

DATE: April 9, 2020**FILE:** 3110-20/ALR 2B 20**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** James Warren
General Manager of Corporate Services BranchSupported by James Warren
General Manager of
Corporate Services Branch**J. Warren****RE: Agricultural Land Reserve Non-Farm Use (Non-Adhering Residential Use)
5109 Island Highway North (Dalen/Maclaren-Kotilla)
Lazo North (Electoral Area B)
Parcel F (DD 146N) of Section 24, Comox District, Except Part in Plan 41867,
PID 007-546-742****Purpose**

To consider an Agricultural Land Reserve (ALR) application (Appendix A) to allow for a secondary dwelling unit in the form of a living area constructed on the second storey of a farm building.

Recommendation from the General Manager of Corporate Services Branch:

THAT the Agricultural Land Commission be advised that the Comox Valley Regional District supports Agricultural Land Reserve Non-Farm Use application ALR 2B 20 (Dalen/Maclaren-Kotilla) concerning the addition of a secondary dwelling, located on Parcel F (DD 146N) of Section 24, Comox District, Except Part in Plan 41867, PID 007-546-742 (5109 Island Highway North);

AND FINALLY THAT the application ALR 2B 20 (Dalen/Maclaren-Kotilla) regarding a non-adhering residential 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 1.7 hectare lot that is developed as vegetable farm with a house.
- The property owners are constructing a farm building and would like to convert the second storey into a dwelling intended for use by a farm worker.
- The ALR regulations require the approval of a non-adhering residential use application to allow for the proposed additional residence.
- Both the Regional Agrologist (Appendix B) and the Agricultural Advisory Planning Commission (AAPC) supports forwarding it to the Agricultural Land Commission (ALC).
- Staff recommends the application be supported and forwarded to the ALC on the basis that it effectively minimizes the impact of the residential use on the land.

Prepared by:

J. MacLean

Jodi MacLean, RPP, MCIP
Rural Planner

Concurrence:

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services

Concurrence:

S. Smith

Scott Smith, RPP, MCIP
General Manager of
Planning and Development
Services Branch

Government Partners and Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

The subject property is a 1.7 hectare lot on the corner of Rennison Road and the Island Highway (Figures 1 and 2). It is developed with a house and as a vegetable farm with a pasture area for sheep. The property currently has farm classification under the *Assessment Act*.

According to the Canada Land Inventory, the land has an improved soil classification of 2D. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass D refers to limitation due to an undesirable soils structure and/or low permeability.

The property owners are currently constructing a new, two-storey farm building (Figure 3) for the purposes of storing and processing farm products, as well as storing farm equipment. They propose to use the second storey as a dwelling unit suitable to provide housing for a farm worker. The second storey has a 160 square metres of floor area.

Planning AnalysisAgricultural Land Reserve

Revisions to the *ALC Act* and its *Agricultural Land Reserve Use Regulation* came into force in February 2019. These revisions, in part, addressed the use of agricultural lands for the construction of housing. Relevant to this property, the Act and regulations allow for one house which may have a secondary suite within it. The construction or placement of an additional residence requires the review and approval of a non-adhering residential use application. Approval of such applications will consider the size and type of farm and may include conditions addressing the impact of the proposed development.

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*”.

Regarding residential development, the policies state “*Minimize the residential impact on arable farm land by dwelling units and related residential infrastructure*” and encourage owners to group buildings to preserve contiguous tracts of land. Locating the additional dwelling on the second storey of a building being constructed for farm purposes will minimize the residential use’s impact on the land and allow it to share residential infrastructure with the existing buildings. The proposal is consistent with the Official Community Plan.

Zoning Bylaw

The property is zoned Rural-ALR in the Rural Comox Valley 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.

Policy Analysis

Section 20(2) 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.

Options

The Comox Valley Regional District (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 of \$1,500.00 (\$300.00 for the CVRD and \$1,200.00 for the ALC) have been collected for this non-farm use application in accordance with Section 35 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 supported the application (Appendix B).

Interdepartmental Involvement

This ALR application has been circulated to CVRD departments. The building services department notes that the building is currently under construction with a valid building permit and that a new building permit will be required to add habitable floor area. No other concerns were identified.

