

**DATE:** September 14, 2021**FILE:** 3110-20/ALR 3B 21**TO:** Chair and Directors  
Electoral Areas Services CommitteeSupported by James Warren Deputy  
Chief Administrative Officer**FROM:** James Warren  
Deputy Chief Administrative Officer*J. Warren***RE:** **Agricultural Land Reserve Non-Adhering Residential Use**  
**2069 Coleman Road (Armstrong)**  
**Lazo North (Electoral Area B)**  
**Lot 19, Block 29, Comox District, Plan 2261, PID 000-031-437****Purpose**

To consider an Agricultural Land Reserve (ALR) application (Appendix A) to allow for an owner to construct a new house without first removing an existing additional dwelling.

**Recommendation from the Chief Administrative Officer:**

THAT the Agricultural Land Commission be advised that the Comox Valley Regional District supports Agricultural Land Reserve Non-Adhering Residential Use application ALR 3B 21 (Armstrong) concerning a residential use located on Lot 19, Block 29, Comox District, Plan 2261, PID 000-031-437 (2069 Armstrong Road);

AND FINALLY THAT the application ALR 3B 21 (Armstrong) 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 19 hectare lot lawfully developed with a house and manufactured home within the ALR. The owner is seeking to construct a new house while living in the existing house. Upon occupancy, the owner intends to demolish the older house.
- Under ALR regulations, a non-adhering residential use application is required for beginning construction on a third house regardless of an intention to demolish or decommission the older house after occupancy is granted.
- Staff recommends the application be supported and forwarded to the Agricultural Land Commission (ALC, the commission).

Prepared by:

Concurrence:

Concurrence:

*J. MacLean**T. Trieu**A. Mullay*

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Planner

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Manager of Planning Services

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General Manager of  
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**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

Applicant	✓
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**Background/Current Situation**

The subject property is a 19 hectare lot located north of Seal Bay Nature Park (Figures 1 and 2). The property is developed with a house and several accessory buildings on the southern end of the lot, and a manufactured home in the middle. The property has farm status under the *Assessment Act*. The owner is seeking to construct a new house while living in the old house. The owner intends to demolish the old house and keep the manufactured home for use by farm workers.

Canada Land Inventory

According to the Canada Land Inventory, most of the land has an improved soil class of 2AW(80%):2W(20%) (Figure 3). Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass A refers to a limitation due to soil moisture deficiency and subclass W a limitation due to excess water.

Agricultural Land Reserve

The *Agricultural Land Commission Act* and ALR Regulations currently allow each lot within the ALR to have a residential density of one house and one manufactured home for use by the owner or their immediate family. For circumstances in which the owner wants to reside in the existing residence on the property while constructing a new residence, an application to the Commission for its approval is required.

The manufactured home was lawfully installed in 1994 and has a floor area of 70 square metres. It is currently unoccupied but the owners intend on using it to house farm workers. The Ministry of Agriculture, Food and Fisheries released new regulations that will come into force on December 31, 2021, addressing additional residences. Because this manufactured home is under 90 square metres, the new regulations will allow it for housing purposes without restriction on who lives there.

Official Community Plan

The property is designated Agricultural Areas within the Official Community Plan (OCP), Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”.

Concerning residential construction within this designation, Section 59:

- Encourages minimizing the residential impact on arable farm land by dwelling units and related residential infrastructure;
- Limiting the area of construction and landscaping for a dwelling involving the placement of fill or removal of soil to 0.2 hectares;
- Limiting the amount of fill or soil removed for the construction of a driveway to 320 metres cubed/16.0 hectares where it can be demonstrated that the driveway cannot be accommodated within the 0.2 hectares building area; and
- Encouraging owners to locate and group buildings, including dwellings, to preserve contiguous tracts of land and to consider the long term agricultural potential of the land, avoiding arable soils, avoiding long driveways and the siting of buildings deep into the property, and limiting the size of development by keeping the footprint of dwelling units small so that greater separation between dwelling units can be achieved.

The applicant intends to locate the new house in the same home plate as the old house, grouped with the other buildings, utilizing an existing driveway. The application is consistent with the OCP.

