

**DATE:** June 7, 2021**FILE:** 3110-20/ALR 1B 21**TO:** Chair and Directors  
Electoral Areas Services Committee**FROM:** James Warren  
Deputy Chief Administrative OfficerSupported by James Warren,  
Deputy Chief Administrative  
Officer*J. Warren***RE:** **Agricultural Land Reserve Non-Farm Use - 2274 Anderton Road (Mooney)  
Lazo North (Electoral Area B)  
Lot 1, District Lot 189, Comox District, Plan 48760, PID 014-374-579****Purpose**

To consider an Agricultural Land Reserve (ALR) application (Appendix A) to allow for a slaughter establishment whose capacity may be used for animals not raised on the same property.

**Recommendation from the Deputy Chief Administrative Officer:**

THAT the Agricultural Land Commission be advised that the Comox Valley Regional District supports Agricultural Land Reserve Non-Farm Use application ALR 1B 21 (Mooney) concerning a poultry slaughter establishment to be located on Lot 1, District Lot 189, Comox District, Plan 48760, PID 014-374-579 (2274 Anderton Road);

AND FINALLY THAT the application ALR 1B 21 (Mooney) regarding a non-farm use on a property within the Agricultural Land Reserve be forwarded to the Agricultural Land Commission for final consideration.

**Executive Summary**

- The subject property is a 1.4 hectare lot within the ALR in the Little River area. In addition to raising livestock, the owner is seeking to utilize the lot for a poultry slaughter establishment which can accept poultry from other farms.
- While processing poultry raised on the same lot is a permitted use, the regulations limit the amount of poultry from other farms that can be processed on the lot. The regulated limit requires at least 50 per cent of the processed poultry to have been raised on the lot. The applicant is seeking permission to not be subject to this 50 per cent limitation.
- Both the Regional Agrologist (Appendix B) and the Agricultural Advisory Planning Commission (AAPC) support forwarding it to the Agricultural Land Commission (ALC).
- Staff recommends the application be supported and forwarded to the ALC.

Prepared by:

*J. MacLean*

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Jodi MacLean, RPP, MCIP  
Planner

Concurrence:

*T. Trieu*

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Ton Trieu, RPP, MCIP  
Manager of Planning Services

Concurrence:

*A. Mullaly*

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Alana Mullaly, RPP, MCIP  
General Manager of  
Planning and Development  
Services

**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

Applicant	✓
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**Background/Current Situation**

The subject property is a 1.4 hectare lot located within the ALR between Anderton Road and Ellenor Road (Figures 1 and 2). It is developed with a house and several accessory buildings and currently does not have farm status. The new property owner has started using the lot for raising turkey and sheep. The owner is seeking to further develop the lot by adding a slaughter establishment specializing in poultry. According to the application, to dispose of waste the owner intends to utilize an in-vessel composter designed for deadstock and a new septic field for liquid waste. The proposed building would be 24 metres by 11 metres located on the Ellenor Road side of the lot.

**Planning analysis**Agricultural Land Reserve

The *Agricultural Land Reserve Use Regulation* (ALR Regulation) allows farmers to process poultry raised on the same lot. However, the ALR Regulation limits the processing amount of poultry (or any other farm product) not raised on the same lot to no more than 50 per cent of that number which is raised and processed on the same lot (see Policy Analysis section below). The applicant intends to construct a processing facility specializing in poultry and is seeking approval to be able to accept poultry from other farms without being subject to that 50 per cent limitation of the ALR Regulation.

There are additional regulations in cases of slaughter establishments handling cattle (involving Specified Risk Materials). However, the scope of this application is limited to poultry (e.g. chickens and turkeys).

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” (OCP). It is the objective of this area designation “To promote agriculture and aquaculture as an important economic sector of the Comox Valley.” Among the policies, the designation states “Require new development to support the primary function of agriculture.” The proposal is consistent with the OCP.

Zoning Bylaw

The property is zoned Rural-ALR in the Rural Comox Valley Zoning Bylaw No. 520, 2019. This allows for Agricultural Use and Intensive Agriculture. The Zoning Bylaw further regulates this by requiring all buildings and structures that house livestock associated with intensive agriculture be sited a minimum of 30.0 metres from all lot lines and watercourses. Should the ALC approve the application, the use would be consistent with the Zoning Bylaw, though construction of buildings would still be subject to the setback regulations.