Citizen/Public Relations

The AAPC considered the application at its meeting on March 17, 2020. The AAPC supported the application citing the support the dwelling would give to an established labour intensive farming operation and the little footprint the additional residential use would have on the land given that it is proposed to be located on the second storey of an existing building.

Attachments: Appendix A – “ALC application submission ALR 2B 20”
Appendix B – “Letter from Regional Agrologist dated March 20, 2020”

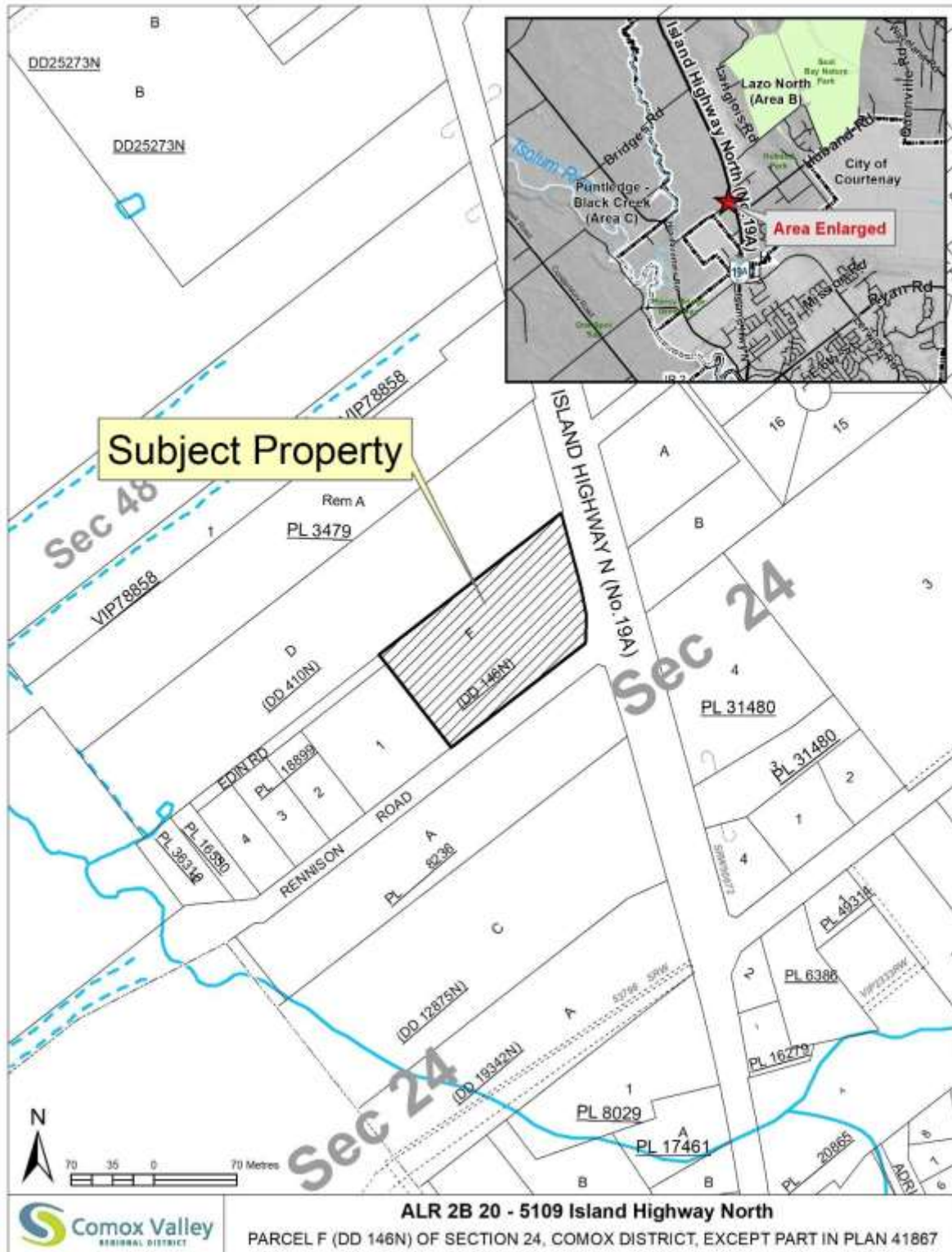


Figure 1: Subject Property



Figure 2: Air Photo (2018)



**Figure 3: Building under Construction; Dwelling Proposed to be Located on Second Floor
(Photographs taken February 25, 2020)**



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 58613

Application Status: Under LG Review

Applicant: Ingemar Dalen , Kira Kotilla

Local Government: Comox Valley Regional District

Local Government Date of Receipt: 01/14/2020

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: To be granted permission to build a small secondary residence in second story of an existing farm building. It would house farm workers and support our vegetable farm operation.

