

Memo

File: 3060-20/DP 13B 19

DATE: August 7, 2019

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services Branch

RE: Farm Land Protection Development Permit – 5910 Island Highway North (Bailey)
Lot 2, District Lot 162, Comox District, Plan 22921, PID 003-201-236

An application has been received to consider a Development Permit (DP) under the Farm Land Protection guidelines (Appendix A). This DP is required to enable a new building to be located within 30 metres of an agricultural property. This DP may include conditions related to screening, landscaping, fencing and the siting of the proposed building.

The applicant proposes to construct an accessory building on the 0.3 hectare subject property (Figures 1 and 2). There is already a house and several smaller accessory buildings in the front half of the lot. The new accessory building, intended to be 12 metres by 10 metres, is proposed to be sited near the rear (Appendix B). The subject property is 34 metres wide and the applicant proposes to site the front of the building at least 15 metres from the side parcel line abutting the neighbouring agricultural land. The applicant proposes to maintain the existing 2.5 to 3.0 metres native vegetation, predominantly rose bushes, alder and maple trees (Figure 3) as a vegetated buffer. There are numerous fir trees along the boundary, though only one is located on the subject property side of the fence. The existing wire fence, about a 1 metre tall, is located along the property line, behind the bushes.

Neighbouring Agricultural Property

The neighbouring agricultural property is 2.3 hectares in area and is predominately cleared except for approximately 30 metres along some of its side with the subject property. The owners raise pigs and the property currently has farm status under the *Assessment Act*. According to the Canada Land Inventory, the agricultural property and the subject property, have an improved soil rating of 2AD(70%)-3PW(30%) (Figure 4). Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices and Class 3 similarly has moderately severe limitations. Subclass A refers to a limitation due to soil moisture deficiency (draughtiness caused by low soil water holding capacity or insufficient precipitation); subclass D to an undesirable soils structure and/or low permeability; subclass P refers to stoniness; and subclass W refers to a limitation involving excess water.

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 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 within that 30 metre setback is what triggers this specific DP review. The DP guidelines consider the agricultural side to be a working landscape and recommend the vegetative buffer and screening to 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.

