

Memo

File: 3060-20/DP 4B 20

DATE: April 7, 2020

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services Branch

RE: Development Permit – 5228 Island Highway North
(Mountain Ridge Tree Farms Ltd.)
Lot A, Section 25, Comox District, Plan 9848, PID 003-921-336

An application has been received to consider a Development Permit (DP) under the Farm Land Protection guidelines. This DP is required to enable subdivision or development of land within 30 metres of agricultural land. This DP may include conditions related to screening, landscaping, fencing and the siting of buildings.

The subject property is an 8 hectare lot that extends from the Island Highway up to Anderson Road at the top of the hill (Figure 1). It is a split-zoned property in which the bottom portion is within the Agricultural Land Reserve (ALR) and is zoned Rural-ALR but the top portion is outside the ALR and is zoned Residential Rural (R-RU). The Development Permit Area (DPA), in which a DP is required under the Farm Land Protection guidelines, is located within the area 30 metres from any land within the ALR or otherwise designated Agricultural Areas within the Official Community Plan (Figure 2). The applicant proposes to subdivide two lots out of the top portion of the property (Appendix A). Because this will create new lot lines within the DPA, this DP is required.

The lot is developed as a tree farm on the bottom half near the highway and with green houses at the top near Anderson Road. According the Canada Land Inventory (Figure 3), the lower portion of the lot (to the west) has a soil classification of Class 2D with additional stoniness and excess water restrictions closer to the middle of the lot. Class 2 refers to land with minor limitations that require ongoing management practices or slightly restrict the range of crops; subclass D refers to an undesirable soil structure and/or low perviousness. The sloped portion of the lot has a soil classification of Class 5T transitioning to Class 5A(70%)-3AP(30%). Class 5 refers to land with limitations that restrict its capability to produce perennial forage crops or other specially adapted crops; subclass T refers to limitations due to topography and P refers to stoniness. The top of the lot is within Class 3A which has moderate limitations due to soil moisture deficiency (low water holding capacity or insufficient precipitation).

Development Permit Guidelines

The objective of the Farm Land Protection DP (Appendix B) 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.

With respect to subdivision, the objective is to ensure the new lots are able to accommodate the development potential of their zone without placing principal or accessory buildings within 30 metres of the agricultural boundary. Furthermore, the guidelines state:

- (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.”*

To address these guidelines, the subdivision plan (Appendix A) places the two new lots no closer than 24 metres from the boundary with the ALR so that when combined with the zoning bylaw’s required 7.5 metre building setback, all future buildings sited on the lots must be outside the DPA. Addressing drainage down the slope, the applicant submitted a Rainwater Management Plan prepared by Jamie Alguire, P.Eng., of Maritime Pacific Engineering Ltd. According to the report, water from the slope flows to an existing retention pond at the base, while the top area flows to the northeast (Figure 4).

Zoning

The subject property is split zoned to match the boundary of the ALR, so that the bottom portion is within the ALR and zoned Rural-ALR. The top portion is outside the ALR and zoned Residential Rural (R-RU) (Figure 5). The R-RU zone allows for subdivision to a minimum of 0.8 hectares with a development potential of one single detached dwelling and a secondary dwelling limited in area to 90 square metres (or a one carriage house or one secondary suite) and a maximum of 200 square metres of accessory building floor area on each lot. The proposed subdivision plan would create two 0.8 hectare lots.

Sincerely,

T. Trieu

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

/jm

Attachments Appendix A – “Subdivision Plan”
Appendix B – “Farm Land Protection guidelines”

