

Memo

File: 3110-20/ALR 2C 21

DATE: August 24, 2021

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services

RE: Agricultural Land Reserve Non-Adhering Residential Use
7912 Island Highway North (Fox)
Lot 2, Sections 31 and 32, Township 6 and Block 29, Comox District, Plan 5183,
PID 005-950-066

An application (Appendix A) has been received to consider a Non-Adhering Residential Use within the Agricultural Land Reserve (ALR). The Agricultural Advisory Planning Commission is to provide the Comox Valley Regional District (CVRD) Board with comments and recommendations concerning the application. The CVRD Board will have the option to forward the application to the Agricultural Land Commission (the Commission) with comments and recommendations or refuse the application.

The subject property is a 10 hectare lot located in Black Creek (Figures 1 and 2). The property is developed with a house and several farm buildings, and has farm status under the *Assessment Act*. The owner is seeking to (1) construct a new house while living in the old house, and (2) keep the old house as a second dwelling on the lot.

Canada Land Inventory

According to the Canada Land Inventory, the land at the front of the lot has an improved soil class of 3PA(80%):3PD(20%) while the mid and rear portions of the lot are class 2 (Figure 3) with various limitations. Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass A refers to a limitation due to soil moisture deficiency; subclass P a limitation due to stoniness; T topography; C an adverse climate; D an undesirable soil structure and/or low perviousness; and W excess water.

Agricultural Land Reserve

The *Agricultural Land Commission Act* and ALR Regulations currently allow each lot within the ALR to have a residential density of one house. The Ministry of Agriculture, Food and Fisheries released new regulations that will come into force on December 31, 2021, addressing additional residences. The new regulations will remove the requirement for Agricultural Land Commission approval on secondary residences that are under 90 square metres. Because the floor area of the old house which the applicant is seeking to retain is 160 square metres, this application is required.

Official Community Plan

The property is designated Agricultural Areas within the Official Community Plan, Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”. Concerning residential construction within this designation, Section 59:

- Encourages minimizing the residential impact on arable farm land by dwelling units and related residential infrastructure;
- Limits the area of construction and landscaping for a dwelling involving the placement of fill or removal of soil to 0.2 hectares;
- Limits the amount of fill or soil removed for the construction of a driveway to 320 metres cubed/16.0 hectares where it can be demonstrated that the driveway cannot be accommodated within the 0.2 hectares building area; and
- Encourages owners to locate and group buildings, including dwellings, to preserve contiguous tracts of land and to consider the long term agricultural potential of the land, avoiding arable soils, avoiding long driveways, the siting of buildings deep into the property, and limiting the size of development by keeping the footprint of dwelling units small so that greater separation between dwelling units can be achieved.

The applicant intends to locate the new house in the front one hectare of the lot, grouped with the other buildings. It will involve extending the existing driveway, which is currently approximately 100 metres by an additional 30 metres across the lot.

Zoning Bylaw

The property is zoned Rural ALR in Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”. The zone limits residential density to one single detached dwelling and one secondary suite plus additional dwelling units where the additional dwelling units are specifically permitted under the *Agricultural Land Commission Act*, regulations and orders. Therefore, approval of this application is required for the proposal to proceed.

