

Memo

File: 3110-20/ALR 1B 19

DATE: September 3, 2019

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services Branch

RE: Subdivision within the Agricultural Land Reserve – 3120 Dove Creek Road (Pollard)
Lot A, Section 21, Comox District, Plan 25680, Except Part in Plan EPP64565,
PID 000-913-375

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

The subject property (Figures 1 and 2) is a 19 hectare lot in Lazo North Electoral Area (Electoral Area B). The subject property is hooked across the recently constructed Piercy Road section that includes a bridge to cross over Tsolum River. The northern portion is 8.25 hectares and the southern portion is 10.73 hectares in area. The northern portion currently undeveloped (Figure 3). The southern portion has a single detached dwelling and agricultural buildings (Figures 4 and 5). In the past, the applicant had horses, cows, sheep, chickens and hay production. Currently, the applicant has chickens and hay production.

The applicant proposes to subdivide the property by unhooking it from Piercy Road (Figure 6).

Agricultural Land Reserve Analysis

The property is located within the ALR. Section 21(2) of the *Agricultural Land Commission Act* allows an owner of property within the ALR to apply to the ALC to subdivide that property. However, Section 25(3) requires that such an application first be authorized by the local government to proceed to the ALC.

The proposed subdivision would result in the northern property with just agricultural activities and the southern property with existing buildings and agricultural activities.

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 within Agricultural Areas, which were established using ALR boundaries. The main objective of this designation is to protect agricultural land and expand agricultural activities for local food security. It is the intent of the RGS to reinforce the policies and procedures within the ALR in order to support agricultural practices.

Official Community Plan Analysis

Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP) designates the subject property within Agricultural Areas. Section 58(8) states, “*Discourage subdivision of land in agricultural areas to preserve contiguous areas of agricultural land.*” The subject property is already not contiguous, and the proposed unhooking of the lot would not affect the existing land configuration.

Section 58(12) states, “*Require an applicant proposing to subdivide land in the agricultural area to demonstrate how the proposal will benefit the agriculture and aquaculture industries.*” According to the applicant, due to the new road, the property is severed into two portions, and access between the two portions requires crossing a road. The northern portion is bounded by three roads, one of which has a gas right of way. The southern portion is bounded by two roads and Tsolum River.

Zoning Bylaw Analysis

The property is zoned Rural-ALR (RU-ALR) (Appendix B). Section 503(2)(i)(d)(1) of the Zoning Bylaw exempts the proposed subdivided lots from meeting the minimum lot area requirement within a zone if the two or more parts are physically separated by a highway. The proposed unhooking from Piercy Road satisfies this section. Furthermore, both of the proposed lots meet the minimum 8.0 hectare lot area requirement in the RU-ALR zone.

Section 7 of the RU-ALR zone states the minimum lot frontage shall be 10 per cent of the perimeter of the lot. Both of the proposed lots meet this minimum lot frontage requirement.

Sincerely,

T. Trieu

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

/bc

Attachments: Appendix A – “ALR Application”
Appendix B – “Rural ALR Zone”

