

Notice of meeting of the
Agricultural Advisory Planning Commission
September 20, 2018
To commence in the CVRD boardroom
located at 500B Comox Road, Courtenay BC, at **7:00 pm**

PAGE

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|----------|----|---|
| | 1. | Call to order and recognition of traditional territories |
| 2 | 2. | Minutes of the Agricultural Advisory Planning Commission dated August 30, 2018 for adoption. |
| 4 | 3. | Memorandum dated September 12, 2018 regarding 3090-20/DV 3C 18 – Development Variance Application – Unaddressed lots (Presley/Scott/Whittaker) |
| 8 | 4. | Memorandum dated September 12, 2018 regarding 3110-20/ALR 5C 18 - Non-Farm Use within the Agricultural Land Reserve – 3429 Cessford Road (Thorburn) |
| | 5. | Verbal update regarding previous Agricultural Advisory Planning Commission recommendations. |
| | 6. | Next meeting date: This is the final meeting of the year and of the commission's term. |

ADDENDUM

- | | |
|-----------|--|
| 16 | Correspondence dated September 15, 2018 from Niki and Patrick Whittaker regarding 3090-20/DV 3C 18 – Development Variance Application – Unaddressed lots (Presley/Scott/Whittaker) |
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Distribution:

AAPC members
Area Director
Alternate Area Director
Chief Administrative Officer
General Manager of Planning & Development
Manager of Planning Services
Corporate Legislative Officer
Manager of Legislative Services
Planners
CVRD website
File copy
Reception notice board (cover page)

Minutes of the meeting of the Agricultural Advisory Planning Commission (AAPC) of the Comox Valley Regional District held August 30, 2018 in the CVRD boardroom located at 500B Comox Road, Courtenay, BC commencing at 7:00 pm

PRESENT:	Chair:	Gerry McClintock
	Secretary:	Arzeena Hamir
	Members:	Chris Brown
		Andrea Burch
		Brad Chappell
		Carl Goldscheider
		Megan Halstead
		Wendy Prothero

ABSENT:	Marc Vance
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ALSO PRESENT:	Electoral Area Director, Area C	Edwin Grieve
	Rural Planner	Jodi MacLean

Agenda Items

Addendum

PROTHERO/MCCLINTOCK THAT the addendum be accepted.

CARRIED

Minutes of Advisory Planning Commission Meeting

CHAPPELL/BROWN: That the minutes of the Agricultural Advisory Planning Commission meeting held June 21, 2018 be received.

CARRIED

3110-20 / ALR 3C 18 – Agricultural Land Reserve Non-Farm Use – 3080 Macaulay Road (Evansdale Farms Ltd and Ducks Unlimited Canada).

HAMIR/BROWN: That the Agricultural Advisory Planning Commission oppose the application based on the following reasons:

- The covenant places too much restriction on agriculture: Ducks Unlimited has not been amendable to berries, livestock or even drainage on other properties.
- There is a need for all different classes of soil in the ALR to allow for greenhouses and grazing areas
- This is one of the few large blocks of land still around in the Comox Valley

Status update on AAPC recommendations

Jodi MacLean, Rural Planner, provided an update on the Electoral Area Services Committee and board decisions related to AAPC recommendations regarding Bylaw 537 (cannabis regulation) and Bylaw 543 (water and beverage bottling - 2410 Sackville Road).

3110-20 / ALR 4C 18 – Subdivision within the Agricultural Land Reserve – 9314 Doyle Road (Proctor)

The applicant, Patricia Proctor, was present at the meeting.

CHAPPELL/BROWN – That the Agricultural Advisory Planning Commission oppose the application based on the following reasons:

- Smaller land parcels makes agriculture more difficult;
- Due to the remote location, livestock is the primary use and the property need two dwellings for farm labour; and
- Two smaller acreages will be more expensive per acre, will not make it economically viable to farm, and will end up as country estates.

CARRIED

Next Meeting Date

The next Agricultural Advisory Planning Commission meeting is scheduled for Thursday, September 20, 2018 in the CVRD boardroom located at 500B Comox Road, Courtenay, BC.

Termination

The meeting terminated at 8:05 pm.

Recording Secretary:
Arzeena Hamir

Chair:
Gerry McClintock

Received by the Electoral Areas Services Committee on the ____ day of _____, 20__.

