

Memo

File: 3060-20/DP 10C 21

DATE: May 6, 2021

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services

RE: Farm Land Protection Development Permit – 1615 Seaview Road (Farrer)
Lot 14, Section 9, Township 5, Comox District, Plan 9182, PID 005-565-316

An application has been received to consider a Development Permit (DP) under the Farm Land Protection guidelines (Appendix A). The Agricultural Advisory Planning Commission is to provide the Comox Valley Regional District Board with comments and recommendations concerning the application. The DP applies to those lands within 30 metres of agricultural areas (Figures 1 and 2) and may include conditions related to screening, landscaping, fencing and the siting of the proposed building.

The 0.17 hectare subject property is located along Seaview Road where an agricultural lot is situated to the rear of the subdivision. The subject property currently has no buildings or structures. The owners are proposing to construct a one-storey house which will be partially within the DP area. To address the guidelines, the applicants propose a 23 metre setback from the rear agricultural lot (Appendix B) on this 56 metre deep subject property, along with retaining the rear 9 metres as a vegetative buffer. The rear is a north-facing slope that results in an approximately 1.5 metre (~6% grade) elevation difference from the rear lot line to the house. The vegetative buffer is proposed to consist of existing native vegetation, predominantly sword fern and dwarf Oregon grape, supplemented by a row of cedars at the top of the slope adjacent to the existing wire fence.

Development Permit Guidelines

The objective of the Farm Land Protection DP is to provide an interface between farm use and non-farm development that mitigates land use conflicts (e.g. farm trespass, vandalism to crops and equipment, disturbance to farm animals, capture of some dust and spray drift, reduction of invasive species and litter, nuisance complaints, etc.). As a best practice, these DP guidelines recommend locating principal structures and accessory buildings at least 30 metres away from a common boundary with agricultural areas, with 15 metres being a vegetated buffer, including fencing, consistent with the Ministry of Agriculture's Guide to Edge Planning and the Agricultural Land Commission's landscaped buffer specifications.

Locating buildings in the non-ALR portion of this lot but within 30 metres of the neighbouring lots is what triggered this specific DP review. The DP guidelines consider the agricultural side to be a working landscape and recommend the vegetative buffer and screening be placed on the non-agricultural side during development. The specifications provide a variety of options regarding the

type and height of fencing and vegetation to accommodate proposed development given the size, shape and use of the properties and buildings while achieving particular objectives.

Neighbouring Agricultural Properties

The neighbouring agricultural property is part of a larger farming operation that spans several lots behind the Seaview Road subdivision. According to the Canada Land Inventory, improved soil rating in the area is 3AP (Figure 3). Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices. The sub-classes P and A denotes the limitations are due to stoniness and a soil moisture deficiency caused by low soil water holding capacity or insufficient precipitation.

Sincerely,

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services
Planning and Development Services