Provincial slaughter licence

According to the application, the applicant intends to apply for a Class A Slaughter Licence. This licence type allows for slaughter, as well as cutting and wrapping of the animal products. While it does not impose a capacity cap, this licence type limits the retail sale of the animal products to within British Columbia only.

**Policy Analysis**

Section 11 of the ALR Regulation states “The use of agricultural land for storing, packing, preparing and processing farm products is designated as a farm use and may not be prohibited as described in

Section 4 if at least 50 per cent of the farm product is (a) produced either on that agricultural land or by an association to which the owner of the agricultural land belongs, or (b) feed required for farm use on that agricultural land.” Because the owner intends to process more poultry from other farms than of her own which are raised onsite, approval of the ALC is required.

Section 25 of the *Agricultural Land Commission Act* (ALCA) enables a property owner to apply to the ALC to seek approval for non-farm use of agricultural land. Section 25(3) of the ALCA states that this type of application may not proceed to the ALC unless authorized by a resolution from the local government. Therefore, this application and review by the Comox Valley Regional District (CVRD) is required.

### **Options**

The CVRD Board may support forwarding the application to the ALC or refuse to forward the application. The board may also provide comments and recommendations concerning the application for ALC consideration. Staff recommends forwarding the application to the ALC.

### **Financial Factors**

Fees have been collected for this nonfarm use application in accordance with Section 34.1 of the ALCA.

### **Legal Factors**

This report and the recommendations contained herein are in compliance with the ALCA, regulation and CVRD bylaws.

### **Regional Growth Strategy Implications**

The Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS) designates the subject property as being within the Agricultural Areas designation. Within this designation the intent of the RGS is “to reinforce the policies and procedures within the ALR in order to support agricultural practices”.

### **Intergovernmental Factors**

A referral was issued to the Ministry of Agriculture for comment on this application. The Regional Agrologist supports the application (Appendix B).

### **Interdepartmental Involvement**

This ALR application has been circulated to CVRD departments. No concerns were identified.

### **Citizen/Public Relations**

The AAPC considered the application at its meeting on May 20, 2021. The AAPC supported the application citing its meeting a need within the local agricultural industry, its business focus on small producers and its adding agricultural uses to a property within the ALR.

ALR non-farm use applications are not subject to public notification or consultation requirements.

Attachments: Appendix A – ALC application submission ALR 1B 21  
Appendix B – Letter from Regional Agrologist dated May 20, 2021

