

# Memo

**File:** 3110-20/ALR 2B 21

**DATE:** July 8, 2021

**TO:** Agricultural Advisory Planning Commission

**FROM:** Planning and Development Services

**RE:** Agricultural Land Reserve Non-Adhering Residential Use  
5028 Headquarters Road (Landers)  
Lot 2, Section 22, Comox District, Plan VIP74331, PID 025-497-987

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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 4.3 hectare lot located north of the City of Courtenay (Figures 1 and 2). The property is developed with a house with a detached garage, and two farm buildings. The property has maintained farm status under the *Assessment Act*. The owner is seeking to construct a new house while living in the old house. It is the intention of the applicant that, upon occupancy of the new house, the old house will be decommissioned to be used as an accessory building.

## Canada Land Inventory

According to the Canada Land Inventory, the land at the front of the lot has an improved soil class of 2AT(60%):2AP(40%) while the rear half is class 2D (Figure 3). 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 T a limitation due to topography; P stoniness; and D an undesirable soil structure and/or low perviousness.

## Agricultural Land Reserve

The *Agricultural Land Commission Act* and ALR Regulations allow each lot within the ALR to have a residential density of one house. There is also an option to add a secondary suite to that house and to add a separate manufactured home to the lot for use by the owner or their immediate family. For circumstances in which the owner wants to reside in the only residence on the property while constructing a new residence to replace the principal residence an application to the Commission for its approval 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;
- Limiting the area of construction and landscaping for a dwelling involving the placement of fill or removal of soil to 0.2 hectares;
- Limiting 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
- Encouraging 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 and 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.

#### 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. Section 312 of the Zoning Bylaw, makes provisions for the temporary occupation of an additional dwelling so an owner can continue to occupy an existing dwelling during the construction of a proposed replacement dwelling unit. The proposal is consistent with the Zoning Bylaw.

