

Notice of meeting of the  
**Agricultural Advisory Planning Commission**  
Thursday, May 3, 2018  
To commence in the CVRD boardroom  
located at 500B Comox Road, Courtenay BC, at 3:00 pm

**PAGE**

1. Call to order and recognition of traditional territories
- 2** 2. Minutes of the Agricultural Advisory Planning Commission dated January 17, 2018 for adoption.
- 4** 3. Memorandum dated April 17, 2018 regarding 3060-20/DP 5B 18 - Development Permit - 1510, 1516, 1520 Ryan Road East (Base Mini Storage Inc.)
- 14** 4. Memorandum dated April 19, 2018 regarding 3060-20 / DP 16B 17 - Amendment Farmland Protection Development Permit - 6269 Whitaker Road (Salo)
- 32** 5. Memorandum dated April 6, 2018, regarding 3360-20/RZ 2C 18 – Rezoning Application – 2410 Sackville Road (MacKenzie & Heynck)
6. PowerPoint Presentation – Update on the Comprehensive Zoning Bylaw Review and Proposed Changes
7. Next meeting date: Scheduled for Thursday, May 24, 2018.

***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 January 17, 2018, in the CVRD boardroom located at 500B Comox Road, Courtenay, BC commencing at 10:00 am

<b>PRESENT:</b>	Chair:	Gerry McClintock
	Members:	Chris Brown
		Andrea Burch
		Brad Chappell
		Carl Goldscheider
		Megan Halstead
		Arzeena Hamir
		Wendy Prothero
		Marc Vance
<b>ALSO PRESENT:</b>	Manager of Planning Services	Alana Mullaly
	Rural Planner	Jodi MacLean
	Ministry of Agriculture Agrologist	Jill Hatfield
	Proponent for ALR 2B 17 & ALR 3B 17	Marc Fortin (10:45 am)

**Agenda Items**

**Appointment of chair and recording secretary**

CHAPPELL/VANCE: THAT Gerry McClintock be appointed as Chair of the Agricultural Advisory Planning Commission for 2018.

CARRIED

MCCLINTOCK/HALSTEAD: THAT Arzeena Hamir be appointed as Recording Secretary of the Agricultural Advisory Planning Commission for 2018.

CARRIED

**3110-20/ALR 2B 17 & ALR 3B 17 –Agricultural Land Reserve (ALR) Non-Farm Use Applications- 863 Knight Road (Forest Lakewood BC)**

The AAPC conducted a site visit at 863 Knight Road to assess the content of ALR Non-Farm Use Application ALR 2B 17 and ALR 3B 17 (placement of fill within the Agricultural Land Reserve) and returned to the boardroom for discussion.

Wendy Prothero left the meeting at 12:20 pm.

BROWN/HAMIR: THAT the fill be removed from the property at 863 Knight Road.

DEFEATED

The AAPC discussed the following points:

- Those removing fill from the Canadian Forces Base played a large role in downloading the fill onto agricultural land.
- The soil test results do not match the quality of the fill that arrived on the farm.
- Remediation of the field where the fill was spread.
- Need for increased education of both land owners and haulers/builders around soil movement in the ALR.

VANCE/BURCH: THAT the Agricultural Advisory Planning Commission recommend approval of application ALR 2B 17 and ALR 3B 17 for 863 Knight Road, provided that the material may stay on the farm if used exclusively on the farm for road building;

AND FURTHER THAT the process should be monitored by an agrologist and the fields should be returned to their original state.

CARRIED

Brad Chappell and Mark Vance left the meeting.

**2018 Agricultural Advisory Committee Workshop**

The Agricultural Advisory Committee workshops for 2018 will be held in Kelowna and Langley. Carl Goldscheider is available to attend and any other interested members should contact Alana Mullaly, Manager of Planning Services.

**Next Meeting Date**

The next Agricultural Advisory Planning Commission meeting is scheduled for February 15, 2018 in the CVRD boardroom located at 500B Comox Road, Courtenay, BC commencing at 1:30 pm.

**Termination**

The meeting terminated at 12:30 pm.

<b>Recording Secretary:</b>
Arzeena Hamir

<b>Chair:</b>
Gerry McClintock

Received by the Electoral Areas Services Committee on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

# Memo

**File:** 3060-20/DP 5B 18

**DATE:** April 17, 2018

**TO:** Agricultural Advisory Planning Commission

**FROM:** Planning and Development Services Branch

**RE:** Development Permit  
1510, 1516, 1520 Ryan Road East (Base Mini Storage Inc.)  
Lot A, District Lot 103, Comox District, Plan 16638, PID 004-004-523  
Lot 1, District Lot 103, Comox District, Plan VIP57436, PID 018-439-489  
Lot 2, District Lot 103, Comox District, Plan VIP57436, PID 018-439-497

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An application has been received to consider a farm land protection development permit (DP) to enable the construction of mini-storage buildings within 30 metres of an agricultural property. Pursuant to Section 491(6) of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) farm land protection DPs are restricted to conditions relating to screening, landscaping, fencing and siting of buildings or other structures.

Base Mini Storage (1520 Ryan Road) recently purchased its neighbouring property (1516 Ryan Road) and is in the process of consolidating that lot with its existing operations. They also purchased the next lot over (1520 Ryan Road). This amounts to a total area amounts of 1.1 hectares (Figure 1). With the objective of expanding its operations, they propose to construct four new mini-storage buildings (Appendix A). Because this proposal involves construction of buildings within 30 metres of a property within the Agricultural Land Reserve (Figure 2), its development permit must be reviewed under the Farm Land Protection Guidelines (Appendix B).

The buildings are proposed to be oriented with the ends facing the neighbouring agricultural property to the north and be setback 15 metres from that rear property line. That setback is proposed to include 8 metres of landscaping comprising of two rows of Western Red cedar trees and 5 rows of shrubs (Nootka rose, Dogwood, Alpine currant, Red Flowering currant, Oregon Grape holly) with several additional metres of ground cover (Salal, Honeysuckle, and grass). The 7 metre remainder of the setback is intended to be used for driveway access around the buildings. The applicants intend to use a chain link fence along the rear property line and use a drainage system that directs rainwater through exfiltration galleries under the drive aisles.

## **Neighbouring Agricultural Property**

The neighbouring agricultural property is 23 hectares in area with an 8 hectare field cleared and used as pasture. Its entire southern boundary of the agricultural property abuts commercial and light industrial parcels that front Ryan Road. The area immediately behind the subject properties is mostly treed but has a similar Canada Land Inventory soil rating of 2A (improved) indicating it is suitable for agricultural production (Figure 3). Class 2 soils have moderate limitations that restrict the range

of crops or require moderate conservation practices. Subclass A refers to a soil moisture deficiency (draughtiness caused by low soil water holding capacity or insufficient precipitation).

### **Development Permit Guidelines**

The intention of the farm land protection DP is to provide a buffer between farm use and non-farm development to mitigate potential for land use conflicts (e.g. farm trespass, vandalism to crops and equipment, disturbance to farm animals, capture some dust and spray drift, reduction of invasive species and litter, nuisance complaints, etc.). As a best practice, these DP guidelines recommend locating principal structures and accessory buildings at least 30 metres away from a common boundary with agricultural areas, with 15 metres being a vegetated buffer, including fencing, consistent with the Ministry of Agriculture’s *Guide to Edge Planning* and the Agricultural Land Commission’s landscaped buffer specifications. Locating buildings within that 30 metre setback requires a specific review of the proposal under the farm land protection DP guidelines which examine the agricultural interface in accordance with the above noted guide and specifications. These consider the agricultural side to be a working landscape and recommend the landscaped buffer to be placed on the non-agricultural side during development. The specifications provide a variety of options regarding the type and height of fencing and vegetation to accommodate proposed development while achieving particular objectives. With respect to commercial and light industrial buildings adjacent to a farm, the objectives can include, among others, mitigating noise, light and dust disturbances to farm animals, prevention of trespass from customers and the spreading of litter or invasive plants onto the farm, and addressing excessive or contaminated drainage.

Sincerely,

***T. Trieu***

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

/jm

Attachments Appendix A – “Site plans: existing development, landscape plan”  
Appendix B – “Farm Land Protection Development Permit Area Guidelines”