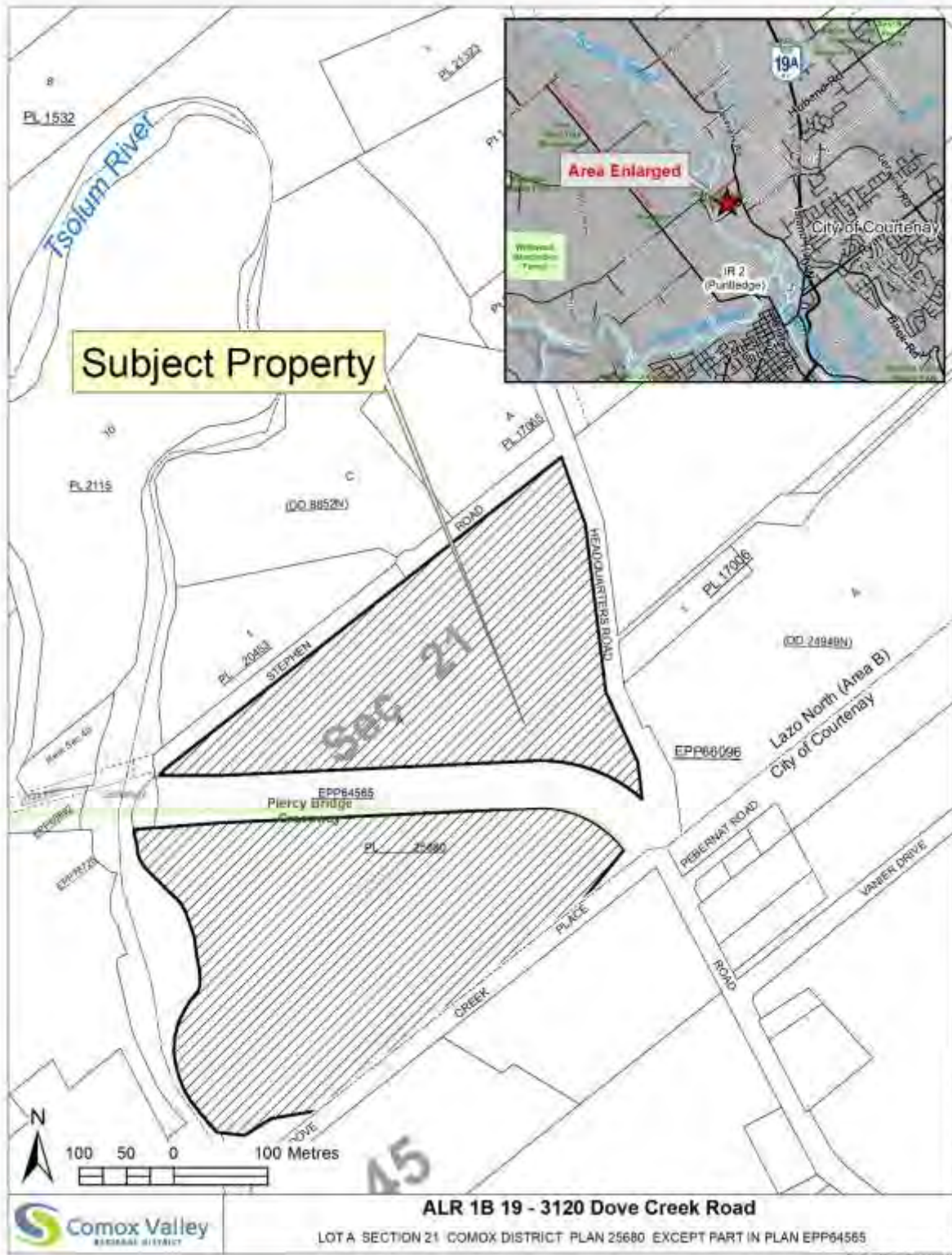


Figure 1: Subject Property Map



Figure 2: Air Photo



Figure 3: View of the Northern Portion



Figure 4: View of the Southern Portion (Hay Field in the Background)



