

Memo

File: 3060-20 / DP 16C 21

DATE: July 8, 2021

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services

RE: Development Permit – Lot 15, Plan 23282 Macaulay Road (Munro)
Lot 15, Block 29, Comox District, Plan 23282, PID 001-819-488

The attached development proposal is for commission members' review and comment.

Application Description

An application has been received to consider a Farmland Protection Development Permit (DP) to allow the construction of a dwelling on a residential property within 30.0 metres of a shared lot line between the subject property and land within the Agricultural Land Reserve (ALR). Both the property's rear lot line and eastern side yard lot line are adjacent to the ALR property. The subject property is approximately 0.2 hectares in size, is zoned Rural Eight (RU-8), and is designated as being within a Rural Settlement Area (Figures 1-3). The property is mostly flat and is vacant, with about half of it being cleared and half being covered by a tree canopy. The proposed development includes the construction of a single detached dwelling, sited over 30 metres from the rear lot line, and approximately 18 metres from the side lot line that is adjacent to the ALR property (Figure 4). The ALR property 9.5 hectares in size and is almost entirely covered by a wetland watercourse. It is owned and managed by the Nature Trust of BC – a non-profit land conservation organization.

Regional Growth Strategy Analysis

Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010" (RGS) designates the subject property as being within a Rural Settlement Area. The objectives and policies within the RGS for this land use designation are intended to preserve the rural form and character, and rural lifestyle, of the area through low density development. The proposed development does not conflict with these goals or policies.

Official Community Plan Analysis

Bylaw No. 337, being the "Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014," outlines requirements that a property owner must fulfill prior to constructing any buildings or structures within 30.0 metres of a lot line that is adjacent to an ALR-zoned property. These requirements are outlined in Section 86, and include requirements for fencing and buffering to be installed and maintained, and guidelines to help owners appropriately site their dwelling and other structures.

The applicant has submitted several photos which show existing fencing and vegetated buffers (Figures 5-8). Additionally, the applicant has submitted a written rationale to explain the siting of the

dwelling and proposed development (Appendix A), and confirmation from a Registered Professional Biologist claiming that the distance and existing vegetation is a sufficient buffer (Appendix B). Because of the proximity to the wetland and watercourse, the applicant will be submitting an application for an Aquatic and Riparian Habitat Development Permit after this DP application is processed, and has begun conversations with the biologist that will be involved in that permit.

Zoning Bylaw Analysis

There are no Zoning Bylaw implications through the proposed development. All height, setback, use, density, and lot coverage requirements are met through the development as proposed.

Sincerely,

T. Trieu

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

/dt

Attachments Appendix A – Rationale for application from applicant
Appendix B – Correspondence with R.P. Bio.