*Comox Valley Regional District*

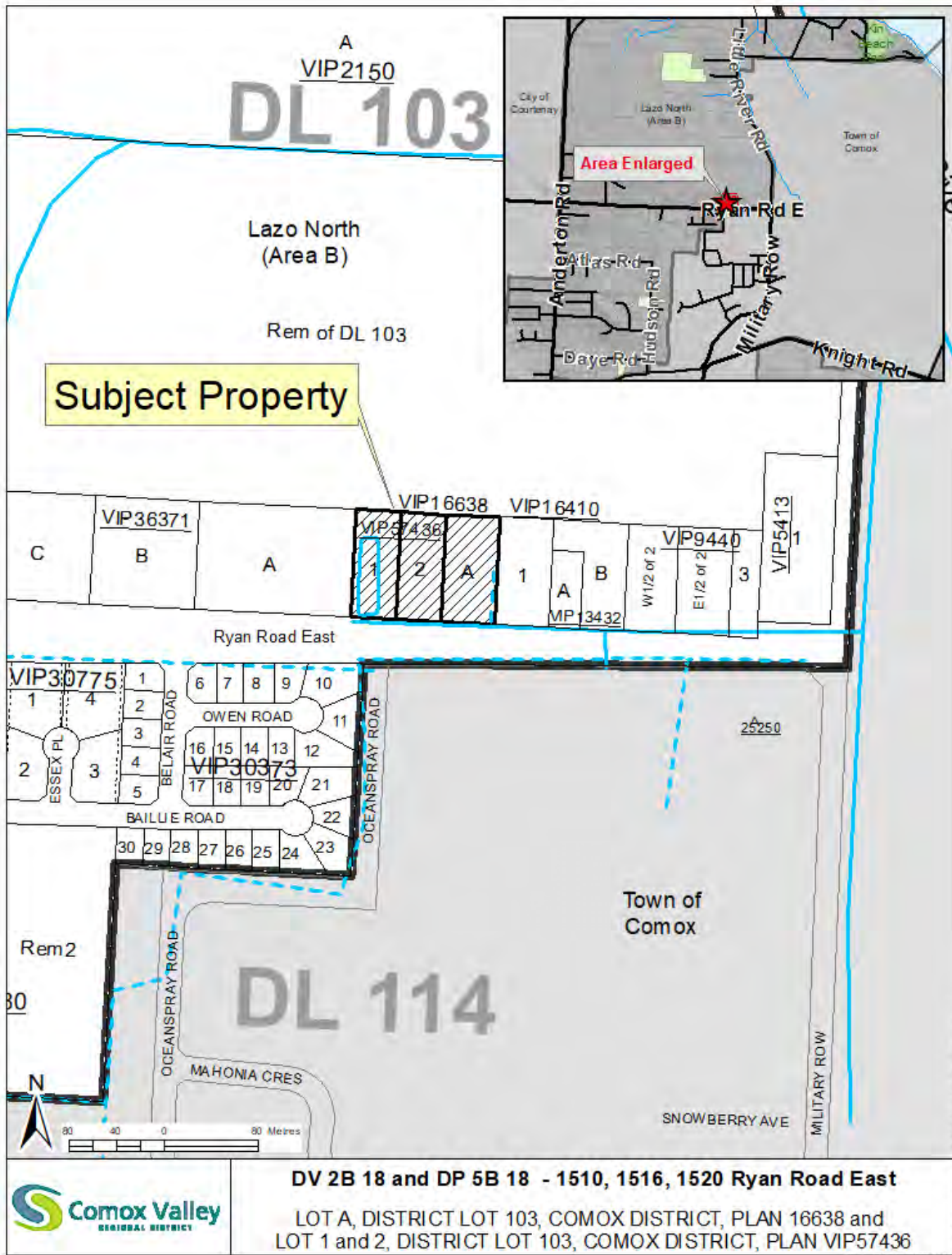


Figure 1. Subject property

Comox Valley Regional District



Figure 2: Air Photo (2016) with 30 Metre Development Permit Area

Comox Valley Regional District

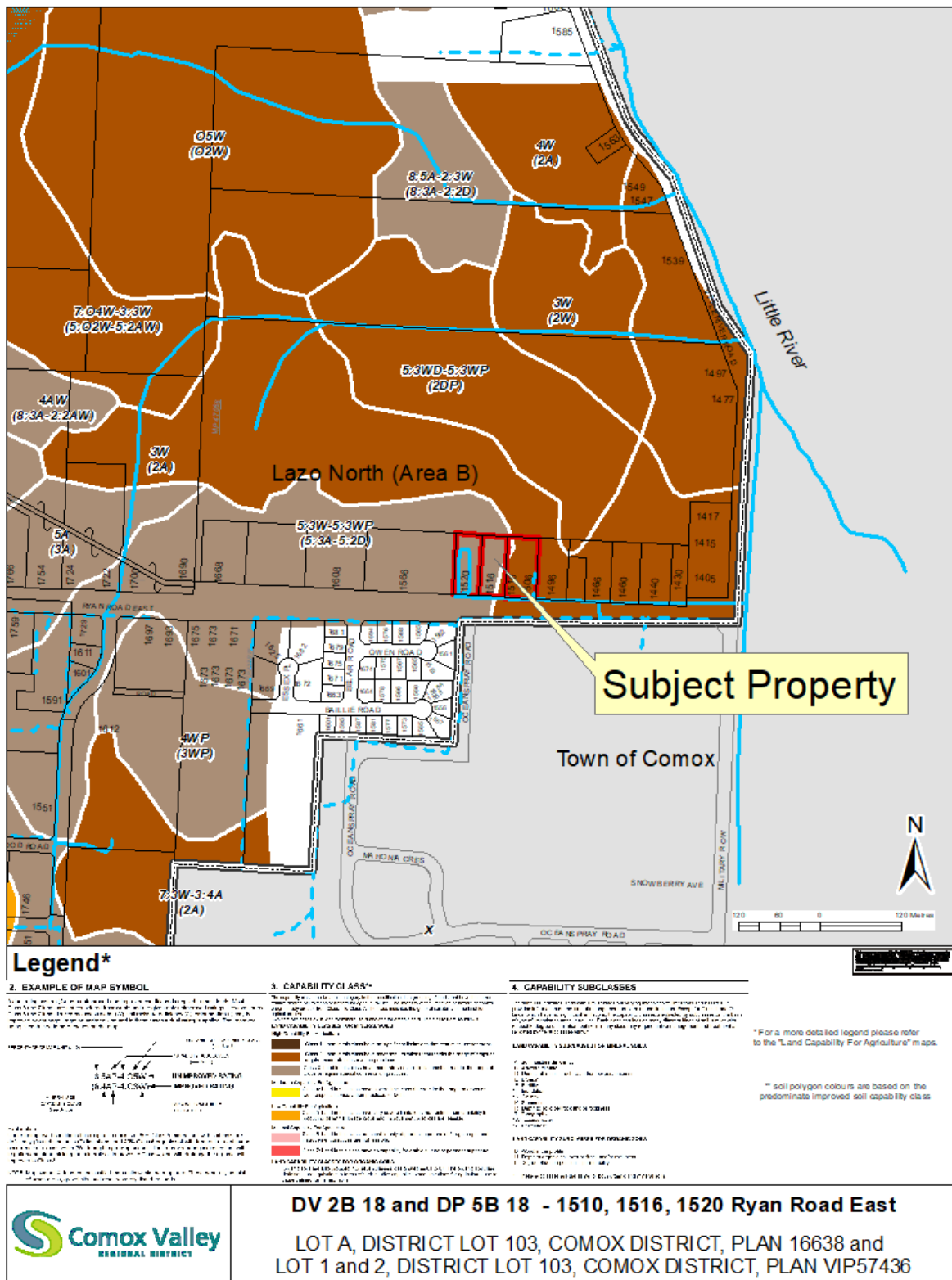


Figure 3: Canada Land Inventory Soil Classification, Improved Soils

Comox Valley Regional District





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Suite C100 - 4185 Still Creek Drive  
Burnaby, British Columbia, V5C 6G9  
p: 604 294-0011 ; f: 604 294-0022

SEAL:



NO.	DATE	REVISION DESCRIPTION	DR.
18	MAR.15	ISSUED FOR DP	BA
1	18.FEB.28	REV. PER ARCH COMMENTS	BA

CLIENT:

PROJECT:

**SELF-STORAGE**

1506, 1510, 1516, 1520  
RYAN ROAD  
COMOX, BC

DRAWING TITLE:

**LANDSCAPE PLAN**

DATE: 17.NOV.07 DRAWING NUMBER:

SCALE: 1"=60'-0"

DRAWN: DD

DESIGN: L1

CHKD: PCM OF 2

PMG PROJECT NUMBER: 18-023

KEY	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS
TREE	2	ACER RUBRUM 'RED SUNSET'	RED SUNSET MAPLE	6CM CAL. 2M STD. B&B
TREE	48	THUJA PLICATA	WESTERN RED CEDAR	3M HT. B&B
SHRUB	59	CORNUS ALBA 'SIBIRICA'	SIBERIAN DOGWOOD	#3 POT, 80CM
SHRUB	110	CORNUS STOLONIFERA	RED OSIER DOGWOOD	#2 POT, 50CM
SHRUB	63	MAHONIA AQUIFOLIUM	OREGON GRAPE HOLLY	#3 POT, 50CM
SHRUB	97	MANDINA DOMESTICA 'HARBOUR DWARF'	HEAVENLY BAMBOO, LOW SPREADING	#2 POT, 40CM
SHRUB	37	RIBES ALPINUM	ALPINE CURRANT	#3 POT, 80CM
SHRUB	99	RIBES SANGUINEUM	RED FLOWERING CURRANT	#2 POT, 60CM
SHRUB	337	ROSA NUTKANA	NOOTKA ROSE	#2 POT, 40CM
SHRUB	202	THUJA OCCIDENTALIS 'SMARAGD'	EMERALD GREEN CEDAR	1.2M HT; B&B

GRASS	QTY	BOTANICAL NAME	COMMON NAME	PLANTED SIZE / REMARKS
GRASS	830	STIPA TENUISSIMA	MEXICAN FEATHER GRASS	#1 POT
GRASS	508	GAULTHERIA SHALLON	SALAL	#1 POT, 20CM
GRASS	42	LONICERA PILEATA	PRIVET HONEYSUCKLE	#1 POT, 25CM

NOTES: \* PLANT SIZES IN THIS LIST ARE SPECIFIED ACCORDING TO THE BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD, LATEST EDITION. CONTAINER SIZES SPECIFIED AS PER CNLA STANDARD. BOTH PLANT SIZE AND CONTAINER SIZE ARE THE MINIMUM ACCEPTABLE SIZES. \* REFER TO SPECIFICATIONS FOR DEFINED CONTAINER MEASUREMENTS AND OTHER PLANT MATERIAL REQUIREMENTS. \* SEARCH AND REVIEW MAKE PLANT MATERIAL AVAILABLE FOR OPTIONAL REVIEW BY LANDSCAPE ARCHITECT AT SOURCE OF SUPPLY. AREA OF SEARCH TO INCLUDE LOWER MAINLAND AND FRASER VALLEY. \* SUBSTITUTIONS: OBTAIN WRITTEN APPROVAL FROM THE LANDSCAPE ARCHITECT PRIOR TO MAKING ANY SUBSTITUTIONS TO THE SPECIFIED MATERIAL. UNAPPROVED SUBSTITUTIONS WILL BE REJECTED. ALLOW A MINIMUM OF FIVE DAYS PRIOR TO DELIVERY FOR REQUEST TO SUBSTITUTE. SUBSTITUTIONS ARE SUBJECT TO BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD - DEFINITION OF CONDITIONS OF AVAILABILITY. ALL LANDSCAPE MATERIAL AND WORKMANSHIP MUST MEET OR EXCEED BC LANDSCAPE STANDARD AND CANADIAN LANDSCAPE STANDARD LATEST EDITION. ALL PLANT MATERIAL MUST BE PROVIDED FROM CERTIFIED DISEASE FREE NURSERY

other devices as deemed suitable and consistent with best management practices. rainwater runoff from storage areas shall be controlled to prevent contamination of watercourses.

- (b) The discharge of rainwater runoff from storage areas shall be accomplished with appropriate structures and flow control mechanisms to prevent contamination of receiving water bodies.

### ***Farm land protection development permit area permit areas***

#### 86. *Justification*

To protect farm land designated agricultural area or agricultural land reserve located in neighbouring jurisdictions by mitigating conflict between agriculture and aquaculture industries and adjacent land uses.

Land use conflicts may develop between lands designated agricultural area or an ALR and adjacent land uses. These conflicts may compromise the use of the land for agriculture and aquaculture industries. The incorporation of a 30 metre wide buffer between non-agricultural lands and lands used for food production will protect the food production value of the latter.

#### *Areas*

The farmland protection area buffer development permit area is designated as a 30 metre buffer from land designated agricultural area or agricultural land reserve lands on lands within the settlement node, settlement expansion areas, rural settlement area land use designations.

The development permit applies to land within the 30 metre development permit area described above subject to:

- (1) new lots created through subdivision; or
- (2) development of the subject lots.