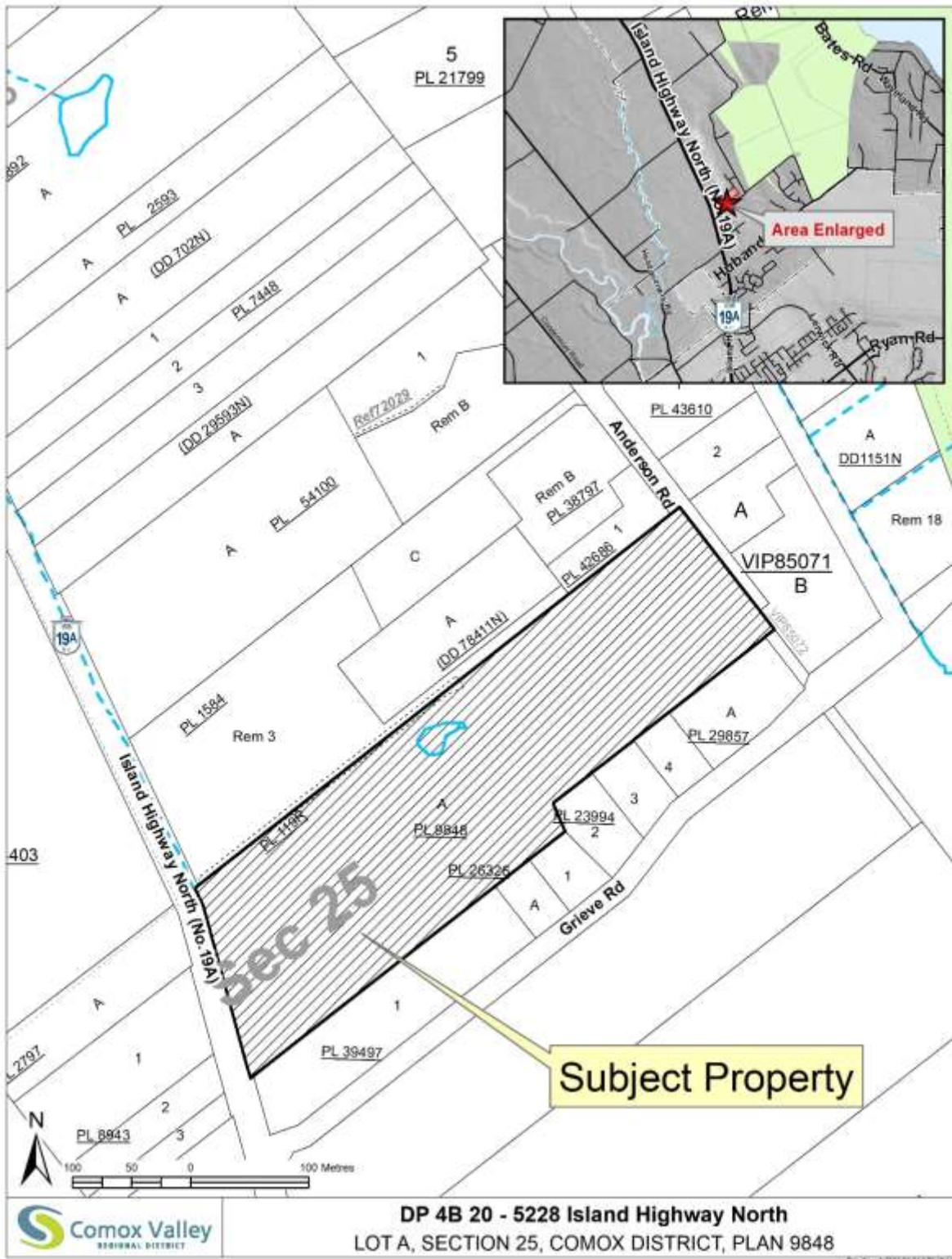


Figure 1: Subject Property

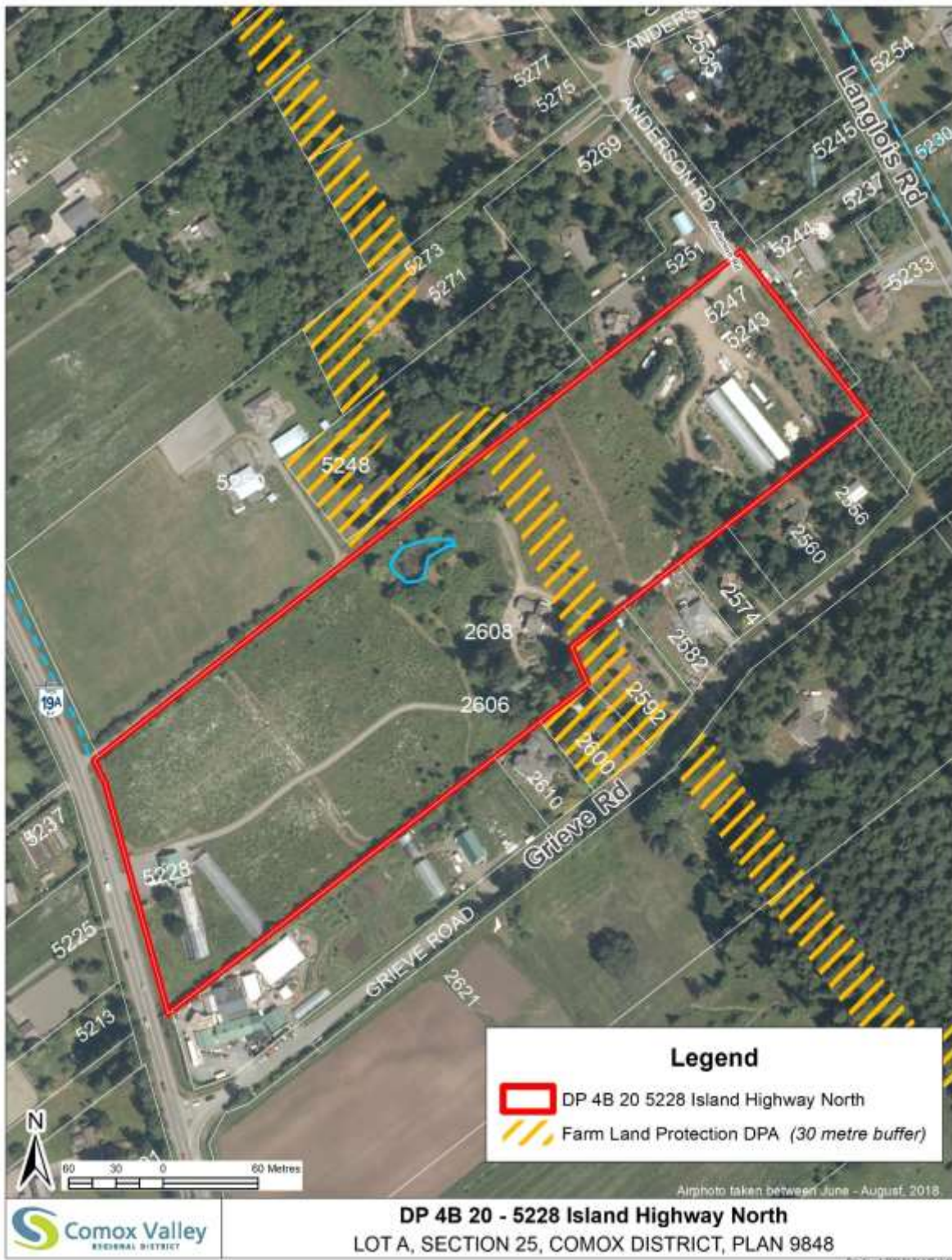


Figure 2: Air Photo of Subject Property with the Development Permit Area highlighted

