

Memo

File: 3110-20/ALR 3C 19

DATE: May 14, 2019

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services Branch

RE: Non-Adhering Residential Use – 7392 Howard Road (Nadeau / Welk)
Lot 15, Block 29, Comox District, Plan 2262, PID 006-400-906

An application (Appendix A) has been received to consider a Non-Adhering Residential Use within the Agricultural Land Reserve (ALR). The Comox Valley Regional District (CVRD) may forward the application to the Agricultural Land Commission (ALC) with comments and recommendations or refuse the application.

The subject property (Figures 1 and 2) is a 16 hectare lot, created in a 2003 when the northern non-ALR area was separated into its own lot (now addressed as 7450 Howard Road). The subject property is developed with a single detached dwelling and several accessory (e.g. garages) and farm (e.g. sheds, barns) buildings. The land is used for hay and pasture fields to support sheep and the owners also maintain a vineyard and small orchard.

The applicants propose to add a new manufactured home for the purpose of providing residence to the property's current owners as they transition ownership of the property to their children. The proposed location for the additional dwelling is to the rear of the property on a sand and gravel deposit

According to the Canada Land Inventory, the rear of the property where the additional dwelling is proposed to be located has a soil classification of 5AP (Figure 3). Class 5 soils have very severe limitations that restrict their capability in producing perennial forage crops, and improvement practices are feasible. Subclass P refers to limitation due to stoniness and subclass A to a soil moisture deficiency caused by low soil water-holding capacity or insufficient precipitation. Otherwise, the front end of the property has soil classifications of 4AW and 4PA, improvable to 2AP and 3PA, with subclass W referring to excess water.

Agricultural Land Reserve

Revisions to the *ALC Act* (the Act) and its *Agricultural Land Reserve Use Regulation* (the regulation) came into force in February 2019. Amongst the revisions, the allowance for an additional dwelling in the form of a manufactured home inhabited by the property owner was removed. Section 20.1 of the Act now specifies that a property “*may have no more than one residence per parcel*” with exceptions for “pre-existing residential structures” and dwellings approved through a non-farm/residential use application. ALC staff have reviewed this situation with the applicants (e.g. being in the process of

adding the manufactured home when the regulations changed) and determined that a Non-Adhering Residential Use application 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”. It is the objective of this area designation “*To promote agriculture and aquaculture as an important economic sector of the Comox Valley*”. The relevant general policies are to “*Require new development to support the primary function of agriculture*” and to “*Protect farming integrity and function of land designated agricultural area*”. Regarding residential uses in this designation Policy 59(4) states “*Minimize the residential impact on arable farm land by dwelling units and related residential infrastructure*”.

Zoning Bylaw

The property is zoned Rural-ALR in the CVRD Zoning Bylaw, Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”. This allows for a residential density of one single detached dwelling plus additional dwelling units that are specifically permitted by the ALC. Should the ALC approve the application, the proposal would be consistent with the Zoning Bylaw.

Sincerely,

T. Trieu

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

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Attachments Appendix A – “ALR 3C 19 application”



Figure 2: Air Photo (2018)



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59069

Application Status: Under LG Review

Applicant: Kristina Welk , William Ian Nadeau

Agent: Kristina Welk

Local Government: Comox Valley Regional District

Local Government Date of Receipt: 04/29/2019

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

Proposal Type: Non-Adhering Residential Use - Additional Residence for Farm Use

Proposal: The purpose of our proposal is to keep our farm farming within the family. We want to put a mobile modular home on a non arable portion of land to the rear of our property for us to move into so my son and his growing family can move into the primary residence and we can transition the farm to them with guidance and mentor-ship from us.

We started our succession planning process about a year ago by first talking with our Regional District. They assured us at that time, that a Z240 mobile modular on non arable land was an acceptable secondary dwelling on ALR land. This worked well for us as having two separate dwellings allows us to maintain our privacy and dignity.

We developed; with our lawyer and accountant; a viable, long term plan for transfer that would allow the farm to continue to be productive and remain within the family. We have had an engineering firm confirm the suitability of the location for building the modular on. It will be on a section of sand and gravel not suitable for crops. We have a septic plan ready to go and have engaged with both hydro and gas. We also have the final plan for the Z240 modular with a local building company.

Over the last year we have spent thousands to get to this point doing all our due diligence to be compliant with the rules we were informed about prior to the newest bill. Our main goal is to be able to keep our farm within our family and allow us to maintain and increase the production of the family farm, keeping a healthy local food supply for our community.

Agent Information

Agent: Kristina Welk

Mailing Address:

7392 Howard Rd

Merville, BC

V0R 2M0

Canada

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
Parcel Identifier: 006-400-906
Legal Description: Rem Lot 15 Block 29 Plan VIP 2262
Parcel Area: 16.1 ha
Civic Address: 7392 Howard Rd
Date of Purchase: 05/08/2001
Farm Classification: Yes
Owners

1. **Name:** Kristina Welk
Address:
7392 Howard Rd
Merville, BC
V0R 2M0
Canada
 2. **Name:** William Ian Nadeau
Address:
7392 Howard Rd
Merville, BC
V0R 2M0
Canada
-

Ownership or Interest in Other Lands Within This Community

1. **Ownership Type:** Fee Simple
Parcel Identifier: 026-577-429
Owner with Parcel Interest: Kristina Welk
Parcel Area: 1.5 ha
Land Use Type: Residential
Interest Type: Full Ownership
 2. **Ownership Type:** Fee Simple
Parcel Identifier: 026-577-437
Owner with Parcel Interest: Kristina Welk
Parcel Area: 1.5 ha
Land Use Type: Residential
Interest Type: Full Ownership
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Current Use of Parcels Under Application

Applicant: Kristina Welk , William Ian Nadeau

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

*7 ha hay crop,
7 ha pasture,
.5 ha viticulture,
established orchard 22 mixed variety fruit trees,
60 sheep for meat and fibre for our local market.*

We used to raise beef & chickens for eggs but had to cut back as it became too much for us to manage on our own.

