lots contrary to regulations (e.g. exceeding the maximum allowable poultry that may be kept for household food production).

At their meeting on 2023-SEP-25, Council passed a motion to direct Staff to:

"complete a review of the provisions of the Animal Control Bylaw and the Zoning Bylaw that regulate the keeping of poultry on large residential properties and provide options to further support the City's goals of food security."

The following report provides an overview of the applicable bylaw regulations, opportunities to further clarify the regulations, and a discussion of the considerations for keeping poultry in residential areas.

History of the Keeping of Poultry Regulations

Prior to 2021-SEP-21, the keeping of poultry within the City of Nanaimo was regulated by the "Licensing and Control of Animals Bylaw 1995 No. 4923" (the "Licensing and Control of Animals Bylaw"). In 2010, an amendment to the Licensing and Control of Animals Bylaw (subsection 8(c)) introduced the allowance of keeping household poultry with a maximum of two poultry on residentially zoned lots less than 450m² in size and four poultry on residential lots 450m² or greater but less than 0.4 Hectares / 1 acre (4,047m²). Larger flock sizes were permitted on lots greater

than 0.4 ha / 1 acre provided that the keeping of poultry was ancillary to the residential use and was not a commercial operation.

A further bylaw amendment in 2011 increased the household poultry allowances under subsection 8(c) to a maximum of four poultry on residentially zoned lots less than 450m², and six poultry on lots 450m² or greater but less than 0.4 Hectares / 1 acre (4,047m²). While the keeping of poultry was permitted in accordance with subsection 8(c), the Licensing and Control of Animals Bylaw was silent on the maximum number of poultry permitted on large residential lots over 4,047m².

The regulations were intended to support manageable household flock sizes for residential property owners for their personal consumption. These amendments were made following consultation with the Nanaimo Poultry Collective and introduced the keeping of poultry for household use where commercial agriculture is not permitted. Ungraded harvested eggs are only permitted to be sold to the end user, as per the *Food and Agricultural Products Classification Act*.

The Licensing and Control of Animals Bylaw was replaced on 2021-SEP-21 by “Animal Responsibility Bylaw 2021 No. 7316” (the “Animal Responsibility Bylaw”). The Animal Responsibility Bylaw introduced limits on poultry on large residential lots over 4,000m² to avoid land use conflicts, animal hoarding, and unmanageable flock sizes. This bylaw was introduced after consultation with the BCSPCA and a review of best practices in animal responsibility bylaws.

The Licensing and Control of Animals Bylaw and the Animal Responsibility Bylaw are not land use regulation bylaws, as per the *Local Government Act*. As such, the keeping of poultry under the provisions of the Licensing and Control of Animals Bylaw and the Animal Responsibility Bylaw are not protected under Section 528 *Local Government Act* (*non-conforming uses*).

Current Provisions of the Animal Responsibility Bylaw & Zoning Bylaw

The Zoning Bylaw and the Animal Responsibility Bylaw act jointly to regulate the keeping of poultry within the City. The Zoning Bylaw determines which residential properties are permitted to keep poultry, based on current zoning and lot size. The Animal Responsibility Bylaw regulates the number of poultry animals permitted on a lot, as follows:

Zoning	Lot Size	Permitted Poultry Animals
R1/R1a/R1b, R2 – R15	Less than 450m ²	4
	Greater than 450m ² but less than 4000m ²	6
	Greater than 4000m ²	12
AR1 and AR2	Any Lot Size	No Maximum

The keeping of poultry is currently permitted in all Residential zones, however, the keeping of more than 12 poultry birds is limited to where *Agriculture* is a permitted use of the zone. In the Zoning Bylaw, *Agriculture* is a permitted use in the Rural Resource (AR1) zone and Urban Reserve (AR2) zone and defined as the use of land or buildings for the growing, rearing, producing and harvesting of agricultural products, or the raising of livestock, but specifically excludes the processing of livestock. Current and previous Zoning Bylaws have not permitted *Agriculture* use on residentially zoned lots. In order to allow the keeping of poultry beyond the allowances of the applicable bylaws, a Temporary Use Permit could be considered by Council.