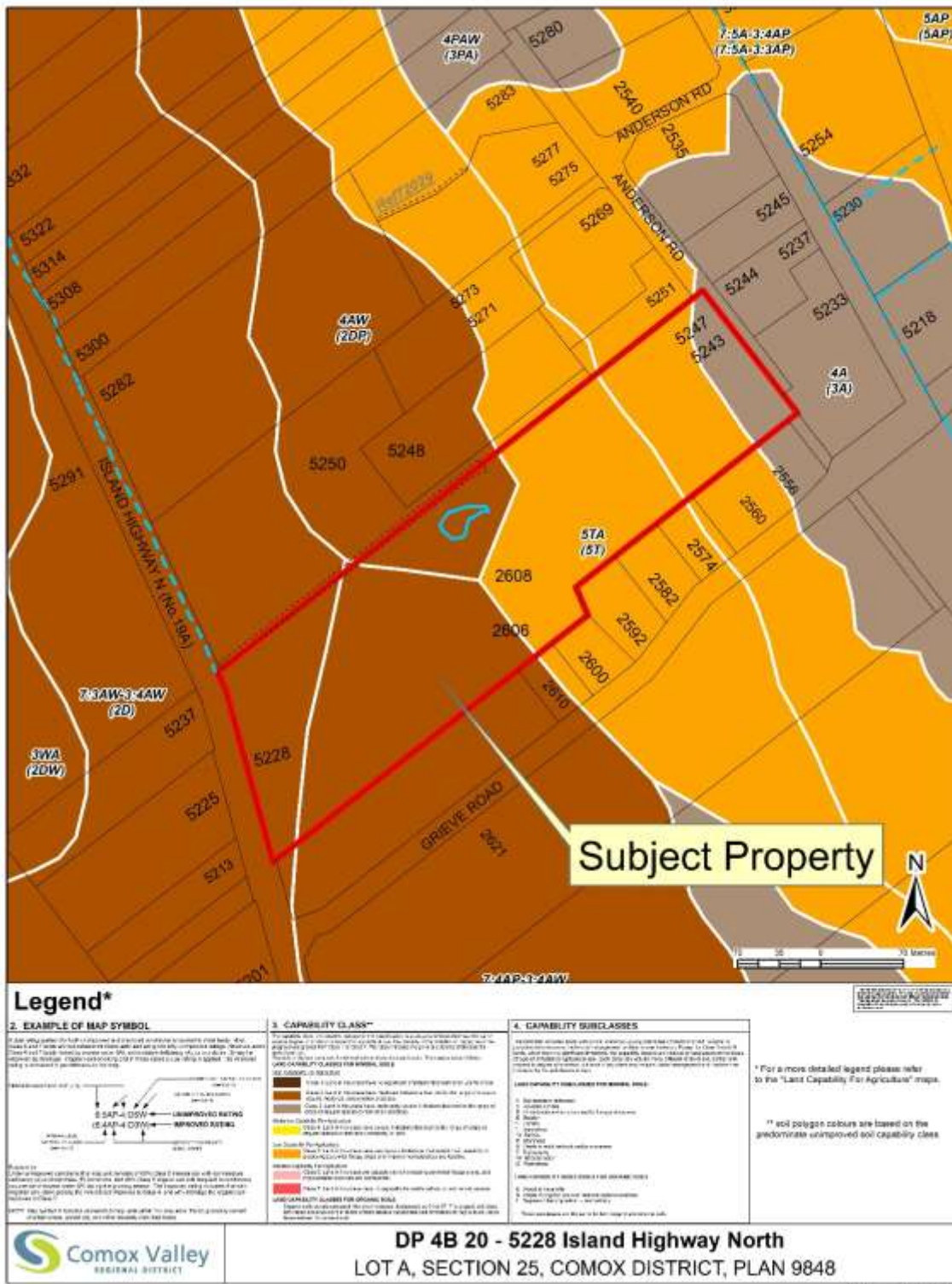


Figure 3: Canada Land Inventory illustrating soil classification;
 Brown indicates Class 2 (west);
 Orange indicates Class 5 (middle);
 Grey indicates Class 3 (east).