#### *Exemptions*

In the case of a proposed subdivision, the exemption applies to the following situations within the 30 metre wide development permit area:

- (1) Lot line adjustments or where subdivision does not result in the ability to construct a new dwelling unit.
- (2) Where the land subject to a subdivision proposal is not forming a common boundary with designated agricultural area or an agricultural land reserve, but is separated with a dedicated road right of way of at least 20 metre wide.

#### *Guidelines*

Development permits shall be issued in accordance with the following guidelines.

#### *Buffer*

- (a) Include an assessment of the site to substantiate the need for a buffer and provide design measures that are most appropriate for the site – consider the type and intensity of the proposed adjacent land use and its relationship to agriculture and aquaculture industries.
- (b) The vegetated buffer shall be delineated prior to commencing construction or land alteration.
- (c) A buffer must be maintained and/or established on land within the development permit area parallel to and/or along the common boundary of the adjacent land designated agricultural area or agricultural land reserve.
- (d) Subject to the exemption clause, a total minimum separation distance of 30 metres (of which 15 metres is a vegetative buffer) between a residential dwelling unit and adjacent land designated agricultural area, or agricultural land reserve is required to mitigate the impacts of residential on farming activities. The 30 metre separation distance may include a road or railway line right of way.
- (e) Locate principal structures, accessory buildings and wells a minimum of 30 metres from the common boundary of the land designated agricultural area or agricultural land reserve. If the size of the property cannot accommodate this distance, principal structures and wells shall be a minimum of 50 per cent of the property depth back from the common boundary with land designated agricultural area or agricultural land reserve.
- (f) Notwithstanding the guidelines E.6(a) to E.6(d) above, when a buffer is required in this development permit area, the applicant must provide and maintain a continuous minimum 15 metre wide vegetated buffer between any development and the land designated agricultural area or ALR. No buildings, structures or wells shall be allowed within this 15 metre buffer area.
- (g) If paths and/or passive recreational uses are part of the landscaped buffer, the recreational features will not take up more than five metres of the buffer and they will be located away from the common boundary with land designated agricultural area or agricultural land reserve.
- (h) For the purpose of providing additional separation from the land designated agricultural area or agricultural land reserve and reducing potential conflicts, consider locating an open space next to the edge of the landscape buffer. The open space can be designed with water retention capacity and adequate rain water drainage features.
- (i) All buffer areas shall be generally designed and sized in accordance with section 10 - urban side buffer design criteria of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).
- (j) Plant layout, spacing, and support shall be generally in accordance with the B.C. Agricultural Land Commission's report [Landscaped Buffer Specifications](#) (1993) and the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).

- (k) To create a filtered view of agriculture and aquaculture practices on the land designated agricultural area and/or agricultural land reserve from the development permit area, preserve existing and supplement vegetation that meets the British Columbia landscape standard published by the BC Landscape Architects Society/BC Landscape and Nursery Association as amended from time to time.

*Buffer maintenance*

A buffer maintenance plan shall be developed and will include the following: maintenance procedures for all buffer plantings on a regular basis during the first two growing years including a weed management schedule or plan.

*Fencing*

Barrier fencing, designed to limit encroachment into agricultural land reserve lands by materials and pets, must be constructed in accordance with appendix C of the [Ministry of Agriculture and Lands Guide to Edge Planning: Promoting Compatibility Along Urban-Agricultural Edges \(June 2009\)](#).

*Subdivision layout*

- (a) Subdivision design must minimize potential negative impacts that may occur between farm and non-farm land uses. Avoid road endings or road frontage next to land designated agricultural area or agricultural land reserve except as may be necessary for access by farm vehicles.
- (b) Subdivision design and construction will minimize erosion through consideration of topography that will not result in neighbouring properties becoming the catchment area for additional runoff from roads and driveways.

### ***Union Bay tourism highway commercial***

87. *Justification*

This area is located within the proposed heritage development area which represents the core of the Union Bay Community and contains a number of buildings of historical significance and interest that are a testament to Union Bay’s past as a major coal port. The objective of the development permit area designation is to protect and encourage the development of uses and buildings that reflect the historic character of this area. Retaining and reinforcing the link between the Union Bay core, represented by the post office, and Union Point is critical in the character definition of the tourism highway commercial area. The goal is to create a seaside, pedestrian oriented development of appropriate scale, form and character in the area.

*Area*

The Union Bay tourism highway commercial development permit area is shown as on map 4.

*Guidelines*

To preserve and compliment the design elements which contribute to the seaside character of Union Bay, development permits issued in this area reflect the following guidelines.

*Building Scale & Massing:*

# Memo

**File:** 3060-20 / DP 16B 17

**DATE:** April 19, 2018

**TO:** Agricultural Advisory Planning Commission

**FROM:** Planning and Development Services Branch

**RE:** **AMENDMENT Farmland Protection Development Permit  
6269 Whitaker Road (Salo)  
Lot 5, Block 29, Comox District, Plan 25363, PID 002-906-872**

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The attached development proposal is for commission members' review and comment.

An application has been received to consider an amendment to a Farmland Protection Development Permit DP 16B 17 approved on November 7, 2017. The development permit (DP) allowed a residential dwelling to be sited a minimum of 15 metres from an abutting Agricultural Land Reserve property. As a buffer, the DP required a 3 metre wide vegetated buffer (one row of coniferous trees and two rows of trespasses inhibiting shrubs) within 4 metres of the rear lot line and a fence. For more information, please find enclosed a copy of the staff report dated October 3, 2017 and the DP.

Upon inspection of the existing septic system, the Registered On-Site Wastewater Practitioner determined the existing system could not be utilized due to the proximity to the well. To meet septic requirements, the tanks of the septic system were located within the area reserved for the vegetated buffer (Figure 1).

The applicant has applied for an amendment to change the vegetated buffer requirements. They request the ability to plant one row of coniferous trees behind the septic tanks (approximately 6 metres along the rear lot line) and no shrubs. The remainder of the rear lot line would be vegetated with one row of coniferous trees and two rows of shrubs.

Sincerely,

***T. Trieu***

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

/bl

Enclosures

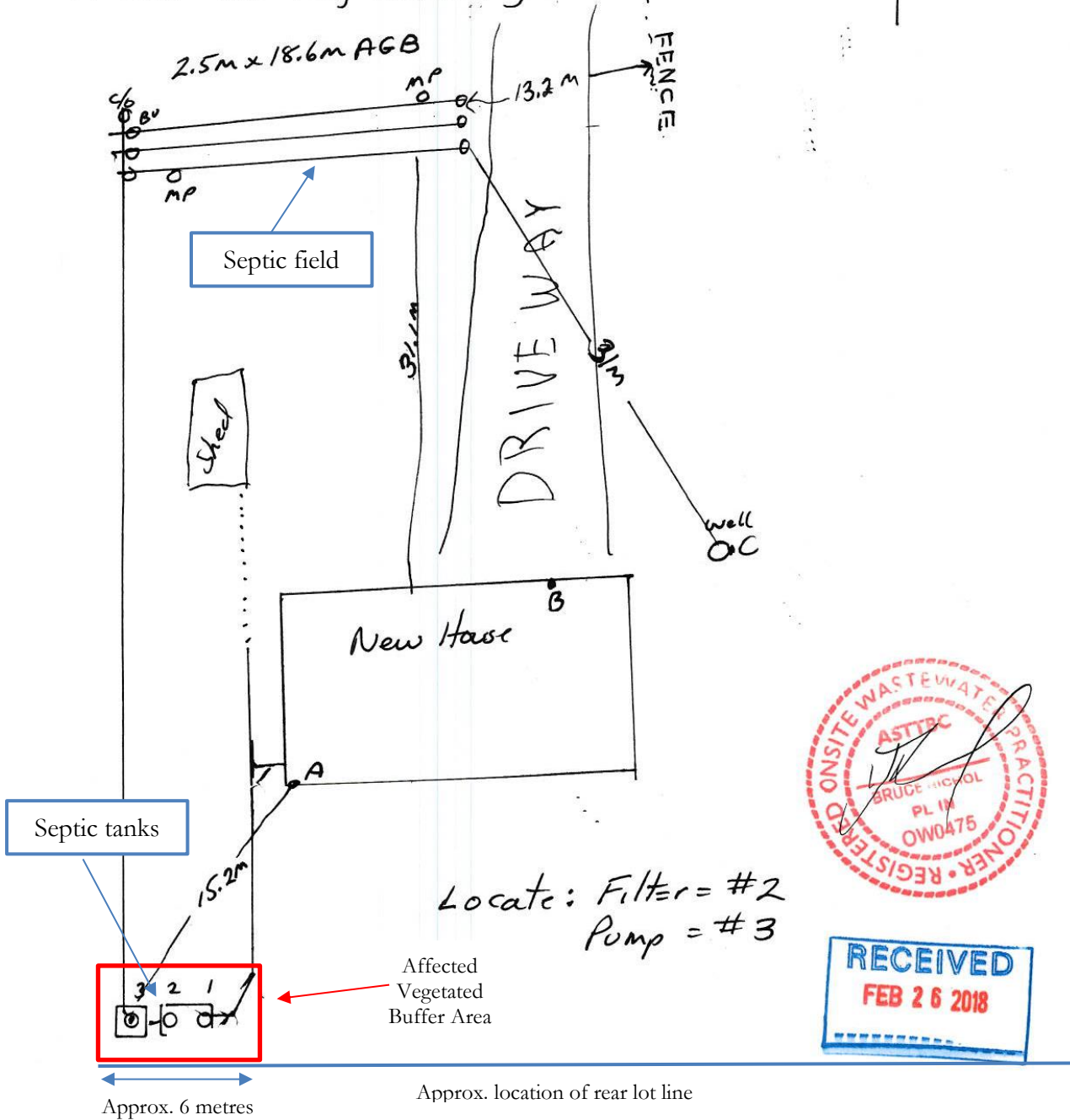
**AS BUILT DRAWING**

CV-17-205

NTS  
—

TYPE-1-Pressure

6269 Whitaker Rd, Courtenay



**FINAL**

Figure 1: Location of Septic System

Comox Valley Regional District

**DATE:** October 3, 2017

**FILE:** 3060-20 / DP 16B 17

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

***R. Dyson***

**RE:** Farm Land Protection Development Permit  
Lot 5, Plan 25363, Whitaker Road (Salo)  
Lazo North (Electoral Area B)  
Lot 5, Block 29, Comox District, Plan 25363, PID 002-906-872

### **Purpose**

To consider a Farm Land Protection Development Permit (DP) that would establish a buffer between a rural residential property and an agricultural property.