Sincerely,

***T. Trieu***

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

/jm

Attachments Appendix A – ALR 2B 21 Application

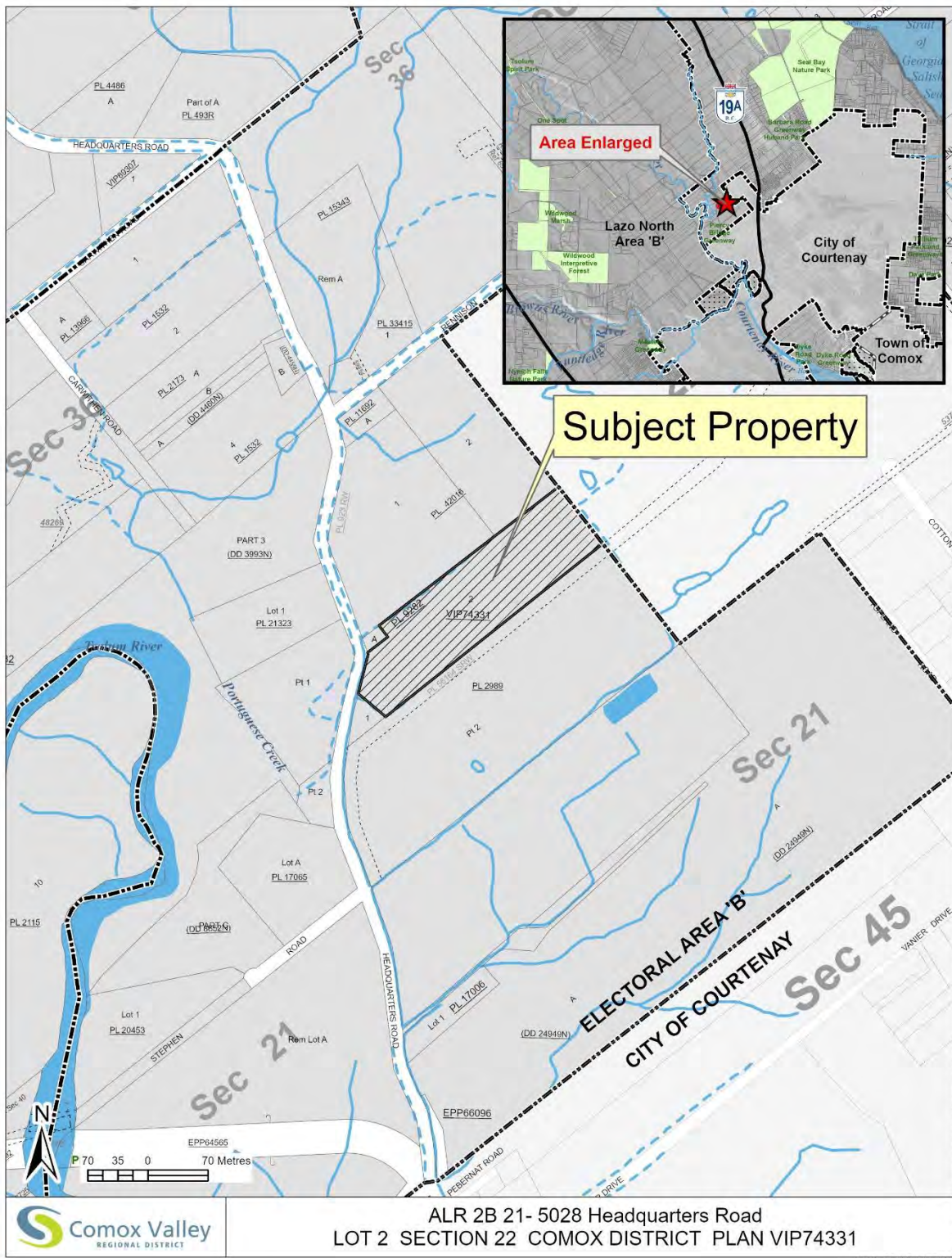


Figure 1: Subject Property





Figure 2: Air Photo



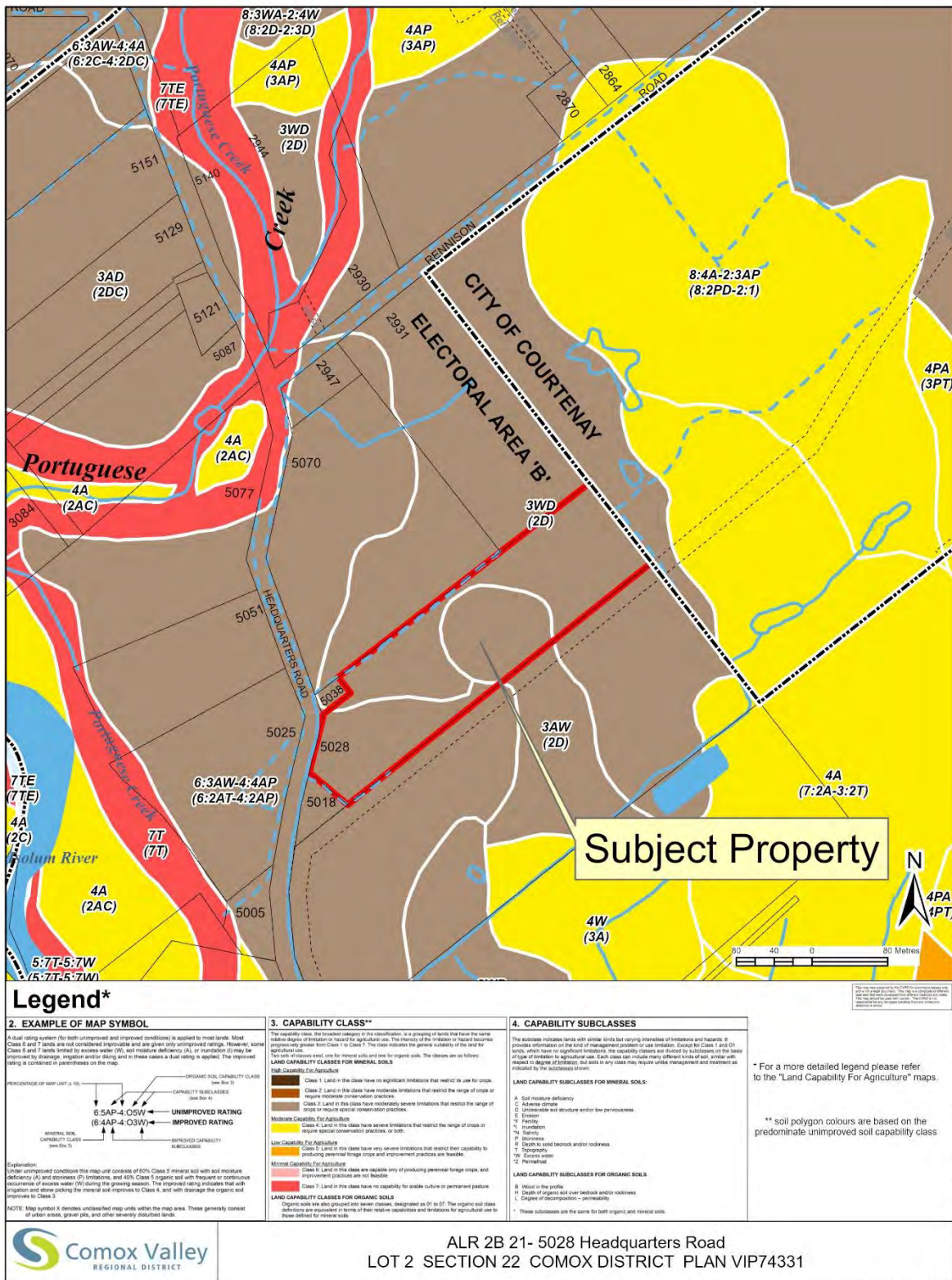


Figure 3: CLI Soil Classification

ALR 2B 21- 5028 Headquarters Road  
LOT 2 SECTION 22 COMOX DISTRICT PLAN VIP74331

Update: 2021-10-15 4:36 PM

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 63374

**Application Status:** Under LG Review

**Applicant:** Kyla Landers

**Local Government:** Comox Valley Regional District

**Local Government Date of Receipt:** 06/17/2021

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

**Proposal Type:** Non-Adhering Residential Use - Non-Adhering Tourism Accommodation

**Proposal:** Seeking to allow my aging parents and myself to occupy existing home while a new energy efficient house is constructed on property. The existing 93m2 90 year old farmhouse is not adequate to house 3 generations of 4 adults. It has little insulation, rotten/sagging floors, and questionable wiring and plumbing. Significant capital improvement would be required; rather than repair the existing home a new home is proposed for development as it would be more economically, environmentally and socially beneficial.

**Mailing Address:**

5028 Headquarters Rd.

Courtenay, BC

V9J 1P2

Canada

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 025-497-987

**Legal Description:** LOT 2 SECTION 22 COMOX DISTRICT PLAN VIP74331

**Parcel Area:** 4.3 ha

**Civic Address:** 5028 Headquarters Rd

**Date of Purchase:** 05/12/2020

**Farm Classification:** Yes

**Owners**

1. **Name:** Kyla Landers

**Address:**

5028 Headquarters Rd.

Courtenay, BC

V9J 1P2

Canada

## **Current Use of Parcels Under Application**

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

*1.25 Ha bedding hay fields; .57 Ha vegetable/herb/fruit garden areas; .26 Ha lavender field with 525 plants so far*

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

*When I purchased the property it was leased to a cattle farmer for bedding hay - unsuitable for feed. For the past year, my family and I have added fencing/gates, cultivated existing hay fields into productive vegetable/herb/fruit garden areas, constructed an accessory farm building for cleaning and storing crops and farm equipment. The existing swale was cleared to improve crop cultivation.*