Sincerely,

A. Mullaly *(for)*

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

/jm

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

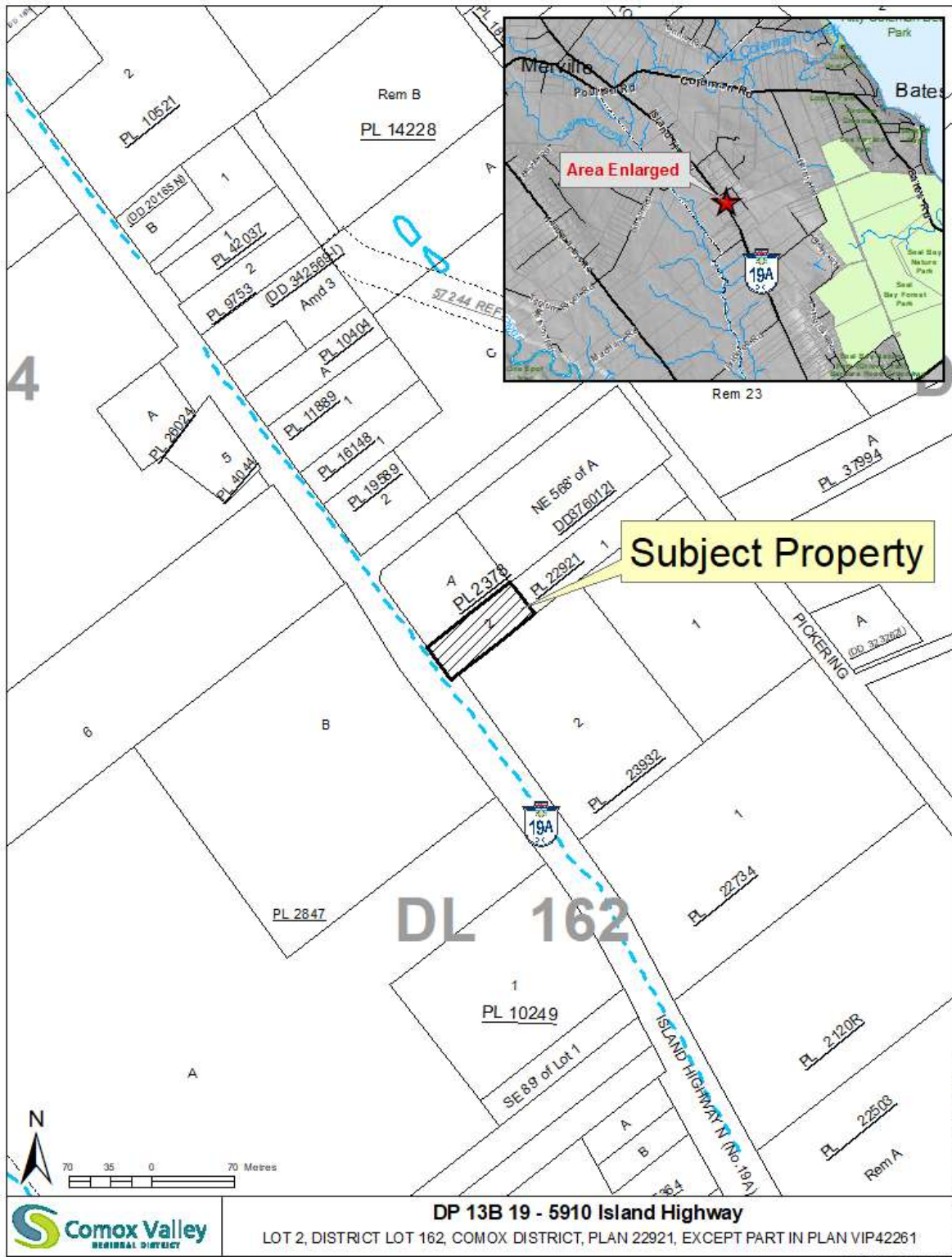


Figure 1: Subject Property

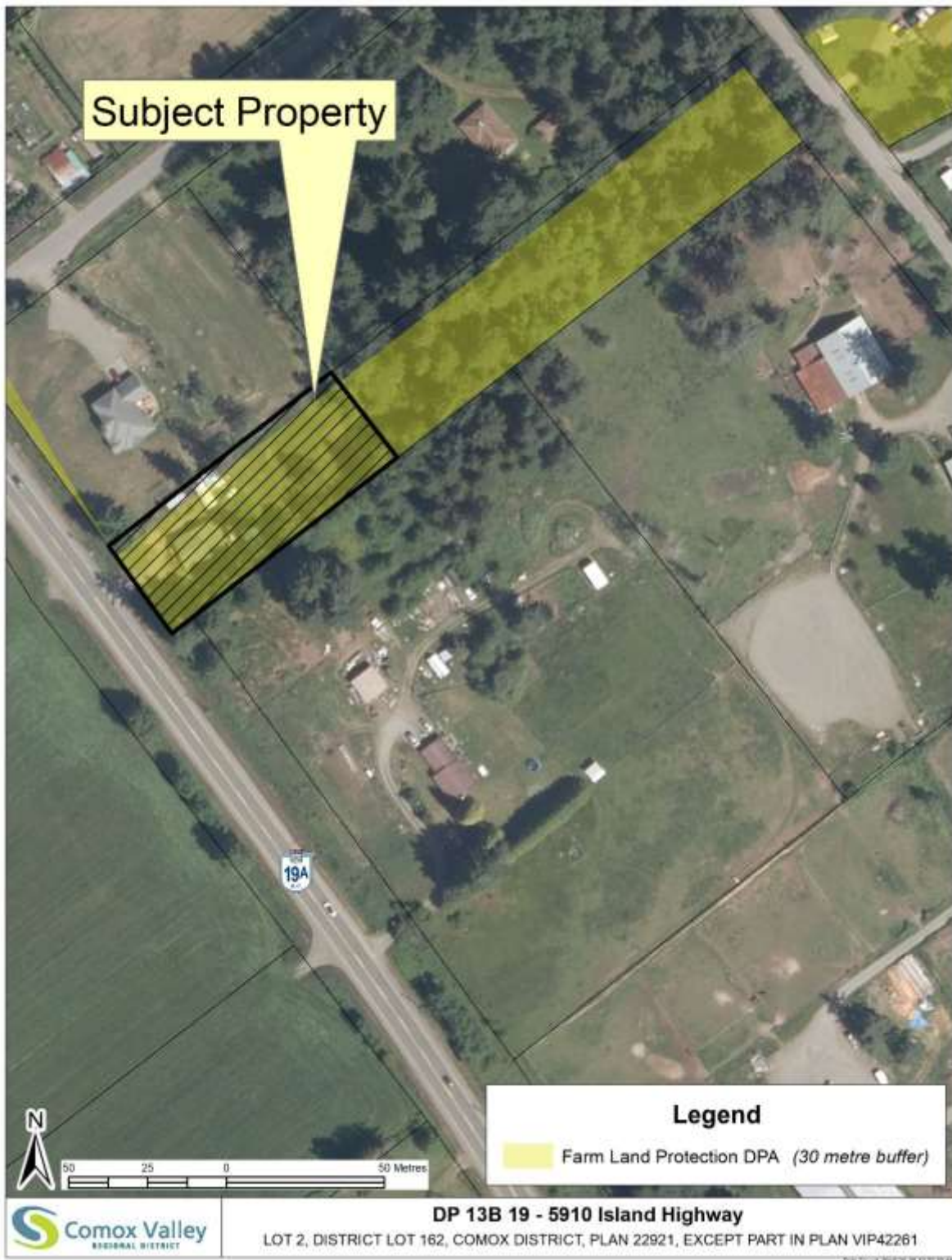


Figure 2: Air Photo (2018), Illustrating the Farm Property (Centre) and the Farm Land Protection Development Permit Area (Yellow) and Subject Property (Black Hatch)