/jm

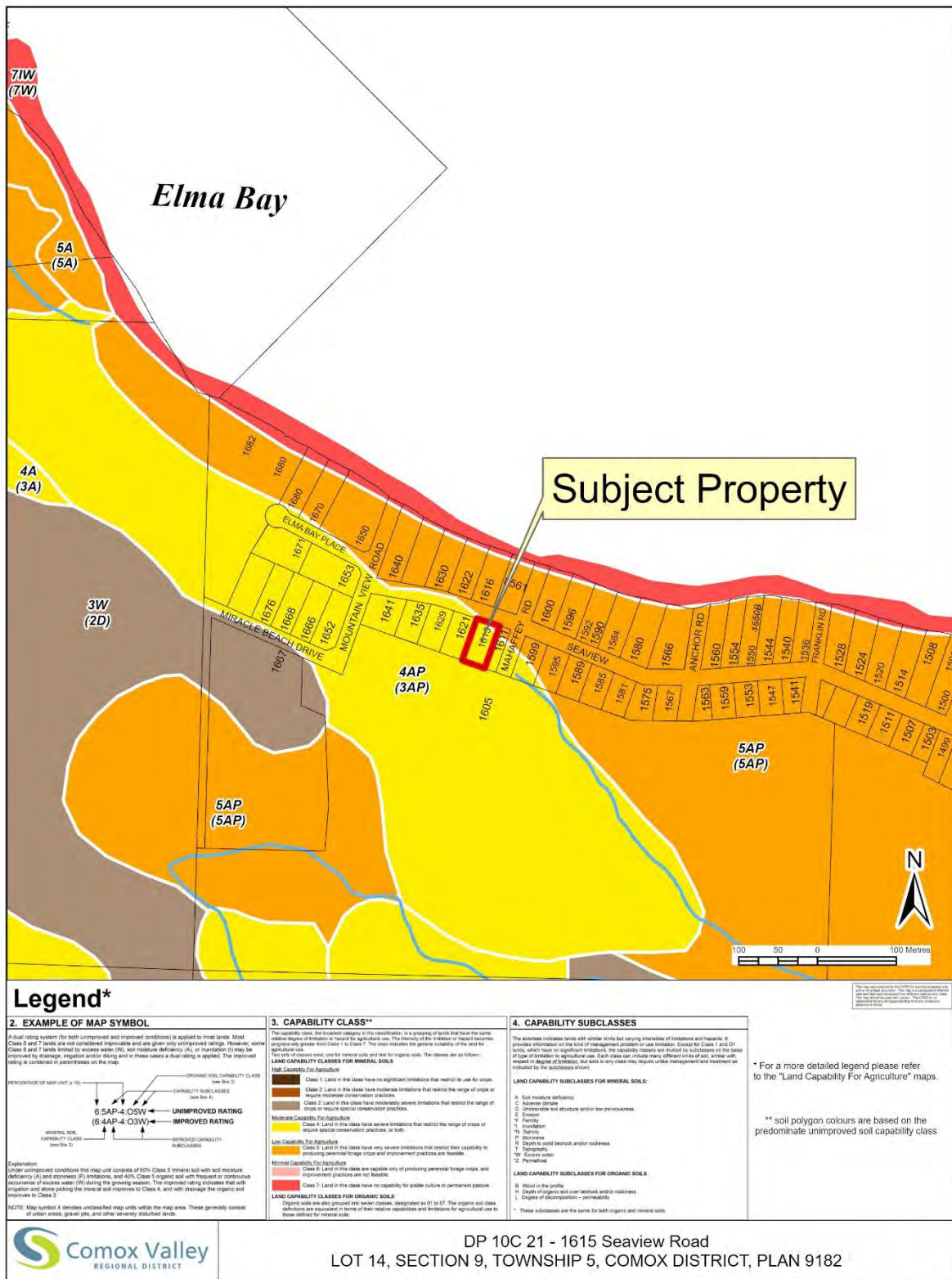
Attachments Appendix A – Farm Land Protection Development Permit Area Guidelines
Appendix B – Letter from application, site plan, building elevation



Figure 1: Subject Property



Figure 2: Air Photo (2020)



Section 85 removed for ease of reading

Farm land protection development permit area permit areas

86. *Justification*

To protect farm land designated agricultural area or agricultural land reserve located in neighbouring jurisdictions by mitigating conflict between agriculture and aquaculture industries and adjacent land uses.

Land use conflicts may develop between lands designated agricultural area or an ALR and adjacent land uses. These conflicts may compromise the use of the land for agriculture and aquaculture industries. The incorporation of a 30 metre wide buffer between non-agricultural lands and lands used for food production will protect the food production value of the latter.

Areas

The farmland protection area buffer development permit area is designated as a 30 metre buffer from land designated agricultural area or agricultural land reserve lands on lands within the settlement node, settlement expansion areas, rural settlement area land use designations.

The development permit applies to land within the 30 metre development permit area described above subject to:

- (1) new lots created through subdivision; or
- (2) development of the subject lots.

Exemptions

In the case of a proposed subdivision, the exemption applies to the following situations within the 30 metre wide development permit area:

- (1) Lot line adjustments or where subdivision does not result in the ability to construct a new dwelling unit.
- (2) Where the land subject to a subdivision proposal is not forming a common boundary with designated agricultural area or an agricultural land reserve, but is separated with a dedicated road right of way of at least 20 metre wide.

Guidelines

Development permits shall be issued in accordance with the following guidelines.