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

*House and detached garage*

## **Adjacent Land Uses**

### **North**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Apple orchard

### **East**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Golf Course

### **South**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Hay field

### **West**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Hay field

## **Proposal**

### **1. What is the purpose of the proposal?**

*Seeking to allow my aging parents and myself to occupy existing home while a new energy efficient house is constructed on property. The existing 93m<sup>2</sup> 90 year old farmhouse is not adequate to house 3 generations of 4 adults. It has little insulation, rotten/sagging floors, and questionable wiring and plumbing. Significant capital improvement would be required; rather than repair the existing home a new home is proposed for development as it would be more economically, environmentally and socially beneficial.*

### **2. Describe any agri-tourism that is currently taking place on the property.**

*None*

### **3. What is the total floor area of the proposed accommodation in square metres?**

280 m<sup>2</sup>**4. How many "sleeping units" in total are proposed?**

4

**5. Describe the rationale for the proposed location of the accommodation.**

*The proposed location is on the edge of unimproved bush/forest area that borders agriculture field (in use). The location was chosen as it preserves existing agriculture areas for farm use, concentrates housing in one location thereby minimizing residential impact on arable land, and allows for aging in place. By placing the residence further back from the road, noise pollution is significantly reduced as Headquarters Road is a major access road through the valley. The previous owners overbuilt the septic field to allow for a 4 bedroom house so no further addition is necessary to the approved existing field. The proposed house location is on an approximate 1.5% grade above the existing septic field.*