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

The title certificate uploaded is for 2003 when the entire parcel we purchased in 2001 was divided into 2 parcels based on it's 2 zones. 16.3 ha remained within the ALR. The other section, then CR4, became its own piece. In 2006 the CR4 piece was further subdivided. All of this had no affect on the ALR parcel, PID 006-400-906.

Since our purchase in 2001, we have made improvements to the farm. Our family is very invested in this parcel. Our goal is to continue to maintain & improve this land. For this a young willing back is needed (our son). The yearly up keep on a farm is continual. We fertilize the hay & pasture fields, clear & brush ditches, repair fences & constantly remove broom. Below are a list of the big ticket items we have done to our farm delineated by year.

*2001 -ditching & reclaiming- hay fields; removal of 7 hectares of broom; repaired, resided, painted all out buildings
2002-replacing, repairing perimeter fences, gates & wire; drainage pipe in hay fields & pasture; 1st sheep & steers
2003- tilled, reseeded 7 ha hay fields; cross fencing, posts & wire; electric insulators on perimeter fences, cleared 1.5 ha for new pasture; reclaiming front field 2 ha from black willow, re-dug pond
2004- re-generated old gravel pit 2.5 ha to pasture
2005- cross fenced, post & wire
2006-new construction 24x40 storage shed; development of vineyard site .5 ha;
2007- fence, posts & irrigation system to vineyard
2008- grape planting
2009- new barn construction 24x48; irrigation to fields; new pasture 1 ha, fence posts & wire
2010- new barn infrastructure -green -gravity feed & solar panels, internal handling system for sheep
2011- field repair, gates
2012- out buildings, repair & paint
2013- new equipment shed 24x46
2017-roof repair, all out buildings, tilled & reseeded middle hay field 2 ha
2018- tilled & reseeded outer hay field 2.5 ha*

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

no non-agricultural activity

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: housing

East

Land Use Type: Residential
Specify Activity: housing

South

Land Use Type: Agricultural/Farm
Specify Activity: dog training

West

Land Use Type: Agricultural/Farm
Specify Activity: horses

Proposal

1. What is the purpose of the proposal?

The purpose of our proposal is to keep our farm farming within the family. We want to put a mobile modular home on a non arable portion of land to the rear of our property for us to move into so my son and his growing family can move into the primary residence and we can transition the farm to them with guidance and mentor-ship from us.

We started our succession planning process about a year ago by first talking with our Regional District. They assured us at that time, that a Z240 mobile modular on non arable land was an acceptable secondary dwelling on ALR land. This worked well for us as having two separate dwellings allows us to maintain our privacy and dignity.

We developed; with our lawyer and accountant; a viable, long term plan for transfer that would allow the farm to continue to be productive and remain within the family. We have had an engineering firm confirm the suitability of the location for building the modular on. It will be on a section of sand and gravel not suitable for crops. We have a septic plan ready to go and have engaged with both hydro and gas. We also have the final plan for the Z240 modular with a local building company.

Over the last year we have spent thousands to get to this point doing all our due diligence to be compliant with the rules we were informed about prior to the newest bill. Our main goal is to be able to keep our farm within our family and allow us to maintain and increase the production of the family farm, keeping a healthy local food supply for our community.

2. Describe the necessity for an additional residence for farm use and how it will support agriculture in the short or long term.

The truth is, we are getting older and have already cut back on some of our farming activities. We no longer raise beef or chickens for eggs. Over the years my husband, Ian, has developed severe allergies and is unable to farm from June to August leaving the majority of the work during that busy time to me. My son has been helping me when he can with some of the major tasks and he and his family are keen to continue farming on the family property. By residing on the same parcel of land, my son and his family will have a secure base for an inter-generational transfer and farm succession. We will be able to have our privacy and dignity all while providing mentor-ship for his young family. Our farm can then return to its previous productivity and we can safeguard our contribution to a healthy local food supply.

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

One main residence is a 321.23 meters square 3 bedroom, 3 bathroom house. 2 of us currently live in it but it is much more suitable for my son, his partner and their twin children.

4. What is the total floor area of the proposed additional residence in square metres?

135.5 m²

5. Describe the rationale for the proposed location of the additional residence.

The selected site is on non arable land. This will not interfere with the productivity of the farm. It is set apart from the main residence to protect both our and my son's family's privacy and dignity. This will also allow us to remain independent for as long as possible. We can continue to farm as well as provide mentor-ship to my son and his family as they take on more and more responsibility. We have decided on a modular because it is not a permanent structure and is possible to be moved at a later date.

6. What is the total area of infrastructure necessary to support the additional residence?

200 meters square, for our septic and a small parking area. The location we have selected makes use of existing driveways and no farm-able land will be altered or changed.

7. Do you need to import any fill to construct the additional residence or infrastructure?

No

Applicant Attachments

- Agent Agreement - Kris Welk
- Proposal Sketch - 59069
- Site Photo - proposed site
- Site Photo - picture #2 non arable soil
- Site Photo - picture #3
- Certificate of Title - 006-400-906

ALC Attachments

None.

Decisions

None.





non Arable

Site