Memo

File: 3090-20/DV 3C 18

DATE: September 12, 2018

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services Branch

RE: Development Variance Permit – unaddressed lots (Presley/Scott)
Part of Section 33, Township 9, Comox District, Plan 552G (PID 000-878-162)
Part of Section 34, Township 9, Comox District, Plan 552G (PID 000-878-120)

The attached development proposal is for commission members' review and comment. It is the mission of the Agricultural Advisory Planning Commission to strive to promote and strengthen the long-term viability of agriculture in the Comox Valley.

An application has been received to consider a Development Variance Permit (DVP) that would enable a lot line adjustment involving four properties (Figure 1). The DVP would allow for two of the properties to end with road frontages of less than 10 per cent of the final lot's perimeter, as summarized in Table 1 below.

Table 1. Summary of requested variances

Property	Current frontage	Proposed frontage (Orr Road)
PID 000-878-162	0 metres (0%)	30 metres (1.5%)
PID 000-878-120	24.86 metres (2.3%)	35 metres (5%)

Lot Line Adjustment

The subject properties were created as a 30 metre corridor for the Esquimalt and Nanaimo Railway Company (E&N Railway) with the north-south property lines determined by section lines on the original 1893 survey. The neighbouring owners acquired properties and are now proposing to develop or sell the lots. To provide the middle lot with road access, they are proposing to extend it to Orr Road at the expense of the eastern lot. The subject properties are all within the Agricultural Land Reserve which requires that such lot line adjustments keep the properties over 1 hectare; therefore, to make the eastern lot 1 hectare, its width is proposed to be expanded by 5 metres, bringing its proposed frontage to 35 metres or 5 per cent of the proposed lot's perimeter. The western lot involved in the adjustment would have frontage of 15 per cent of its perimeter and, therefore, does not require a variance.

Zoning

The properties are all zoned Rural-ALR. Section 503(2) of the Zoning Bylaw allows for lot line adjustments where the properties do not meet the minimum lot areas as long as they are contiguous. However, Section 503(1)(iii) and Section 803(7)(ii) require a minimum lot frontage of 10 per cent of the perimeter of the lot. The applicants are seeking to vary this frontage requirement for two of the proposed lots to allow for the lot configuration as portrayed in Appendix A.

Please be advised that all adjacent properties within 500 metres of the subject parcel will be notified via mail of the variance request and be given the opportunity to comment prior to the application going forward to the Electoral Areas Services Committee for consideration.

Sincerely,

T. Trieu

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

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Attachments Appendix A – “Subject properties involved in the proposed lot line adjustment”