### **Recommendation from the Chief Administrative Officer**

THAT the board approve the Farm Land Protection Development Permit DP 16B 17 (Salo) on the property described as Lot 5, Block 29, Comox District, Plan 25363 (Lot 5, Plan 25363, Whitaker Road) for the construction of a principal dwelling with the condition that the dwelling be setback a minimum of 15 metres from the agriculturally designated property, a fence along the rear property line be maintained and a 3 metre wide vegetative buffer consisting of one row of coniferous trees and two rows of trespass inhibiting shrubs is planted within 4 metres of the rear property line;

AND FURTHER THAT the Corporate Legislative Officer be authorized to execute the permit.

### **Executive Summary**

- The 0.23 hectare residential property borders a 22.9 hectare agriculturally designated property to the rear.
- The applicants have applied to situate a modular home within the 30 metre Farm Land Protection Development Permit Area (DPA). To accomplish the objectives of the DPA, the applicants propose a 13.1 metres setback from the rear of the dwelling to the abutting agricultural property.
- Around the perimeter of the residential property there is a wire fence and a few trees. The applicants are not proposing any additional buffering measures.
- The neighbouring farm owner was consulted and is supportive of the proposal, as presented.
- The Regional Agrologist and the Agricultural Advisory Planning Committee (AAPC) recommend a 3 metre wide vegetative buffer along the rear property line to mitigate any future changes in agricultural use. The AAPC also recommended the dwelling be setback a minimum of 15 metres from the agricultural property.
- Staff recommend issuance of the DP (Appendix A) for the construction of a principal dwelling with the condition that the dwelling be setback a minimum of 15 metres from the agriculturally designated property, a fence along the rear property line be maintained and a 3 metre wide vegetative buffer is planted within 4 metres of the rear property line. This buffering meets the intent of the DP guidelines, the Ministry of Agriculture's *Guide to Edge Planning* and the Agricultural Land Commission's *Landscaped Buffer Specifications*.



Prepared by:

Concurrence:

Concurrence:

***B. Labute***

***A. Mullaly***

***A. MacDonald***

Brianne Labute  
Planner

Alana Mullaly, M.Pl., MCIP, RPP  
Manager of Planning Services

Ann MacDonald, MCIP, RPP  
General Manager of Planning  
and Development Services  
Branch

**Stakeholder Distribution (Upon Agenda Publication)**

Applicants	✓
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**Background/Current Situation**

An application has been received to consider a Farm Land Protection DP to enable a modular home to be situated within 30 metres of an agricultural property. Pursuant to Section 491(6) of the *Local Government Act* (RSBC, 2015, c. 1) (LGA), farm land protection DPs are restricted to conditions relating to screening, landscaping, fencing and siting of buildings or other structures.

The subject property is a 0.23 hectare (0.58 acre) rural residential lot abutting an agricultural property to the rear. It is one of six half acre lots that were subdivided from the original farm parcel in 1971 (Figure 1 and 2). The property currently has a shed, well and septic. The applicants propose to situate a modular home within 13.1 metres of the abutting agriculturally designated property (Figure 3). The application form cites increased traffic noise from Whitaker Road and location of existing well and septic as a rationale for decreasing the recommended 30 metre setback. The existing buffer is a wire fence and a few trees along the perimeter of the property (Figure 4). The applicants are not proposing any further buffering measures.

Official Community Plan Analysis

The Rural Comox Valley Official Community Plan (OCP) designates the property as Rural Settlement Area. Section 44 (5) of the OCP directs the Comox Valley Regional District (CVRD) to “Ensure new development in the rural settlement area maintains the rural character of the surrounding area and supports a functioning working landscape. In circumstances where proposed new development is adjacent to an active working parcel or ALR land consider a buffer to protect the integrity of the working landscape and implement through development permits...”. The CVRD implements this through the farm land protection DP which is the subject of this application.

Farm Land Protection Development Permit Guidelines

The intention of the farm land protection DP is to mitigate potential for land use conflicts between agricultural and residential uses (e.g. farm trespass, vandalism to crops and equipment, disturbance to farm animals, capture some dust and spray drift, reduction of invasive species and litter, nuisance complaints, etc.). As a best practice, these DP guidelines recommend locating principal structures and accessory buildings at least 30 metres away from a common boundary with agricultural areas, with 15 metres being a vegetated buffer, including fencing, consistent with the Ministry of Agriculture’s *Guide to Edge Planning* and the Agricultural Land Commission’s *Landscaped Buffer Specifications*.

When a building is proposed within 30 metres of an agricultural parcel, this DP is triggered to create a buffer between farm uses and non-farm development in accordance with the above noted guide and specifications. These guides identify the agricultural side as a working landscape and recommend the landscaped buffer to be placed on the non-agricultural side during subdivision and development.

The specifications provide a variety of options regarding the type and height of fencing and vegetation to accommodate proposed development while achieving particular objectives.

The minimum recommended specifications, which provides protection from trespass and vandalism, is a 3 metre wide vegetated buffer consisting of a double row of trespass inhibiting shrubs with wire fencing at least 1 metre in height. Solid fences (wood or chain link with privacy slats) and evergreen hedges or trees are also acceptable and would provide visual screening. Should movement of dust or pesticide spray be a factor, the specifications recommend increasing the vegetated buffer width to at least 6 metres with a row of trees (2.5 metres in height if coniferous or 6 centimetre caliper if deciduous), as well as the screening hedges and a triple row of trespass inhibiting shrubs. Should airborne particles, odours, light, or higher density development be a factor, the specifications recommend a minimum of 15 metre buffer with a double row of trees, as well as a double row of screening hedges, a triple row of trespass inhibiting shrubs, and additional ground cover shrubs, as necessary. Other features that may be integrated into the buffer area include berms, ditches, and water features.

#### Proposed Buffer Analysis

The neighbouring agricultural parcel is 22.9 hectares (56.5 acres) in area. A large portion of the property is forested. Other than a personal orchard, there are no agricultural activities on the property. A majority of the agricultural parcel has a Canada Land Inventory Soil (Improved) Classification of 3AP. Class 3 soils have moderate limitations that restrict the range of crops or require special conservation practices. Subclass A refers to soil moisture deficiency and subclass P refers to stoniness. A number of other farms are in the vicinity, which suggests this property is viable for agricultural use. On the six residential lots that were subdivided from the original agricultural property, the setback from the dwellings to the agricultural parcel ranges from 15 to 35 metres.

The applicants would like to locate the modular home 13.1 metres from the agriculturally designated property. Despite some constraints on the property (existing water line, septic and well), the setback from the dwelling to the agricultural property could be increased. The applicants have not proposed a vegetative buffer, but are willing to plant what is necessary to site their dwelling within the DPA. The neighbouring agricultural property owner does not feel a buffer is necessary, as his property is heavily forested. However, the buffer recommendation needs to take into consideration future property owners and potential changes in agricultural use. A farm land protection development permit is only triggered at time of development or subdivision within 30 metres of an agriculturally designated property, therefore, creating a buffer now is an opportunity to prevent future issues.

There is an existing wire fence and a few trees around the perimeter of the residential property. The recommended buffer needs to balance the potential of the agricultural parcel, the existing non-farm interface (six abutting residential lots), existing constraints, applicants' preferences and comments from the adjacent owner, AAPC and Regional Agrologist. Staff recommend increasing the minimum setback from the agricultural property to the dwelling to 15 metres to create greater separation between the parcels, that a fence be maintained along the rear property line, and that a 3 metre wide vegetative buffer consisting of a row of coniferous trees and two rows of trespass inhibiting shrubs be planted within 4 metres of the rear property line. At minimum, this buffer will prevent trespassing by humans, pets or wildlife and provide some visual screening. As the current owner of the agricultural property has no intentions to use the property for agriculture while he owns the property, a height requirement for the trees at time of planting is not recommended. The recommended buffering meets the intent of the DP guidelines, the Ministry of Agriculture's *Guide to Edge Planning* and the Agricultural Land Commission's *Landscaped Buffer Specifications*.

### Zoning Bylaw Analysis

The property is zoned Country Residential One (CR-1) The CR-1 zoning allows for a single detached dwelling and secondary residential use (e.g. carriage house) and accessory buildings. The proposed development of the property is consistent with Zoning Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, No. 2781, 2005”.

### **Policy Analysis**

Sections 488-491 of the LGA authorize a local government to designate DPAs within an OCP and establish guidelines for each DPA for specific purposes, including protection of farming. Section 491(6) allows DPs for the protection of farming to be issued with conditions related to screening, landscaping, fencing and siting of buildings or other structures.

Section 86 of Bylaw No. 337 being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”, establishes a DPA for the purpose of farm land protection in the area 30 metres from land designated as agricultural area or Agricultural Land Reserve (ALR). Construction of a building within the DPA requires the issuance of a DP prior to the issuance of a building permit.

### **Options**

The board may approve the DP as presented, amend the conditions, or deny the DP. Based on the analysis above, staff recommend that the DP is approved with the condition that the dwelling be setback a minimum of 15 metres from the agriculturally designated property, the fence be maintained, and a 3 metre wide vegetative buffer be planted within 4 metres of the rear property line.

### **Financial Factors**

Applicable fees have been collected for this application under Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. The cost estimate for the recommended landscaping is \$2,700. Pursuant to the CVRD procedures and fees bylaw, 125 per cent of the cost estimate (\$3,375) is recommended to be retained by the CVRD as a security deposit, paid by the applicants prior to the issuance of the permit to ensure the completion of the landscaping.

### **Legal Factors**

This report and the recommendations contained herein are in compliance with the LGA CVRD bylaws. DPs are permitted in certain circumstances under Sections 488 to 491 of the LGA.

### **Regional Growth Strategy Implications**

The Regional Growth Strategy (RGS), being the “Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010” designates the subject property within the Rural Settlement Areas. In the RGS, there are two policies (2C-5 and 6A-3) to ensure appropriate buffers and transition zones between agricultural land and rural areas. Adequate buffers will minimize negative impacts arise from the interface between the two land uses, with the intent that the non-farm uses do not impede on agricultural activities within the ALR. The farmland protection development permit provides site specific conditions on buffers and transition zones between the proposed single detached dwelling and the ALR land.

### **Intergovernmental Factors**

A referral was issued to the Ministry of Agriculture for comment. The Regional Agrologist from the Ministry of Agriculture recommended a 3 metre wide vegetative buffer on the residential property to mitigate issues if the abutting property increases its agricultural intensity (Appendix B).

**Interdepartmental Involvement**

This DP application was referred to relevant internal departments. No concerns were identified.

**Citizen/Public Relations**

The adjacent property owner was contacted. Other than a personal orchard, there are no agricultural activities on the property and he has no intention of using the property for agriculture. As such, he does not see the need for any additional buffering on the subject property.