Figure 4: Surface Drainage Pattern on Lot

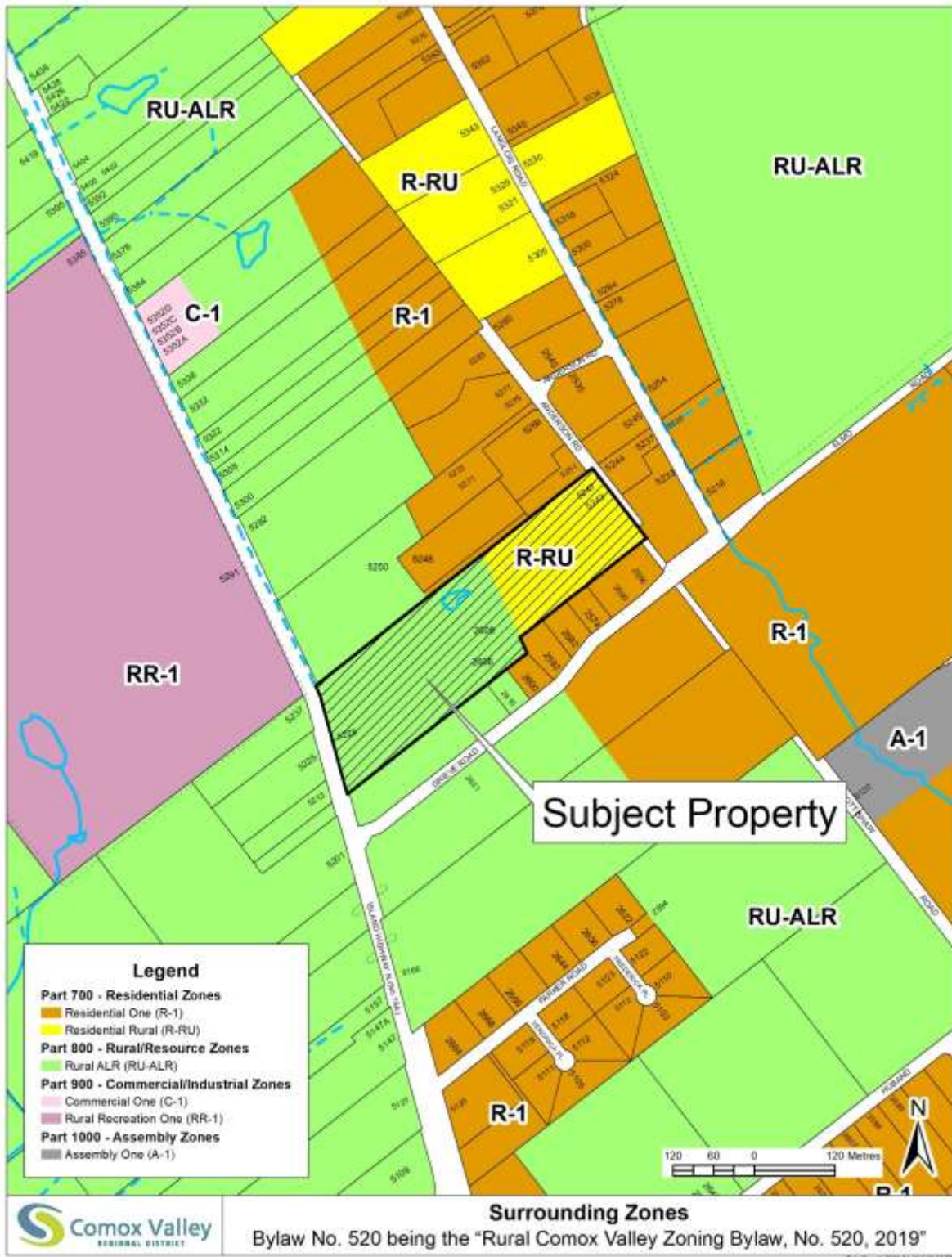
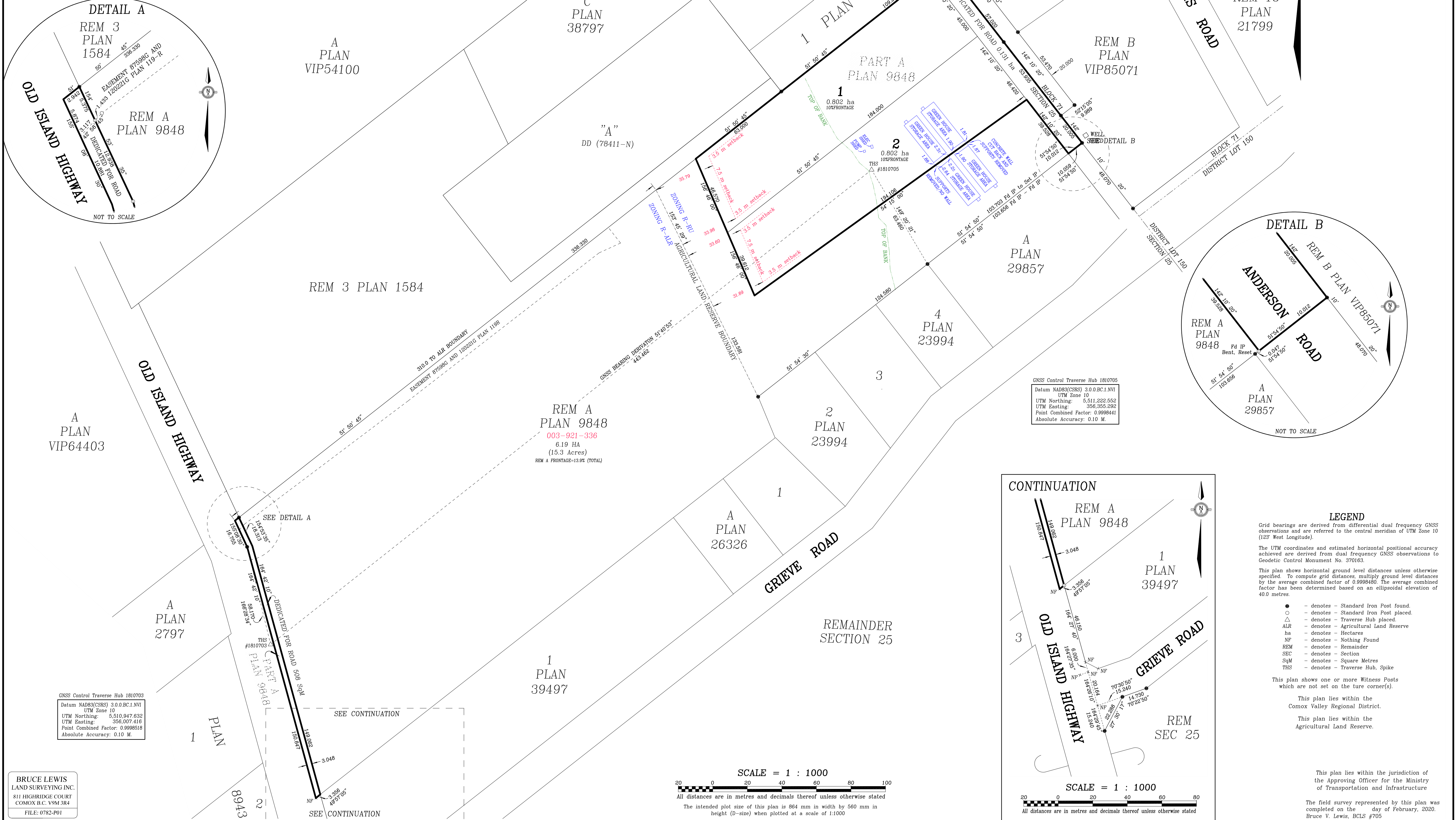