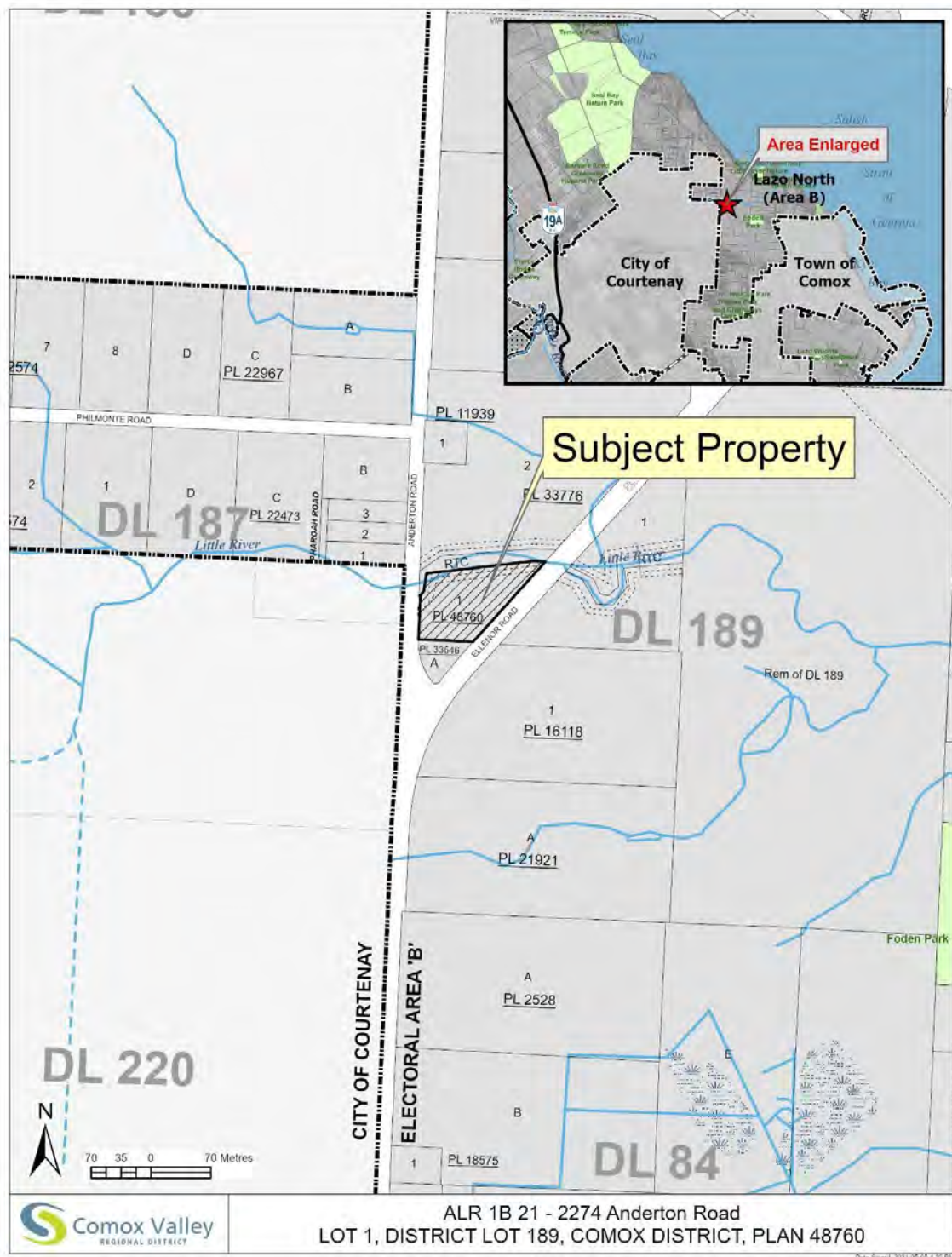


Figure 1: Subject Property



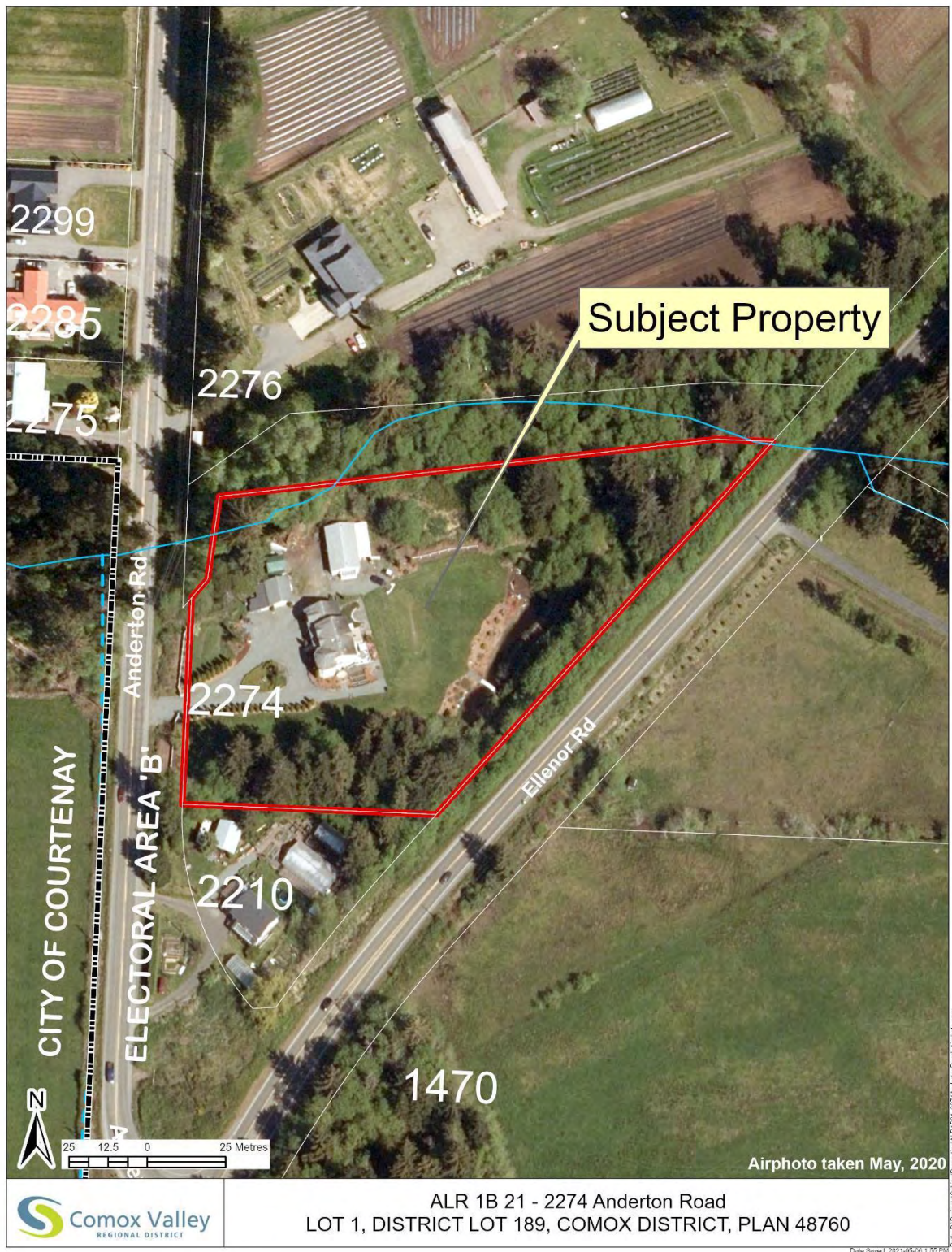


Figure 2: Air Photo

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 62830

**Application Status:** Under LG Review

**Applicant:** Christine Mooney

**Agent:** Christine Mooney

**Local Government:** Comox Valley Regional District

**Local Government Date of Receipt:** 04/01/2021

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

**Proposal Type:** Non-Farm Use

**Proposal:** I would like to construct and run a class A licensed inspected poultry abattoir on APX .50 of a AC. I will be open for processing 3-4 days a week and accept turkeys and meat birds for the public as well as my own. Farmers will drop off live birds, we will process, wt and bag the poultry. I hope to expand to include cut and wrap and speciality services in the second yr of operation within the same initial building.

## Agent Information

**Agent:** Christine Mooney

**Mailing Address:**

2274 Anderton Rd

Comox, BC

V9m 4B2

Canada

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 014-374-579

**Legal Description:** L 1 DL 189 COMOX PL 48760

**Parcel Area:** 1.4 ha

**Civic Address:** 2274 anderton Rd

**Date of Purchase:** 05/14/2021

**Farm Classification:** No

**Owners**

1. **Name:** Christine Mooney

**Address:**

2274 Anderton Rd

Comox, BC

V9m 4B2

Canada

**Applicant:** Christine Mooney

## Current Use of Parcels Under Application

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

*No agricultural activity at present but once I take possession on May 14, 2021 I will be moving my farm activity on to the property. I have 8 breeding ewes, 1 ram and currently 15 lambs. I will also have 100 turkeys that will be raised this yr and hopefully 600 meat birds raised this yr as well. I also have 40 laying hens providing eggs daily.*

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

*At present there is no pasture or fencing on property. When I take possession may 14, 2021 I will be clearing the overgrown blackberries and alder trees and poplar trees planning pasture seed and farm fencing 60% of property for my sheep to graze. I have a environmental farm planner, melanie Dyson coming to the property to do a assessment may 17, 2021.*

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

*There is a house and 1 garage 30x50 on the property for personal use.*

## Adjacent Land Uses

### North

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Local pumpkin patch, garlic and flowers