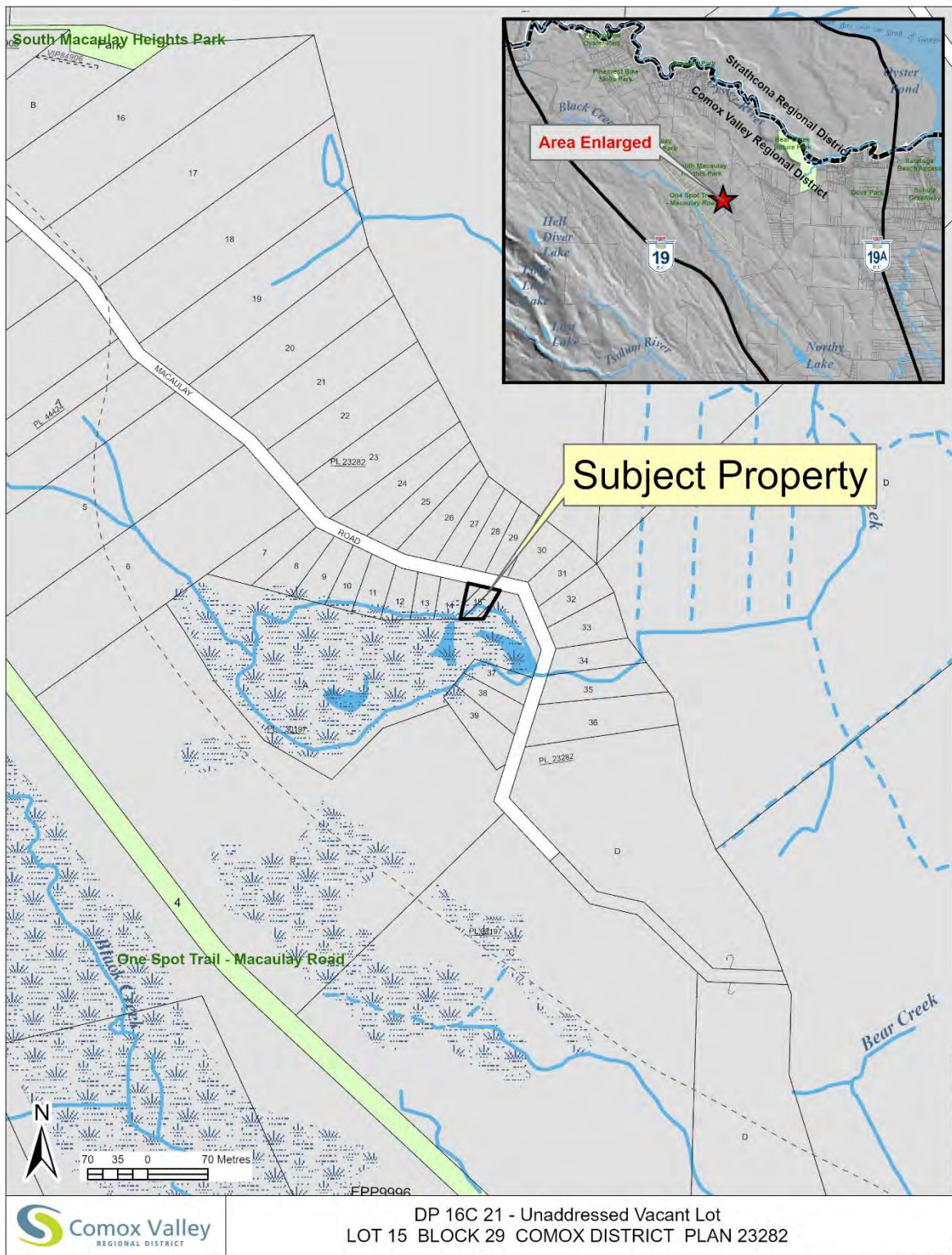


Figure 1: Subject Property Map

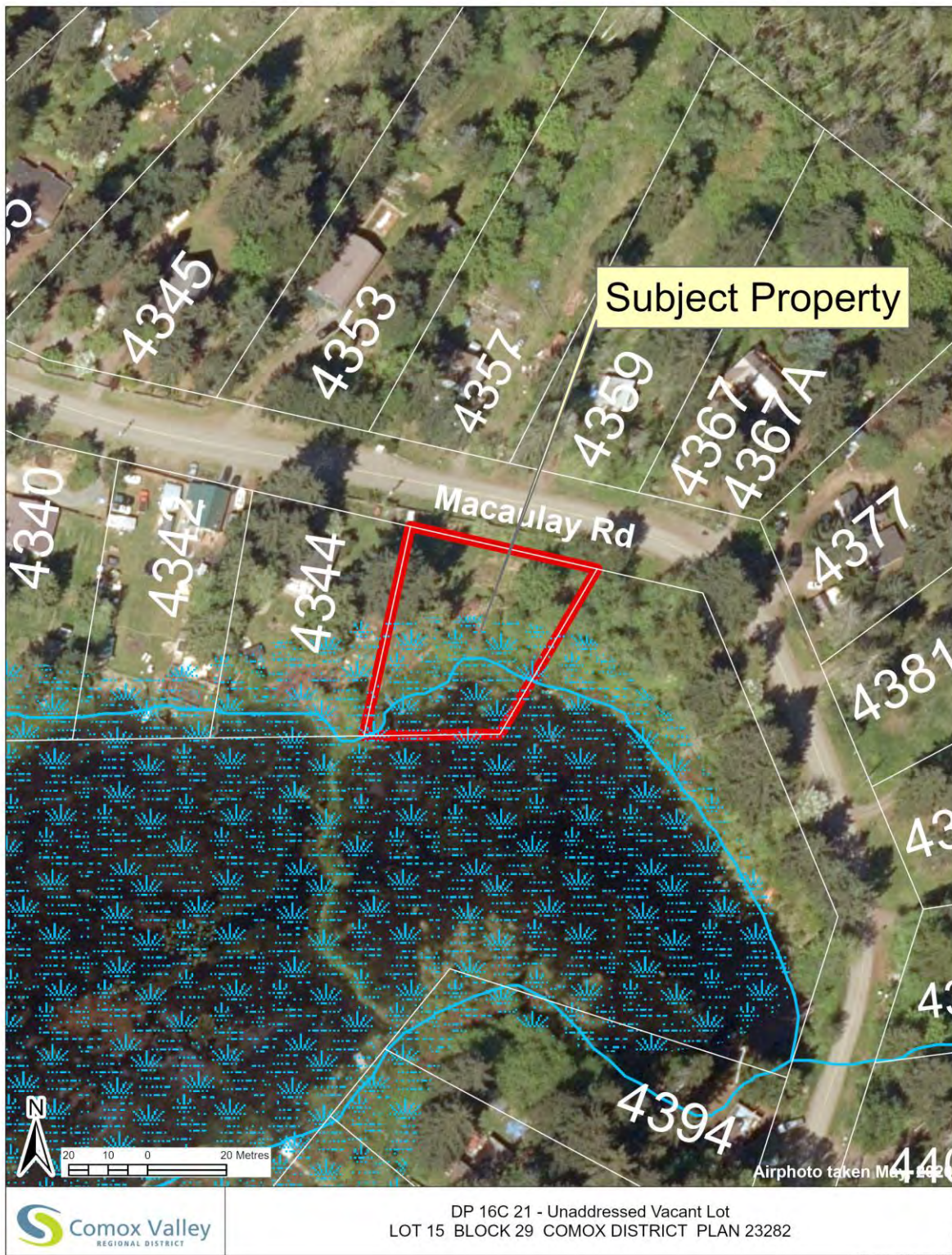


Figure 2: Air Photo

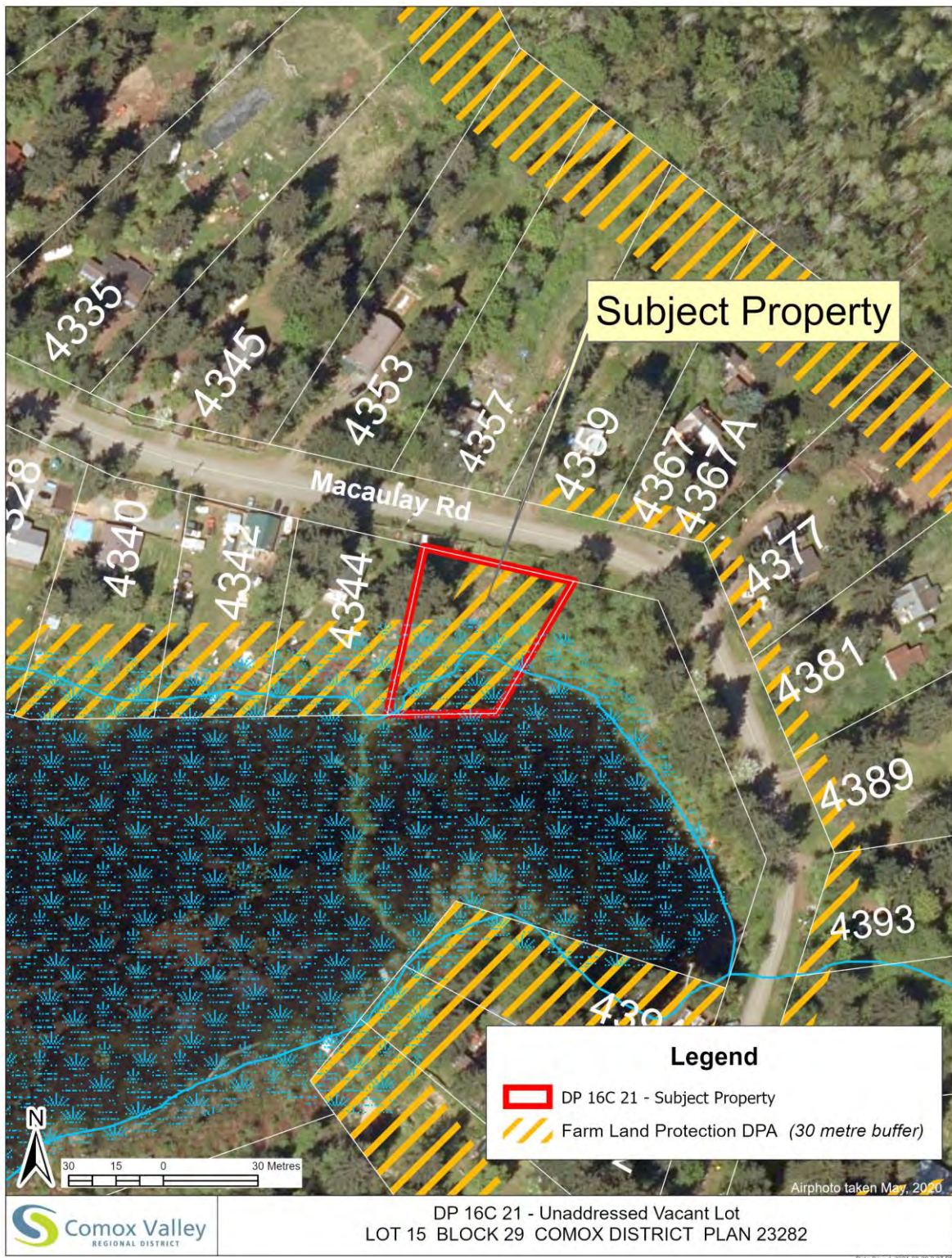


Figure 3: Farmland Protection Development Permit Area Map

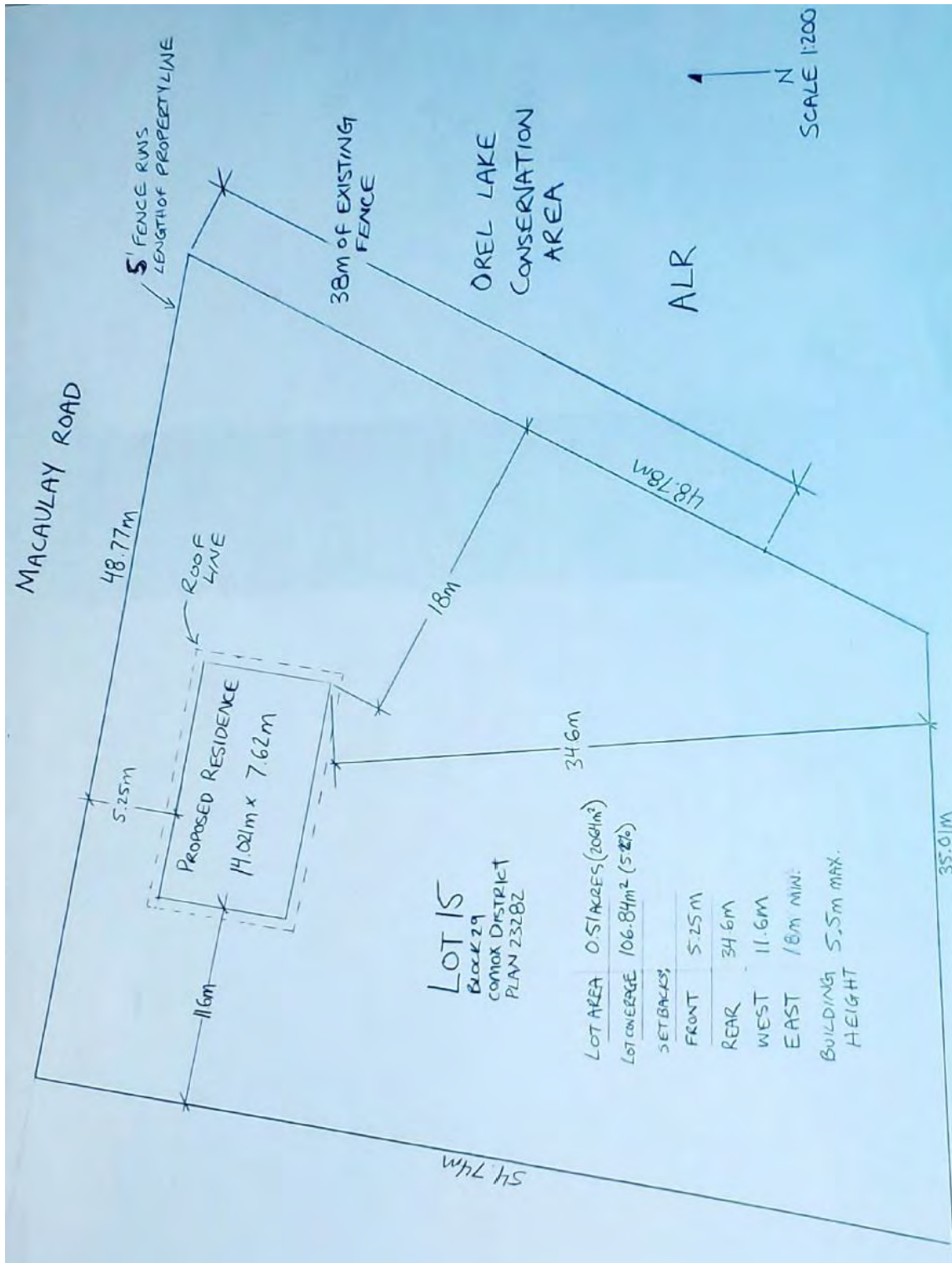


Figure 4: Site Plan



Figure 5: Site Photo 1



Figure 6: Site Photo 2



Figure 7: Site Photo 3



Figure 8: Site Photo 4

Cover Letter

May 19, 2021

RE: Farm land protection application for developing lot 15 (PID 001-819-488) on Macaulay Rd adjacent to ALR

To whom it may concern:

Generally speaking, the main purpose of seeking approval to develop a residential lot next to ALR is to make sure there is no conflict between a proposed residential development and neighbouring agricultural use, and if there is conflict or potential conflict, then mitigation of such is addressed in the application. In this case, there is NO conflict to be mitigated with buffers or otherwise as the ALR adjacent is NOT nor could be used for agriculture nor aquaculture.

This 1/2 ac lot is bordered on the South by water, known locally as Orel lake, ('the pond' or sometimes 'the bog'). To the East the ALR property is about 120 M of dense natural vegetation, bush and trees, to where Bear Creek starts at the south eastern edge of the 'lake'. All this ALR is managed by The Nature Trust of BC and hence there is no real interest related to the agriculture or aquaculture.

To the North is Macaulay Rd and the West is another 1/2 ac residential lot developed years ago. The parcel under consideration here is the last lot (#15) in a subdivision of small lots between Macaulay Rd and the water created some decades ago.