Figure 5: Agricultural Buildings in the Southern Portion

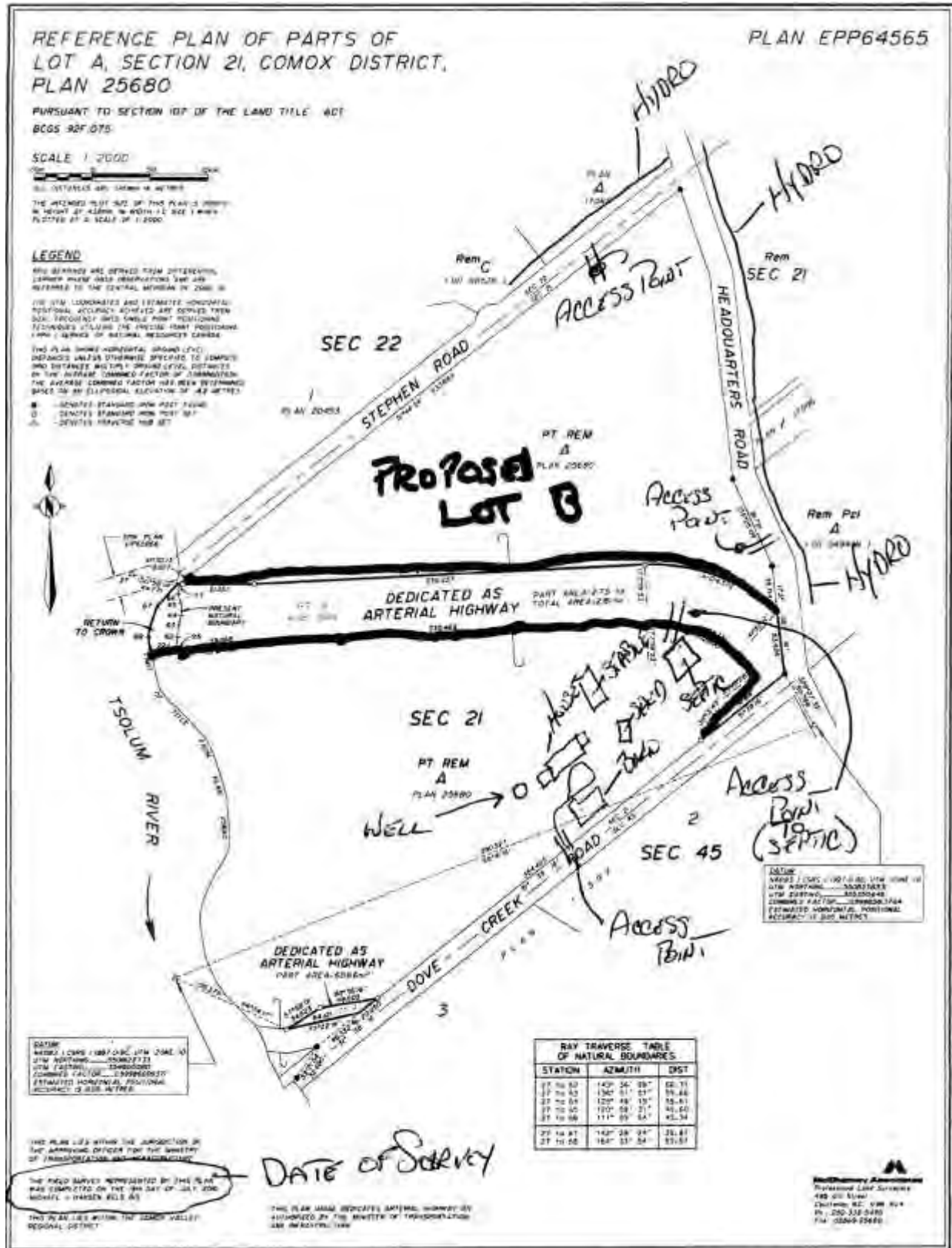


Figure 6: Subdivision Plan



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 59532

Application Status: Under LG Review

Applicant: Patricia Pollard

Local Government: Comox Valley Regional District

Local Government Date of Receipt: 08/06/2019

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

Proposal Type: Subdivision

Proposal: We are applying for subdivision due to the division of the property into 2 separate parcels. MOTI constructed an arterial highway through the property in 2017. This created an 8.25 ha. parcel to the north and a 10.73 ha. parcel to the south (where the residence and farm outbuildings are located). Access to the north parcel is across a main highway.

