

# Memo

**File:** 3110-20/ALR 1C 19

**DATE:** April 10, 2019

**TO:** Agricultural Advisory Planning Commission

**FROM:** Planning and Development Services Branch

**RE:** Non-Adhering Residential Use – 7884 Sturgess Road (Zimmerman)  
Lot B, Block 29, Comox District, Plan VIP25801, PID 002-682-222

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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 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 1.3 hectare lot, created in a 1972 subdivision, along Sturgess Road. The property was developed in 1996 with a manufactured home. Land clearing and agricultural development occurred approximately 10 to 20 years later. The property was purchased by the current owners in 2012 and they have since developed a small market garden, orchard and structures for laying hens.

The applicants propose to build a new house (with an estimated total floor area of 330 square metres) on the property while living in the existing manufactured home. They intend to remove the manufactured home upon occupancy of the new house.

According to the Canada Land Inventory, the property has an unimproved soil classification of 4PA, improvable to Class 4P(70%)-3PA(30%) (Figure 3). Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices. Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Subclass P refers to restriction due to stoniness and subclass A to a soil moisture deficiency caused by low soil water-holding capacity or insufficient precipitation.

## 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 29(1) of the regulation now defines a residential structure as “*a structure used, whether permanently or temporarily, to provide or in connection with providing accommodation...*”. 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. living in the existing dwelling while building another one) 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*”. The applicant does not propose to retain the manufactured house as an additional dwelling.

Zoning Bylaw

The property is zoned Rural-ALR in the CVRD Zoning Bylaw. 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 1C 19 application”