The AAPC met on-site on September 27, 2017 to review the proposal. They recommended the dwelling be setback a minimum of 15 metres from the agricultural property and a 3 metre wide vegetative buffer be planted along the rear property line.

Attachments: Appendix A – “Farm Land Development Permit DP 16B 17”  
Appendix B – “Comments from the Regional Agrologist”

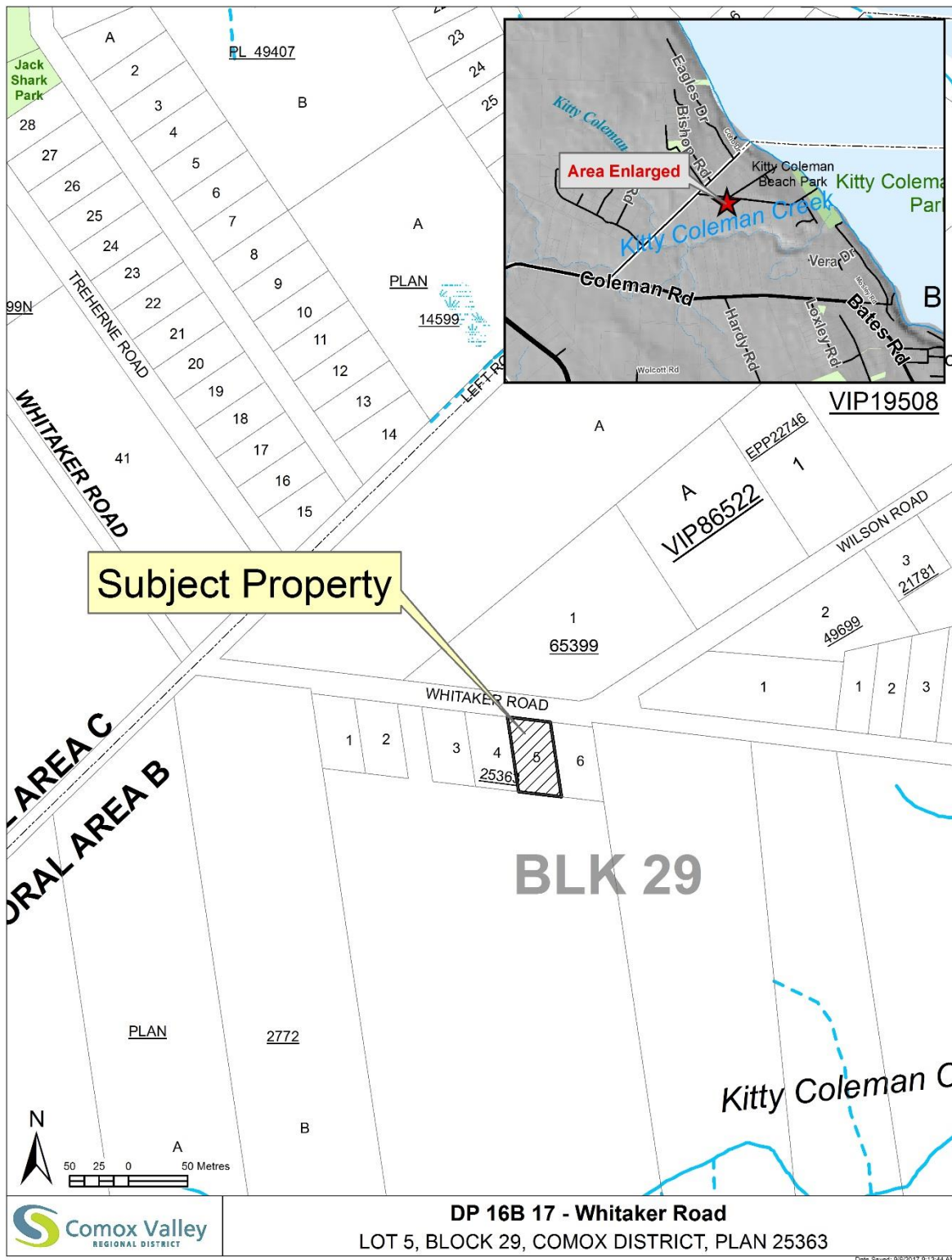


Figure 1: Subject Property Map

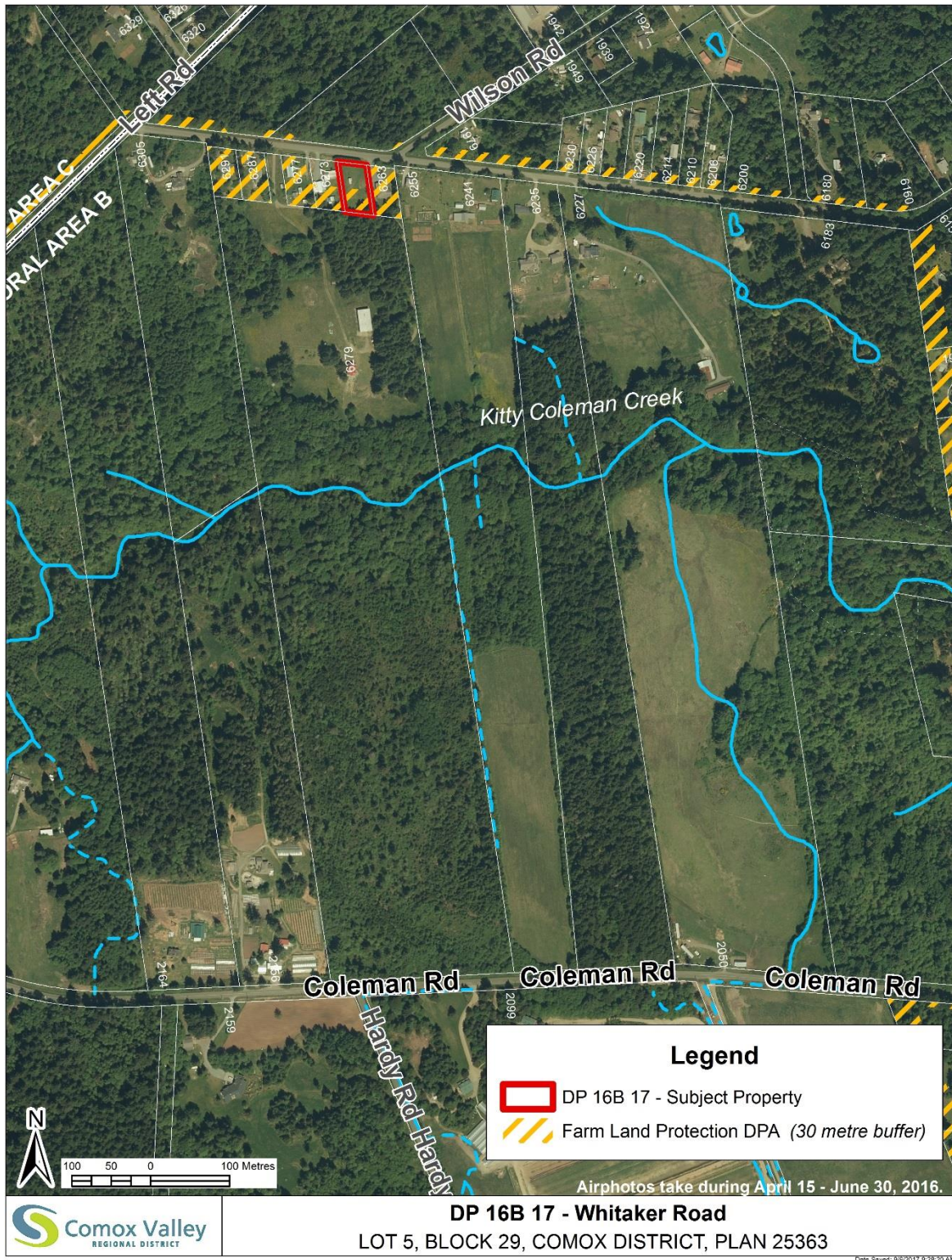


Figure 2: Aerial Photo with Farm Land Protection DPA Overlay

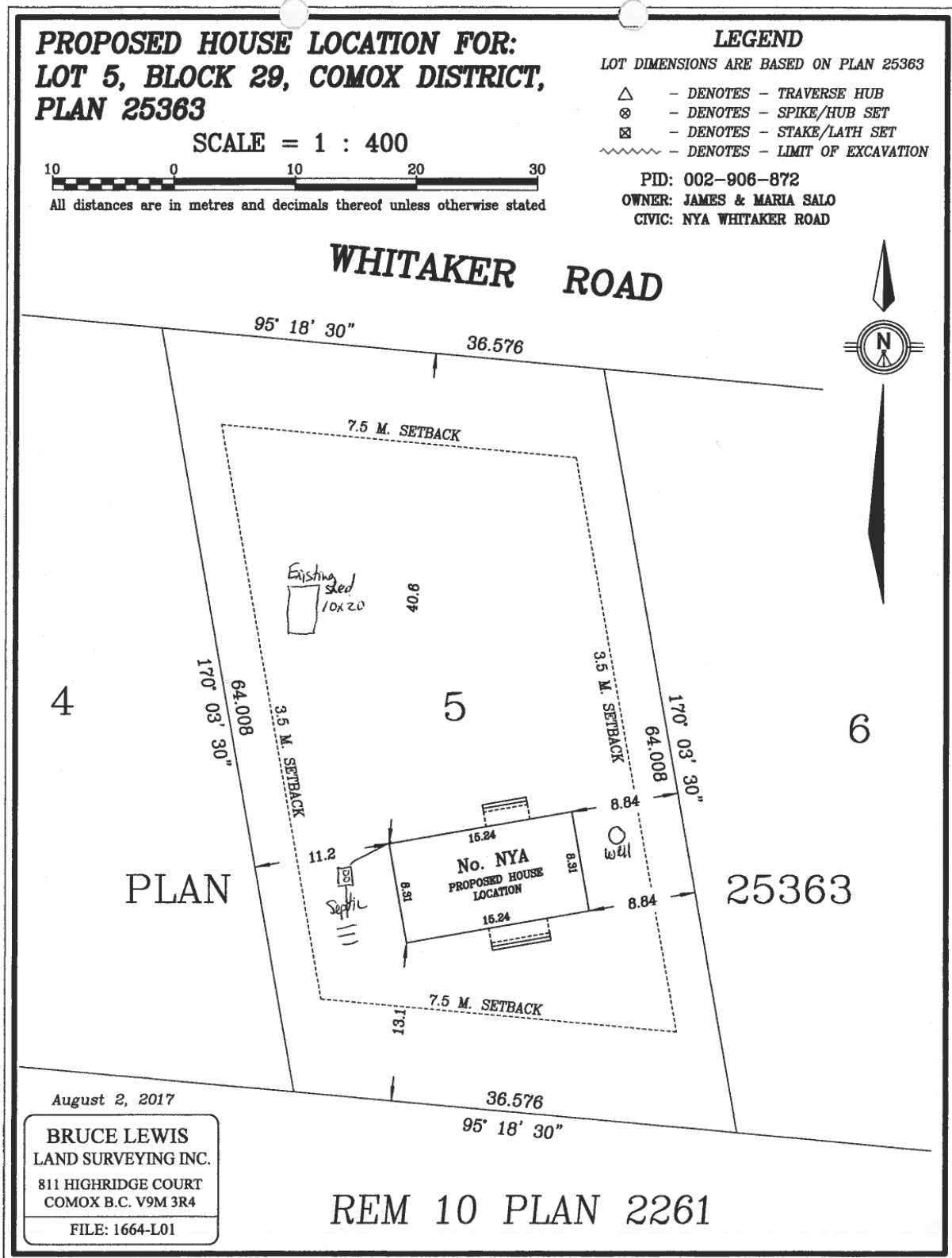


Figure 3: Site Plan, as Submitted by Applicants



**Figure 4: Wire Fencing Along the Side and Rear Property Line and Flagged Location of Proposed Modular Home**



**DP 16B 17**

**TO:** Maria Salo

**OF:** PO Box 1307, Barriere, BC V0E 1E0

1. This development permit (DP 16B 17) is issued subject to compliance with all of the bylaws of the Comox Valley Regional District applicable thereto, except as specifically varied or supplemented by this permit for the **construction of a dwelling within the 30 metre farm land protection development permit area. The subject property is adjacent to an agricultural operation where normal farm practices may result in noise, dust, odour and/or other disturbances. The *Farm Practices Protection (Right to Farm) Act (FPPA)* protects normal farm practice as defined by the FPPA and protects farmers from nuisance claims.**

2. This development permit applies to, and only to, those lands within the Comox Valley Regional District described below:

**Legal Description:** Lot 5, Block 29, Comox District, Plan 25363

**Parcel Identifier (PID):** 002-906-872 **Folio:** 771 04873.120

**Civic Address:** Lot 5, Plan 25363, Whitaker Road

3. The land described herein (Schedule A) shall be developed strictly in accordance with the following terms and conditions and provisions of this permit:

- i) THAT no building shall be setback less than 15 metres from the rear property line;
- ii) THAT a fence shall be maintained along the rear property line;
- iii) THAT a 3 metre wide vegetative buffer consisting of one row of coniferous trees and two rows of trespass inhibiting shrubs shall be planted within 4 metres of the rear property line;
- iv) THAT shrubs have a maximum spacing of 1 metre between plantings and trees a maximum spacing of 5 metres;
- v) AND THAT a security deposit in the form of an irrevocable letter of credit or a security bond in the amount of \$3,375 be provided for the fencing and landscaping. The security deposit will be released in accordance with Bylaw No. 328 being the "Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014".

4. This development permit is issued following the receipt of an appropriate site declaration from the Property Owner.

5. This development permit (DP 16B 17) shall lapse if construction is not substantially commenced within two (2) years of the Comox Valley Regional District board's resolution regarding issuance of the development permit (see below). Lapsed permits cannot be renewed; however, a new application for a second development permit can be applied for in order to complete the remainder of the work.

6. This permit is **NOT** a building permit.

CERTIFIED as the **DEVELOPMENT PERMIT** issued by resolution of the board of the Comox Valley Regional District on October XX, 2017.

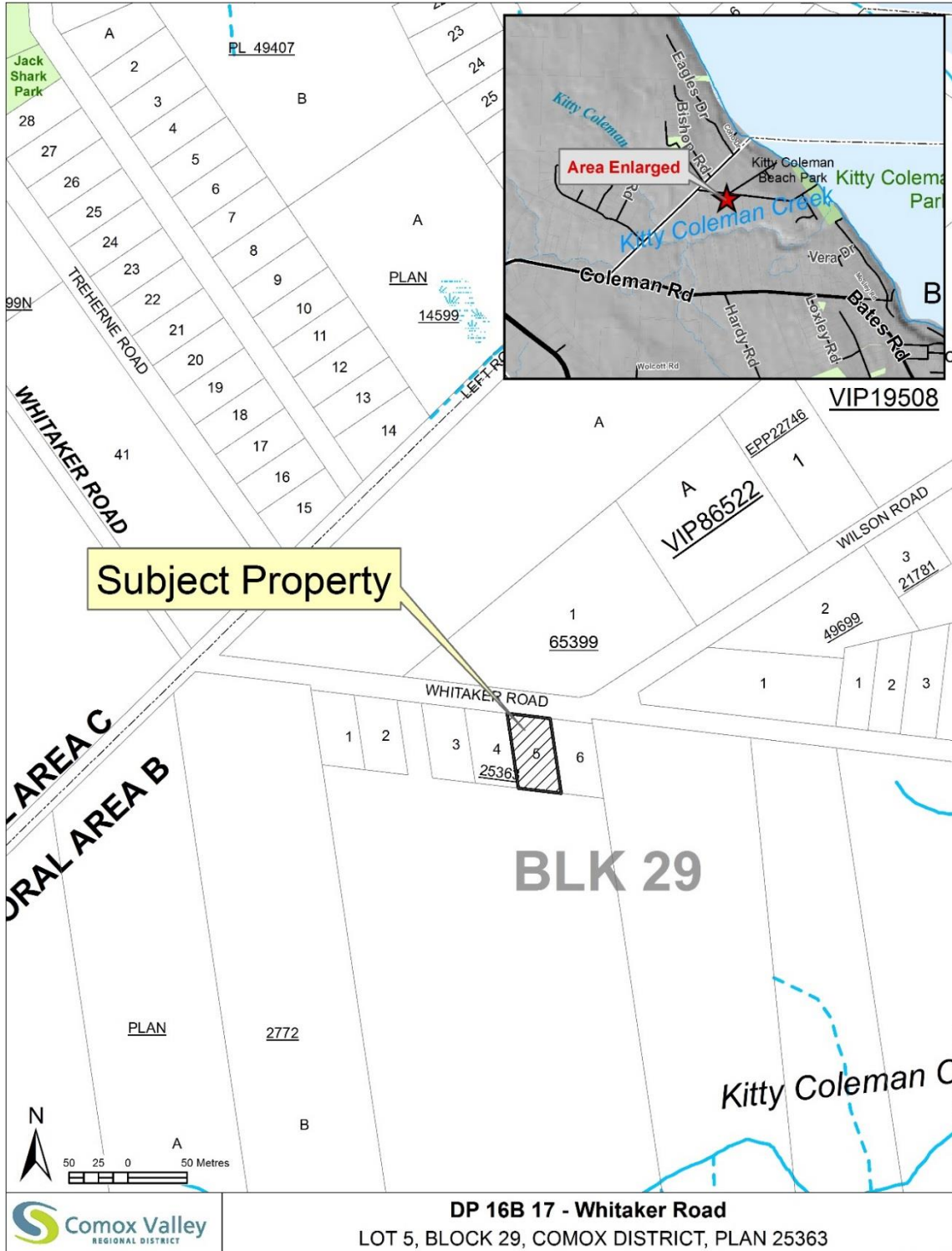
\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

Certified on \_\_\_\_\_

Attachments: Schedule A – “Subject Property Map”