**Figure 3: Subject Property, Looking at the Back of the House;
Existing Vegetative Buffer on Left Side**

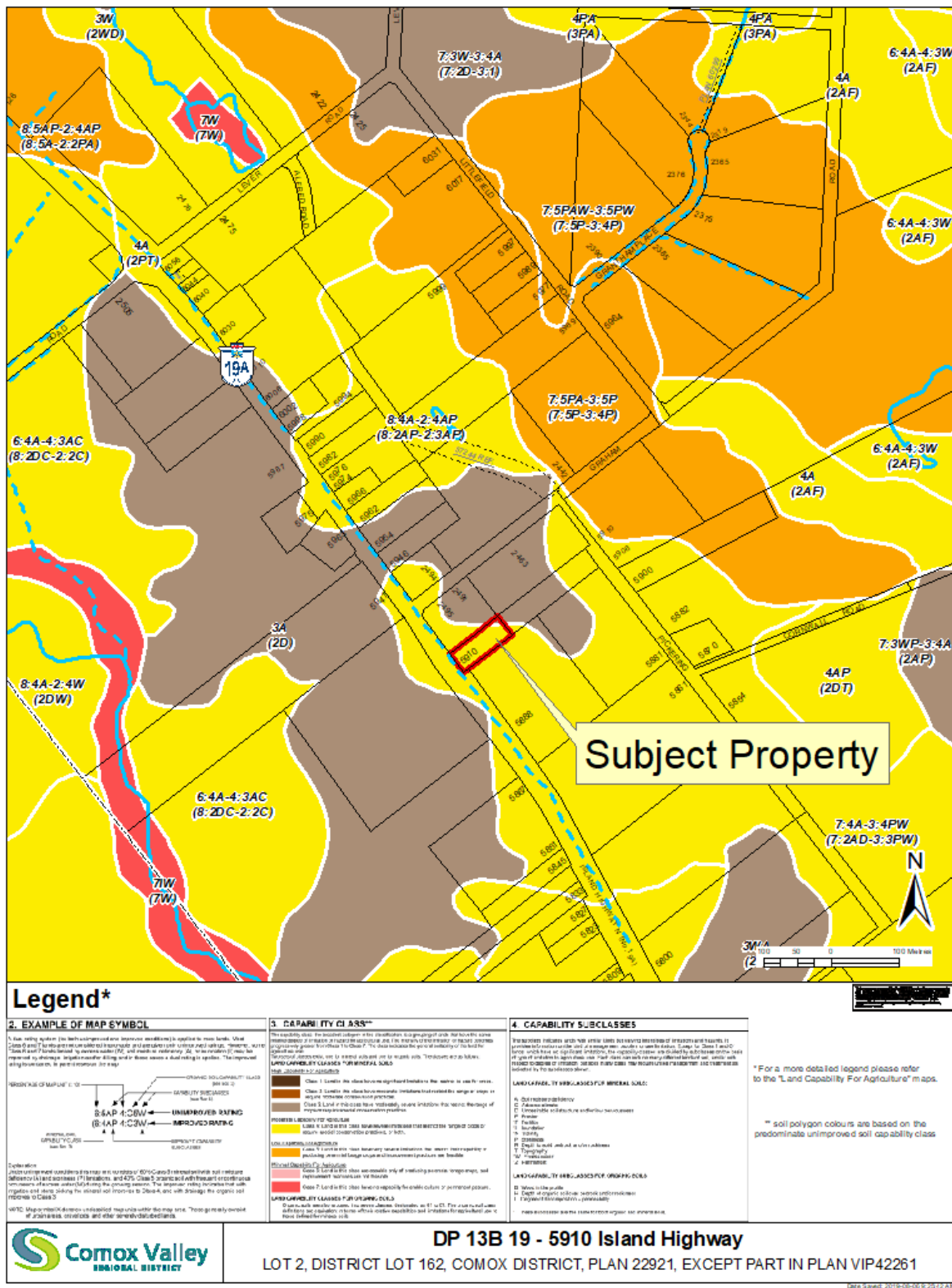


Figure 4: Canada Land Inventory; Soil Class (Improved) Rating of 2AD(70%)-3PW(30%)

other devices as deemed suitable and consistent with best management practices. rainwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

- (b) The discharge of rainwater runoff from storage areas shall be accomplished with appropriate structures and flow control mechanisms to prevent contamination of receiving water bodies.

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.

Union Bay tourism highway commercial

87. *Justification*

This area is located within the proposed heritage development area which represents the core of the Union Bay Community and contains a number of buildings of historical significance and interest that are a testament to Union Bay’s past as a major coal port. The objective of the development permit area designation is to protect and encourage the development of uses and buildings that reflect the historic character of this area. Retaining and reinforcing the link between the Union Bay core, represented by the post office, and Union Point is critical in the character definition of the tourism highway commercial area. The goal is to create a seaside, pedestrian oriented development of appropriate scale, form and character in the area.

Area

The Union Bay tourism highway commercial development permit area is shown as on map 4.

Guidelines

To preserve and compliment the design elements which contribute to the seaside character of Union Bay, development permits issued in this area reflect the following guidelines.

Building Scale & Massing:

Comox Valley Regional District

600 Comox Rd. Courtenay, BC

We are applying for a Development Permit so we can construct a 1280sq' accessory building at 5910 Island Highway North which is located next to ALR property at 5888 Island Highway North.

The proposed accessory building will be placed at the North East corner of the site so as to keep as far away from the ALR property as possible as well as using an already cleared location to eliminate having to remove any vegetative buffering between the two lots. There is an existing fence as well as approximately 2.5-3M of Vegetation and trees that provide a visual and physical buffer that we intend to leave as is. The site is only 34M wide so a 30M buffer is not possible but we are able to provide a 15M buffer to the building.

We are leaving the existing access off highway 19A as is so we will not be disturbing the watercourse along the West end of site.