Sincerely,

A. Mullaly

Alana Mullaly, RPP, MCIP
General Manager of Planning and Development Services

/jm

Attachments Appendix A – ALR 2C 21 Application

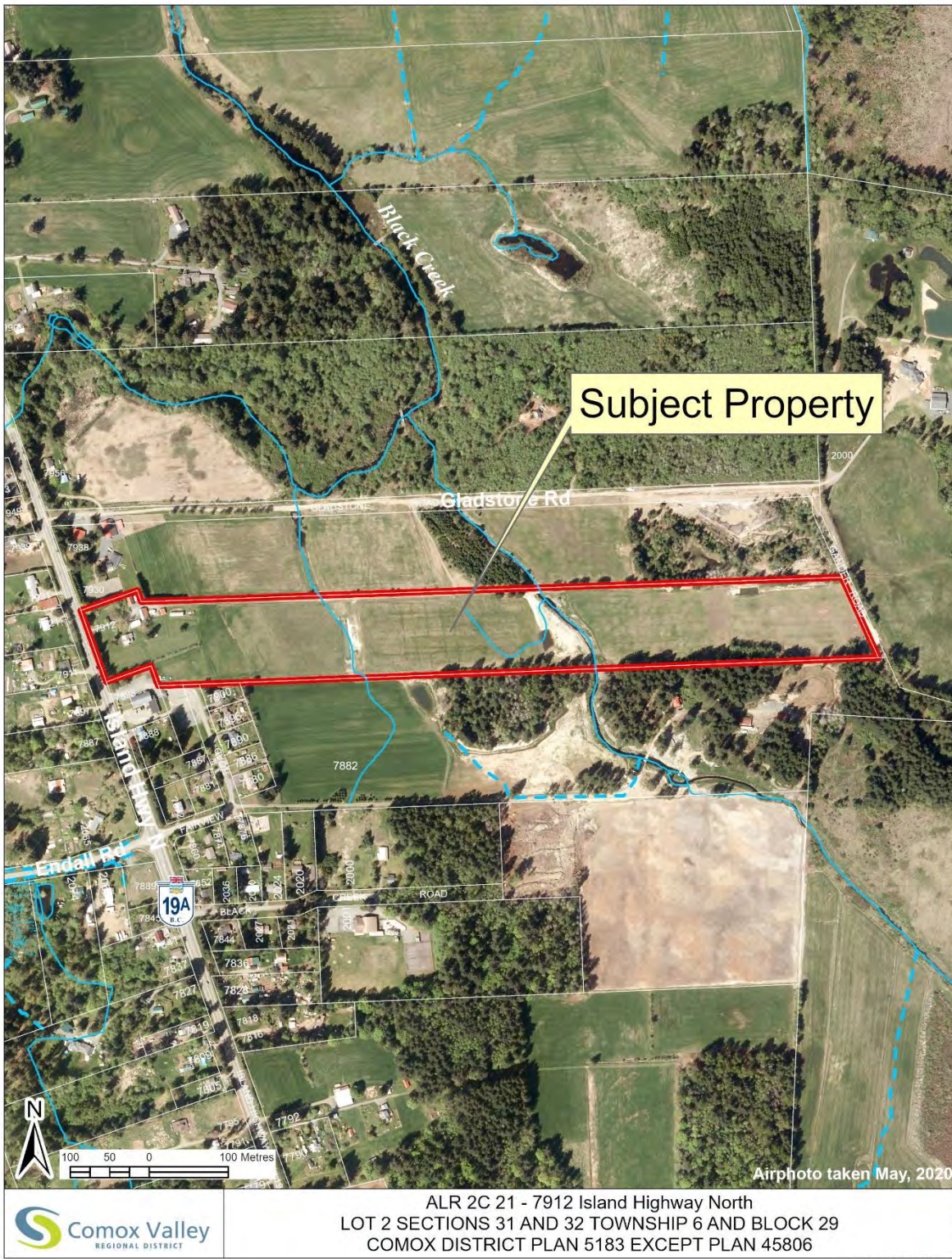


Figure 2: Air photo

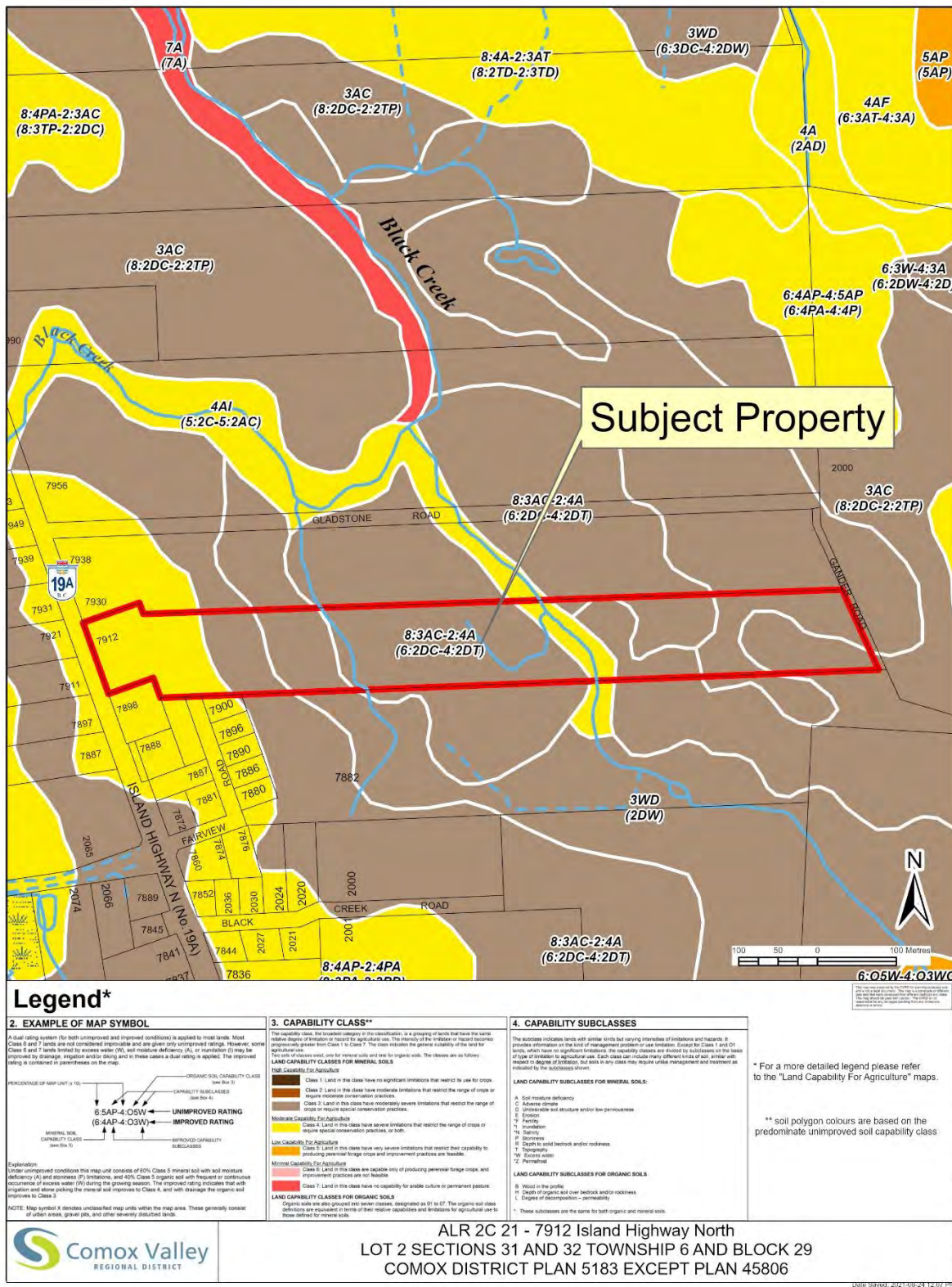


Figure 3: CLI Soil Classification

Provincial Agricultural Land Commission - Applicant Submission

Application ID: 63587

Application Status: Under LG Review

Applicant: Matthew Fox

Local Government: Comox Valley Regional District

Local Government Date of Receipt: 07/23/2021

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: We would like to build a larger house that our family will fit in a little further back from the highway but still keep the smaller older house for family, and future use as we grow the farm.

Mailing Address:

7912 Island Highway
Black Creek, BC
V9J 1G5
Canada

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 005-950-066

Legal Description: LOT 2, SECTIONS 31 AND 32, TOWNSHIP 6, AND BLOCK 29, COMOX DISTRICT, PLAN 5183 EXCEPT PART IN PLAN 45806

Parcel Area: 9.9 ha

Civic Address: 7912 Island Highway, Black Creek, V9J1G5

Date of Purchase: 06/28/2021

Farm Classification: Yes

Owners

1. **Name:** Matthew Fox

Address:

7912 Island Highway
Black Creek, BC
V9J 1G5
Canada

Current Use of Parcels Under Application

Applicant: Matthew Fox

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

Currently the property has been used for hay by the last owner. It was used for hay this season.

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

I have order (can give receipt) and put a deposit on 800 trees and 250 blue berries plants to put on about 6-8 acres of the land next spring (2022). The rest we will continue to use for hay. We have started small hobby farm with chickens and will add larger animals next year as well.

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

We live on the property with our seven children. We would like to build another home on the property as our main residence and keep the old house.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: Residential and hobby farm

East