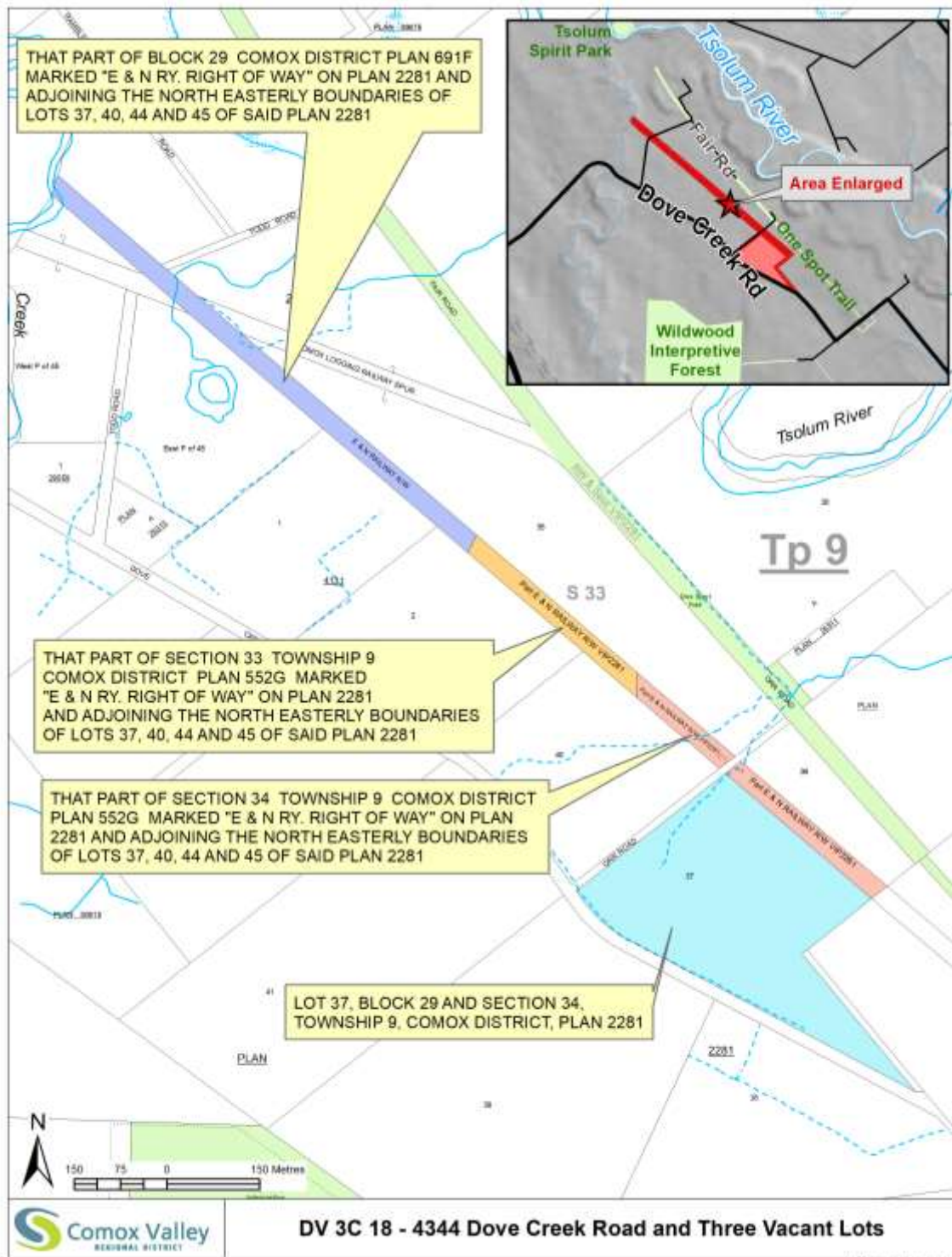


Figure 1: Properties involved in the proposed lot line adjustment which would see the orange lot extended to Orr Road at the expense of the red lot which will shrink to a 1 ha size with a small amount of land taken from the light blue lot; the dark blue lot will also shrink due to road dedication to connect Todd Road (and some land given to the orange lot).

Comox Valley Regional District

Appendix A Page 1 of 1

*NOTE: All 4 TITLES ARE
PRESENTLY > 1ha AND WILL
BE > 1ha AFTER SUBDIVISION.