DRAFT

# Schedule A Subject Property Map



Comox Valley Regional District

AAPC Referral – File: DP 16B 17 (Salo)

**MoA Referral Response Summary Form**

File: 3060-20 / DP 6B 17– Lot 5, Whitaker Road (Salo)  
(Planner: Brianne Labute)

General comments

Interests

unaffected

X

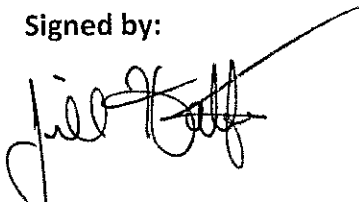
Issues requiring  
attention – see  
comments below

Opposed due to  
reasons outlined  
below

**Comments:**

Two issues flagged on this application; First, what are the concerns, if any, from the owner of the adjacent agricultural property related to this application. The other factor is the absence of a vegetated buffer on the residential property. The incorporation of a 3 metre buffer with the existing fence should be sufficient to mitigate issues if the property increases in agricultural intensity in the future.

**Signed by:**



Jill Hatfield P.Ag

**Title:** . Regional agrologist  
BC Ministry of Agriculture

**Date:** September 15, 2017

**TO:** Maria Salo

1. This development permit (DP 16B 17) is issued subject to compliance with all of the bylaws of the Comox Valley Regional District applicable thereto, except as specifically varied or supplemented by this permit for the **construction of a dwelling within the 30 metre farm land protection development permit area. The subject property is adjacent to an agricultural operation where normal farm practices may result in noise, dust, odour and/or other disturbances. The *Farm Practices Protection (Right to Farm) Act (FPPA)* protects normal farm practice as defined by the FPPA and protects farmers from nuisance claims.**
2. This development permit applies to, and only to, those lands within the Comox Valley Regional District described below:  
**Legal Description: Lot 5, Block 29, Comox District, Plan 25363**  
**Parcel Identifier (PID): 002-906-872 Folio: 771 04873.120**  
**Civic Address: Lot 5, Plan 25363, Whitaker Road**
3. The land described herein (Schedule A) shall be developed strictly in accordance with the following terms and conditions and provisions of this permit:
  - i) THAT no building shall be setback less than 15 metres from the rear property line;
  - ii) THAT a fence shall be maintained along the rear property line;
  - iii) THAT a 3 metre wide vegetative buffer consisting of one row of coniferous trees and two rows of trespass inhibiting shrubs shall be planted within 4 metres of the rear property line;
  - iv) THAT shrubs have a maximum spacing of 1 metre between plantings and trees a maximum spacing of 5 metres;
  - v) AND THAT a security deposit in the form of an irrevocable letter of credit or a security bond in the amount of \$3,375 be provided for the fencing and landscaping. The security deposit will be released in accordance with Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”.
4. This development permit is issued following the receipt of an appropriate site declaration from the Property Owner.
5. This development permit (DP 16B 17) shall lapse if construction is not substantially commenced within two (2) years of the Comox Valley Regional District board’s resolution regarding issuance of the development permit (see below). Lapsed permits cannot be renewed; however, a new application for a second development permit can be applied for in order to complete the remainder of the work.
6. This permit is **NOT** a building permit.

CERTIFIED as the **DEVELOPMENT PERMIT** issued by resolution of the board of the Comox Valley Regional District on November 7, 2017.