### Zoning Bylaw

The property is zoned Rural ALR in Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”. The zone limits residential density to one single detached dwelling and one secondary suite plus additional dwelling units where the additional dwelling units are specifically permitted under the *Agricultural Land Commission Act*, regulations and orders. Section 312 of the Zoning Bylaw, makes provisions for the temporary occupation of an additional dwelling so an owner can continue to occupy an existing dwelling during the construction of a proposed replacement dwelling unit. The proposal is consistent with the Zoning Bylaw.

### **Policy Analysis**

Section 20.1 of the *Agricultural Land Commission Act* states that an owner may construct, alter or use only one residence per parcel. Section 25 of the Act allows an owner to make an application to allow for a use that is not otherwise permitted by the Act or its regulations. Section 34 requires that the local government decide whether to forward the application to the ALC for a decision and, if it does, allows the local government to provide comments and recommendations to the ALC.

### **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 have been collected for this nonfarm use application in accordance with Section 34.1 of the *Agricultural Land Commission Act*.

### **Legal Factors**

This report and the recommendations contained herein are in compliance with the *Agricultural Land Commission Act*, 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, Food and Fisheries for comment on this application. A response has not been received as of the drafting of this report. Any response received prior to the meeting of the Electoral Areas Services Committee will be provided verbally to the Committee.

### **Interdepartmental Involvement**

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

### **Citizen/Public Relations**

The Agricultural Advisory Planning Commission (AAPC) reviewed the application at its meeting on September 9, 2021, with the applicant in attendance. The AAPC recommended supporting the application noting the applicant’s intent is to be consistent with the regulations when construction is complete, the existing manufactured home is not suitable for year-round accommodation, and there currently exists limited rental accommodations in the region.