PROPOSED SUBDIVISION
SKETCH PLAN

Aug. 13/18

FROM PLAN 2281
ST FOUND
SQUARE IRON POST
B.C.L.S., SURVEYOR OF
HOP BAR 1

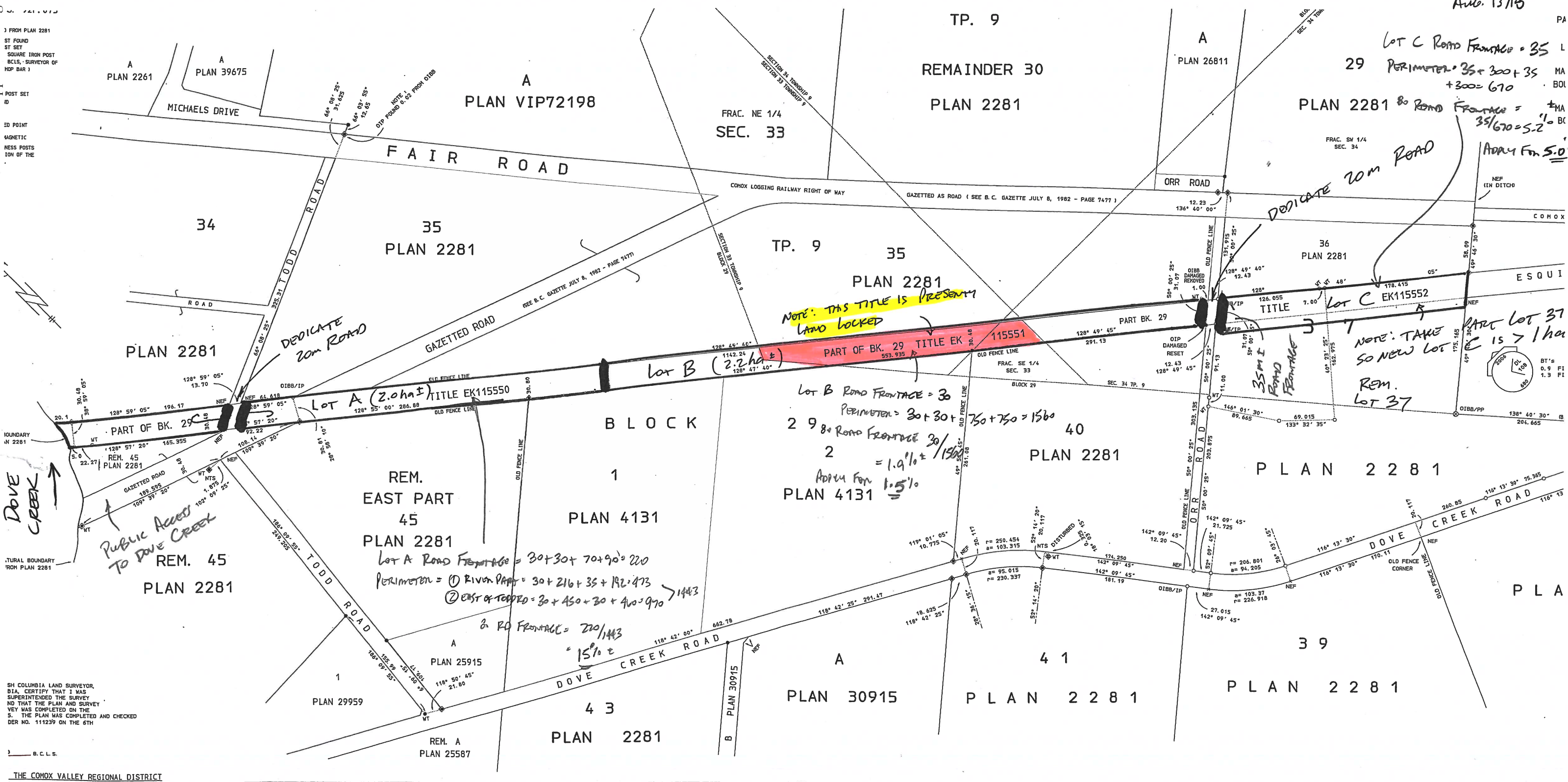
POST SET
ED POINT
MAGNETIC
NESS POSTS
ION OF THE



Dove
Creek

SH COLUMBIA LAND SURVEYOR,
BIA, CERTIFY THAT I WAS
SUPERINTENDING THE SURVEY
AND THAT THE PLAN AND SURVEY
WAS COMPLETED ON THE
5. THE PLAN WAS COMPLETED AND CHECKED
DER NO. 111239 ON THE 6TH

THE COMOX VALLEY REGIONAL DISTRICT



Aug 13/18 ~ 1952 - DVP - SKETCH - 1 ~
w "Temp" DIR

MAY 27/18

Memo

File: 3110-20/ALR 5C 18

DATE: September 12, 2018

TO: Agricultural Advisory Planning Commission

FROM: Planning and Development Services Branch

RE: Non-farm Use within the Agricultural Land Reserve – 3429 Cessford Road
(Thorburn)
Part Lot 1, District Lot 112, Comox District, Plan 10659, PID 005-240-891

An application (Appendix A) has been received to consider a non-farm use 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 10 hectare lot, created as the remainder of a 1959 subdivision along Cessford Road. The property was re-developed with a new house in 2008 and several accessory buildings have been added since. The front half is currently cleared and the rear remains treed, with the middle section developed with a residential component and a riding ring.

The applicants propose to add a manufactured home to the property, to be located at the front of the lot close to Cessford Road, for the purpose of providing residence for a recently retired friend and to be gifted to the owner's son. As this constitutes a second dwelling, an ALR non-farm use application is required.

According the Canada Land Inventory, the front of the property has an unimproved soil classification of 4PA(70%)-5PA(30%), improvable to Class 3PA(70%)-4PA(30%). The middle portion of the property has an unimproved soil classification of 4W improvable to 3WD and the rear of the property 4A improvable to 2TA (Figure 3). Class 4 soils have severe limitations that restrict the range of crops or require special conservation practices. Class 3 soils have moderately severe limitations that restrict the range of crops or require special conservation practices; and class 2 soils have moderate limitations. Subclass W refers to a limitation resulting from excess water; subclass refers to topography; subclass P refers to stoniness; subclass D refers to an undesirable soils structure and/or low permeability; and subclass A refers to a soil moisture deficiency caused by low soil water holding capacity or insufficient precipitation.