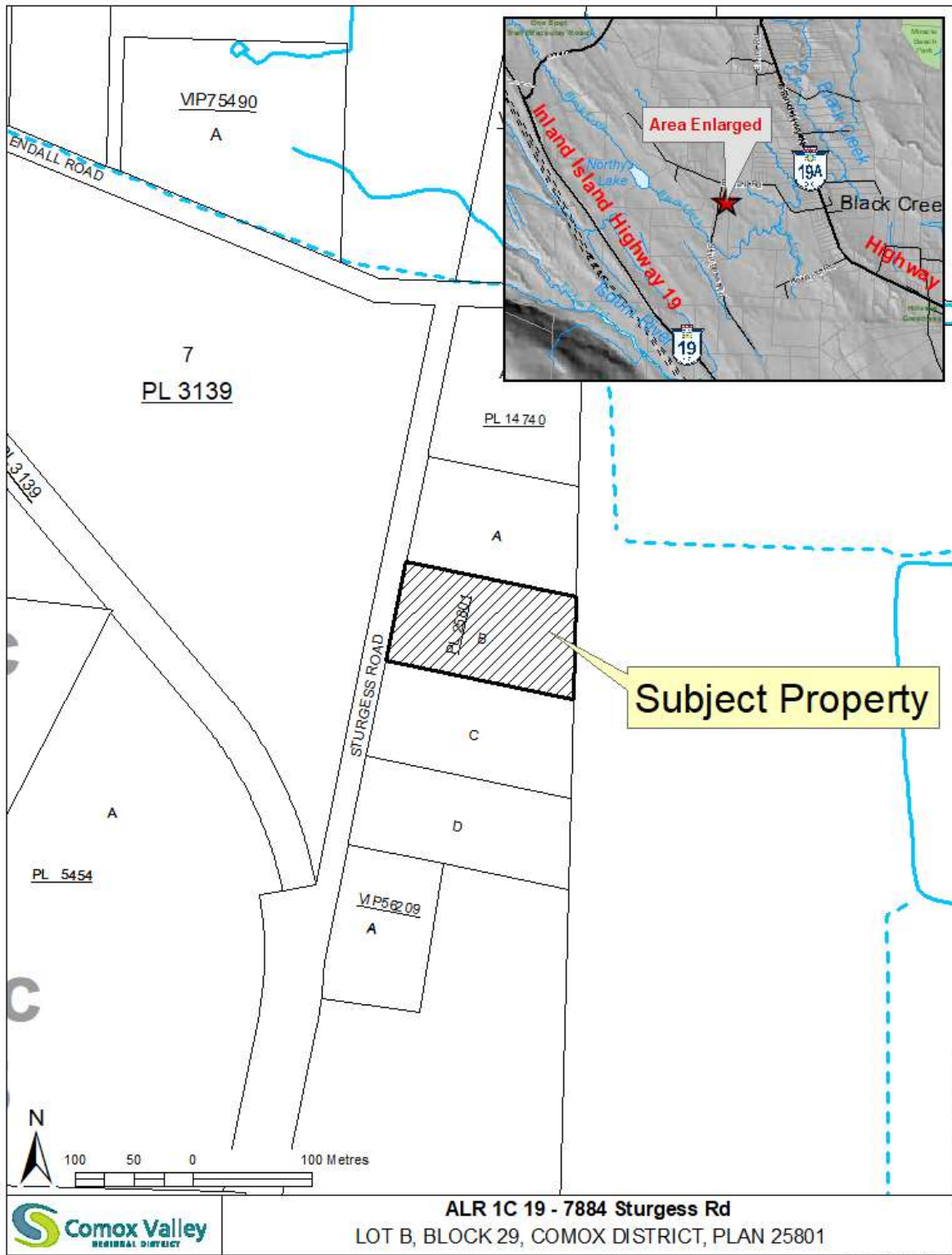


Figure 1: Subject Property



Figure 2: Air Photo (2016)