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

Attachments: Appendix A – ALC application submission ALR 3B 21

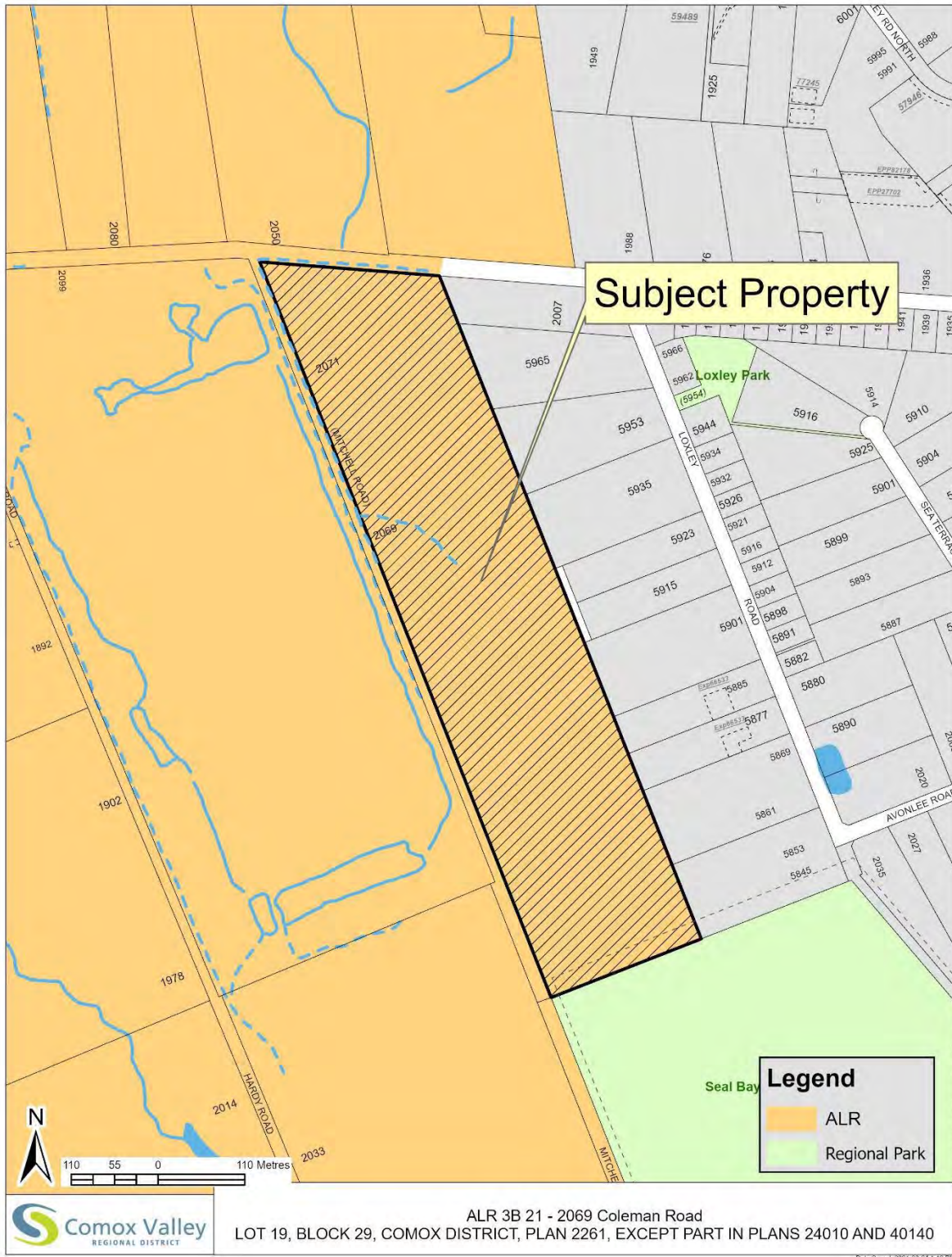


Figure 1: Subject Property

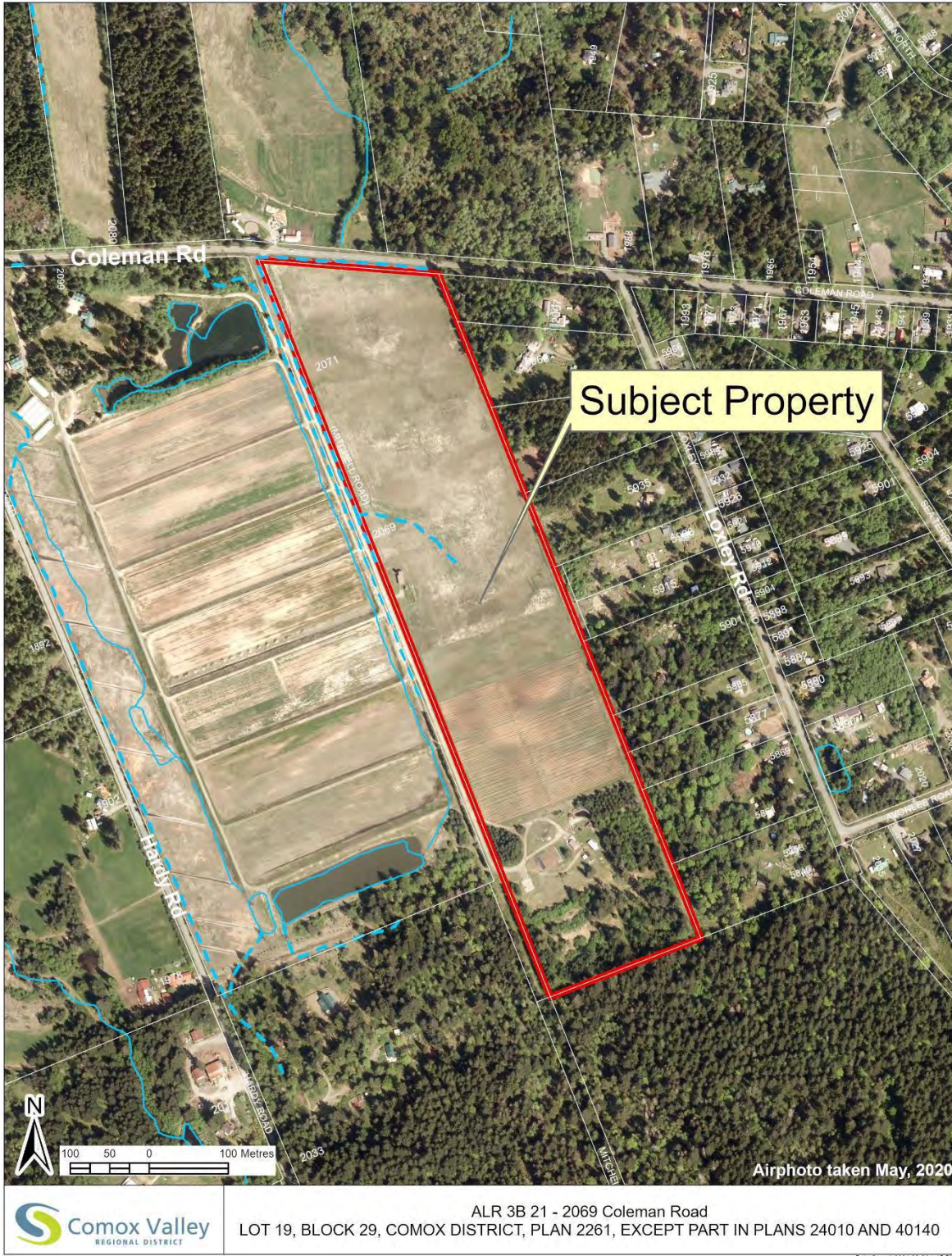


Figure 2: Air Photo

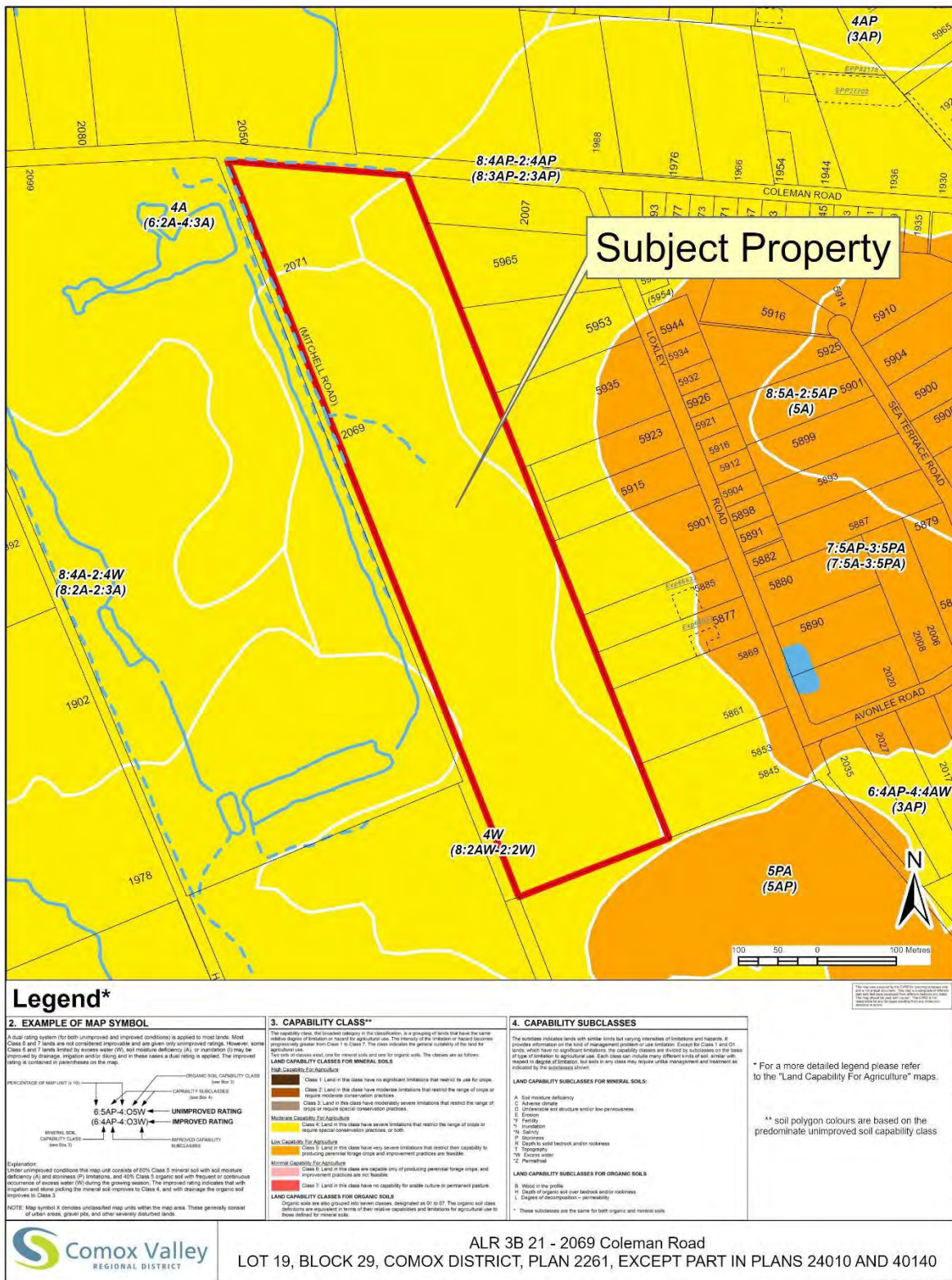


Figure 3: CLI Soil Classification

# Provincial Agricultural Land Commission - Applicant Submission

**Application ID:** 63678

**Application Status:** Under LG Review

**Applicant:** Jonathan Armstrong , Lila Armstrong

**Local Government:** Comox Valley Regional District

**Local Government Date of Receipt:** 08/10/2021

**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:** We are a family of four living in the original 1122 sqft farmhouse. We would like to build a new house to better fit the needs of a growing family. We are proposing to remain in the original house during construction, and then once the new house is finished, we would demolish the existing house.

**Mailing Address:**

2069 Coleman Road

Courtenay , BC

V9W 8G9

Canada

## Parcel Information

### Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

**Parcel Identifier:** 000-031-437

**Legal Description:** LOT 19, BLOCK 29, COMOX DISTRICT, PLAN 2261, EXCEPT PART IN PLANS 24010 AND 40140

**Parcel Area:** 19.3 ha

**Civic Address:** 2069 Coleman Road

**Date of Purchase:** 08/31/2020

**Farm Classification:** Yes

**Owners**

1. **Name:** Jonathan Armstrong