The east property line has approximately 38m of 54" high agricultural fencing which has been tensioned with a come along and, has 7' painted t posts at 7' o.c driven 30" into the ground, and H – bracing every 30 m. This fence ties into a 5' wood fence that runs the full 49m length of the property line parallel Macaulay road to the north, and extends approximately 2m into the wetland to the south.

You will see from our site plan that we have done our best to site the small home reasonably as far as possible from the ALR boundaries.

The proposed residence that faces the ALR to the east will be a single-story house 25' wide, with a total height not more than 5.5m (18'). The building corner will be no closer than 18m (59') to the property line to the east.

The proposed residence will be more than 30m from property line to the south.

Given the statements above, there are no buffer issues to be addressed as the water to the South is a natural buffer to any distant ALR property and the land towards the East, to the small creek, is immovable and not capable of food production.

ATTACHED EXHIBITS

1. Site plan A. This plan shows the proposed small residential development and distances to adjacent ALR
2. More detailed site plan B shows the residential development area and

includes the environmental considerations related to a riparian habitat development permit application.

3. Site plan C showing subdivision.

4. Site plan D showing lot 15 in relation to ALR and start of Bear creek.

5. Picture of the existing fence line on the East boundary pointing South to the water (showing alder tree).

6. Picture of the area to the East toward the distant Bear Creek through the Eastern fence.

7. Picture from Bear Creek and the road looking West, into the 120 meters (approx.) of dense vegetation, to the eastern fence line of the lot at issue.

8. Picture of the landscape buffer to the South taken from about 25 m from the South East corner of the parcel looking West.

9. Picture of the proposed house site (4 cones) and water to the south showing the natural rhododendrons in between, that we desire to preserve. The neighbouring house to the west can be seen.

10. Picture from dock looking east toward Bear creek and the south east property corner.

Jodi MacLean

From: Tyson Munro Personal Info Removed
Sent: May 23, 2021 10:36 AM
To: Brian Chow; Jodi MacLean
Subject: Fwd: Lot 15 farmland DP
Attachments: site.plan.D.pdf; Lot 15 Macaulay RAPR.jpg; site.plan.A.pdf

CAUTION! EXTERNAL EMAIL

----- Forwarded message -----

From: **Dusty Silvester** <dusty@currentenv.ca>
Date: Sun, 23 May 2021 at 10:26
Subject: RE: Lot 15 farmland DP
To: Tyson Munro Personal Info Removed

Tyson,

You can pass this note along to the planner dealing with the Farmland DP on your behalf. Let me know if you need any more detail.

On May 20, 2021, I attended the subject property at Lot 15 Macaulay Road (PID 001-819-488) and assessed the stream boundary of "Orel Lake" as well as any potential interactions with the ALR property to the east (Orel Lake Conservation Area). In 2018 our office had provided an environmental constraints report on the property and based on my most recent observations there has been no change on the property that warrants an update. As a result, I have attached a copy of the 2018 site plan showing the extents of Orel Lake and the 15 m Riparian Areas Protection Regulation Streamside Protection and Enhancement Area. With the proposed residential footprint situated central to the lot and an 18 m distance from the eastern property boundary separating the development from neighboring ALR it is anticipated that there will be no interaction or negative effect to ALR lands as a result of the development.

In summary, there is no conflict between development of Lot 15 Macaulay Road (PID 001-819-488) and the adjacent ALR land. No additional buffers or mitigation between Lot D and the ALR property are recommended.

Dusty Silvester, R.P.Bio.

Current Environmental Ltd.

(250) 871-1944

From: Tyson Munro Personal Info Removed
Sent: Thursday, May 20, 2021 3:10 PM
To: Dusty Silvester <dusty@currentenv.ca>
Subject: Lot 15 farmland DP

Dusty,

Thanks for coming out today.

Here are some more documents relating to the farmland DP.

Tyson