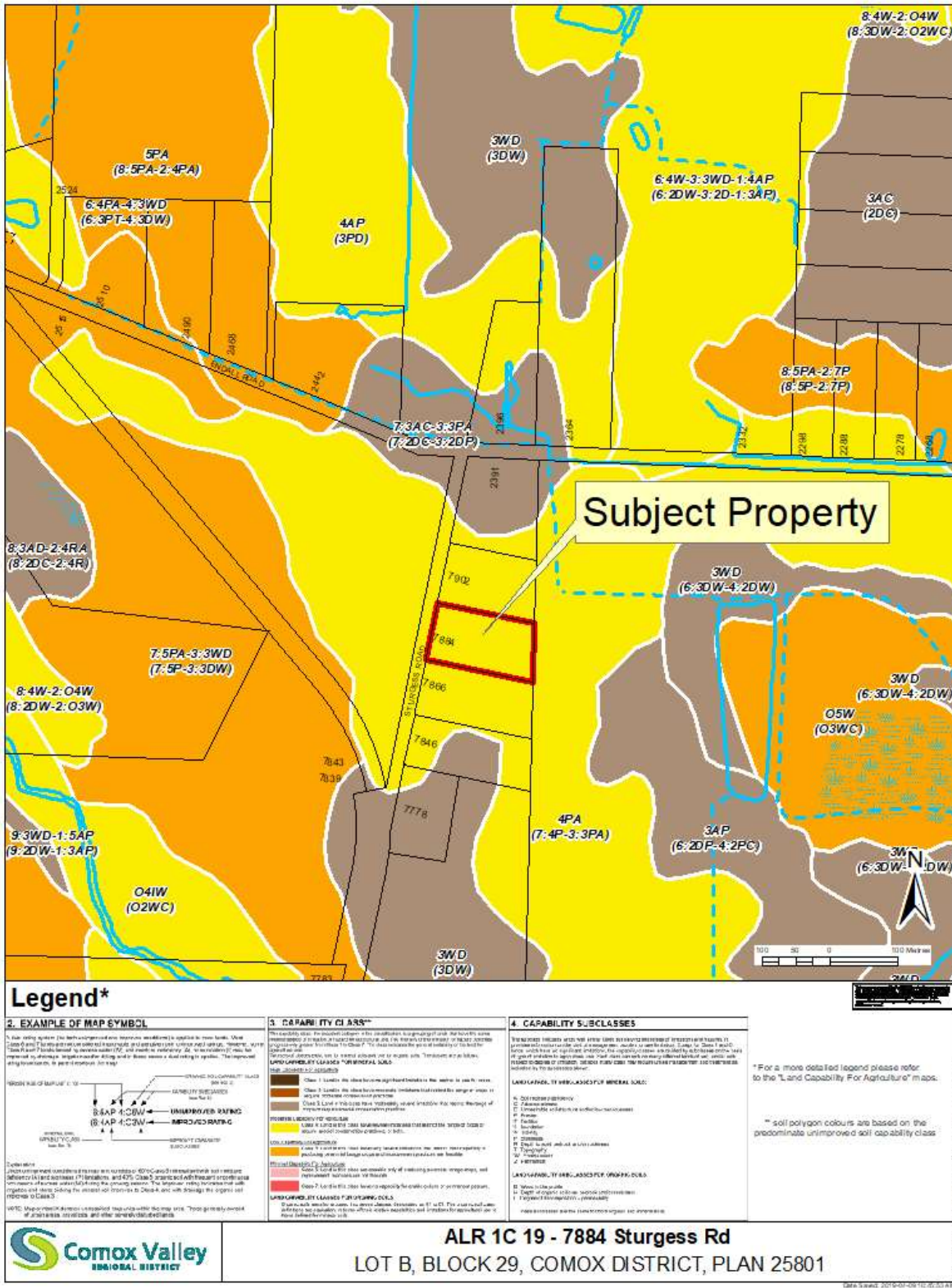


Figure 3: Soils Mapping (Canada Land Inventory)



# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 58964

**Application Status:** Under LG Review

**Applicant:** Trevor Zimmerman , Denise Zimmerman

**Local Government:** Comox Valley Regional District

**Local Government Date of Receipt:** 04/09/2019

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

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

**Proposal:** We, Trevor and Denise, of 7884 Sturgess RD, Black Creek, along with our 4 children:

are currently living in a mobile home. We have made the decision to build a new house to accommodate our growing family. We had planned to build our house on the property that we are living on currently and upon given occupancy of our new house we would move our mobile home off the property. Due to the high cost, disruption of our living, and insecurity to our family we would like to keep our mobile home on the property until we've been given occupancy of our new house.

**Mailing Address:**

7884 Sturgess

Black Creek , BC

V9J 1G7

Canada

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple  
**Parcel Identifier:** 002-682-222  
**Legal Description:** L B BK 29 COMOX PL 25801  
**Parcel Area:** 1.3 ha  
**Civic Address:** 7884 Sturgess RD.  
**Date of Purchase:** 01/25/2012  
**Farm Classification:** Yes  
**Owners**

1. **Name:** Trevor Zimmerman

**Address:**

7884 Sturgess

Black Creek , BC

V9J 1G7

Canada

**Applicant:** Trevor Zimmerman , Denise Zimmerman

2. **Name:** Denise Zimmerman

**Address:**

7884 Sturgess  
Black Creek , BC  
V9J 1G7  
Canada

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**Current Use of Parcels Under Application**

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

*50 laying hens 20% vegetables and orchard.*

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

*300 ft.of Garden and orchard fence .*

*Planted 20 fruit trees*

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

*No non-agricultural activity, other than the 1500 square foot mobile home.*

**Adjacent Land Uses**

**North**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** agricultural

**East**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** agricultural

**South**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** agricultural

**West**

**Land Use Type:** Agricultural/Farm

**Specify Activity:** agricultural

**Proposal**

**Applicant:** Trevor Zimmerman , Denise Zimmerman

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

*We, Trevor and Denise, of 7884 Sturgess RD, Black Creek, along with our 4 children: T are currently living in a mobile home. We have made the decision to build a new house to accommodate our growing family. We had planned to build our house on the property that we are living on currently and upon given occupancy of our new house we would move our mobile home off the property. Due to the high cost, disruption of our living, and insecurity to our family we would like to keep our mobile home on the property until we've been given occupancy of our new house.*

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

*N/A*

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

*270 m<sup>2</sup>*

**4. How many "sleeping units" in total are proposed?**

*6*

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

- the existing location of the mobile home is tight to the south property line.*
- the new location will situate the house on the sunny side of the property to conserve energy.*
- Original house site will be reclaimed to grass land*
- The proposed building site is not suitable for livestock due to the wetness of the site during the wet winter months; and also the location to the well, which would contaminate our water supply.*

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

- 1500 sq ft mobile home*
- family of 6: 2 adults & 4 children*

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

*N/A*

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

*Yes*

*Long Term:*

- extending our orchard on the drier side of the property where soil conditions are more conducive to growth of fruit trees and vegetables.*
- we will be able to raise livestock, without the risk of contaminating our water supply.*

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

- 3000 sq ft Footprint of proposed home*
- 2000 sq ft footprint of driveway*
- 1000 sq ft footprint of new septic system*