Mailing Address:

3120 Dove Creek Road
Courtenay, BC
V9J 1P3
Canada

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple
Parcel Identifier: 000-913-375
Legal Description: LOT A SEC 21 CD PL 25680
Parcel Area: 18.9 ha
Civic Address: 3120 Dove Creek Place
Date of Purchase: 05/05/2004
Farm Classification: Yes

Owners

1. **Name:** Patricia Pollard
Address:
3120 Dove Creek Place
Courtenay, BC
V9J 1P3
Canada

Applicant: Patricia Pollard

Current Use of Parcels Under Application

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

The cleared areas of the 10.73 ha. property are in hay production. In the areas around the house site are chicken coops and runs. The 8.25 ha. parcel has a small hay pasture that was cut off from the main pasture by the new highway.

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

Perimeter page wire fencing has been installed along the new arterial highway and along Dove Creek Place. Several farm outbuildings have been built on the 10.73 ha. parcel.

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

No non-agricultural activities take place on the property

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: across a road - 3 single family dwellings

East

Land Use Type: Agricultural/Farm

Specify Activity: across a road - sheep ranch and a winery

South

Land Use Type: Recreational

Specify Activity: across a road - CVRD fairgrounds and stables

West

Land Use Type: Agricultural/Farm

Specify Activity: across a river - dairy farm

Proposal

1. Enter the total number of lots proposed for your property.

8.2 ha

10.7 ha

2. What is the purpose of the proposal?

We are applying for subdivision due to the division of the property into 2 separate parcels. MOTI constructed an arterial highway through the property in 2017. This created an 8.25 ha. parcel to the north and a 10.73 ha. parcel to the south (where the residence and farm outbuildings are located). Access to the north parcel is

Applicant: Patricia Pollard

across a main highway.

3. Why do you believe this parcel is suitable for subdivision?

The new arterial highway has divided the property leaving no access from the south (10.73 ha.) parcel to the north (8.25ha.) parcel. The south parcel is bordered by 2 roads and a river. The north parcel is bordered by 3 roads, 1 of the roads has a gas right of way. No other properties abut either of the parcels. We believe that this subdivision will have no adverse effects on the surrounding properties or affect agricultural operations in the area.

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

Yes, the south 10.73 ha. already supports agriculture in the form of hay and egg production. The proposed, north 8.25 ha parcel has a small hay pasture that was cut off from the larger parcel by the arterial road. Other than that the north parcel is not presently used for agricultural purposes. It has been partially cleared of timber. The potential of this north parcel for agricultural purposes in the long term is good. If the parcel were to be cleared it could provide ample pasture for hay production or animal grazing. The soil is of good quality with no rocks or stones so could lend itself to crop production or market gardening. The area is flat and has good southern exposure.

5. Are you applying for subdivision pursuant to the ALC Homesite Severance Policy? If yes, please submit proof of property ownership prior to December 21, 1972 and proof of continued occupancy in the "Upload Attachments" section.

No

Applicant Attachments

- Proposal Sketch - 59532
- Site Photo - Highway - north 8.25 ha on left 10.73 on right
- Site Photo - Small pasture on 8.25 ha cut off by highway
- Certificate of Title - 000-913-375

ALC Attachments

None.

Decisions

None.

REFERENCE PLAN OF PARTS OF
LOT A, SECTION 21, COMOX DISTRICT,
PLAN 25680

PLAN EPP64565

PURSUANT TO SECTION 107 OF THE LAND TITLE ACT
BCGS 92F.075

SCALE 1:2000



ALL DISTANCES ARE SHOWN IN METRES

THE INTENDED PLOT SIZE OF THIS PLAN IS 560mm
IN HEIGHT BY 432mm IN WIDTH (1:2000) WHEN
PLOTTED AT A SCALE OF 1:2000

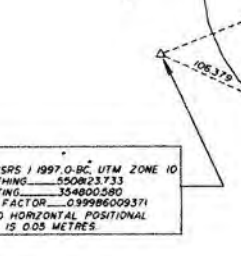
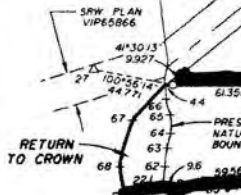
LEGEND

GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL
CARRIER PHASE GNSS OBSERVATIONS AND ARE
REFERRED TO THE CENTRAL MERIDIAN OF ZONE 10.