### East

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Pastures

### South

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Green house for succulants

### West

**Land Use Type:** Agricultural/Farm

**Specify Activity:** Hay field

## Proposal

### 1. How many hectares are proposed for non-farm use?

*0.5 ha*

### 2. What is the purpose of the proposal?

*I would like to construct and run a class A licensed inspected poultry abattoir on APX .50 of a AC. I will be open for processing 3-4 days a week and accept turkeys and meat birds for the public as well as my own. Farmers will drop off live birds, we will process, wt and bag the poultry. I hope to expand to include cut and wrap and speciality services in the second yr of operation within the same initial building.*

**3. Could this proposal be accommodated on lands outside of the ALR? Please justify why the proposal cannot be carried out on lands outside the ALR.**

*No it can not be on any other land besides ALR regional district has specified directly.*

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

*A poultry processing abattoir is very needed to help local farmers and enable and grow a sustainable food source for central and northern Vancouver Island. At present there is 1 facility in black Creek but it is very hard to get a booking into. The next closest is in Duncan which is 1.5hr drive away. There has been 2 abattoirs that have closed in 2020 which has limited access/ availability for slaughter days. There has been so much uncertainty and limited access to slaughter that many farmers have desided to not raise poultry this yr. I am planning for long term investment in the farming community and I will be ready as soon as I am given permission to construct and open this abattoir hopefully saving this season for alot of local poultry farmers*

**5. Do you need to import any fill to construct or conduct the proposed Non-farm use?**

*No*

**Applicant Attachments**

- Agent Agreement-Christine Mooney
- Proposal Sketch-62830
- Site Photo-Proposed building site
- Site Photo-Pic looking south
- Certificate of Title-014-374-579