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

*No*

**Applicant Attachments**



- Proposal Sketch - 58964
- Certificate of Title - 002-682-222

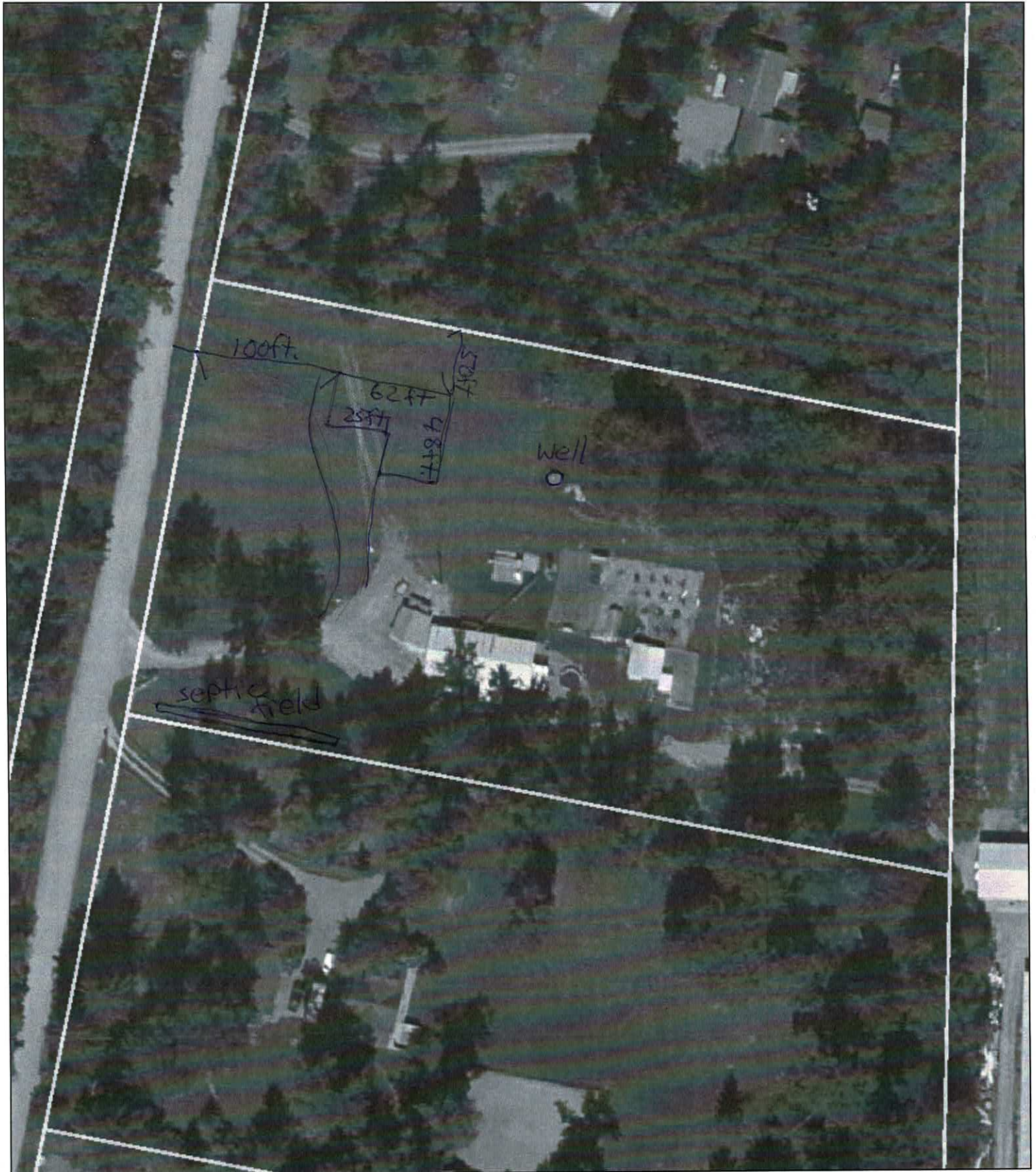
### **ALC Attachments**

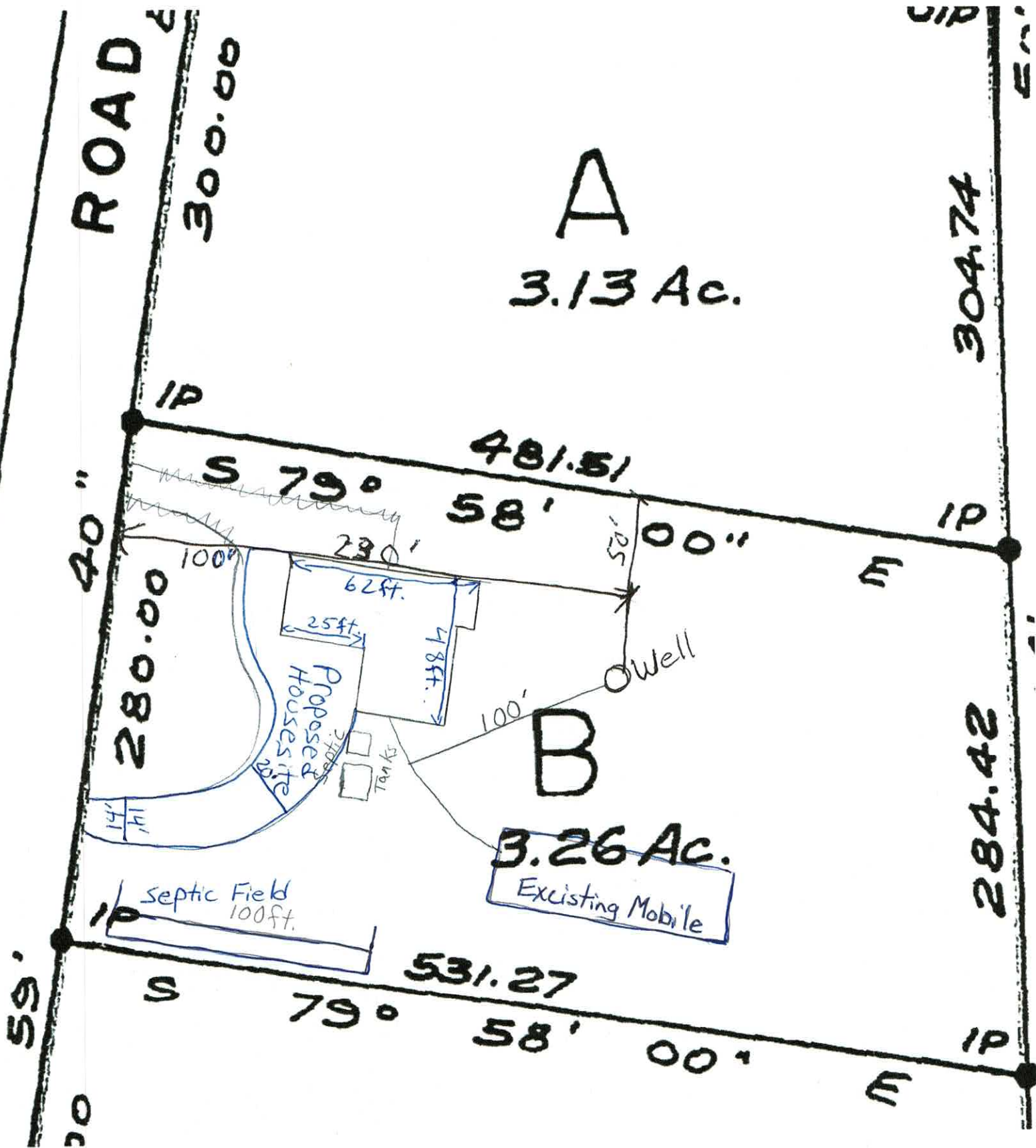
None.

### **Decisions**

None.