Mailing Address:

5109 Island Hwy N
Courtenay , BC
V9J 1S6
Canada

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 007-546-742

Legal Description: PCL F (DD 146N) OF SEC 24 COMOX EXC PT IN PL 41867

Parcel Area: 1.9 ha

Civic Address: 5109 Island Hwy. N. Courtenay BC, V9J1S6

Date of Purchase: 06/27/2014

Farm Classification: Yes

Owners

1. **Name:** Ingemar Dalen

Address:

5109 Island Hwy. N.
Courtenay, BC
V9J 1S6
Canada

2. **Name:** Kira Kotilla

Address:

5109 Island Hwy N
Courtenay , BC
V9J 1S6
Canada

Applicant: Ingemar Dalen , Kira Kotilla

Current Use of Parcels Under Application

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

I've attached this as separate document because it exceeded size limitations.

Its labelled "Agricultural Activity" in attachments

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

2015 improvements:

plowed 1/4 acre to begin crop production

repaired and expanded on existing fences

installed drip irrigation system

purchased basic farm tools/equipment

built mobile chicken coop for layer hens

2016 improvements:

installed 25x75 ft greenhouse

tilled another 1/4 acre plot

planted 28 blueberry bushes, 9 fruit trees

build 12x16ft sheep shed

purchased small flock of Icelandic sheep

expanded drip irrigation system

limed and amended 1/2 acre area

2017 improvements:

built storage shed

expanded garden by another 1/4 acre

limed and amended 3/4 acre area

minimal improvements- focused on crop production and raising baby

2018 improvements:

applied 2 tonnes lime to sheep pasture

secured funding for and purchased BCS walk-behind tractor and implements

limed and amended 3/4 acre area

minimal improvements- took time away in Nepal

2019 improvements:

installed permanent fence to enclose 2 acre sheep pasture

purchased and installed 8x11 ft walk-in cooler enclosed in new shed

set up out-door wash station

expanded garden by another 1/4 acre

updated irrigation system

planted 200 bedfeet of permanent raspberry patch (200 plants)

built multi-purpose farm building to house wash station, walk in cooler, storage, farm store, work space, farm office, co-op hub (CSA pick-up, co-op meetings, produce packing and distribution), etc.

limed and amended 0.9 acre area

Future Farm Plans (within 3 years):

Applicant: Ingemar Dalen , Kira Kotilla

small farm store opening June 2020
turkey production 40-100 birds per year
meat birds (chicken) 60-100 birds per year
increase in season extension (winter vegetable production and storage vegetable sales)
increasing berry production
increasing vegetable production area to 1.5 acres
installing a second greenhouse/hoophouse

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

Our residence is on the parcel. Split-level 3 bedroom dwelling of approx 1300 sf.ft. Some of the parcel is used as yard space, firewood storage space. A small amount is treed in fir and walnut trees.

Adjacent Land Uses

North

Land Use Type: Agricultural/Farm

Specify Activity: residential/farm. Hay only

East

Land Use Type: Residential

Specify Activity: residential, across highway

South

Land Use Type: Agricultural/Farm

Specify Activity: small farm

West

Land Use Type: Residential

Specify Activity: residential and treed

Proposal

1. What is the purpose of the proposal?

To be granted permission to build a small secondary residence in second story of an existing farm building. It would house farm workers and support our vegetable farm operation.

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

We run a very labour intensive, very productive small organic vegetable farm. The farm has been steadily growing since 2015 and is planned to expand more in the next few years.

Having a small second dwelling on site will allow us to house farm labourers , retain farm employees and receive help with morning and evening farm chores and general farm labour. Having employees live on site would greatly increase the viability of our farm and ensure that we can keep growing produce for many years.