Land Use Type: Agricultural/Farm

Specify Activity: Residential and hobby farm

South

Land Use Type: Agricultural/Farm

Specify Activity: Residential and hobby farm

West

Land Use Type: Agricultural/Farm

Specify Activity: Residential and hobby farm

Proposal

1. What is the purpose of the proposal?

We would like to build a larger house that our family will fit in a little further back from the highway but still keep the smaller older house for family, and future use as we grow the farm.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

We have order 800 fruit trees and 250 blueberry plants for next year which in five years or so will require extra help and time (Deposit has been paid and can be sent for proof if needed). We also will continue to hay the other part of the field for potential cows next year and over the years to come if the fruit trees are successful, continue to grow the orchard. We would like to be able to keep the old house to help out with the farm.

3. Describe the size, type and number, as well as occupancy of all residential structures currently located on the property.

Currently there is only the one residential house which is approximately 160 square metres.

4. What is the total floor area of the proposed additional residence in square metres?

420 m²

5. Describe the rationale for the proposed location of the additional residence.

We have a large family and do not fit in the current small house. We also would like to build further away from the highway so that it is quieter. As we expand the farm in the future, we would like to sell our produce from one of the barns and keep our main residence further away from the commercial side of the farm.

6. What is the total area of infrastructure necessary to support the additional residence?

A new septic, garage (part of the house) and a small drive way. Approximately 400m²

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Proposal Sketch-63587
- Certificate of Title-005-950-066

ALC Attachments

None.

Decisions

None.

Farm property

Old House

New House

Road

7912 Island Hwy, Black Creek

**For Reference Barn is
- 48' long**