Buffer

- (a) Include an assessment of the site to substantiate the need for a buffer and provide design measures that are most appropriate for the site – consider the type and intensity of the proposed adjacent land use and its relationship to agriculture and aquaculture industries.
- (b) The vegetated buffer shall be delineated prior to commencing construction or land alteration.
- (c) A buffer must be maintained and/or established on land within the development permit area parallel to and/or along the common boundary of the adjacent land designated agricultural area or agricultural land reserve.
- (d) Subject to the exemption clause, a total minimum separation distance of 30 metres (of which 15 metres is a vegetative buffer) between a residential dwelling unit and adjacent land designated agricultural area, or agricultural land reserve is required to mitigate the impacts of residential on farming activities. The 30 metre separation distance may include a road or railway line right of way.
- (e) Locate principal structures, accessory buildings and wells a minimum of 30 metres from the common boundary of the land designated agricultural area or agricultural land reserve. If the size of the property cannot accommodate this distance, principal structures and wells shall be a minimum of 50 per cent of the property depth back from the common boundary with land designated agricultural area or agricultural land reserve.
- (f) Notwithstanding the guidelines E.6(a) to E.6(d) above, when a buffer is required in this development permit area, the applicant must provide and maintain a continuous minimum 15 metre wide vegetated buffer between any development and the land designated agricultural area or ALR. No buildings, structures or wells shall be allowed within this 15 metre buffer area.
- (g) If paths and/or passive recreational uses are part of the landscaped buffer, the recreational features will not take up more than five metres of the buffer and they will be located away from the common boundary with land designated agricultural area or agricultural land reserve.
- (h) For the purpose of providing additional separation from the land designated agricultural area or agricultural land reserve and reducing potential conflicts, consider locating an open space next to the edge of the landscape buffer. The open space can be designed with water retention capacity and adequate rain water drainage features.
- (i) All buffer areas shall be generally designed and sized in accordance with section 10 - urban side buffer design criteria of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).
- (j) Plant layout, spacing, and support shall be generally in accordance with the B.C. Agricultural Land Commission’s report [Landscaped Buffer Specifications](#) (1993) and the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).

- (k) To create a filtered view of agriculture and aquaculture practices on the land designated agricultural area and/or agricultural land reserve from the development permit area, preserve existing and supplement vegetation that meets the British Columbia landscape standard published by the BC Landscape Architects Society/BC Landscape and Nursery Association as amended from time to time.

Buffer maintenance

A buffer maintenance plan shall be developed and will include the following: maintenance procedures for all buffer plantings on a regular basis during the first two growing years including a weed management schedule or plan.

Fencing

Barrier fencing, designed to limit encroachment into agricultural land reserve lands by materials and pets, must be constructed in accordance with appendix C of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).

Subdivision layout

- (a) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land uses. Avoid road endings or road frontage next to land designated agricultural area or agricultural land reserve except as may be necessary for access by farm vehicles.
- (b) Subdivision design and construction will minimize erosion through consideration of topography that will not result in neighbouring properties becoming the catchment area for additional runoff from roads and driveways.

Section 87 removed for ease of reading



April 8, 2021

Planning and Development Services Branch
Comox Valley Regional District
770 Harmston Avenue
Courtenay, BC
V9N 0G8

Attn: Jodi MacLean

Re: Development Permit Application 1615 Seaview Road

Dear Jodi,

Thanks for taking the time to explain the Farm Land Protection Development Permit Area requirements and the conditions that exist between the Seaview residential properties and the adjacent farm land.

AFC Construction, acting as an agent for the owners Chris and Anne Farrer(The Farrers) are in the process of planning for the construction of their new home at 1615 Seaview Road. Due to the following conditions, we are unable to position the home on the property without partially entering the 30 meter Farm Land Protection Development Permit Area.

- Limited depth of the property
- Steep sloping contour near the front of the property
- Septic Field

Please refer to the attached supporting documentation:

1. Development Permit Application
2. Site Plan
3. Elevations and Orientation of Proposed Home

In consideration of the Farm Land Protection Development Permit Area, we have reviewed the site in detail and propose the following measures to ensure adequate screening and separation is maintained between the two properties:

- Install a new row of 2m high cedar shrubs at 2m intervals approximately 0.5m from the south property line.
- An area 9 meters deep across the full width of the property exists containing natural vegetation and fir trees including Sword Ferns and Oregon Grape at approximately 1m spacing. We proposed to leave this area in its natural state and unaltered.



- (5) large Fir trees also exist within the 9 meter buffer area. We propose to leave these trees in place and unaltered.
- A barbed wire fence currently exists along the property line providing separation between the two properties and is to remain in place and unaltered.
- A row of existing Fir trees approximately 20ft tall exists behind the barbed wire fence on the farmers property. These trees provide significant additional benefit to screening between the two properties and should remain in place.

Please advise if you have questions or require additional information.