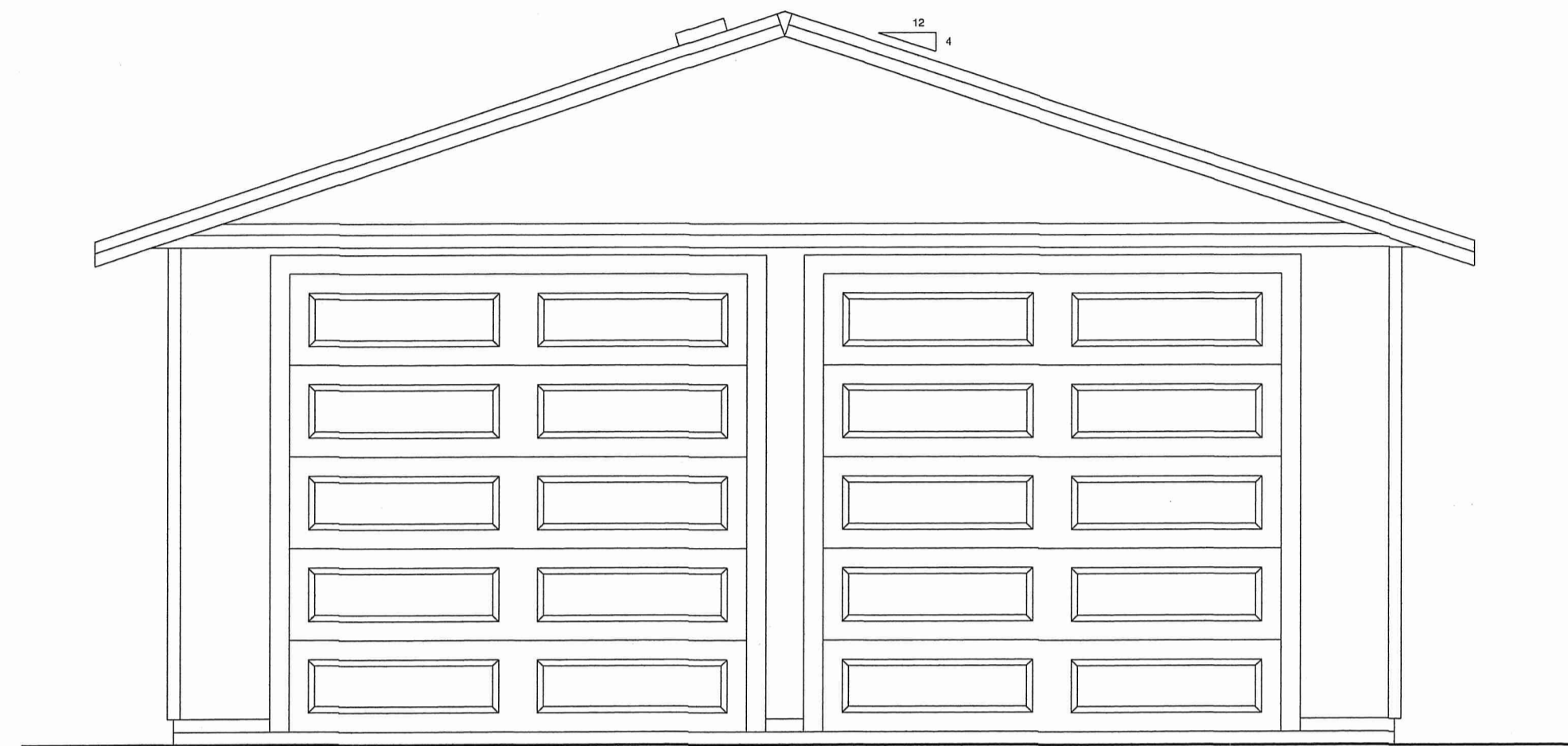
The owner of the ALR property has been contacted and informed of the proposed accessory building and had expressed no concerns.



