



COWICHAN VALLEY REGIONAL DISTRICT
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REFERRAL RESPONSE FORM

CVRD File No.:	ALR22H02
Application Type:	Agricultural Land Reserve Application
Subject Property:	13150 Minn Road (PID 006-242-171).
Proposal:	Non-Farm Use (Placement of Fill) application to the Agricultural Land Commission.
Planner Assigned to File:	Richard Buchan, Planner III - richard.buchan@cvrd.bc.ca
CVRD Utilities Division <i>Lisa Daugenet</i>	The lot is not located within a CVRD operated utility service area therefore Utilities division has no comments.
Environmental Services Division <i>Keith Lawrence</i>	<p>The clearing and fill activities, described in the application, take place above the Cassidy aquifer (161) which is vulnerable to contamination and is a drinking water source for the surrounding community. The Environmental Services Division recognizes that the fill activities (i.e. expanding internal driveways) are not adjacent to Riparian Areas; however, the proposed tree clearing appears to be within close proximity to a riparian area.</p> <p>Lands adjacent to rivers and streams (also known as riparian areas) are especially effective in enabling precipitation and runoff to infiltrate the soil and pass through to the water table (the "surface" of the groundwater); but only if they are maintained in and/or restored to a naturally vegetated condition. They also have a critical role in protecting water quality and reducing flood damage during winter storms. Functional riparian areas also contribute to the health of fish and wildlife habitat by providing suitable vegetation composition and structures.</p> <p>The Environmental Services Division understands that (under CVRD Bylaw No. 4485) the Requirements and Guidelines of Development Permit Area 1 (Riparian Protection) are not applicable to normal farm practices within the Agricultural Land Reserve (ALR) conducted in alignment with the <i>Farm Practices Protection Act</i> (Right to Farm Act), and in accordance with the Code of Practice of Agricultural Management.</p> <p>The Division also recognizes that Part 2, Division 2, Sec 6 of The <i>Agricultural Land Reserve Use Regulation</i> protects "Land Development Works" associated with a Bona Fide farm activity on Agricultural Land Reserve (ALR) properties as a Farm Use that may not be prohibited.</p> <p>The following comments are for the property owner's information:</p> <ul style="list-style-type: none"> Part 2(2) of the Farm Practices Protection (Right to Farm) Act protects "Normal Farm Practices", and the B.C. Ministry of Agriculture and Food has provided "Farm Practices Reference Guides" to help strengthen the <i>Farm Practices Protection</i> (Right

	<p>to Farm) Act and clarify 'normal farm practices' in British Columbia.</p> <ul style="list-style-type: none"> ○ These guides clarify that clearing to the edge of watercourses is <u>discouraged</u>; and that a buffer zone should be established and preserved. • The Code of Practice of Agricultural Environmental Management prescribes recommended setbacks for buildings, applying wood residue/nutrient sources, etc. and generally range from 1.5m to 30m depending on the agricultural activity. • The BC Cattlemen's Association has published useful brochures for land owners, and the BC Ministry of Agriculture has also published a Riparian Management Field Workbook. <ul style="list-style-type: none"> ○ The applicant is encouraged to self-assess the riparian area and develop an appropriate Buffer Zone based on the Ministry Guides for "Farm Practice: Land Clearing" and "Farm Practice: Habitat Management" • Works in and about a stream require approvals under the <i>Provincial Water Sustainability Act (WSA)</i>: https://portal.nrs.gov.bc.ca/web/client/-/change-approval-for-work-in-and-about-a-stream - all necessary permits/approvals (where applicable) should be secured from the Province prior to commencing work.
<p>Bylaw Enforcement <i>Devin Warwick</i></p>	<p>On review of this ALR non-farm use application, it appears that the all the soil to be deposited is related to an activity designated as a farm use under <i>Agricultural Land Commission Act</i> (i.e. <i>Equestrian facilities, crop production (field, greenhouse), and ranching activities</i>).</p> <ul style="list-style-type: none"> • If the ALC non-farm use application is approved, the CVRD Soil Deposit Bylaw (No. 4380) will not be applicable on the basis that the fill is related to a farm use activity. <p>In addition to CVRD and ALC approvals, Ministry of Transportation and Infrastructure (MoTI) approvals may be required.</p> <ul style="list-style-type: none"> • The property owners are encouraged to apply to the Ministry of Transportation and Infrastructure (MoTI) for a highway use permit to create or change driveway access off a provincially owned controlled access or numbered highway: https://www2.gov.bc.ca/gov/content/transportation/funding-engagement-permits/permits/access/residential-agricultural
<p>Strategic Initiatives <i>Ali Garnett</i></p>	<p>No Comments/Concerns: <i>Strategic Initiatives notes this is not a retroactive approval nor a retroactive referral; neither the ALC nor the CVRD can back date a decision. The referral and approval (if forthcoming) would operate prospectively.</i></p>
<p>Building Inspections <i>Sonny Bryski</i></p>	<p>No Comments/Concerns</p>
<p>Community Planning Division <i>Mike Tippett</i></p>	<p>No Comments/Concerns</p>
<p>Parks & Trails Division <i>Mark VandenDungen</i></p>	<p>No Comments/Concerns</p>
<p>Emergency Management</p>	<p><i>No Response Returned</i></p>