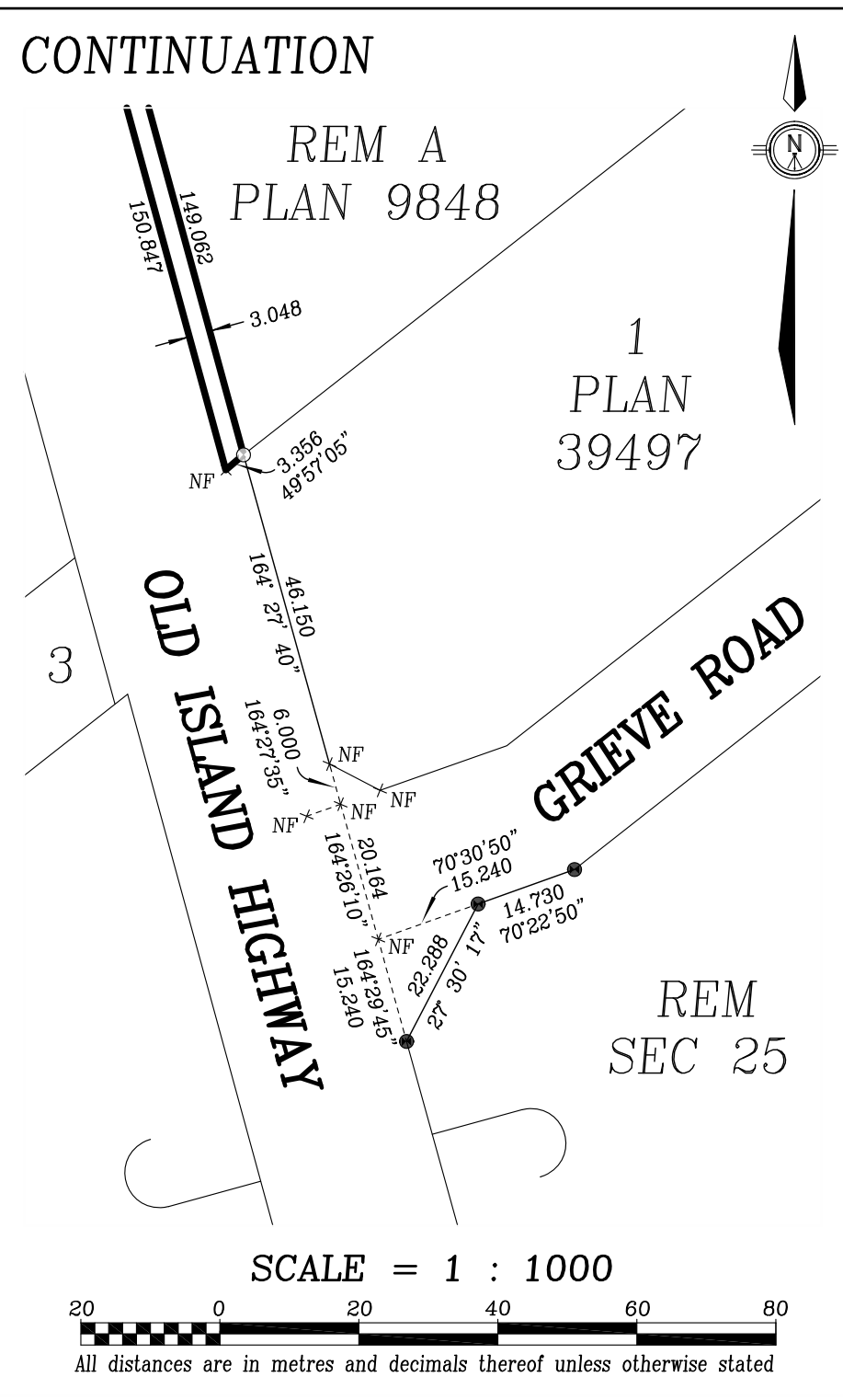
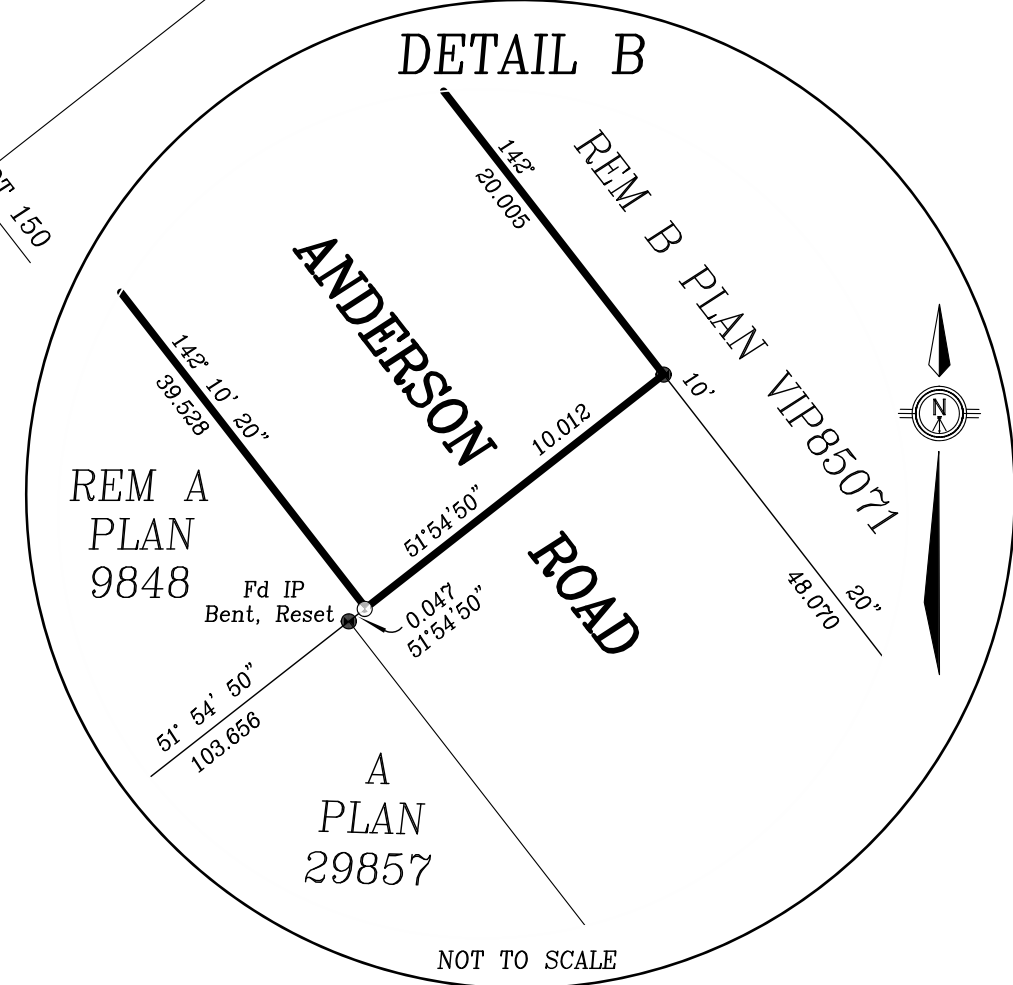