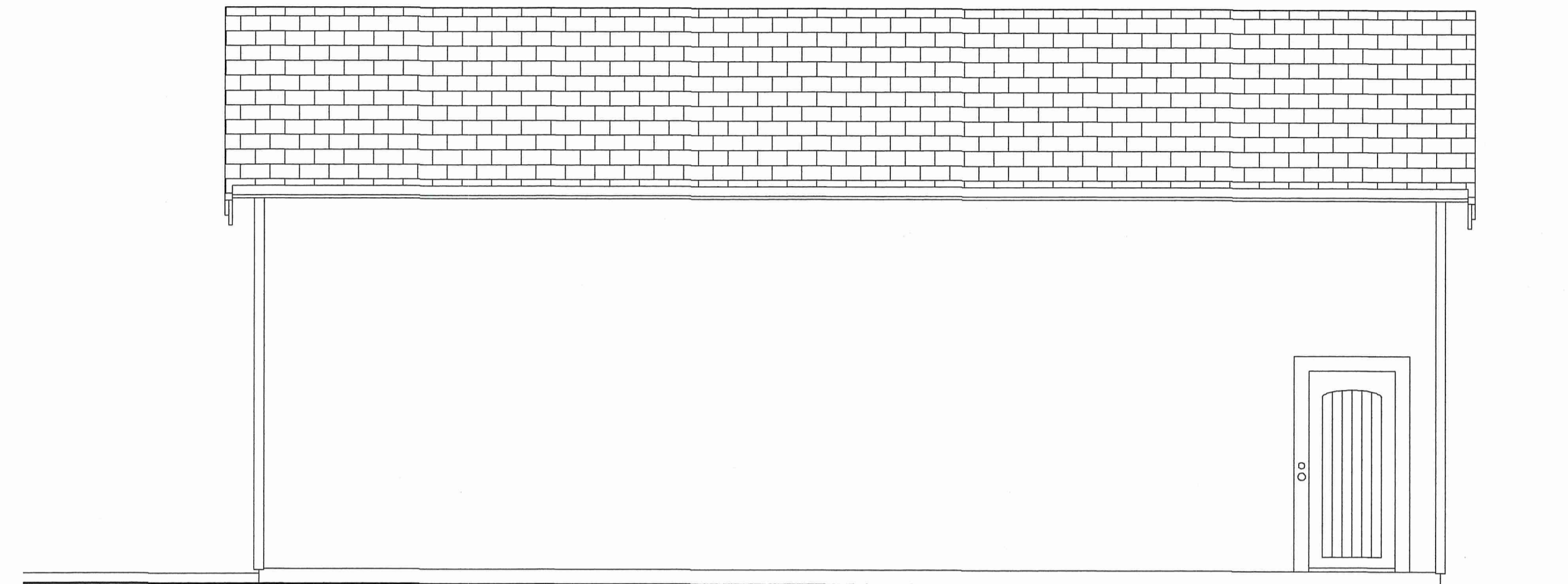
Sincerely,

Brian Dyck

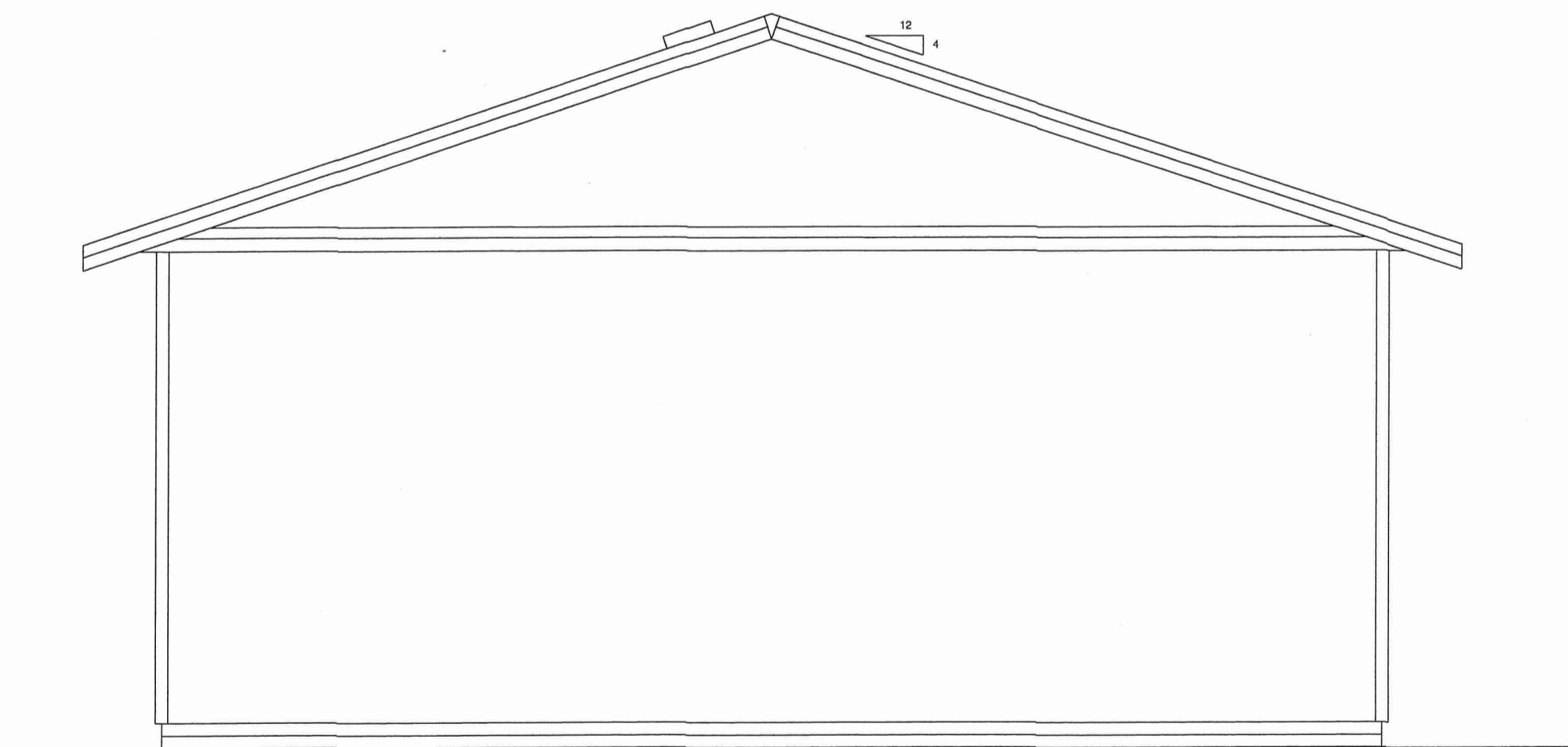
Your Name



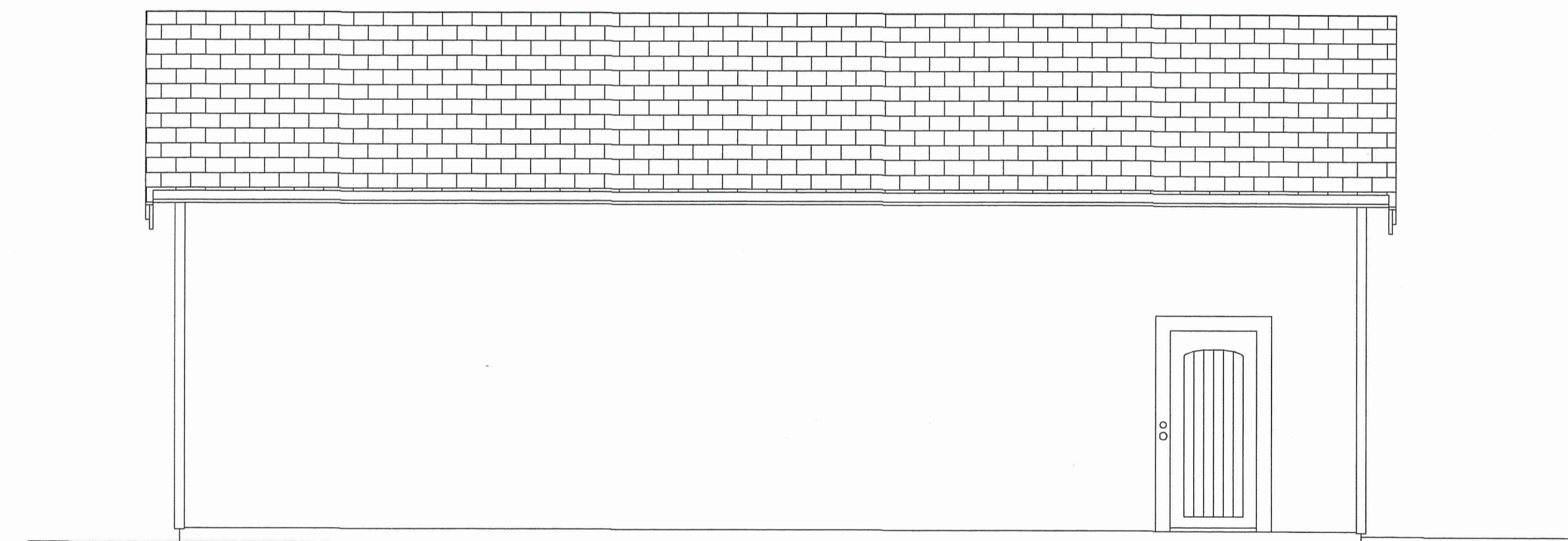
FRONT ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"