**Address:**

2069 Coleman Road

Courtenay , BC

V9W 8G9

Canada

2. **Name:** Lila Armstrong

**Address:**

2069 Coleman Road

Courtenay, BC

**Applicant:** Jonathan Armstrong , Lila Armstrong

V9J 1V8  
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).**

*We are currently:*

*Farming 8 acres of organically grown asparagus. We sold to wholesalers, local restaurants, farmers markets and direct to customer. This is our main crop and there is very strong local demand.*

*Harvesting 23 acres of hay. This year we had 1800 bales of hay harvested from our field, weve stored it, for feeding our animals and for sale. Weve sold some and anticipate selling the majority.*

*Raising goats and pigs.*

*Managing an apiary. We have 2 hives to help pollinate our vegetables and asparagus. We will expand as the hives become stronger.*

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

*Since purchasing the property in September of 2020, we have made many improvements.*

*When we bought the property the asparagus field was overgrown with weeds. We immediately began improving the field by brush cutting, weeding, and removing rocks. As we are farming organically, the process has been very labour intensive. We have spent hundreds of hours removing weeds and rocks over the past year. We bought a tractor to support our farming efforts.*

*This spring, we applied organic lime and fertilizer to the crop and cultivated repeatedly prior to harvest.*

*We have invested in a dugout to capture rainwater and are in the process of installing irrigation pumps and infrastructure to complement the irrigation pipes that are already in place.*

*We have repaired fences around the perimeter of the property and installed gates.*

*We have built a barn on the site, using a pre-existing concrete slab. The barn will serve as an area to process vegetables, honey, house livestock and store farming supplies. Adjacent to the barn, we have built two sheds for goats and pigs and have purchased two of each. These pens are fenced.*

*Our plan for the farm is to continue to focus on the asparagus crop while introducing cattle into the hay pasture next year to start regenerative grazing.*

*We have started to raise honeybees and are following Provincial treatment protocols to ensure healthy hives. The hives have been registered with the Provincial Apiary registry.*

*We have included a Great Pyrenees guardian dog to our farm to reduce bear and cougar activity on our farm.*

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

*We live on the farm with our two children. There are no non-agricultural uses taking place on the farm.*