*J. Warren*

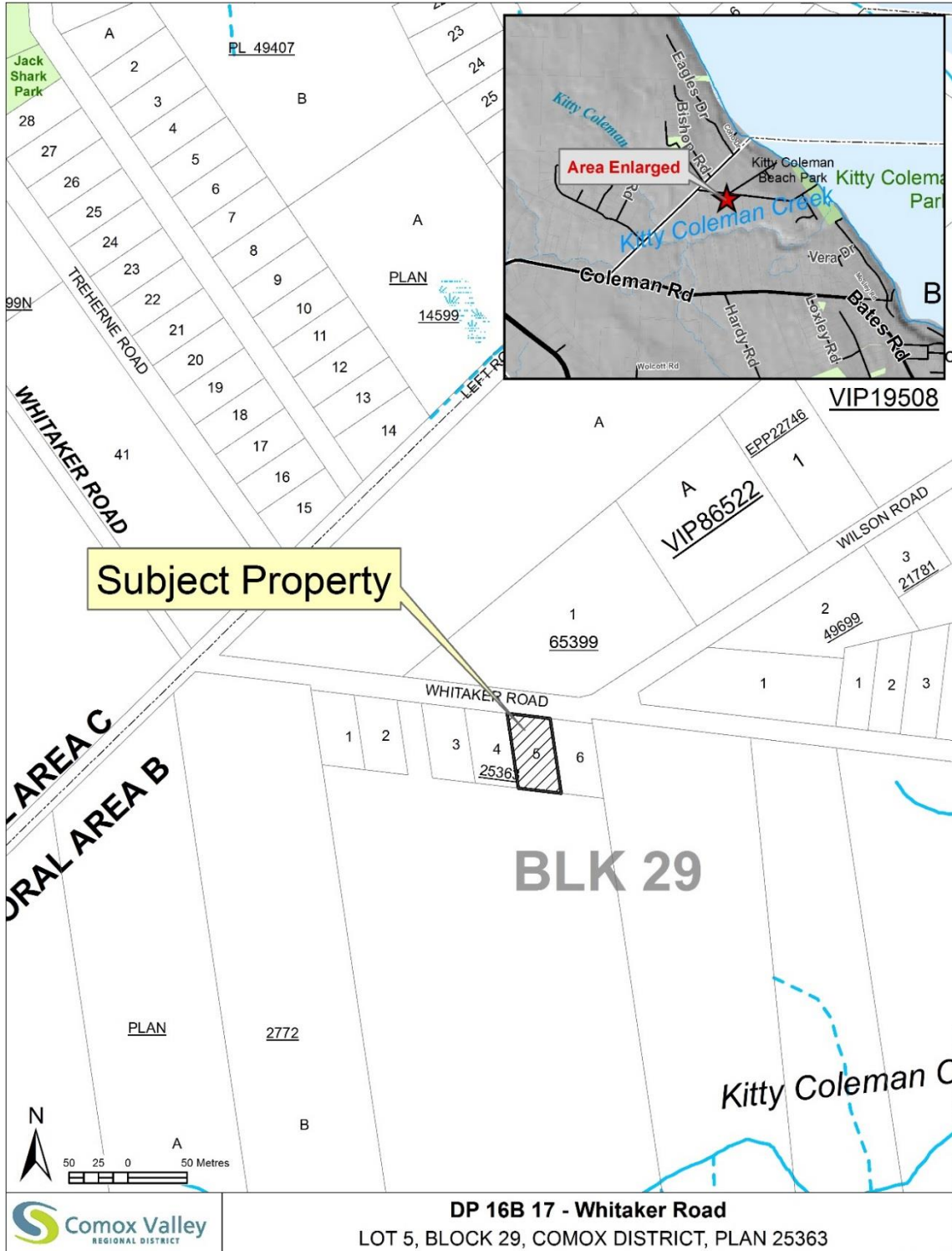
\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

**November 9, 2017**

Certified on \_\_\_\_\_

Attachments: Schedule A – “Subject Property Map”

# Schedule A Subject Property Map



**DP 16B 17 - Whitaker Road**  
**LOT 5, BLOCK 29, COMOX DISTRICT, PLAN 25363**

# Memo

**File:** 3360-20/RZ 2C 18

**DATE:** April 6, 2018  
**TO:** Agricultural Advisory Planning Commission  
**FROM:** Planning and Development Services Branch  
**RE:** Rezoning Application – 2410 Sackville Road (MacKenzie & Heynck)  
Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713

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The attached development proposal is for commission members' review and comment.

An application has been received to consider a Zoning Bylaw amendment for a property at 2410 Sackville Road. Currently, there is a double wide mobile home with a carport on the property. The applicants wish to rezone the property to enable water and beverage bottling as a permitted use.

For more information, please refer to the attached staff report dated February 23, 2018, which was presented to the Electoral Areas Services Committee on March 5, 2018.

Thank you for your review.

Sincerely,

***A. Mullaly***

Alana Mullaly, MCIP, RPP  
Manager of Planning Services  
Planning and Development Services Branch

/bc

Attachment: Staff Report Dated February 23, 2018



**DATE:** February 23, 2018

**FILE:** 3360-20/RZ 2C 18

**TO:** Chair and Directors  
Electoral Areas Services Committee

Supported by Russell Dyson  
Chief Administrative Officer

**FROM:** Russell Dyson  
Chief Administrative Officer

*R. Dyson*

**RE: Zoning Bylaw Amendment – 2410 Sackville Road (MacKenzie & Heynck)  
Puntledge – Black Creek (Electoral Area C)  
Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713**

### **Purpose**

To seek Comox Valley Regional District (CVRD) Board support on external agency and First Nations referrals for a proposed site-specific rezoning to permit water and beverage bottling.

### **Recommendation from the Chief Administrative Officer:**

THAT the Comox Valley Regional District Board endorse the agency referral list as outlined in Appendix B of staff report dated February 23, 2018, and direct staff to start the external agency referral process for Lot C, Block 29, Comox District, Plan 25306, PID 002-904-713 (MacKenzie & Heynck) as part of a proposed amendment (RZ 2C 18) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”;

AND FINALLY THAT Comox Valley Regional District staff consult with First Nations in accordance with the referrals management program dated September 25, 2012.

### **Executive Summary**

- The subject property is located at 2410 Sackville Road in Electoral Area C.
- In June 2017, Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) referred a ground water licence application to the CVRD for comments. The CVRD objected to the proposal due to its inconsistency with the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), and the zoning bylaw.
- On November 21, 2017, the Province issued a conditional water licence to the applicants to extract up to 10 cubic metres per day (10,000 litres per day) or up to 3,650 cubic metres per year (3,650,000 litres per year) for fresh water bottling (Appendix A). For this licence, the Province requested the applicants to rezone the property to permit “water and beverage bottling.”
- The Province regulates extraction, but a local government can regulate any above ground uses and buildings related to the extraction through zoning.
- The subject property is zoned Rural Eight (RU-8), which does not permit “water and beverage bottling.” This use is presently only permitted in the Industrial Light (IL) zone.
- The CVRD Board is recommended to conduct First Nations and external agency referrals for this rezoning application. Once feedback is gathered, staff will report back and recommend an option, which may include denial, zoning bylaw amendment with conditions or a temporary use permit.

Prepared by:

**B. Chow**


---

 Brian Chow, MCIP, RPP  
 Rural Planner

Concurrence:

**A. Mullaly**


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 Alana Mullaly, M.Pl., MCIP, RPP  
 Manager of Planning Services

Concurrence:

**A. MacDonald**


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 Ann MacDonald, MCIP, RPP  
 General Manager of Planning  
 and Development Services  
 Branch

### Background/Current Situation

The subject property is a 2 hectare, rural residential parcel located at 2410 Sackville Road (Figures 1 to 3). It is bounded by Sackville Road to the southeast and rural lots in all other directions.

Currently, there is a double wide mobile home with a carport on the property (Figure 4). The applicants wish to rezone the property to enable water and beverage bottling as an accessory use.

In June 2017, FLNRORD referred a ground water licence application to the CVRD for comments. CVRD staff advised that the proposal was inconsistent with the OCP and the zoning bylaw. The subject property is in the Tsolum River watershed. There is an OCP policy direction to consider the impacts of a development proposal, such as groundwater extraction, on a watershed scale. The policy is to ensure that hydrology impacts are managed using the precautionary principle and ensure that groundwater level decline and reduction in base flows to watercourses are prevented. In addition, the subject property is in a rural area, surrounded by environmentally sensitive features, and Agricultural Land Reserve, which relies on groundwater. With respect to the zoning bylaw, Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”, the proposed “water and beverage bottling” is not a permitted use in the RU-8 zone. Staff requested that if the Province was to issue a licence, the CVRD would request that a zoning bylaw application be made to enable the CVRD Board to considered enabling “water and beverage bottling” as amendment to permit such a use on the property.

On November 21, 2017, the Province issued a conditional water licence to the applicants to extract up to 10 cubic metres (10,000 litres) per day for industrial purpose (fresh water bottling). For this licence, the Province requested the applicants apply to rezone the property to permit “water and beverage bottling” per staff’s referral comment.

### Official Community Plan Analysis

Notwithstanding the OCP policies, the Province issued a licence to enable water extraction for the purpose of commercial sale. The OCP designates the subject property within Rural Settlement Areas (RSAs). Sections 4 and 6 focus on protecting the watersheds and recharge areas within the context of the precautionary principle.

Per OCP policy 7(1)(b), staff requested that the Province require the applicants to provide baseline data about the aquifer as well as identify the existing demand on the aquifer relating to agricultural and domestic use. The Province advised by email that such baseline data were not necessary.

The focus of the rezoning application is on the proposed use, which is water bottling on the property. Section 44(4) allows the regulation of “*industrial uses by including permitted uses, setbacks and densities in the zoning bylaw*”. Section 47(1) identifies the need to amend the zoning bylaw or issue a temporary use permit for light industrial use, and Section 48(3) “*Permits new industrial uses subject to rezoning*”. Section 47(2) identifies information required for rezoning, such as how the proposal will maintain the rural character and be compatible with adjacent land and water uses, transportation links and demands. The applicants indicated that they will construct a 22 foot by 32 foot building for

bottling, and did not indicate any other facilities. To keep the rural character, the applicants indicate that they are taking care to not change the natural beauty of the property and maintain the woodland fauna. With respect to compatibility of adjacent lands and uses, the applicants state their proposed operation will be quiet and unnoticeable, and they confirm that there will not be any onsite retail on the subject property.

### Zoning Bylaw Analysis

The subject property is zoned RU-8, which does not list Water and Beverage Bottling as a permitted use. The intent of the RU-8 zone is to provide a rural zone that permits uses such as residential use, agricultural use, nurseries, riding academies, silviculture, aquaculture, animal hospital and fish hatchery. Larger lots may permit animal kennels, wood processing, crushing and screening of sand and gravel and horse events. Currently, the Industrial Light (IL) zone is the only one that permits such a use. The rezoning application is to create a zoning exception to the RU-8 zone to permit such use.