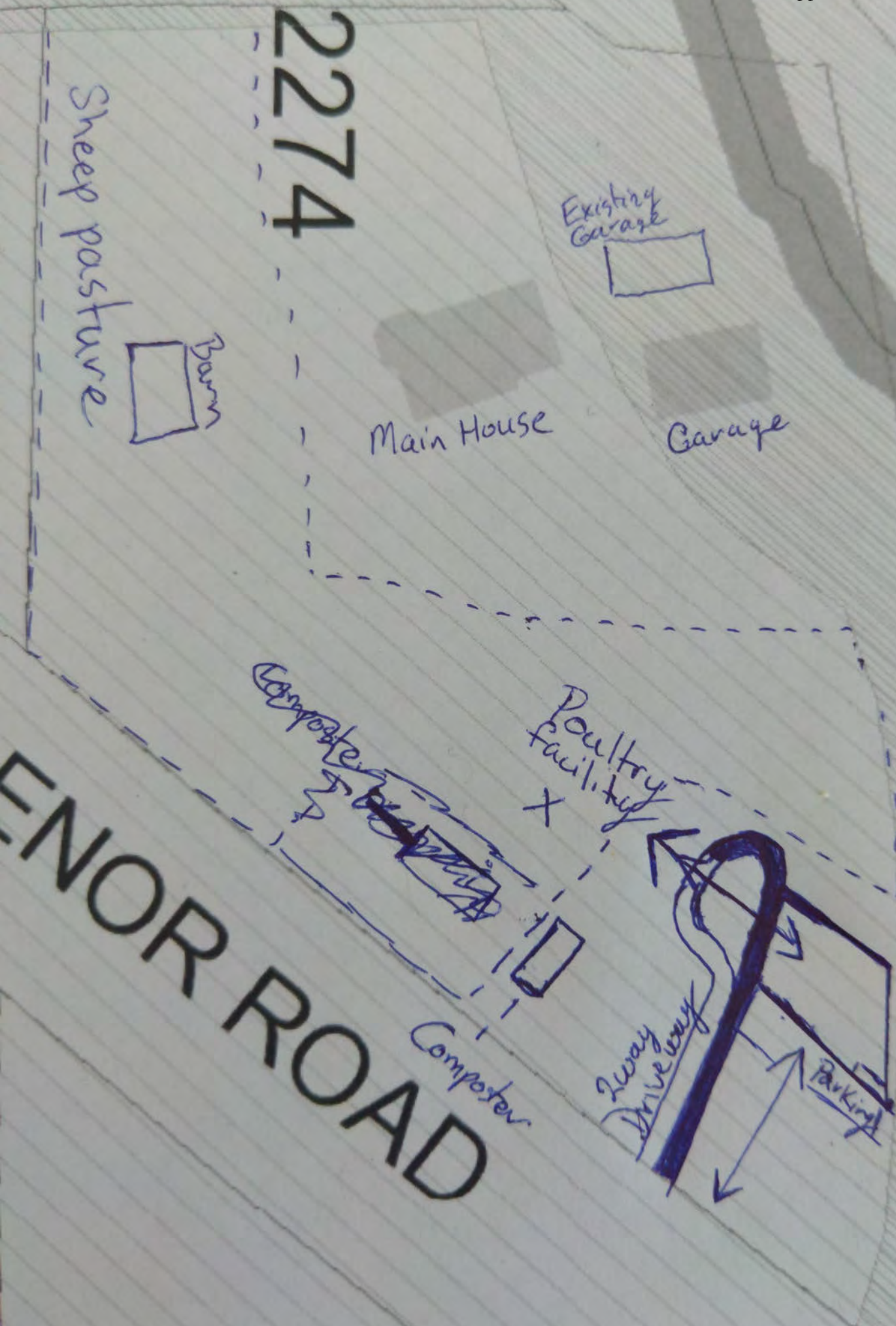
**ALC Attachments**

None.

**Decisions**

None.

















May 20, 2021

Jodi MacLean  
Planner  
Planning and Development Services Branch  
Comox Valley Regional District

**Sent by email**

Dear Jodi:

**Re: File No 3110-20 /ALR 1B 21 – Proposed Non-Farm Use at 2274 Anderton Road (PID: 014–374–579) – The Subject Property**

Thank you for providing the opportunity for the Ministry of Agriculture, Food and Fisheries (Ministry) to comment on File No 3110-20/ALR 1B 21 that proposes to construct and operate an abattoir specializing in poultry on the Subject Property. From an agricultural perspective, the Ministry offers the following comments:

- The 1.4 ha Subject Property is located entirely within the Agricultural Land Reserve (ALR) and borders ALR land on all sides.
- As outlined in the application, currently the Subject Property is not used for agriculture and is not classified as Farm Land by BC Assessment. However, the applicant will be taking possession of the Subject Property on May 14, 2021 and will be locating her farm operation that includes raising ewes, lambs, turkeys, chickens and a ram to the Subject Property.
- The applicant proposes to construct an abattoir on the northeast portion of the Subject Property that is currently forested. The total area under application is approximately 0.5 ha which will include the abattoir, parking and a driveway.
- Although processing (which includes an abattoir) is a permitted farm use under section 11(2) of the ALR Use Regulations, because the applicant intends to process less than 50 percent of her own animals on the Subject Property, she is required to submit a Non-Farm Use application to the Agricultural Land Commission.
- The Ministry understands that there is a critical shortage of abattoirs in the Comox Valley which has resulted in limited access/availability for farmers to have their animals processed. This in turn, has forced many farmers to travel significant distances to have their animals processed. The construction of the abattoir on the Subject Property will result in additional processing capacity

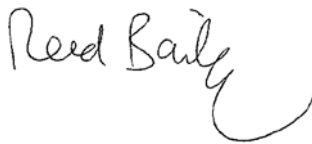
for farmers in the Comox Valley and will likely reduce travel time for some farmers who reside in the area.

- The applicant has been in contact with the Provincial Meat Inspection program and has the support of Ministry staff to proceed with a Class A abattoir application.
- With respect to size and location, the Subject Property appears to be suitable to accommodate an abattoir given that it is:
  - Relatively small which limits the range of agricultural activities that could be pursued in order to create a viable farm operation;
  - Located within a large pocket of ALR land; and
  - Located over one km from the nearest non-ALR/urban development and as such, will likely not cause any nuisance to urban residents.
- Ultimately, the Ministry believes that this application will have a positive benefit to both the applicant and the greater farming community in the Comox Valley.

Please contact Ministry staff if you have any questions regarding the above comments.

Thank you for the opportunity to provide comments from an agricultural perspective with respect to this file.

Sincerely,



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Regional Agrologist  
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Cc: Island Land Use Planners, Agricultural Land Commission