**Applicant:** Jonathan Armstrong , Lila Armstrong



**Adjacent Land Uses****North**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Horse farm

**East**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Houses

**South**

**Land Use Type:** Other  
**Specify Activity:** Nature Park

**West**

**Land Use Type:** Agricultural/Farm  
**Specify Activity:** Vegetable farm

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

*We are a family of four living in the original 1122 sqft farmhouse. We would like to build a new house to better fit the needs of a growing family. We are proposing to remain in the original house during construction, and then once the new house is finished, we would demolish the existing house.*

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

*The additional residence will be the main residence on the farm, and the current house will be demolished. We will live in the new house while we actively farm the property. We have found it difficult to manage well in this house with the leaky windows, one bathroom, poor insulation, no dishwasher, no closets, and we do not want to invest in costly improvements to this house when it is ill-suited for a family.*

*There is a small trailer (755 sqft) located on the property approximately 400 m north of the house site. We are currently using the trailer to store our belongings as there isnt room in the house. Our intent is to use the mobile to house temporary farm help during asparagus picking season. Picking asparagus is a labor-intensive, short duration activity. We found this year that it was difficult to attract farm workers without being able to offer them temporary accommodations.*

*Once completed, the buildings used for residences on the farm would be one house (approx. 2400 sqft living space, 1600 sqft footprint + 600 sqft garage) and the trailer (755 sqft) on the property.*

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

*There is one house, 1122 sqft (104 m<sup>2</sup>) and one trailer 755 sqft (70 m<sup>2</sup>). The house and the trailer were built in the early 1990s. Our family is living in the house and the trailer is being used for storage. The trailer is located approximately 400 m from the house.*

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

*223 m<sup>2</sup>*

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

*We would like to build the new house on the site that is currently occupied by the small shed and driveway. The site is directly adjacent to the current house, minimizing additional area being take up by structures. Our plan is to remove the current house and the roads / driveways to the north once the new house is built, reducing the area impacted by roads and driveways. We also plan on removing the shed to the east of the house as a part of the construction returning that area to productive land. By locating the new house directly adjacent to the exiting house and on land already impacted by buildings and roadways we are minimizing the ground impacted. We plan to plant vegetables for sale and fruit trees in the area reclaimed. The trees will help with shade and wind reduction.*

*Locating the house where we propose allows us to reuse the infrastructure for power, water and septic.*

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

*We are planning to remove both the small shed and the large shed as part of this construction project. We would reduce the number of buildings used for residential or adjacent to the main residence from 3 to 1. We will remove approximately 1.6 acres of driveway as a part of this project, keeping only one of the driveways. We will have to update the septic system as the existing one is 35+ years old. The new one would be adjacent to the house on ground already impacted by buildings and roadways.*

*We will reuse the existing driveway to the back of the house and shed. We would build an attached garage to the house that would cover approximately 300sqft (28m2) of ground.*