THE UTM COORDINATES AND ESTIMATED HORIZONTAL
POSITIONAL ACCURACY ACHIEVED ARE DERIVED FROM
DUAL FREQUENCY GNSS SINGLE POINT POSITIONING
TECHNIQUES UTILIZING THE PRECISE POINT POSITIONING
1 PPP1 SERVICE OF NATURAL RESOURCES CANADA.

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL
DISTANCES UNLESS OTHERWISE SPECIFIED. TO COMPUTE
GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES
BY THE AVERAGE COMBINED FACTOR OF 0.9998607636.
THE AVERAGE COMBINED FACTOR HAS BEEN DETERMINED
BASED ON AN ELLIPSOIDAL ELEVATION OF -4.2 METRES.

- - DENOTES STANDARD IRON POST FOUND
- - DENOTES STANDARD IRON POST SET
- △ - DENOTES TRAVERSE HUB SET



DATUM
NAD83 (CSRS) 1997.0-BC, UTM ZONE 10
UTM NORTHING 3508336.33
UTM EASTING 3548002.80
COMBINED FACTOR 0.99986009371
ESTIMATED HORIZONTAL POSITIONAL
ACCURACY IS 0.05 METRES.

RAY TRAVERSE TABLE OF NATURAL BOUNDARIES			
STATION	AZIMUTH	DIST	
27 to 62	143° 36' 28"	66.71	
27 to 63	136° 51' 51"	59.66	
27 to 64	129° 46' 19"	55.61	
27 to 65	120° 58' 31"	49.60	
27 to 66	111° 59' 54"	43.34	
27 to 67	142° 29' 24"	35.81	
27 to 68	164° 33' 54"	55.57	

DATUM
NAD83 (CSRS) 1997.0-BC, UTM ZONE 10
UTM NORTHING 3508336.33
UTM EASTING 3548002.80
COMBINED FACTOR 0.99986009371
ESTIMATED HORIZONTAL POSITIONAL
ACCURACY IS 0.05 METRES.