Agricultural Land Reserve

The property is located within the ALR. Section 3(1)(b) of the ALR Regulations allow for a second dwelling on the conditions that it be no more than 9 metres in width (i.e. double-wide) and for use by a member of the owner's immediate family. The property owner describes the proposed occupant as a close family friend but because he is not "immediate family" as defined by the ALR Regulations

an application is required. The applicants have stated they intend to transfer ownership of the dwelling to owner's son (i.e. "immediate family") so he can live there once the residence is no longer required by the friend.

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". 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*" and Policy 59(6) states "*Encourage the applicant to limit the footprint of the additional dwelling(s) in order to limit negative impacts of residential use on land designated agricultural area.*" Similarly, Policy 59(5) elaborates:

"Encourage owners of land designated agricultural area to locate and group buildings, structures, dwellings and related infrastructure, including driveways in ways that preserve contiguous tracts of land. Siting consideration should include the following:

- (a) siting of all buildings and structures in a way that would not negatively affect the long term agricultural potential of the subject property or the adjacent properties;*
- (b) avoiding fragmenting and alienating productive and/or arable land;*
- (c) avoiding placing buildings on the most arable soils on a property or where such buildings could negatively impact sensitive environmental features on the subject land;*
- (d) minimizing nuisance factors such as noise or lights by filtering and screening these factors to be less noticeable;*
- (e) grouping all development together, so that the remaining open land can easily be accessed by large farming equipment;*
- (f) avoiding long driveways and the siting of buildings deep into the property;*
- (g) improving compatibility between dwelling units and farming operations, where possible, place residential uses adjacent to roads;*
- (h) limiting the size of development by keeping the footprint of dwelling units small so that greater separation between dwelling units can be achieved; and*
- (i) orienting dwelling units and structures to optimize solar heating and light."*

Should you have any specific questions regarding this proposal, please contact Jodi MacLean at 250-334-6041 or by email to jmaclean@comoxvalleyrd.ca

Sincerely,

T. Trieu

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

\jm

Attachments Appendix A – "ALR 5C 18 application"