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

*No*

**Applicant Attachments**

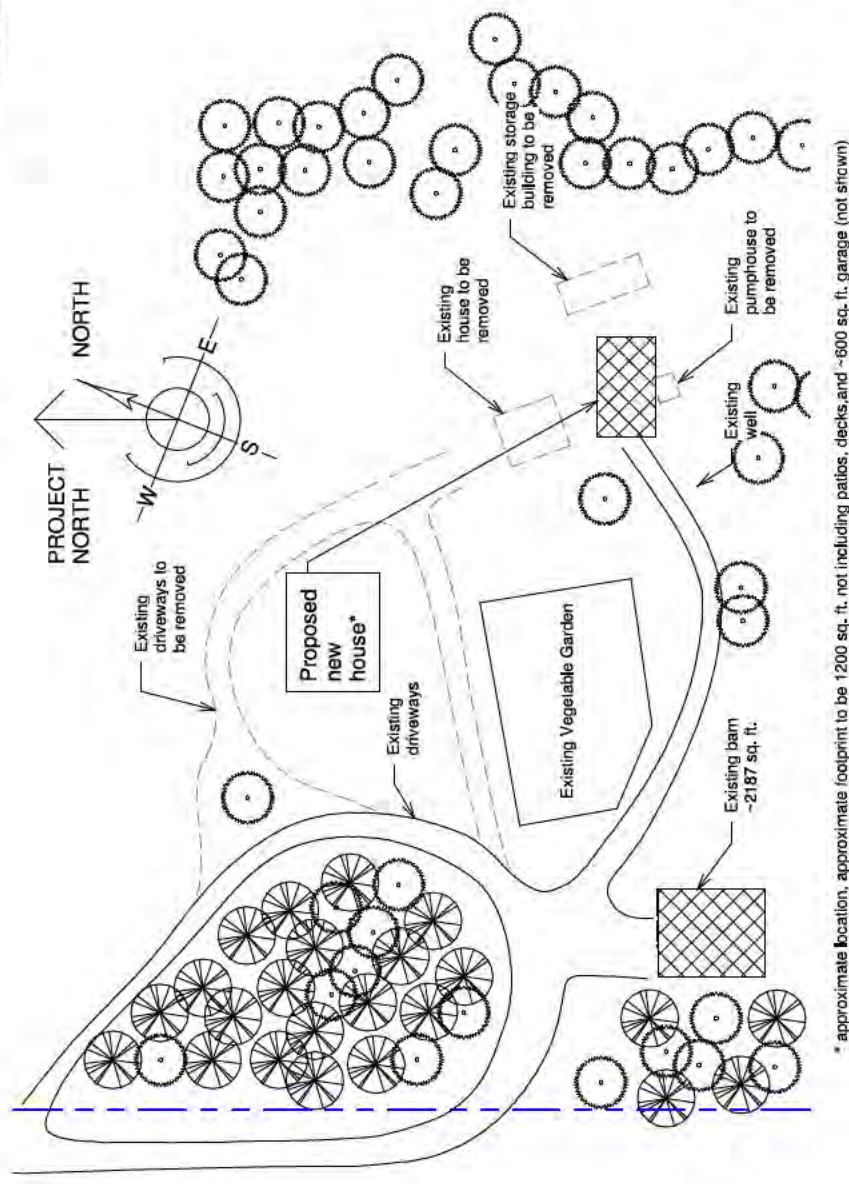
- Other correspondence or file information-Surrounding Land Use Map
- Proposal Sketch-63678
- Certificate of Title-000-031-437

**ALC Attachments**

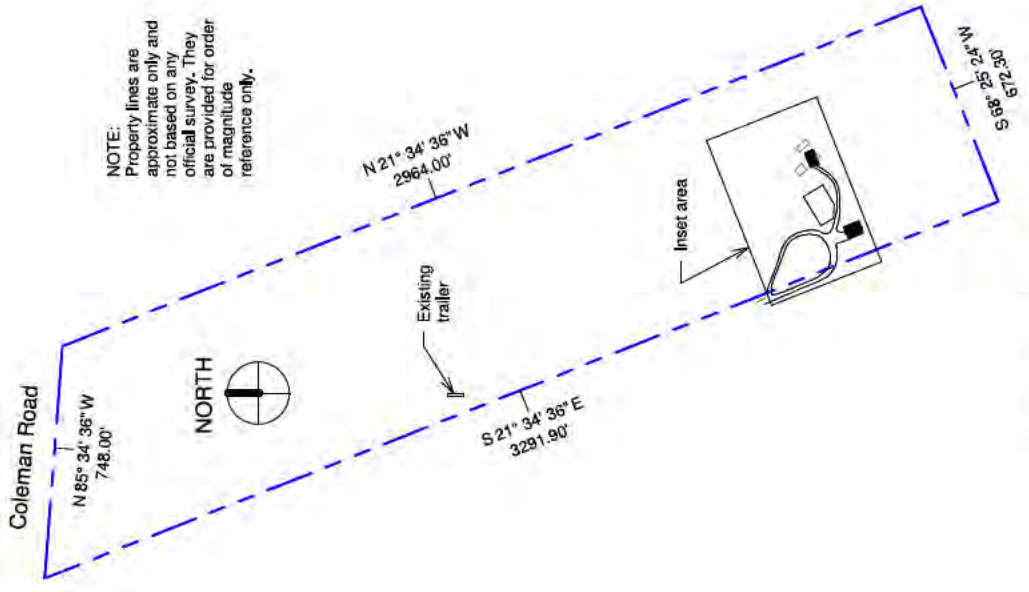
None.

**Decisions**

None.



**1** SITE  
 1" = 60'-0"



NOTE:  
 Property lines are approximate only and not based on any official survey. They are provided for order of magnitude reference only.

**2** FULL SITE  
 1" = 400'-0"