THIS PLAN LIES WITHIN THE JURISDICTION OF
THE APPROVING OFFICER FOR THE MINISTRY
OF TRANSPORTATION AND INFRASTRUCTURE

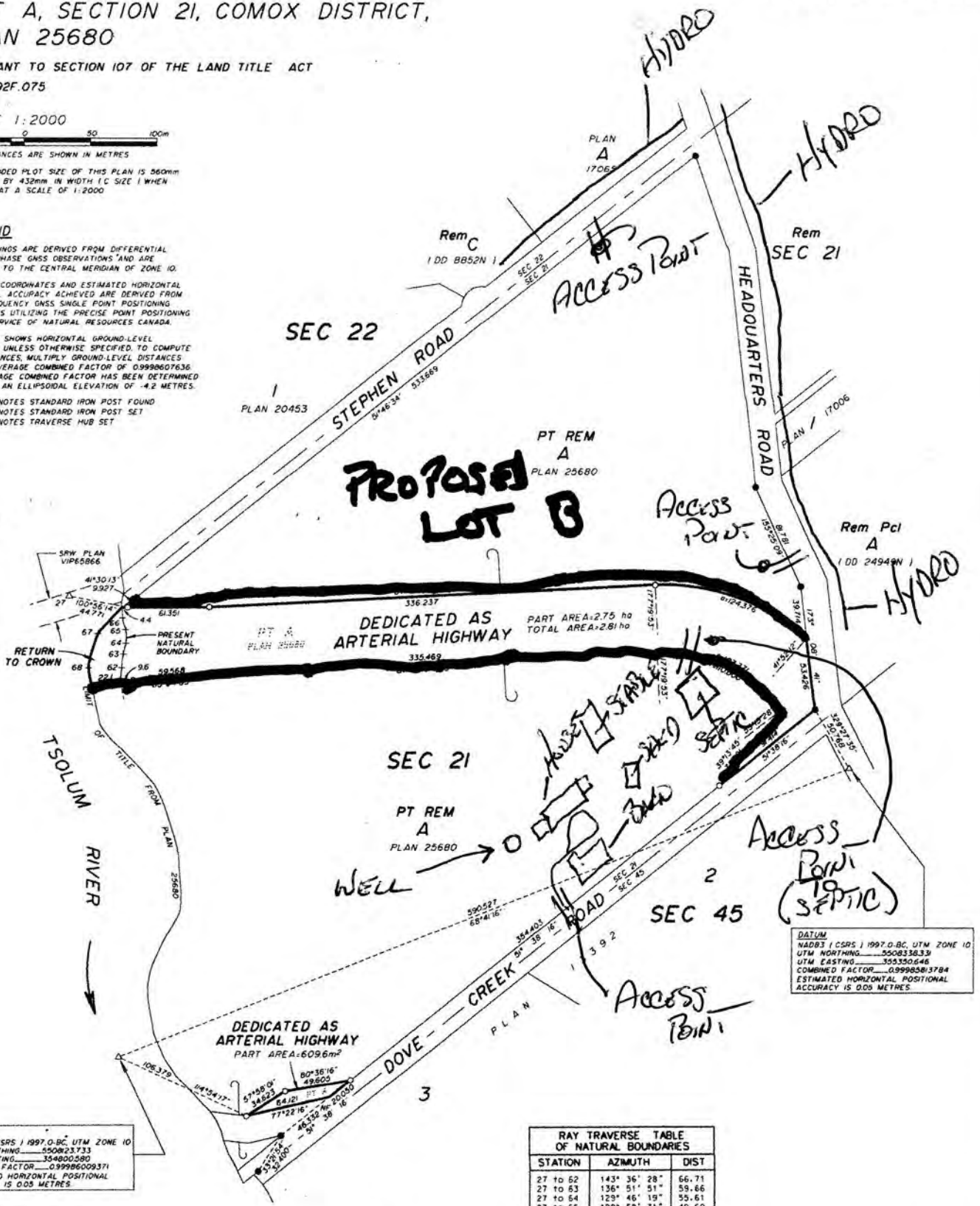
THE FIELD SURVEY REPRESENTED BY THIS PLAN
WAS COMPLETED ON THE 19th DAY OF JULY, 2006
MICHAEL J. HANSEN, BCLS B/S

THIS PLAN LIES WITHIN THE COMOX VALLEY
REGIONAL DISTRICT

DATE OF SURVEY

THIS PLAN IMAGE DEDICATES ARTERIAL HIGHWAY AS
AUTHORIZED BY THE MINISTER OF TRANSPORTATION
AND INFRASTRUCTURE

McEwen Associates
Professional Land Surveyors
495 6th Street
Courtenay, B.C. V9N 6V4
Ph: 250-338-5495
File: 05669-20680







803**Rural ALR (RU-ALR)****1. PRINCIPAL USE****On any lot:**

- i) Residential use;
- ii) Agricultural use;
- iii) On any lot in the Agriculture Land Reserve any other use specifically permitted by the Provincial Land Reserve Commission under the *Agricultural Land Reserve Act*, regulations and orders.

2. ACCESSORY USES**On any lot:**

- i) Accessory buildings.

3. CONDITIONS OF USE

- i) Any conditions imposed on applications made to the Provincial Land Reserve Commission under the *Agricultural Land Reserve Act*.
- ii) Any conditions or limitations imposed elsewhere in this bylaw (See Section 303).

4. DENSITY**Residential Use is limited to:**

- i) **On any lot:** One single detached dwelling plus additional dwelling units (attached or detached) where the additional dwelling units are required by full time farm employees working on farm operations or are specifically permitted by the Provincial Land Reserve Commission under the *Agricultural Land Reserve Act*.

5. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural ALR zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6 ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6 ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m- 4.6m (19.7ft)	7.5m (24.6 ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

6. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15% (excluding greenhouses).

7. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)
- ii) Minimum lot frontage: 10% of the perimeter of the lot.