Comox Valley Regional District

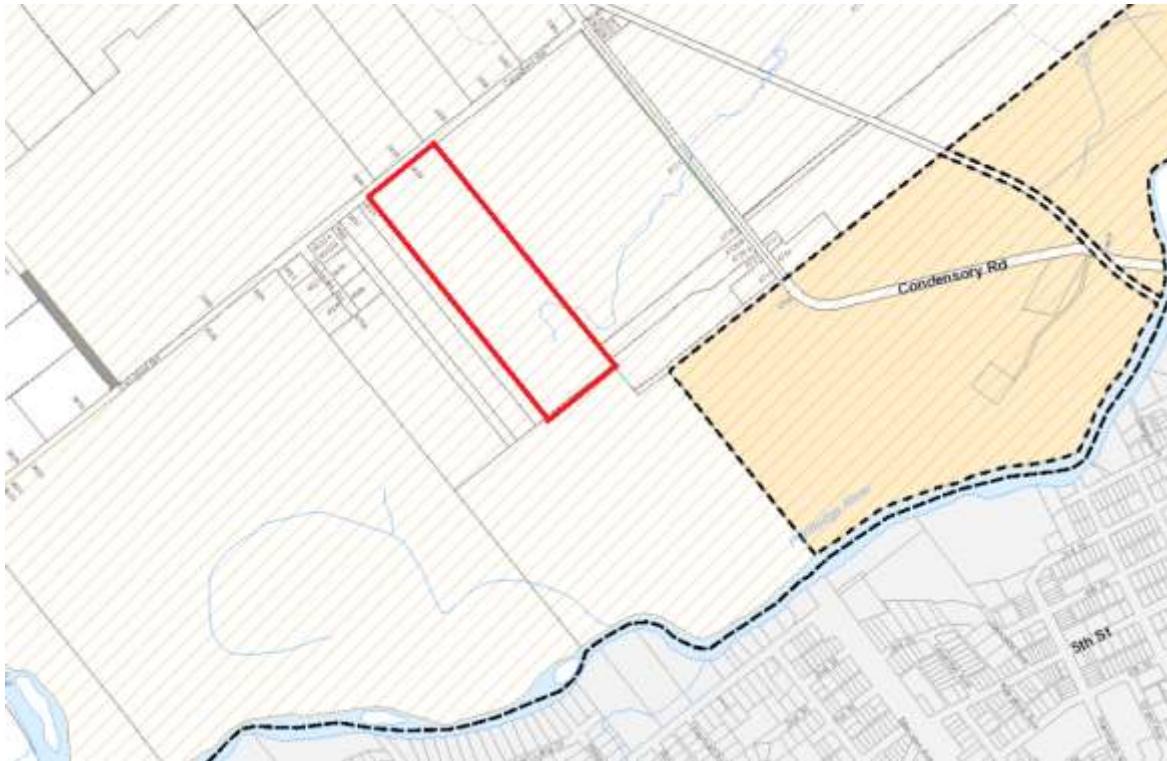
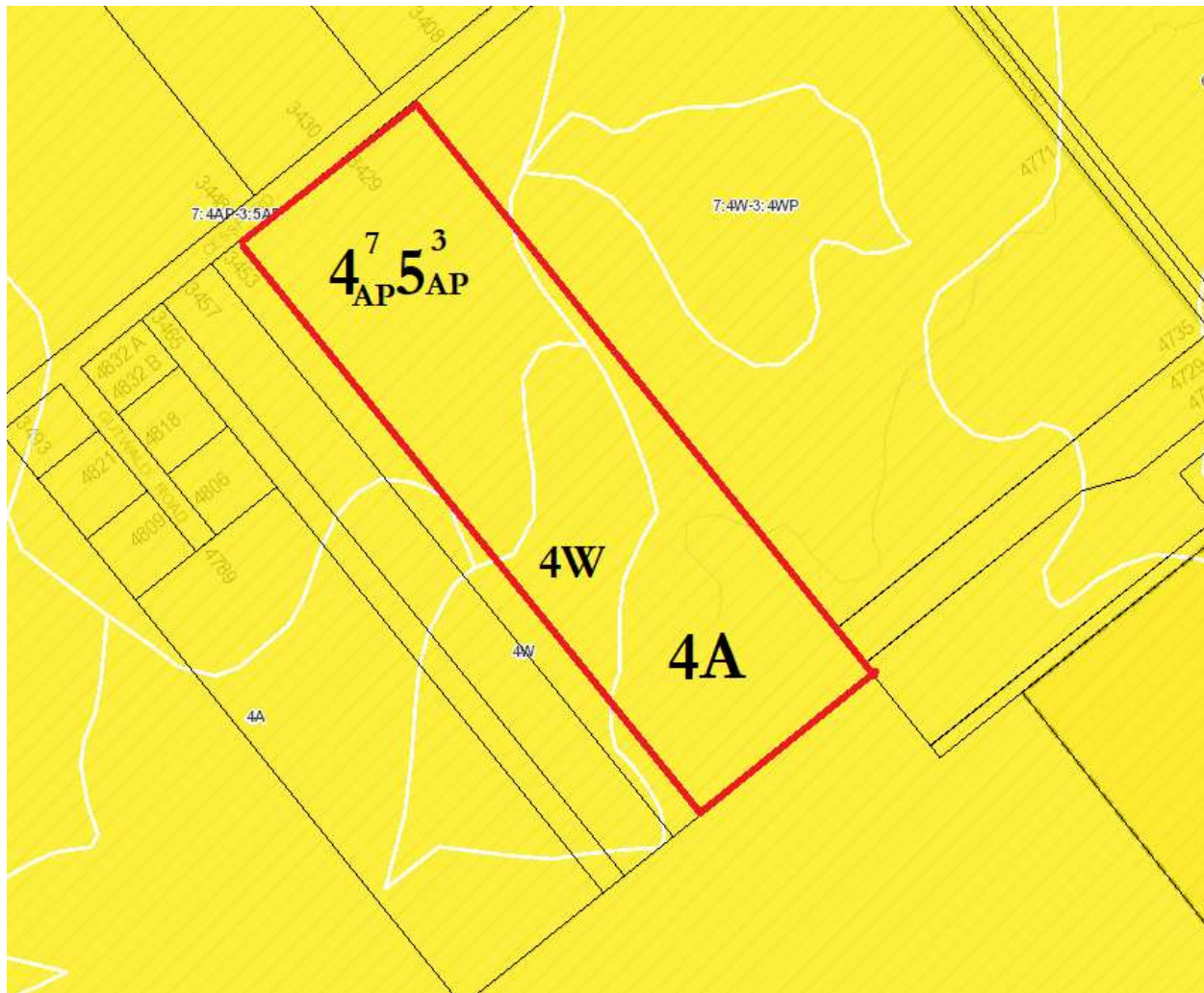