Best Regards,

Scott Torry

AFC Construction

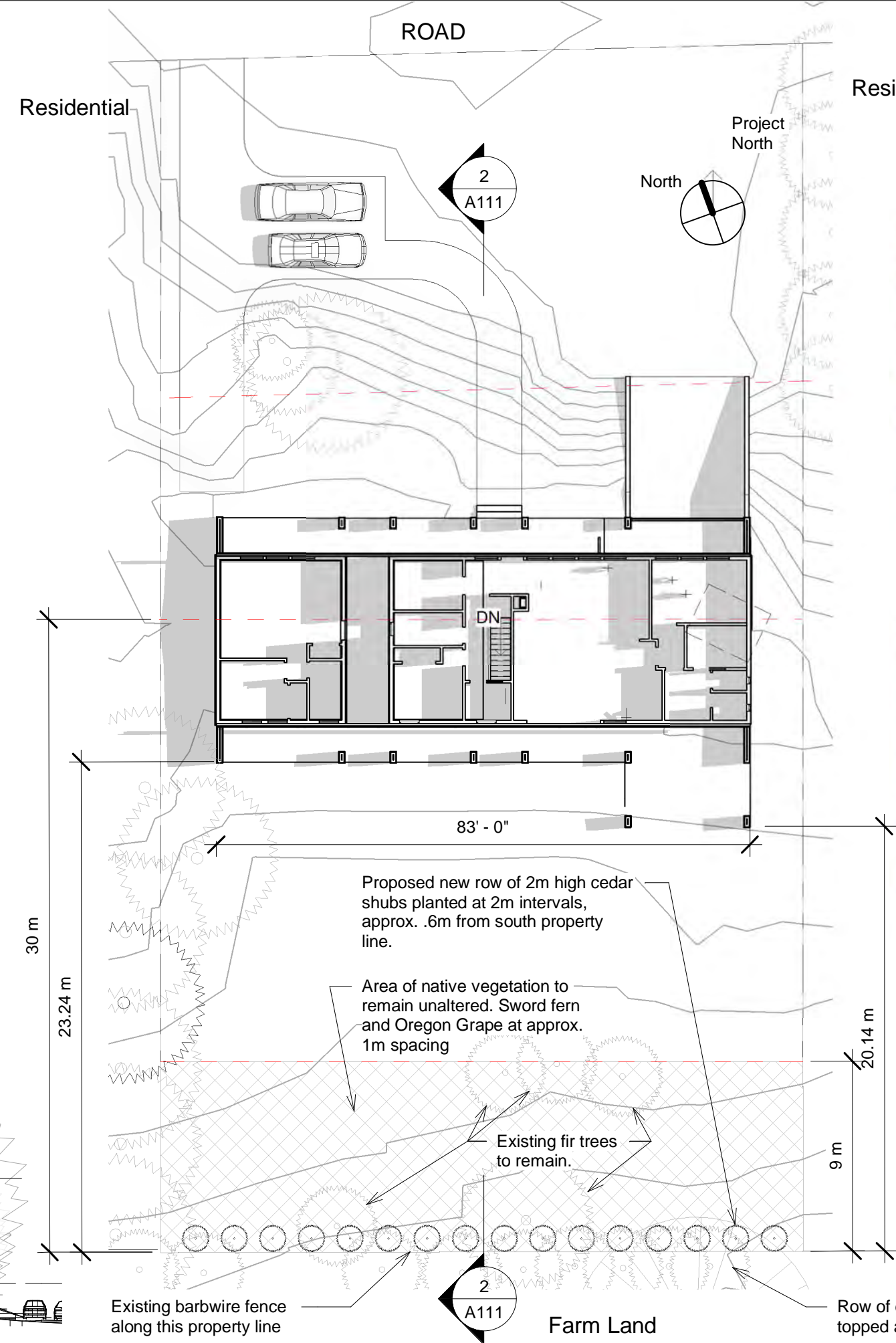
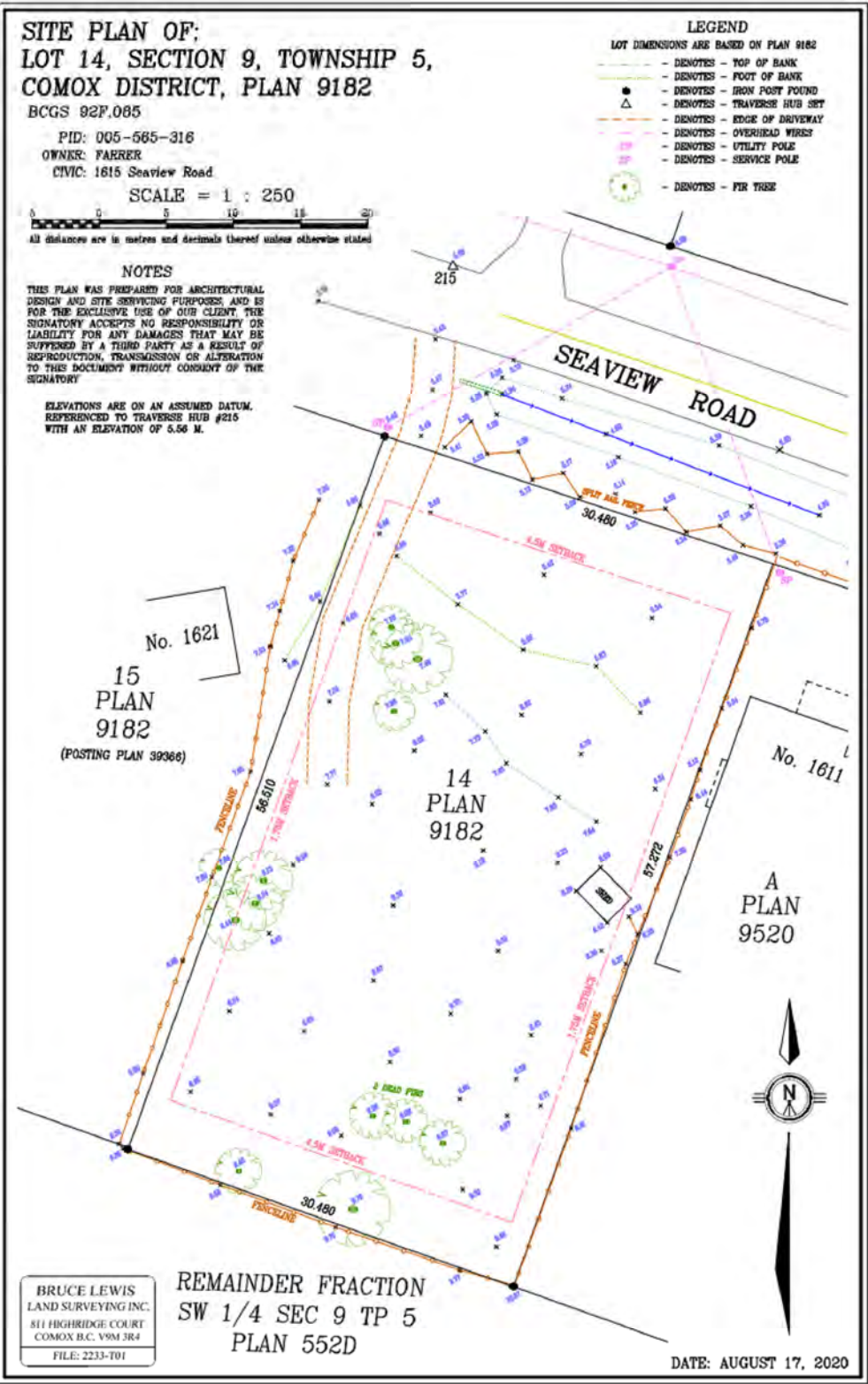