The need for labour on our farm has been growing year by year. In 2019 the farm kept 3-4 adults busy throughout the growing season (March-November). The majority of the work was done by myself and Ingemar (the 2 owners). We hired one regular employee, some occasional helpers, plus had regular help

Applicant: Ingemar Dalen , Kira Kotilla

from various volunteers.

With our second child being born in Sept 2019, Ingemar needing to work away fairly often, and plans to steadily expand vegetable (and add poultry) production, we are in need of more and more hired help. Running a vegetable farm requires many early morning and late evening hours as well as split-shifts to enable working around the weather (avoiding freezing temps in the morning in shoulder seasons, avoiding the hot part of day in peak summer). This makes hiring people from off site a challenge. Farm chores requiring farm labour outside of regular working hours are: harvesting very early in the morning to avoid the heat, sometimes harvesting late afternoon to avoid frost, applying and removing row covers as temperatures change, opening and closing greenhouses as temperatures change, watering seedlings, irrigating main garden area, greeting CSA customers who are picking up veggie boxes (typically in the evenings), dealing with various weather related tasks as they arise, and attending to turkey and meat birds needs (planned for 2021), attending to farm stand as needed, and caring for livestock.

We would like to add poultry (turkey and meat bird) production to our farm, but will not do so until we are confident that we have the regular help required to keep up with chores.

Even without the planned increase in vegetable production and addition of poultry, we are finding it difficult to keep up with early morning and evening tasks, particularly when Ingemar is away and Kira is at home with two young children.

We love growing produce and are proud of how far we've come in establishing the farm in the last few years. This little farm is very productive and has potential to grow much more, but with the slim profit margins of small scale agriculture and the high cost of labour, finding the funds to employ the labour we need is proving to be quite the challenge.

Having a small second residence to house farm workers would propel this small farm into a more secure future. It would ensure that we have the needed help with farm jobs at odd hours, allowing us to add more products to our repertoire and to increase vegetable production with confidence. It would greatly increase the financial viability of the farm by helping to offset expensive labour costs. It would help us to attract and retain skilled workers. Down the road it will ideally allow us to share farm management responsibilities with a permanent live-in employee (or 2), giving us a better chance at obtaining a work-life balance and ensuring the continuation of this farm enterprise.

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

There is currently one single detached family home on the property. It is 1290 sq feet, three bedroom, 2 bathroom. Mainly single floor, with a small section being split-level (bedroom above boot-room). It is occupied by our family of four which includes Ingemar and Kira, the farm operators and property owners, and two children.

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

64.7 m²

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

The additional residence would be built in the second story loft of an existing farm building. No new footprint would be needed, only a renovation of an existing space.

Residence is proposed to be 64.7 sq m, or 696 sq ft. 2 bedroom, 1 bathroom.

The entire second floor is a little over 92 sq m, or 1000 sq ft. The remainder of loft is being used for farm office/meeting room and farm storage space.

The farm building is very close to driveway, close to our house (30 m), close to vegetable production area (3 m).

Please note: a very basic floor plan design was submitted as "proposal sketch". We have not yet designed a detailed floor plan, but are willing to make one as soon as possible, if its needed for this application.

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

No new infrastructure would be needed.

Farm building is situated close to driveway and has small parking areas at either end.

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

No

Applicant: Ingemar Dalen , Kira Kotilla

Applicant Attachments

- Site Photo - farmphoto1
- Site Photo - farmphoto2
- Other correspondence or file information - site map
- Other correspondence or file information - BCassessment notice
- Other correspondence or file information - Agricultural Activity
- Proposal Sketch - 58613
- Certificate of Title - 007-546-742

ALC Attachments

None.

Decisions

None.

Agricultural Activity at 5109 Island Hwy N

Introduction:

Kloverdalen Farm is a certified organic, diverse, mixed vegetable farm in the Comox Valley. We grow over 40 varieties of vegetables and some berries, and sell mainly through a small agricultural cooperative called Merville Organics (website: mervilleorganics.ca). We supply a 130 member CSA box program and various Farmers Markets, as well as some farm-gate sales. Kloverdalen Farm was started by Kira Kotilla (primary farmer) and Ingemar Dalen (farmer and helicopter pilot) in 2015 and has been gradually expanding year by year. We have had farm status with BC Assessment since 2016 and have held organic certification through IOPA since 2016.