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

*93 m<sup>2</sup> farmhouse single story stick frame occupied by owner and aging parents;  
35 m<sup>2</sup> mice infested bunkie used as a bedroom for adult son*

**7. Describe any agri-tourism accommodation or tourist accommodation currently located on the property.**

*None*

**8. Does the proposal support agriculture in the short or long term? Please explain.**

*Yes. There is no negative impact to continue supporting agriculture with this application request.*

**9. What is the total area of infrastructure necessary to support the proposed accommodation?**

*Lengthen the existing gravel road way by 40m*

**10. Do you need to import any fill be required to construct the accommodation?**

*Yes*

**Proposal dimensions**

**Total fill placement area (0.01 ha is 100 m<sup>2</sup>)** *0.01 ha*

**Maximum depth of material to be placed as fill** *0.4 m*

**Volume of material to be placed as fill** *52 m<sup>3</sup>*

**Estimated duration of the project.** *8 Months*

**Describe the type and amount of fill proposed to be placed.**

*road gravel crush to access new house location north of swale*

**Briefly describe the origin and quality of fill.**

*Comox Valley/Cumberland, sand/gravel clean fill*

**Applicant Attachments**

- Proposal Sketch-63374
- Site Photo-Google earth view
- Site Photo-Proposed location
- Professional Report-Septic report with approvele
- Certificate of Title-025-497-987

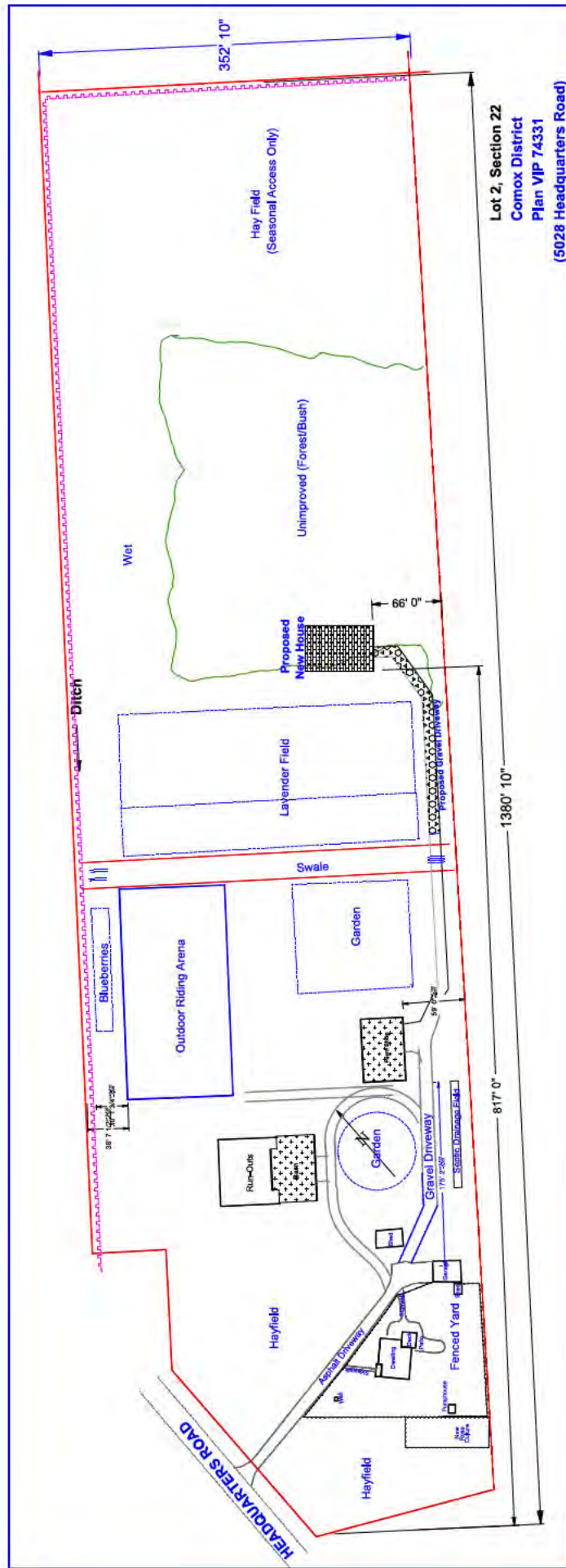


**ALC Attachments**

None.

**Decisions**

None.



Lot 2, Section 22  
Comox District  
Plan VIP 74331  
(5028 Headquarters Road)