Photo A: Existing barbwire fence at property line



Photo B: Existing vegetation in area to remain unaltered

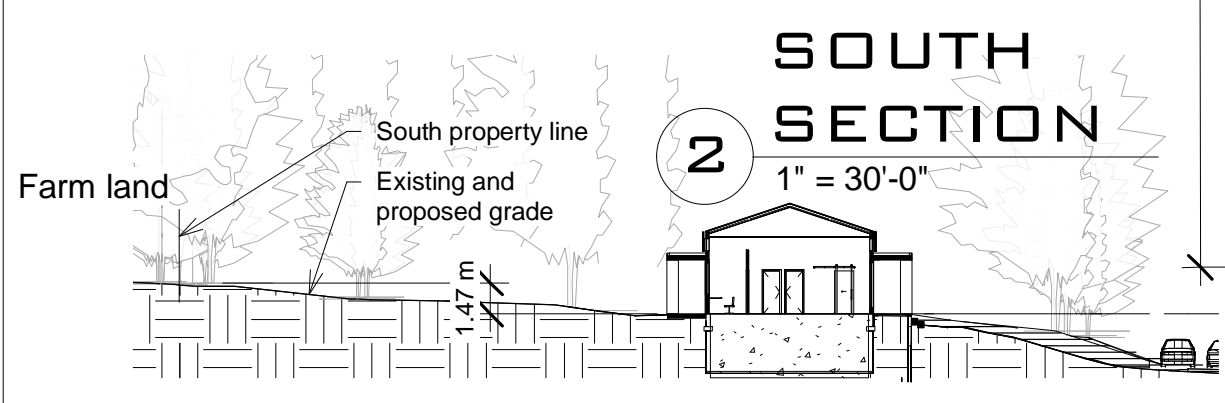
1 DP SITE PLAN
1" = 20'-0"

