



STAFF REPORT TO COMMITTEE

DATE OF REPORT January 4, 2024

MEETING TYPE & DATE Electoral Area Services Committee Meeting of January 17, 2024

FROM: Development Services Division
Land Use Services Department

SUBJECT: Application No. ALR22H02 (13150 Minn Road/PID: 006-242-171)

FILE: ALR22H02

PURPOSE/INTRODUCTION

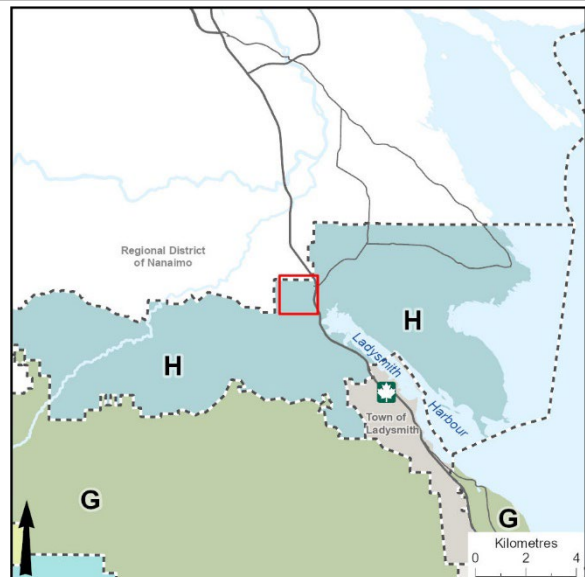
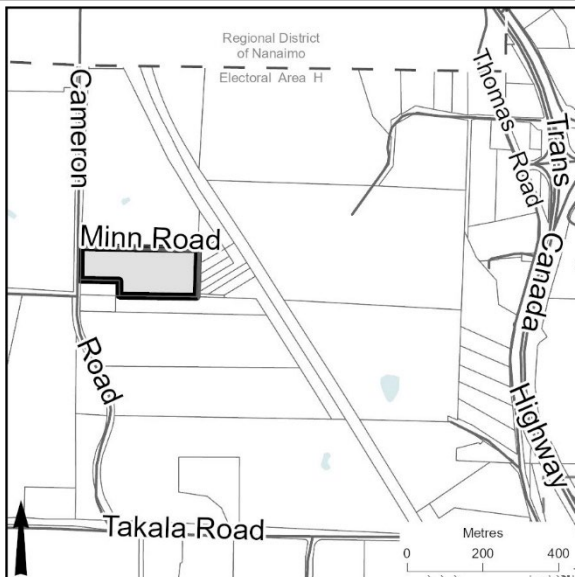
The purpose of this report is to introduce Agricultural Land Reserve (ALR) Application No. ALR22H02. This application proposes to allow a Non-Farm Use (deposit of fill) for the property located at 13150 Minn Road (PID: 006-242-171).

The proposed Non-Farm Use requires an application to the Agricultural Land Commission (ALC), (ALC File No. 65125).

RECOMMENDED RESOLUTION

That it be recommended to the Board that Application No. ALR22H02 (13150 Minn Road, PID: 006-242-171) for a Non-Farm Use (deposit of fill ALC Application No. 65125), be forwarded to the Agricultural Land Commission without comments or recommendations.

LOCATION MAP



BACKGROUND

A non-farm use application has been submitted for the subject property. This application would authorize a total fill placement of 288.75 m³ on the subject property. If authorized, the owners have indicated that they intend to undertake additional agricultural improvements to the lands to produce hay, establish pastures, fix/maintain a livestock barn, raise beef cattle, and keep chickens, horses and sheep.