Figure 1: Subject Property, highlighted in red



Figure 2: Air Photo (2016), highlighted in red

Comox Valley Regional District



Comox Valley Regional District



Provincial Agricultural Land Commission - Applicant Submission

Application ID: 58059

Application Status: Under LG Review

Applicant: ryan thorburn

Local Government: Comox Valley Regional District

Local Government Date of Receipt: 09/05/2018

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

Proposal Type: Non-Farm Use

Proposal: I would like to place a modular home and a small garage that my son would eventually move in to permanently. At this time we have a family friend that is 83 years old that would like to cover all the cost associated with the project IF he can live there until his health deteriorates or he dies. He has no family, leaving the rest of his estate to 4H and Kidsport charities. I work in healthcare for BCEHS and can help (Grant), this man has been an acquaintance of my wife's for over 20 years. My son is 22 and is excited about the prospect of our friend living in and then leaving him a house for his future use. The part of the land that we want to use is at the base of our driveway and there is already a well in place. We will be able to see it from our house. We are keeping this property in our family indefinitely and have no plans to farm it as it is just lawns and trails in the forest right now. When Grant is gone, the home will revert to my son and will meet the land use bylaws at that time well in to the future.

Mailing Address:

3429 cessford rd
courtenay, BC
v9j 1r6
Canada

Parcel Information

Parcel(s) Under Application

1. **Ownership Type:** Fee Simple

Parcel Identifier: 005-240-891

Legal Description: Lot 1 Plan VIP10659 District Lot 112

Parcel Area: 10.2 ha

Civic Address: 3429 cessford rd

Date of Purchase: 11/30/2007

Farm Classification: No

Owners

1. **Name:** ryan thorburn

Address:

3429 cessford rd
courtenay, BC
v9j 1r6
Canada

Current Use of Parcels Under Application

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

family property with 1 horse. No products off land. mostly fill so we buy hay for that horse.

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

we have cleaned and leveled the fill. the property is fenced and there are lawns and drainage in the wet areas.

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

We have many family functions, weddings and birthdays on the land. there is a house that I built in 2008, a barn that was on the land at the time and a building that I built this year.

Adjacent Land Uses

North

Land Use Type: Residential

Specify Activity: 2 houses, 12 acres residential only

East

Land Use Type: Unused

Specify Activity: forest

South

Land Use Type: Agricultural/Farm

Specify Activity: power lines growing cow food

West

Land Use Type: Residential

Specify Activity: 3.5 acres derelict house

Proposal

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

0.8 ha

2. What is the purpose of the proposal?

I would like to place a modular home and a small garage that my son would eventually move in to permanently. At this time we have a family friend that is 83 years old that would like to cover all the cost associated with the project IF he can live there until his health deteriorates or he dies. He has no family, leaving the rest of his estate to 4H and Kidsport charities. I work in healthcare for BCEHS and can help (Grant), this man has been an acquaintance of my wife's for over 20 years. My son is 22 and is excited about the prospect of our friend living in and then leaving him a house for his future use. The part of the land that we want to use is at the base of our driveway and there is already a well in place. We will be able to see it from our house. We are keeping this property in our family indefinitely and have no plans to farm it as it is just lawns and trails in the forest right now. When Grant is gone, the home will revert to

my son and will meet the land use bylaws at that time well in to the future.

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.

This is a very personal project. It hinges on our home on Cessford and our relationship with Grant. This is an opportunity that we have at our disposal only because we have the space and our kids want to move back home and Grant wants to live with space around him as he is an old farmer from Dove Creek.

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

Our land has been used by the previous owner as a dump site for Wacor. There is about half of the property that is forested and some that is swampy. The leveled areas that I planted grass on for our horse is very hard and grows very slow. It one time took me 2 days to dig holes in it to put in 2 posts. To use my land for agriculture I would need to bring in soil that could actually grow products. The modular and garage will be landscaped and material will be brought in for a personal garden. The footprint is quite small and the leveled area that the horse grass grows on is on the other side of the driveway.