FARRER HOUSE

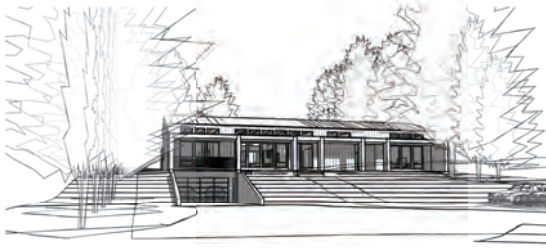
DP SITE

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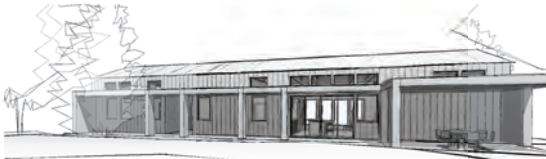
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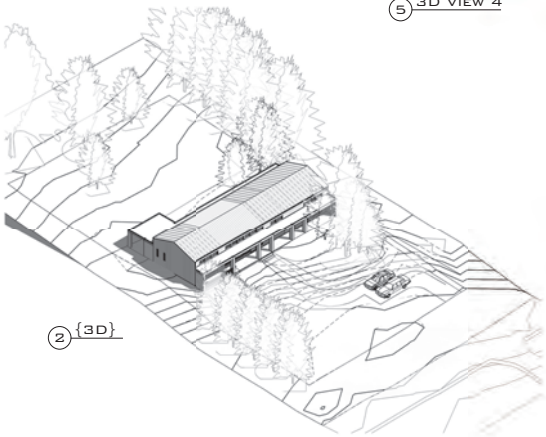
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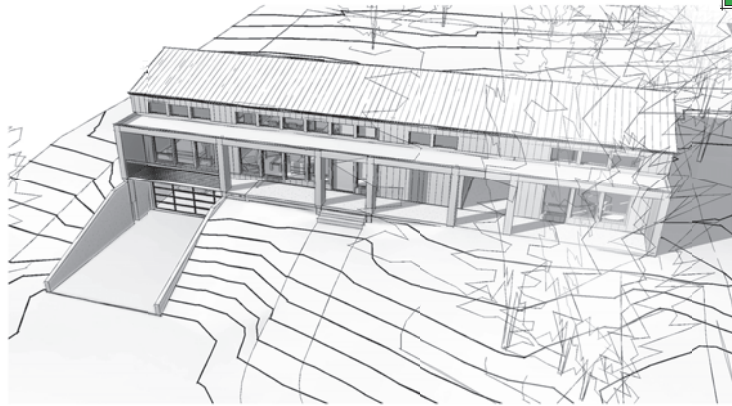
③ 3D VIEW 2



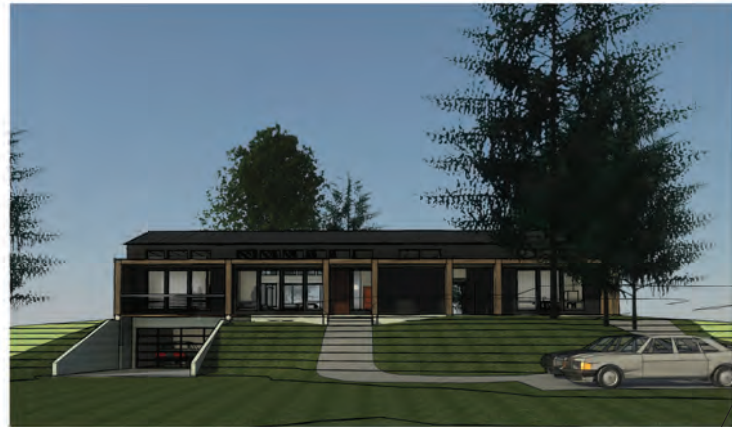
⑤ 3D VIEW 4



② (3D)



④ 3D VIEW 3



① 3D VIEW 1



NOT FOR CONSTRUCTION
 BUILDING PERMIT

Rev	Description	Date
1	ISSUED	
2	REVISED	
3	REVISED	
4	REVISED	
5	REVISED	

FARRER HOUSE	
3D EXTERIOR	
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