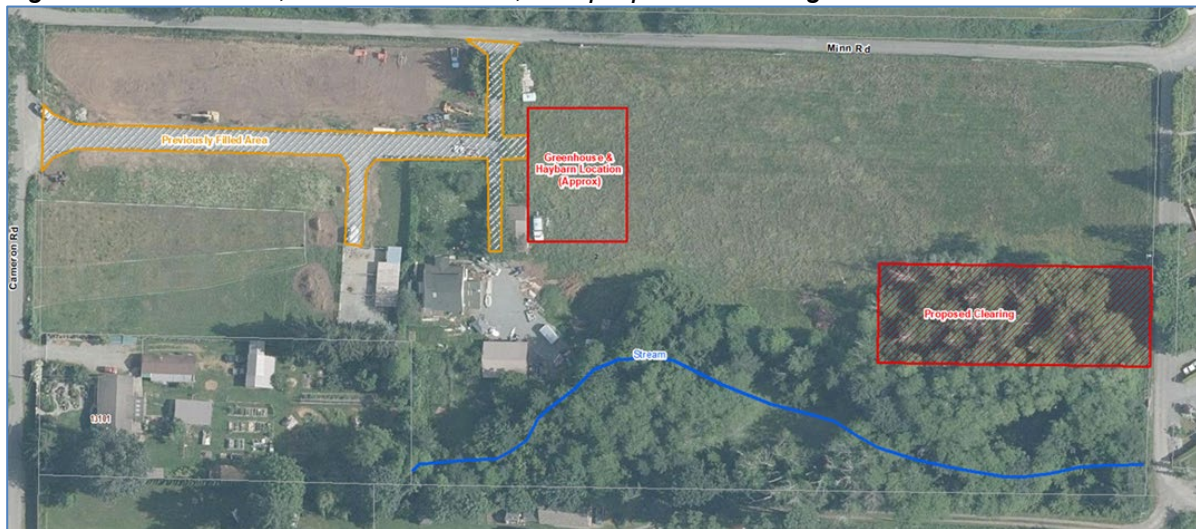
This ALR application is in response to enforcement action from the ALC. The ALC file on this property began February 15, 2022, with a complaint from the public. On March 16, 2022, an ALC compliance and enforcement officer made a site inspection regarding the fill import for road/driveway construction, and possible commercial storage of vehicles.

Following the site inspection, the compliance and enforcement officer's notes show that the only outstanding issue is the driveway/road fill.

The owners advise that they purchased the property for farming purposes and had issues with accommodating farm equipment through the main access/driveway from Minn Road. The owner suggests that the improved access would provide a benefit to on-going farm operations. The owners also note that additional clearing of forested areas of the property may occur to make up for the land that was lost to facilitate the construction of the driveway.

1977 CVRD Building Permit records indicate a watercourse (Perry Brook) on the property. This watercourse does not appear to be within 30 m of the filled areas.

Figure 1: Filled areas, new construction, and proposed clearing.



As the fill placement has already occurred, should the CVRD Board prevent the application from proceeding (or should the ALC deny the application) the file will return to ALC compliance and enforcement for follow up.

A greenhouse and barn for hay and equipment storage are also proposed to be accessed by the driveway. For clarity, future fill for proposed farm buildings will not require ALC Authorization (if fill is confined to an area less than 1,000 m²).

OFFICIAL COMMUNITY PLAN/POLICY CONSIDERATIONS

The subject property is entirely within the ALR. A non-farm use requires approval from the ALC. The Board can choose to either:

- prevent the application from proceeding to the ALC for a decision; or
- authorize the application to proceed to the ALC for a decision (with or without comments).

In accordance with the CVRD [Agriculture Land Reserve Applications Policy](#), the Board may forward ALR non-farm use applications to the ALC if the proposed non-farm use complies with CVRD bylaws.

If the Board authorizes the application to proceed, it will be forwarded to the ALC for a decision pursuant to the purposes of the ALC as set out in the ALC Act:

6 (1) *The following are the purposes of the commission:*

- a. *to preserve agricultural land reserve;*
- b. *to encourage farming on agricultural land reserve in collaboration with other communities of interest;*
- c. *to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land reserve and uses compatible with agriculture in their plans, bylaws and policies.*

(2) *The commission, to fulfill its purposes under subsection (1), must give priority to protecting and enhancing the following in exercising its powers and performing its duties under this Act:*

- a. *the size, integrity and continuity of the land base of the agricultural land reserve;*
- b. *the use of the agricultural land reserve for farm use.*

Official Community Plan for the Electoral Areas Bylaw No. 4270 (HOCP):

The subject property is falls within the Renewable Resource-Agriculture land use designation. The Local Area Plan also designates the property as Renewable Resource-Agriculture.

- The overarching Residential designation in the OCP encourages the use of ALR land for agricultural production, including farming, orchards, vineyards, ranching and associated value-added activities.
- The LAP designation recognizes agriculture as an important sector of the economy and essential to the rural ambience and beauty of the landscape. A primary goal of this LAP is to protect agricultural resource lands and the agricultural industry

Development Permit Areas:

The subject property is currently subject to the following Development Permit Areas (DPA):

- DPA - 1 Riparian Protection; and
- DPA - 4 Aquifer Protection.