Kira has been working towards owning and operating a vegetable farm for many years. She was raised on a hobby farm in the Comox Valley and developed a strong interest in small-scale agriculture in her mid twenties. She completed a two year Plant Science Technician program at the Nova Scotia Agricultural College in 2011, worked as an organic agriculture research assistant for OACC from 2009 – 2011, completed an 8 month internship with Rachel Fisher (part of Saanich Organics) in 2011, plus various farm volunteer stints.

Ingemar grew up on a farm in Norway and studied agricultural mechanics as a young adult. He has been a helicopter pilot for over 15 years and currently holds a commercial pilots licence. He works on the farm when he is home and works away for part of the year to provide our family with a secure off-farm income.

Kira is also a co-founder, director and active member of a small agricultural cooperative called Merville Organics Growers Co-op (incorporated 2015). Merville Organics is a marketing co-op which serves a handful of small farm members in the Comox Valley and is dedicated to supporting new farmers by providing infrastructure and a stable market outlet to its members. The co-op has a very good track record of successfully operating a large CSA program and meeting its financial targets for the past five years.

The walk-in cooler, and farm building at Kloverdalen Farm is part of the infrastructure available to Merville Organics. The farm building will be used as one of the main CSA pick-up locations for the co-ops 2020 CSA program.

As the farm business has been steadily expanding, our family has also been growing; we now have two young sons born December 2016 and September 2019. With Ingemar working away periodically and the farm being in full swing there is a definite need for farm labour and onsite farm help.

Current Farm Operation:

This is a labour-intensive small scale, certified organic vegetable farm. We have 80 100ft long beds in production (0.9 acres) not including sheep pasture, small orchard and poultry areas. The market garden area includes a 25 x 75 ft unheated greenhouse which is used for spring seedlings, early spring crops, heat-loving summer crops and cold tolerant winter crops. Most crops are grown outside, many with the use of row covers for pest protection and season

extension.

A BCS walk-behind tractor is our main piece of machinery. Its used to shape beds, mow and mulch cover-crops and old garden beds and to prep beds for planting. Most other tasks including: seeding beds, starting seedlings, planting out transplants, weeding, applying amendments, applying row covers and landscaping fabric, pruning/training plants, installing crop supports (steaks/strings/fences to support larger plants) is all done with hand tools and manual labour. All harvesting, washing and packing of produce is done by hand with hand tools and simple wash-station infrastructure. The entire garden is set up with drip irrigation and a few micro sprinklers. Some hand-watering of seedlings and new transplants is necessary.

Aside from winter planning, pruning, livestock care, and infrastructure work, the growing season typically starts in February with early greenhouse crops and seedlings. We sell thousands of plant starts and various vegetable crops in the spring. The weekly work load increases significantly in late March and is easily over 80 hours per week by late spring. We prepare beds, seed, harvest, turn-in beds and succession plant throughout the season. Seeding and planting continues until at least mid October. By June we have a long list of vegetables available and spend over 20 hours per week just harvesting. Harvesting continues into late December and typically begins again in March or April. In 2019 our Fall CSA ended in early November and our last Farmers Market was on Dec 21st. Labour demand is very high from March to October and is relatively minimal through the winter months.

We sold over \$45,000 worth of produce in 2019 and plan to increase sales to \$60,000 in 2020, and to gradually expand over the next few years. Detailed sales records from 2015 to present are available upon request.

Aside from the vegetable production, we also have a small flock of Icelandic sheep (currently 7 sheep), a small orchard containing approx 30 established blueberry bushes and a few fruit trees. There are 200 bedfeet of raspberries adjacent to vegetable area.

We've also tried our hand at layer hen, meat chicken and turkey production. This is something we would like to do again and expand on, but only after securing stable farm-help.

In 2020 we will open a farm stand in the new farm building. This will be low maintenance (honour system) for the first couple of years but is planned to expand and require staff in the future.

Farm Business History and Future Plans:

2014: We purchased the property, moved in, tilled up 1/4 acre, planted garlic in fall of 2014.

2015: Our first year of commercial production. We cultivated a quarter acre, grew approximately 15 types of vegetables and sold about \$10,000 worth of produce.

2016: We expanded the vegetable plot to half an acre. We also installed the 25x75ft hoophouse and grew indoor tomatoes, cucumbers and basil for the first time. We sold roughly \$20,000 worth of produce.