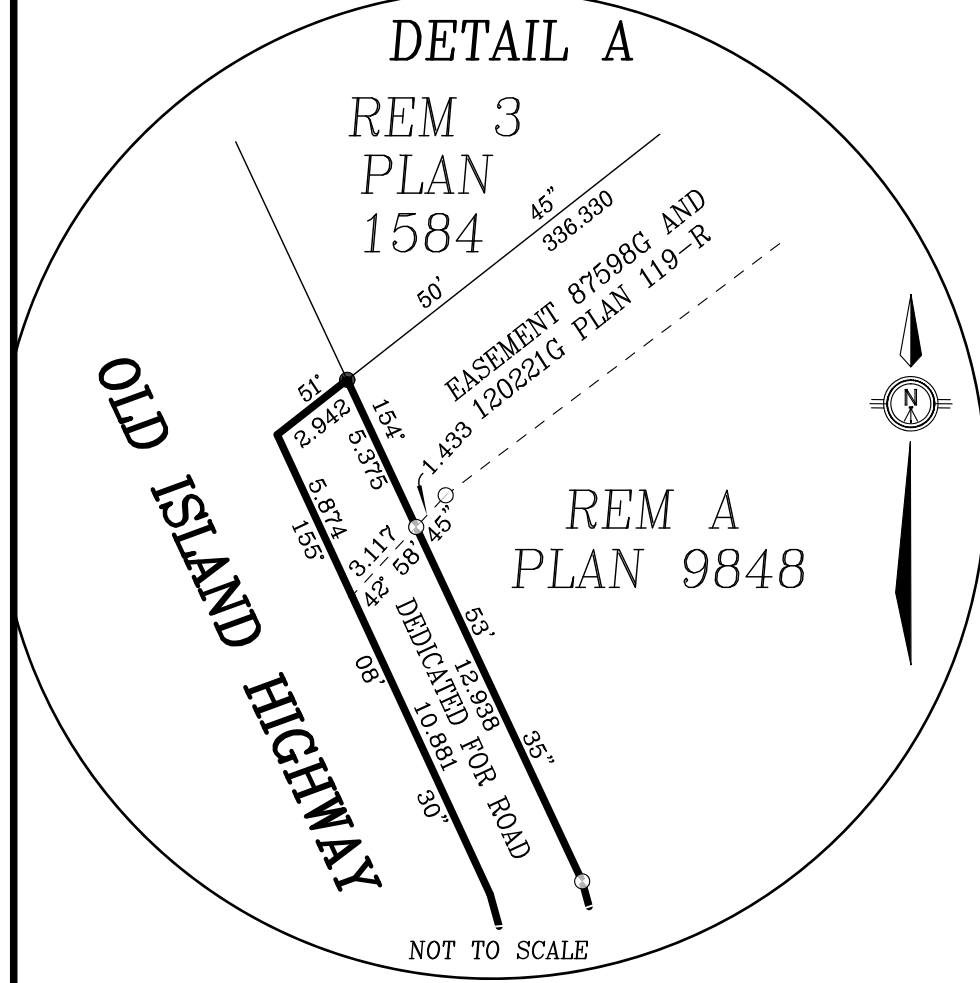