Any future development of the site would be subject to the DPAs, and a Development Permit may be required. Exemptions are anticipated for the soil/fill deposits.

Per Bylaw No. 4485 [Development Permit Exemptions and Guidelines]

- DPA 1 is not applicable to “*normal farm practices within the Agricultural Land Reserve conducted in alignment with the Farm Practices Protection Act, and in accordance with the Code of Practice of Agricultural Management*”
- DPA 4 is not applicable to “*normal farm practices in the ALR, conducted in alignment with the Code of Practice of Agricultural Environmental Management and in accordance with the Farm Practices Protection Act*” nor is it applicable to the “*construction of, addition to or alteration of a single detached dwelling including accessory structures*”

Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020:

The subject property is zoned Primary Agricultural (A-1), which permits agriculture, horticulture and single-family dwelling as a principal use. The A-1 Zone also allows for a horse-riding arena, boarding stable (subject to conditions).

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

The application was referred to internal divisions; no objections were received (see Attachment B). Both Environmental Services and Bylaw Enforcement have provided useful information for the owner should their application be approved by the ALC.

- Environmental Services' comments relate to the proposed tree clearing which is not part of this application and may occur regardless of the outcome of this application.
- Bylaw enforcement has noted that should the ALC approve the non-farm use, a soil deposit permit is not required; however, MoTI Approval may be required for the second driveway access.

In accordance with the [CVRD Development Application Referrals Policy](#), this application has not been referred to external agencies.

Advisory Planning Commission Referral:

The application was not referred to the Advisory Planning Commission (APC). Per the Development Application Referrals Policy, this application is considered to be minor and may proceed directly to the EASC. If desired, the Board may refer the application to the Area H APC.

PLANNING ANALYSIS

The strengthening of food and agricultural systems for food security is identified as a key CVRD goal within the Official Community Plan. To achieve this goal, the OCP includes policies to encourage local agricultural production and the preservation of the ALR. While soil/fill deposit/removal is not an agricultural activity, the purpose of this application is to enhance the future agricultural utility of the property by improving access to the land.

ALC Approvals:

A local government must authorize an application to be forwarded to the ALC before a final decision is made. The role of local governments is to provide information to the ALC related to land use planning and zoning bylaws, and may provide comments specific to each application.

ALC INFORMATION BULLETIN 07

Among the considerations that the Commission is likely to take into account on a Soil or Fill Use Application for soil or fill use include, but are not limited to, are the following:

1. Will the fill placement or soil removal aid the farm/farming activity?
2. Will the fill placement or soil removal reduce the agricultural capability of the land, degrade soils, or limit the range of crops that can be grown on the subject property compared to the current crop suitability of the land?
3. Will the fill placement foul, obstruct, or impede the flow of any waterway?

Per the applicant's submission, the proposed fill is located more than 30 m from a waterway; further, the purpose of the fill is to improve access to/from the property for farming equipment.

OPTIONS

Option 1:

That it be recommended to the Board that Application No. ALR22H02 (13150 Minn Road, PID: 006-242-171) for a Non-Farm Use (deposit of fill ALC Application No. 65125), be forwarded to the Agricultural Land Commission without comments or recommendations.

Option 2:

That it be recommended to the Board that Application No. ALR22H02 (13150 Minn Road, PID: 006-242-171) for a Non-Farm Use (deposit of fill ALC Application No. 65125), be forwarded to the Agricultural Land Commission with the following comments and recommendations [*specific reasons to be identified by the Board*].


Examples:

- a. The application is to construct a private driveway access suitable for farm vehicles is supported by the CVRD;*
- b. The CVRD's Official Community Plan recognizes that a viable and resilient local food and agriculture system is integral to the regional district's health, security and cultural identity;*
- c. The CVRD recognizes that on-farm infrastructure, including driveways, water storage reservoirs, and farm buildings, can be necessary to support farm activities.*

Option 3:

That it be recommended to the Board that Application No. ALR22H02 (13150 Minn Road, PID: 006-242-171) for a Non-Farm Use (deposit of fill ALC Application No. 65125), not be forwarded to the Agricultural Land Commission.

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Reviewed for form and content and approved for submission to the Committee:

Resolution:

☒ Corporate Officer

Financial Considerations:

☒ Chief Financial Officer

ATTACHMENTS:

Attachment A – ALC Submission

Attachment B – Internal Referral Responses