2017: The growing area was expanded again to approximately three quarters of an acre. Farm gross income hit \$35,000.

2018. The farm was leased out to a friend and brought in roughly \$20,000. Kira and Ingemar decided to live in Nepal for one year in pursuit of Ingemars pilot career goals. We had a young baby and thought it was a good opportunity to take a one year break before deepening our commitment to the farm. Merville Organics Co-op enabled us to take one year off without

loosing our customer base or our share of the co-op market when we returned to grow for 2019. 2019, the growing area was expanded again. We now have just shy of one acre in production. We purchased a walk-behind tractor, hired an employee and made significant infrastructure investments. We sold over \$45,000 worth of produce. We grew approximately 40 types of vegetables and will do the same next year.

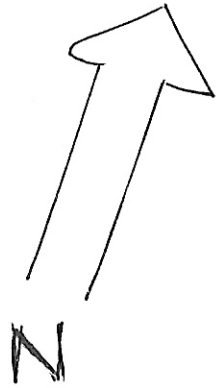
2020. We have crop planned for \$60,000 in sales and are confident that we can reach this goal. We will be hiring help again, opening a farm stand, completing a new wash station and walk-in cooler in our new farm building and fine tuning our growing techniques to increase production for 2020 and into the future.

2021-2023. We plan on establishing a small farm store in the new farm building, installing a second 25x75ft hoop-house and a smaller seedling greenhouse, growing small batches of turkeys and meat birds, developing some value added-products (sauerkraut, canned pickles, etc), increasing blueberry and raspberry production, and increasing vegetable production. Our goal is to increase sales by \$8,000 to \$10,000 for the next four years to hit our goal of \$75,000 gross sales in 2023. We believe we can maintain \$75,000 annual sales from this small farm with the help of long-term employees, permanent infrastructure and a greater diversity of products.

5109 Isl. Hwy N Site Map

Appendix A Page 9 of 12

Parcel 007 546 742
PLC F (DD 146N) OF SEC 24 COMOX EXC PT IN
4.26 acres total



Farm building:

36 x 48 plus outside covered areas 9" x 48" x 2

USES:

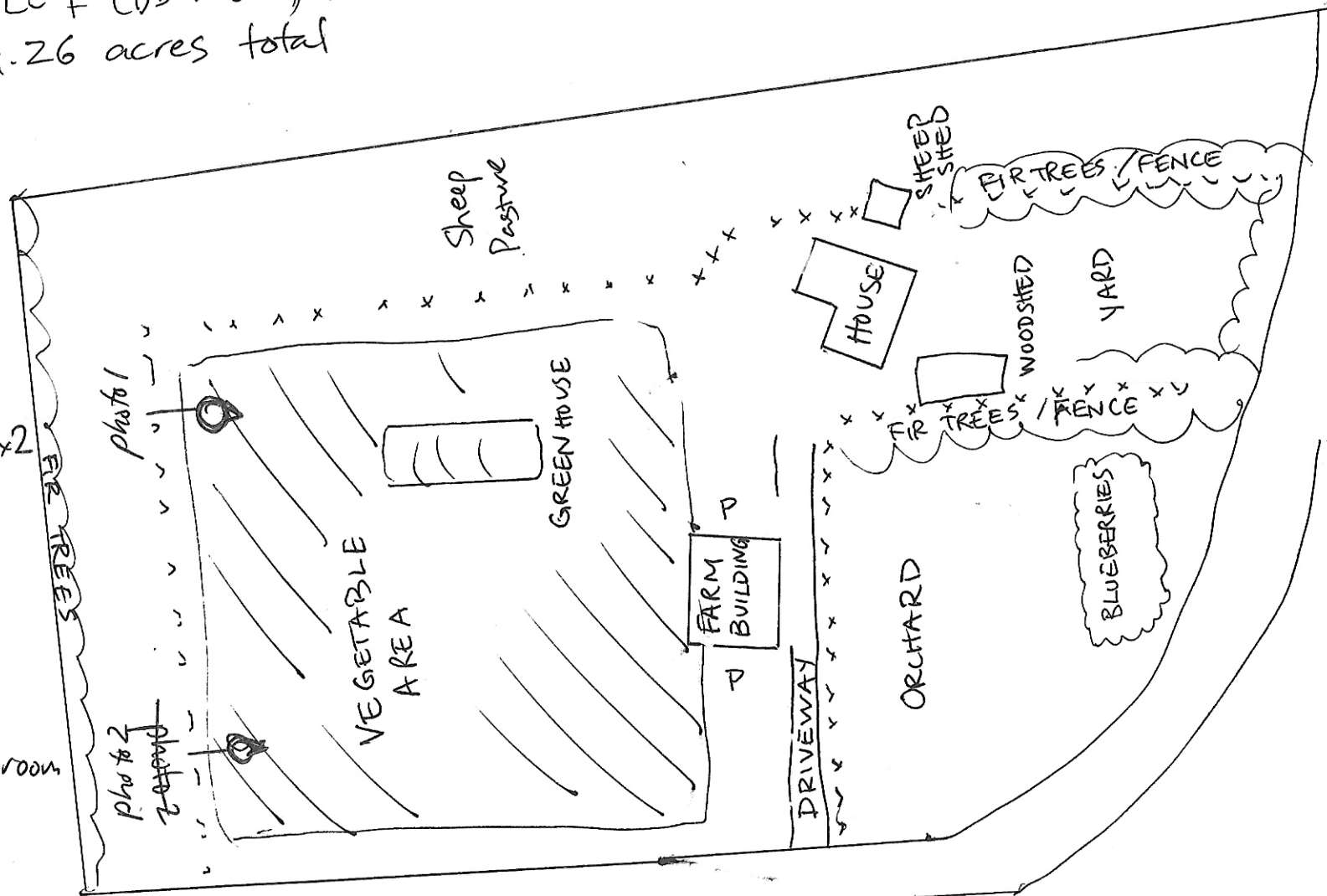
Downstairs:

Wash station
walk-in cooler
vegetable storage
farm storage
work space
farm store

Upstairs:

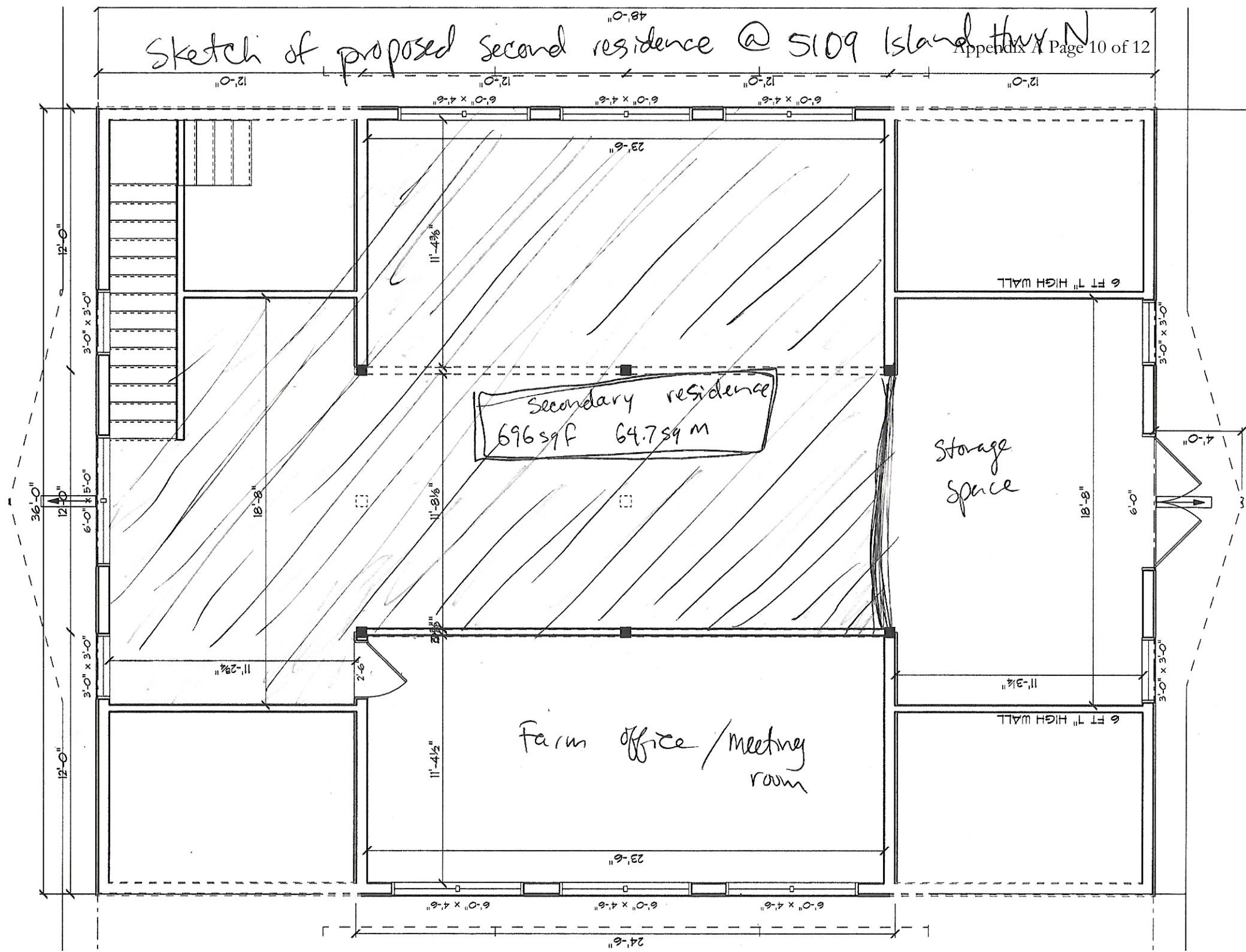
farm office/meeting room
storage
proposed secondary residence