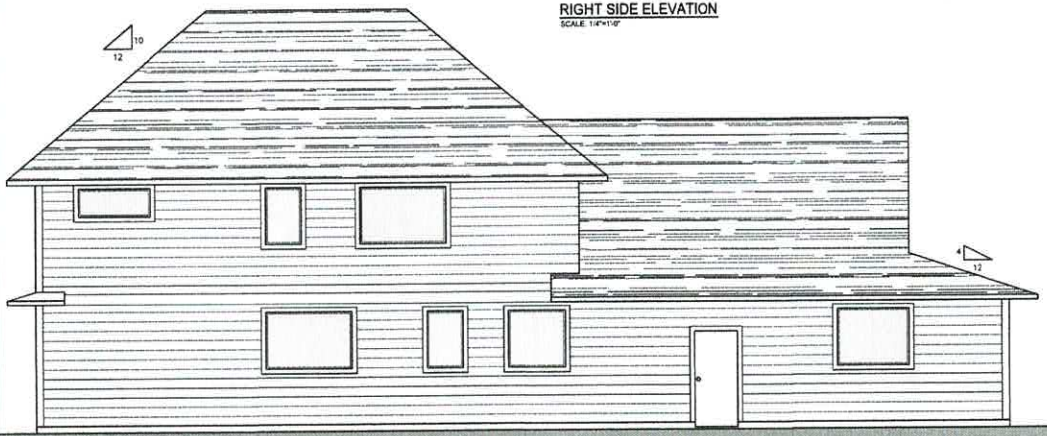
**FRONT ELEVATION**  
SCALE 1/4"=1'-0"



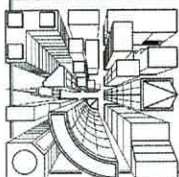
**REAR ELEVATION**  
SCALE 1/4"=1'-0"



**RIGHT SIDE ELEVATION**  
SCALE 1/4"=1'-0"



**LEFT SIDE ELEVATION**  
SCALE 1/4"=1'-0"



**ZIMMERMAN RESIDENCE**  
7884 STURGESS RD, BLACK CREEK, BC  
BIRDS EYE DRAFTING AND CONSULTING SERVICE  
COXMOX BC EMAIL: bruce@birdseyedrafting.com PHONE: (250) 465-8772

NO.	REVISIONS	DATE
1	SUBMITTED FOR PRELIMINARY REVIEW	NOV. 2018

**NOTE:**  
GRID TRUSS LOCATIONS TO BE DETERMINED BY TRUSS MANUFACTURER. ANY DISCREPANCIES TO BE DISCUSSED W/ ENGINEER PRIOR TO CONSTRUCTION.  
ALL POINT LOADS FROM ABOVE TO CONTINUE THRU FLOOR JOIST CAVITY, DOWN TO FOUNDATION BELOW.  
UNLESS SPECIFIED OTHERWISE, CONSTRUCTION TO BE IN ACCORDANCE WITH PART 9 OF THE B.C. BLDG CODE, 2012. ALTERNATE HEADER, BEAM, SPLIT UP COLUMN SIZES AND FLOOR JOIST SPACING TO BE DETERMINED UPON ENGINEER'S REVIEW. ENGINEER'S MARKUPS SUPERCEDE ANY NOTES INDICATED ON THESE PLANS.  
KITCHEN AND FURNITURE LAYOUT IS CONCEPTUAL AND FOR DISCUSSION PURPOSES ONLY. DOOR AND WINDOW SIZES AND LOCKS MAY BE ADJUSTED BY CONTRACTOR TO COORDINATE WITH ENGINEER PRIOR TO CONSTRUCTION IF ADJUSTMENTS AFFECT STRUCTURAL COMPONENTS.

**NOTE:**  
ALL EXTERIOR DIMENSIONS ARE TO OUTSIDE OF SHEATHING. ALL INTERIOR DIMENSIONS ARE TO CENTER OF WALL UNLESS NOTED OTHERWISE. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY ALL DIMENSIONS AND REQUIRED CLEARANCES ON SITE PRIOR TO CONSTRUCTION. ANY DISCREPANCIES TO BE DISCUSSED W/ ENGINEER PRIOR TO CONSTRUCTION.  
THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF BIRDS EYE DRAFTING AND ARE NOT TO BE REPRODUCED WITHOUT WRITTEN CONSENT. THESE DOCUMENTS HAVE BEEN DESIGNED SPECIFICALLY FOR THE PURCHASER'S INDIVIDUAL AND/OR COMPANY AND BUILDING SITE INDICATED. ANY ALTERATION TO THE INFORMATION SHOWN IN THE TITLE BLOCK INDICATES THAT THESE DRAWINGS HAVE BEEN ILLEGALLY REPRODUCED.