Applicant Attachments

- Professional Report - assesment
- Proposal Sketch - 58059
- Certificate of Title - 005-240-891

ALC Attachments

None.

Decisions

None.

15000'

Cessford rd

Swamp

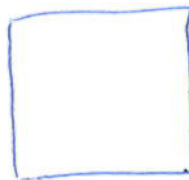
proposed modular
and garage



HORSE

Swampy

freeds



EXISTING
HOUSE



shop



EXISTING
BARN

forest

2000'

Power lines

ADDENDUM

DATE: September 15, 2018

TO: Agricultural Advisory Planning Commission

FROM: Patrick and Niki Whittaker (75% owners of the three titles of the former E&N railway right-of-way)

RE: Development Variance Permit – unaddressed lots (Presley/Scott and Whittaker) Part of Section 33, Township 9, Comox District, Plan 552G (PID 000-878-162) Part of Section 34, Township 9, Comox District, Plan 552G (PID 000-878-120)

We would like to introduce ourselves (Niki and Patrick Whittaker) as the majority owners of the three properties in question; we own these three properties with the other 25% owners, Murray Presley and Ann Scott.

We would like to address mis-information in the original memo attached to the agenda regarding our file. Firstly, we were not mentioned as owners. Secondly, we are NOT the adjacent/neighboring land owners and thirdly, we have NO intentions of selling the lots; this is a particularly offensive and wrong assumption. Finally, we have questions around the use of the word “develop” because our intentions are to relocate our young family and to enhance and continue to farm.

A brief history about us and our intentions. Patrick was born and raised in the Comox Valley and grew up in Dove Creek on his parent’s farm. Patrick’s family is one of the adjacent land owners to the properties in question and have held the land for near fifty years. Patrick left the Valley to study agriculture at the University of Saskatchewan, and finished his formal education as a Doctor of Veterinary Medicine in 2004. From 2004 to 2016, Patrick worked as a cattle veterinarian in Alberta. Niki holds a Bachelor of Science in Agriculture from The University of British Columbia and is a Professional Agrologist in B.C.. Niki’s career to date has involved working for the Agriculture Division of Statistics Canada in Ottawa for 4 years and 11 years with Alberta Agriculture and Forestry as a Senior Policy Analyst/Advisor working on The Land Use Framework amongst other projects. We are both passionate about agriculture and believe strongly in its value and place in the Comox Valley.

Two and a half years ago, we moved our family from Alberta to B.C., to be nearer family, to help and become involved with the family farm, and to hopefully begin the process of succession with Patrick’s parents, a shared dream of ours. We have two young children aged 4 and 6 and currently own and live in a house in the City of Courtenay. Our intention with regards to the properties in question, is primarily to continue to farm; this is a challenge when we are not present and living on the premises. Niki already keeps bees on the properties and we have many plans to grow and develop the farm. Due to ALR restrictions, we are unable to build our own home on Patrick’s family’s land and we are not in a position, nor would we want to “remove” anybody prematurely. As such, we have always seen the land we own as an opportunity to build a home and move our family from the city out to the farm in order to be present and farming.

Due to the fact that succession of the family farm is not a guarantee for assorted reasons, we have always discussed the feasibility of farming the properties in question as stand-alone pieces without

owning Patrick's family's adjacent land. We feel this is absolutely possible and have plans. This is where we come to the issue of accessibility on the middle piece, which is **currently land locked and the reason we are going through this process.**

Due to the history of the properties being part of the former E&N railway right-of-way, we also own part of Todd and Orr Roads crossing our properties. As roads make for logical boundaries, we want to dedicate a twenty-metre road width as part of this process.

Again, due to the properties being part of the former E&N railway right-of-way, the parcels in question, although very long, are only 100 feet wide. Although this might seem narrow in a rural setting, this is almost double or even triple the width of many city lots, and actually constitutes over 10 acres in total. The Development Variance Permit has come to the forefront only because of the inherent narrow width of the properties.

To us, the objectives of this process have always been clear. To provide road access to all three titles in order to facilitate farming and to dedicate the road portions, which we feel should be public road, back to the province. Our hope through this addendum is that we might be better able to demonstrate our shared desire to promote and strengthen the long-term viability of agriculture in the Comox Valley.

Sincerely and With Best Regards,

Niki and Patrick Whittaker