Additional provisions within the Animal Responsibility Bylaw speak to the restrictions on the keeping of roosters, minimum enclosure requirements, and health and environmental regulations. The enforcement of the provisions for the keeping of poultry is currently delivered through a contract with Nanaimo Animal Control Services Ltd.

Food Security Policies

Food security is a policy topic area identified in City Plan (2022). The protection and enhancement of the capacity of the region to produce and process food is also a goal set in the Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615 (the Regional Growth Strategy), as set out below:

Policy Document	Relevant Policy
<i>Regional Growth Strategy</i>	8.8 - Encourage urban agriculture initiatives and support activities and programs that increase awareness of local food production within the region.
<i>City Plan</i>	<p>C3.4.1 - Support and continue to advocate for food sovereignty and nutrition security for all residents.</p> <p>C3.4.3 - Support efforts and environments to address barriers to accessing safe, affordable, nutritious, and culturally appropriate food for all residents, and to educate and promote awareness of the relationship between food systems, health, and community impacts.</p> <p>C3.4.4 - Support efforts to educate and promote awareness of the relationship between food production, health, and community impacts.</p> <p>D4.8 - Allows for agricultural uses in the Resource Management designation.</p>

The relevant policies, as outlined in City Plan, support household self-sufficiency by encouraging access to nourishing food for all residents, promoting education, and creating equitable and sustainable food systems. In accordance with City Plan policy, intensive food production activities in the form of commercial agriculture are envisioned to occur on large rural properties outside of the Urban Containment Boundary, while residential lands within the City boundary are primarily intended to supply housing.

Small flocks that are intended for household self-sufficiency are not critical to community food security. Community food security is intended to be addressed through commercial agriculture operations located in rural areas on lands zoned to allow agriculture and designated Resource Management in City Plan, and as supported by the Regional Growth Strategy. It is understood that there are approximately 200,000 laying hens within nine commercial agricultural operations on Vancouver Island, which addresses community food security (BC Egg).

DISCUSSION

While there are many benefits to the keeping of poultry, such as household self-sufficiency, opportunities for education on food production, and small-scale husbandry practices, the proper care and maintenance of poultry raises many considerations for property owners. The following section summarizes Staff's review of 1) opportunities to increase the maximum allowable poultry on large residential lots, 2) reducing the number of poultry permitted on large residential lots; and, 3) maintaining the existing regulations with suggested revisions for clarity.

Increasing Allowable Poultry

Increasing the maximum allowable poultry (more than twelve) on large residential lots could allow increased food production with flexibility on flock size. Consideration would need to be given to how many poultry would be appropriate for a given lot size. Staff have undertaken a cursory review of regulations in similar-sized municipalities. Staff note that in most cases, Nanaimo's regulations are similar to, or more permissive than, comparable jurisdictions (see Attachment A).

It is important to consider how increased flock sizes may also create more land use conflicts between residentially zoned properties and those practicing husbandry. Increasing the number of poultry on large residential lots may create unmanageable flock sizes making it difficult, in some instances, to provide the minimum standard of nutrition, sanitation, and veterinary care. This includes increased odours, noise, and the attraction of pests and predators in urban areas.

Discussions between Staff and BC Egg, the organization that oversees and manages British Columbia's egg farming industry, noted further concerns with poultry in urban areas, including the ease of the spread of disease among neighbouring flocks, lack of appropriate mechanism for the disposal of waste, and inappropriate end of productive-life care for hens beyond their egg-producing years.

Small personal flocks are not inspected by BC Egg or the Canadian Food Inspection Agency and if improperly managed, could pose a risk to nearby commercial poultry operations through the spread of disease, resulting in the cease of egg production intended for community food security.

Should the Governance and Priorities Committee wish to expand the keeping of poultry provisions, these risks should be strongly considered, and further review and consultation would be needed to determine an appropriate household flock size beyond twelve poultry for large residential lots.