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EXTERIOR DIMENSIONS ARE TO SHEATHING
ROOM DIMENSIONS ARE TO INTERIOR OF WALL
ALL DIMENSIONS AND HIDDEN ELEMENTS OF DESIGN MUST BE CONFIRMED PRIOR TO CONSTRUCTION

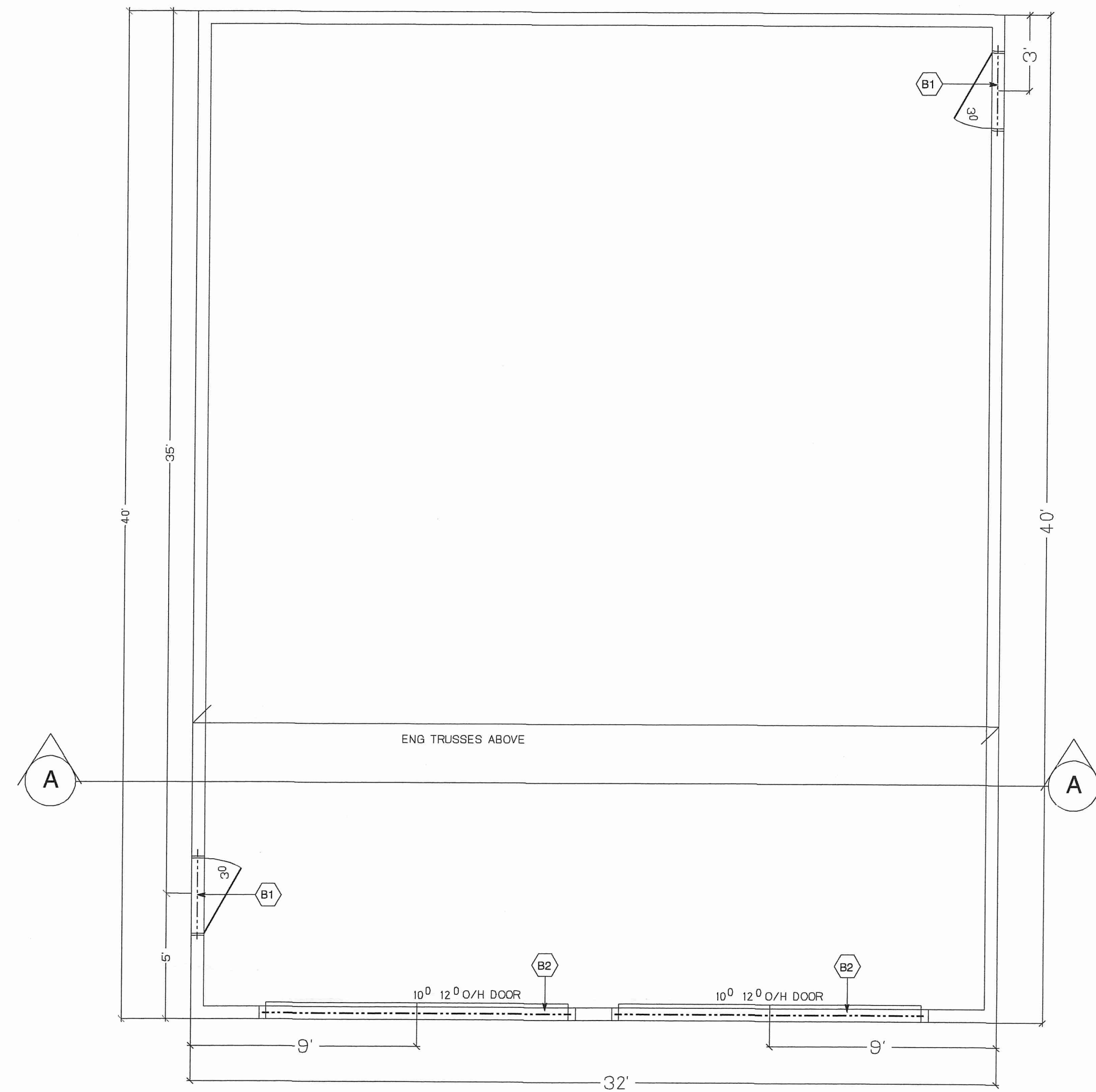
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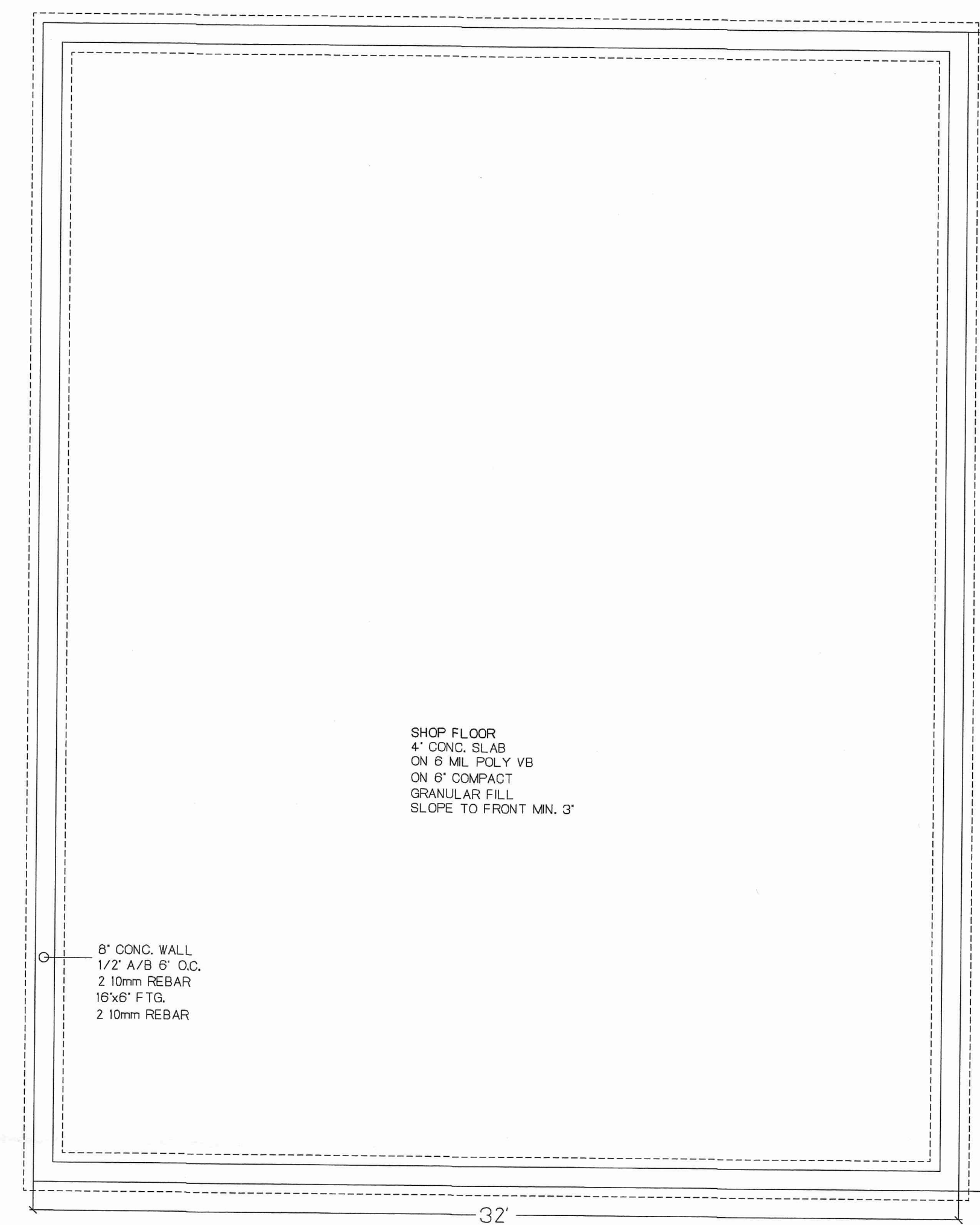
SHOP
5910 ISLAND HWY N