30m from main house



Rennison Rd

Island Highway









March 20, 2020

Jodi McLean, MCIP, RPP
Rural Planner
Planning and Development Services Branch
Comox Valley Regional District

Dear Jodi McLean:

Re: File: 3110-20 / ALR 2B-20; Ingemar Dalen – Kira Kotilla; 5109 Island Hwy N.

Thank you for the referral regarding the non-adhering residential use application for Kloverdalen Farm, 5106 Island Highway North, Courtenay.

The changes to the Agricultural Land Commission Act that took place February 22, 2019 require an application for a non-adhering residential use if more than one dwelling per parcel is proposed. Applications for a second residence will only be approved if the additional residence is necessary for a farm use. As an administrative tribunal, the ALC can consider a wide variety of information as part of its decision making. To assist with the review of this proposal the evaluation below is based on “What the Commission Considers” criteria outlined in the link below.

<https://www.alc.gov.bc.ca/alc/content/applications-and-decisions/what-the-commission-considers>

The subject property was purchased by current owners in 2014. The approximately 1.7-hectare property is classified as a farm under BC Assessment Authority Farm Classification, generates farm revenue by currently producing organic vegetables, sheep, poultry, tree fruit and berry crops. The current owners have steadily developed this small acreage into an intensive agricultural operation.

The property has good agricultural capability, improvable rating 2D. There have been significant agricultural upgrades to the property over the past 5 years, which include, expansion of the cultivated area, erecting a hoop house, installing irrigation, livestock pasture improvements and fencing. Structural improvements include a wash station, walk-in cooler, CSA packing area and the opening of a farm-stand this year. The farms’ location at the corner of the Island Highway and Rennison Rd. just north of Courtenay makes this an ideal location for direct sales.

The proposed location of the secondary residence is on top of an existing farm building near the front of the property which will not impact the cultivated area. The small residential footprint, 64.7 m², does not require expansion of the existing building footprint or require any additional fill.

The owners are actively involved in a small marketing co-op with a seasonal CSA. Their operation is very intensive and reliant on hired labour from March to November. With the introduction of additional livestock, turkeys and meat birds, year-round daily tasks will likely increase.

Given the current intensive and varied agricultural production coupled with the steady growth in farm marketing activities makes this application supportable when evaluated against the criteria provided by the Agricultural Land Commission. Additionally, the location of the suite above the existing farm building will not result in any loss of the agricultural land base. If you have any questions regarding my evaluation of the application please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jill Hatfield", is written over a light blue rectangular stamp.

Jill Hatfield, P.Ag., Regional Agrologist
B.C. Ministry of Agriculture – Courtenay
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E-mail: jill.hatfield@gov.bc.ca