Reducing Allowable Poultry

Staff also considered reducing the maximum allowable poultry on large residential lots as a way to address land use conflicts and complaints received by the City regarding the keeping of poultry on large residential lots contrary to regulations. This approach may be considered overly restrictive and limiting of the opportunities for household food security and educational opportunities.

Maintain Existing Regulations with Revisions for Clarity

The continuation of existing practices of limiting the number of poultry on large residential lots, paired with health and environmental regulations of the Animal Responsibility Bylaw, reinforces

community and household food security by protecting flocks of all sizes from the spread of disease and maintaining appropriate flock sizes for residential properties.

Presently, the definition of *Agriculture* in the Zoning Bylaw does not speak to poultry and definitions for *Livestock* and *Poultry* exist only in the Animal Responsibility Bylaw. To provide clarity to the existing regulations and ensure consistency between the Animal Responsibility Bylaw and the Zoning Bylaw, Staff recommend the following minor amendments to the Zoning Bylaw to pursue the City's goals of food security and clarify the intent of the existing regulations for the keeping of poultry in residential areas:

1. Amend the existing definition of **Agriculture** in the Zoning Bylaw.
 - a. Add the term *poultry* to the definition of Agriculture, to be read as follows:

AGRICULTURE - means the use of land or buildings for the growing, rearing, producing and harvesting of agricultural products, or the raising of livestock **or poultry**, but specifically excludes the processing of livestock **or poultry**. Agriculture includes the processing of crops grown on the land, the storage and repair of farm equipment used on the land, horticulture, nurseries and commercial greenhouses, and sale on the land of agricultural products produced on the land. In the context of this bylaw, agriculture also means aquaculture, horticulture, and silviculture.

Rationale: To provide clarity that the keeping of poultry is permitted on lots that are zoned to allow *Agriculture* as a permitted use.

2. Include a definition of *Livestock* and/or *Poultry* in the Zoning Bylaw.
 - a. Add the term Livestock and Poultry to the Zoning Bylaw to match the Animal Responsibility Bylaw, to be read as follows:

LIVESTOCK - means an Animal normally raised or kept for food, milk or for wool or fiber, or a beast of burden, and includes, but is not limited to, alpaca, cows, donkeys, emus, goats, horses, llamas, mules, ostriches, sheep, or swine, including miniature pigs, and all other animals that are solely used for agricultural purposes.

POULTRY - means any bird normally raised for food or egg production, and without limiting the generality of the foregoing includes: hens or pullets, rooster or cockerels, ducks, geese, turkeys, artificially reared grouse, partridge, quail, pigeons, pheasant, rock doves, quail or ptarmigan.

Rationale: To provide clarity to which animals are permitted under Agriculture use and to better align with the Animal Responsibility Bylaw.

The above recommendations are intended to clarify the existing regulations for the keeping of poultry within the City. This approach reinforces City Plan policy and maintains an opportunity for residential property owners to achieve household food security.

OPTIONS

1. That the Governance and Priorities Committee recommend that Council direct Staff to prepare amendments to the City of Nanaimo “Zoning Bylaw 2011 No. 4500”, as outlined in the Staff Report dated 2024-APR-29.
 - The advantages of this option: Minor amendments to the Zoning Bylaw will provide further clarity on the intention of the keeping of poultry regulations that were introduced in 2021 through the adoption of the Animal Responsibility Bylaw. The amendment reinforce City Plan policy and maintain an opportunity for residential property owners to achieve household food security.
 - The disadvantages of this option: None identified.
 - Financial implications: None identified.
2. That the Governance and Priorities Committee provide alternative direction. |

SUMMARY POINTS

- Staff and members of Council have received several inquiries regarding the applicable bylaw regulations for the keeping of poultry on residential properties.
- The keeping of poultry beyond the allowances of the Animal Responsibility Bylaw is reserved for properties that are permitted to have commercial agriculture operations in the AR1 and AR2 zones.
- Nanaimo’s regulations for the keeping of poultry are similar to or more permissive than comparable jurisdictions.

ATTACHMENTS

ATTACHMENT A: Municipal Comparison

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Concurrence by:

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