Date: JUL 2019
Page: 1 OF 2
Scale: AS NOTED
Author: AD

Shop



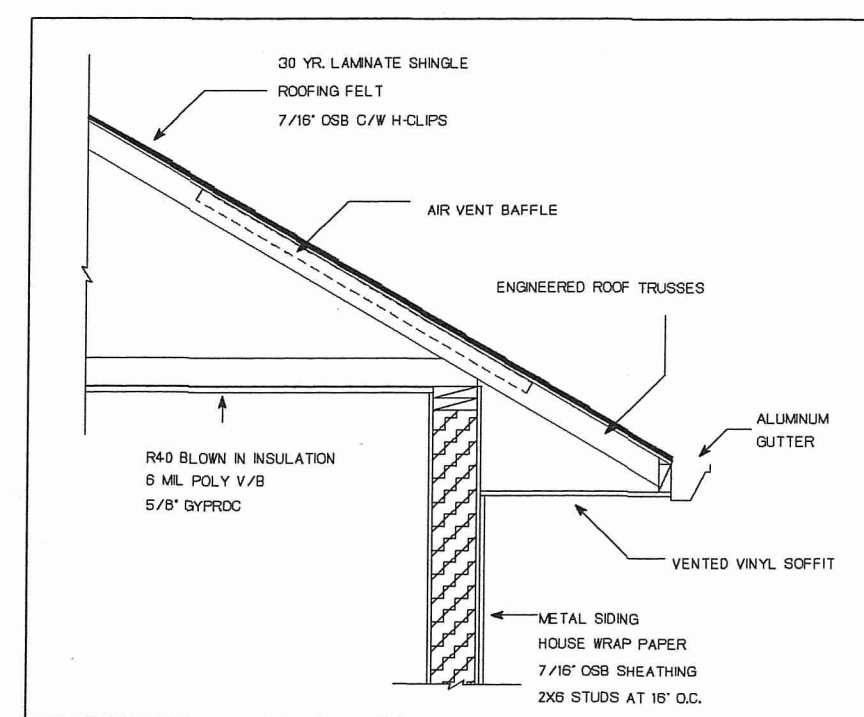
MAIN FLOOR PLAN
1/4" = 1'-0"