Figure 5: Zoning Bylaw map

PROPOSED SUBDIVISION PLAN OF:
PART OF LOT A, SECTION 25,
COMOX, DISTRICT, PLAN 9848
BCGS 92F.076

PLAN EPP100572
PRO-FORMA



GNSS Control Traverse Hub 1810705
Datum NAD83(CSRS) 3.0.0.BC1.NVI
UTM Zone 10
UTM Northing: 5,511,222.552
UTM Easting: 356,355.292
Point Combined Factor: 0.9998441
Absolute Accuracy: 0.10 M.

GNSS Control Traverse Hub 1810703
Datum NAD83(CSRS) 3.0.0.BC1.NVI
UTM Zone 10
UTM Northing: 5,510,947.632
UTM Easting: 356,007.416
Point Combined Factor: 0.9998518
Absolute Accuracy: 0.10 M.

BRUCE LEWIS
LAND SURVEYING INC.
811 HIGHRIDGE COURT
COMOX B.C. V9M 3R4
FILE: 0782-P01

SCALE = 1 : 1000
All distances are in metres and decimals thereof unless otherwise stated
The intended plot size of this plan is 864 mm in width by 560 mm in height (D-size) when plotted at a scale of 1:1000

SCALE = 1 : 1000
All distances are in metres and decimals thereof unless otherwise stated

LEGEND
Grid bearings are derived from differential dual frequency GNSS observations and are referred to the central meridian of UTM Zone 10 (123° West Longitude).
The UTM coordinates and estimated horizontal positional accuracy achieved are derived from dual frequency GNSS observations to Geodetic Control Monument No. 370163.
This plan shows horizontal ground level distances unless otherwise specified. To compute grid distances, multiply ground level distances by the average combined factor of 0.9998460. The average combined factor has been determined based on an ellipsoidal elevation of 40.0 metres.

- - denotes - Standard Iron Post found.
- - denotes - Standard iron Post placed.
- △ - denotes - Traverse Hub placed.
- ALR - denotes - Agricultural Land Reserve
- ha - denotes - Hectares
- NF - denotes - Nothing Found
- REM - denotes - Remainder
- SEC - denotes - Section
- SqM - denotes - Square Metres
- THIS - denotes - Traverse Hub, Spike

This plan shows one or more Witness Posts which are not set on the ture corner(s).
This plan lies within the Comox Valley Regional District.
This plan lies within the Agricultural Land Reserve.
This plan lies within the jurisdiction of the Approving Officer for the Ministry of Transportation and Infrastructure
The field survey represented by this plan was completed on the day of February, 2020.
Bruce V. Lewis, BCLS #705

Part of 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

- (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.