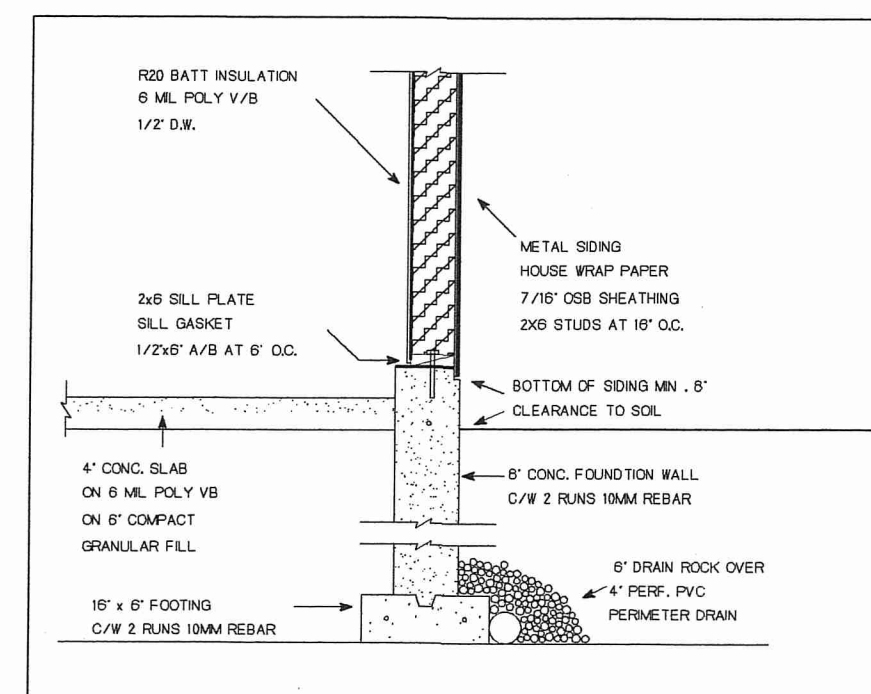
FOUNDATION PLAN
1/4" = 1'-0"

BEAM AND HEADER SCHEDULE	
(B1)	2 PLY 2X10 BU NQ1/NO2 SPF BEAM
(B2)	3 PLY 2X10 BU NQ1/NO2 SPF BEAM
(B3)	
POST SCHEDULE	
(P1)	POINT LOAD - EXTRA STUDS REQUIRED 2 PLY BU SPF POST UNLESS OTHER WISE NOTED SQUASH BLOCKS REQUIRED IN FLOOR JOISTS
(P2)	

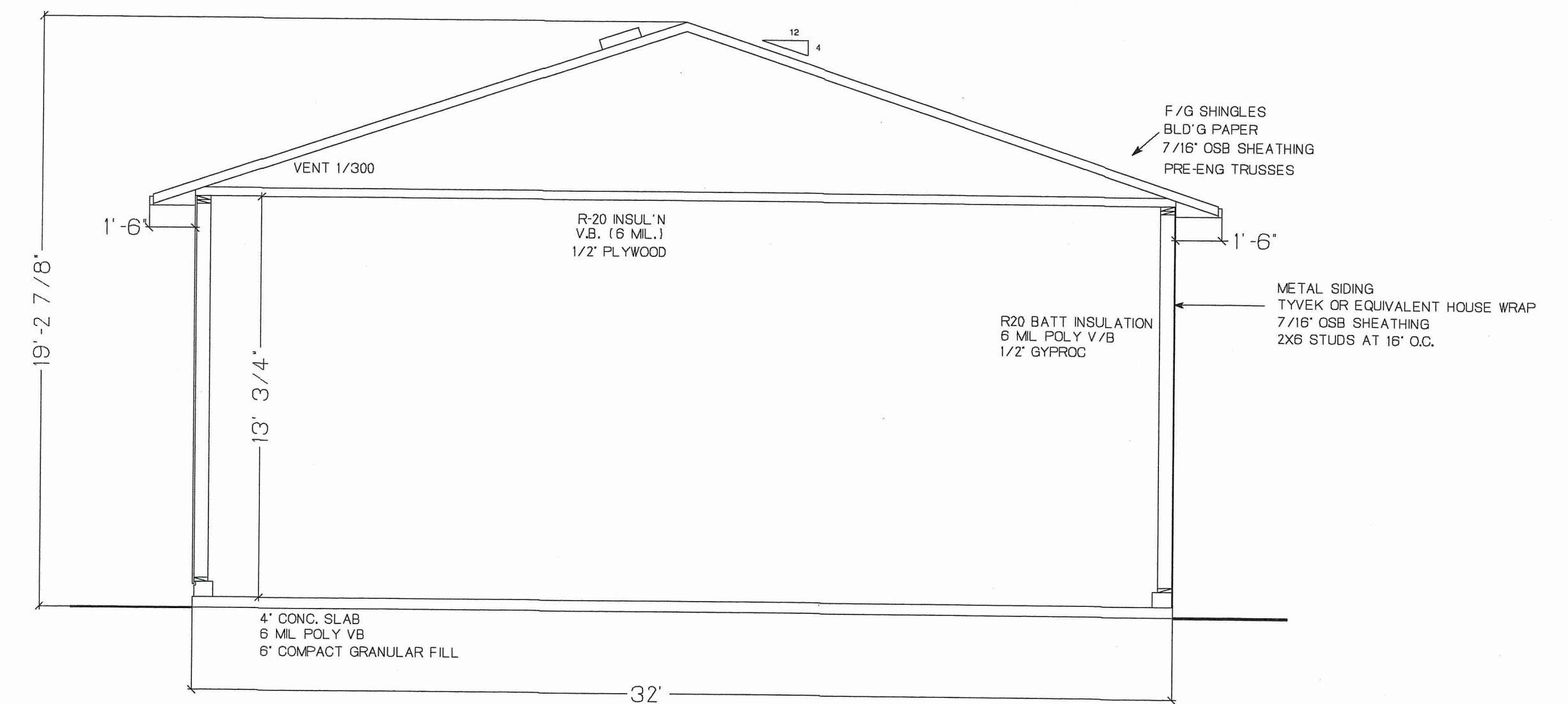
REFER TO ENGINEERED TRUSS AND FLOORING LAYOUTS TO VERIFY ALL GRIDERS, BEAMS AND POINT LOADS.
ENSURE PROPER BEARING AS REQUIRED.



WALL / ROOF DETAIL
1/2" = 1'-0"



WALL / SLAB DETAIL
1/2" = 1'-0"



X-SECTION "A"
1/4" = 1'-0"

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