### **Policy Analysis**

Section 460 of the *Local Government Act* (RSBC, 2015, c. 1) (LGA) states that a local government must define procedures by which a property owner may apply for a bylaw amendment. Section 479 of the LGA authorizes a local government to regulate the use, density, the size and shape of land, buildings and structures. Section 464 states that a local government must hold a public hearing before adopting a zoning bylaw.

The Province issued the conditional water licence 500169 according to *Water Sustainability Act* with the conditions of:

- Limiting the size of the container per Section 5(c) of the *Water Protection Act* (i.e., in containers of 20 litres capacity or less);
- Contacting Vancouver Island Health Authority for their requirements under the *Drinking Water Protection Act* and other relevant Acts; and
- Rezoning the property to enable “water and beverage bottling.”

### **Options**

The board has the following options:

1. Refer the application to external agencies and First Nations for review;
2. Deny the rezoning application; or
3. Consider the issuance of a temporary use permit, so that conditions of use can be established.

Staff recommends the first option, as this will enable staff to collect specific feedback on the application. Once feedback is gathered, staff will report back and recommend an option, which may include denial, zoning bylaw amendment with conditions, or a temporary use permit.

### **Financial Factors**

The applicant has paid for the rezoning application review in accordance with the Bylaw No. 328 being the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014”. If the application proceeds to statutory public hearing, additional fees will be required. Fees paid to date account for the rezoning only and not future development permit fees.

### **Legal Factors**

This report and the recommendations contained herein are in compliance with the LGA and CVRD bylaws. The LGA authorizes a local government to regulate the use of land and buildings.

**Regional Growth Strategy Implications**

The Comox Valley Regional Growth Strategy, Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS), designates the subject property within RSAs. In the RGS, water is identified as an important factor for the future of the Comox Valley. Objective 5-B is to “*Protect the quality of water sources*”. Supporting Policy 5B-1 is to “*Manage development on the basis of precautionary principles within watersheds*”. The RGS does not include policy regarding the commercial sale of groundwater. The Province only started regulating non-domestic ground water extraction in February 2016.

The rezoning application focuses on the proposed “water and beverage bottling” use. It is consistent with Objective 3-A of the RGS, which is to “*Support local business retention, development and investment*”. Supporting Policy 3B-4 supports “*value-added, community-based business development*”.

**Intergovernmental Factors**

Appendix B contains a list of agencies and First Nations, to which staff recommends referring the application. Feedback from the referral will be reported at a future electoral areas services committee meeting.

MFLNRO issued the conditional water licence on November 21, 2017.

**Interdepartmental Involvement**

Planning staff is leading this application. Internal departments do not have concerns with this proposal.

**Citizen/Public Relations**

Staff recommends that the application be referred to the Area C Advisory Planning Commission. If the application proceeds to bylaw preparation, community consultation will be held in accordance with Bylaw No. 328 (i.e. statutory mailing and public hearing).

Attachment: Appendix A – “Conditional Water Licence 500169”  
Appendix B – “Agency List”



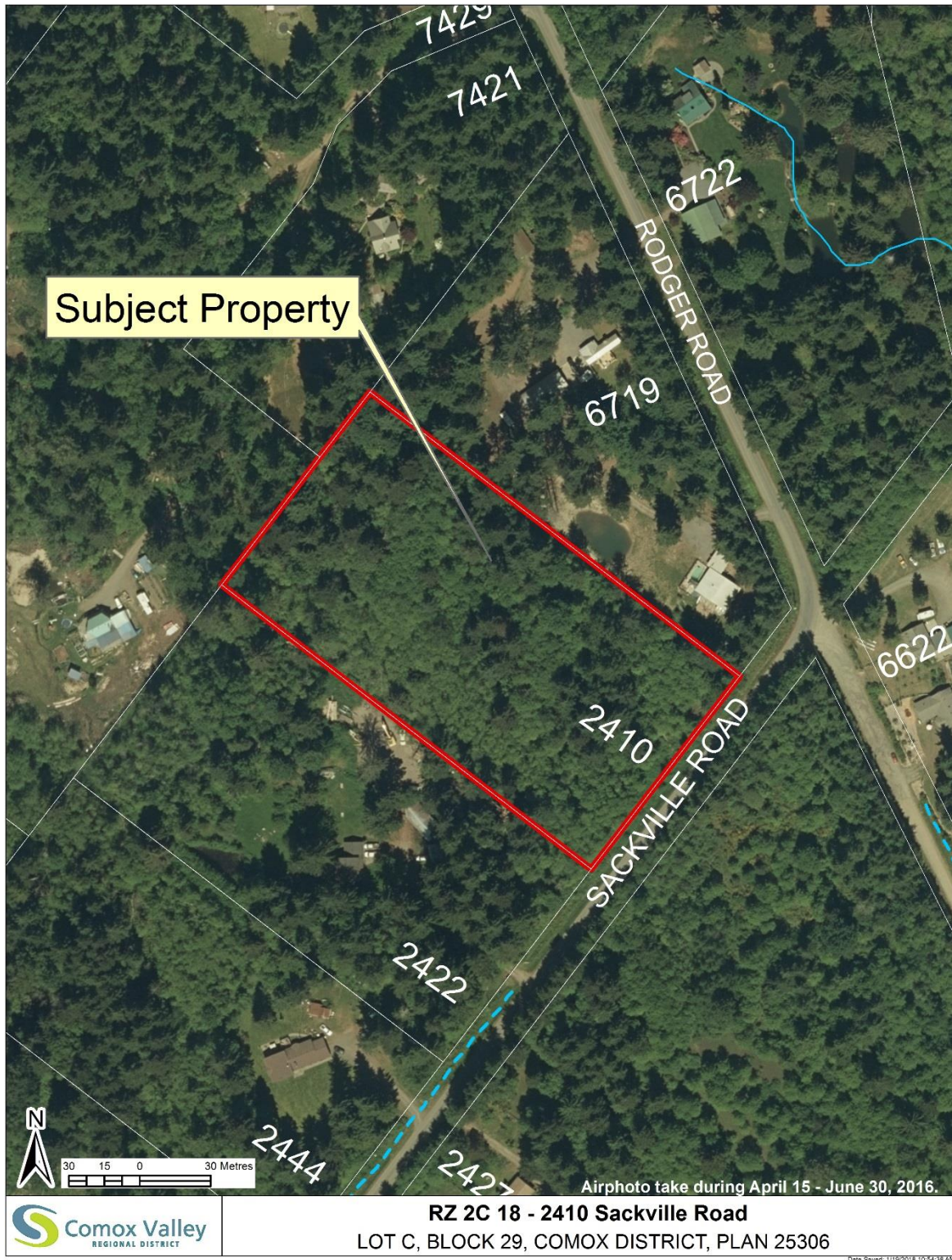


Figure 2: Air Photo

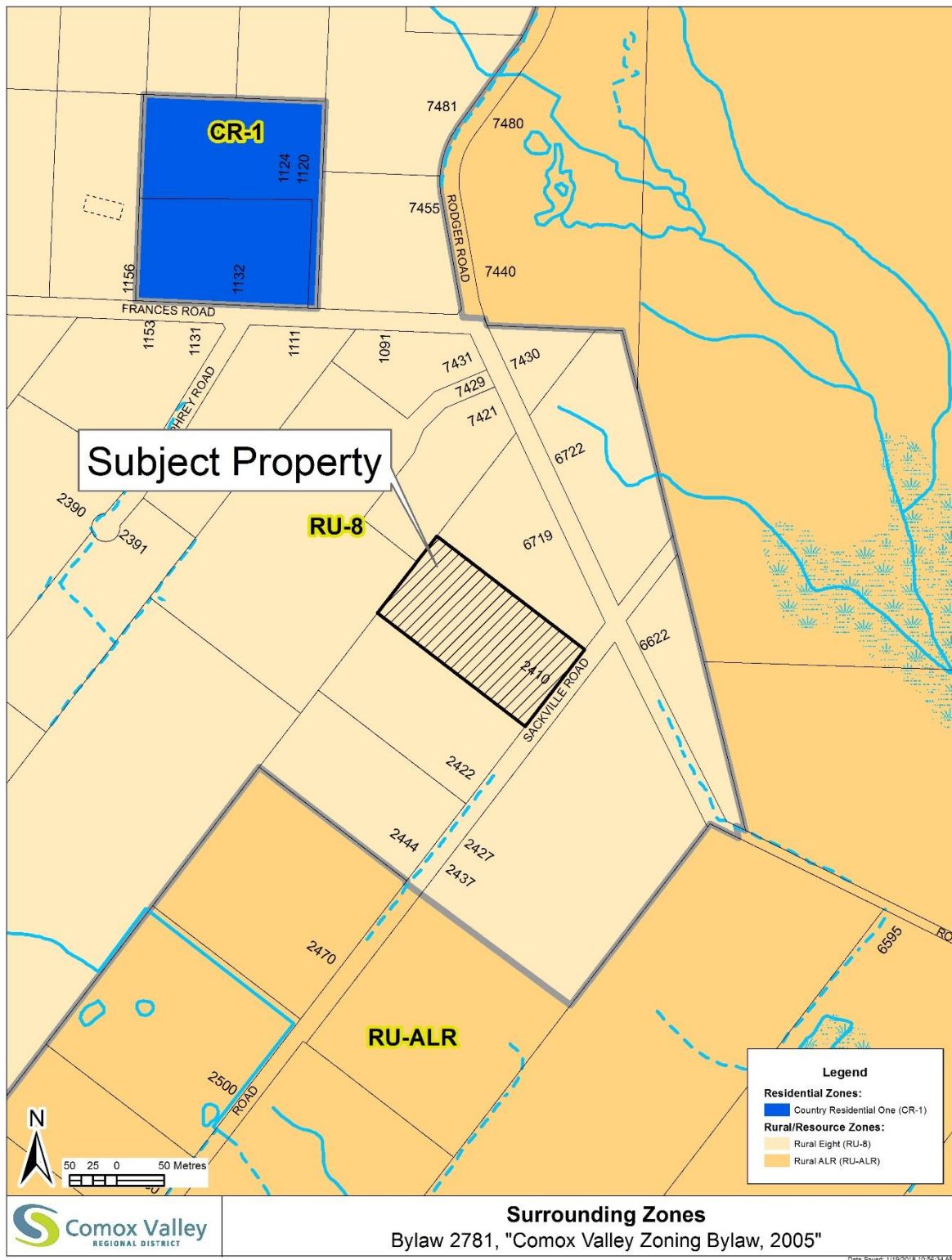


Figure 3: Zoning Map

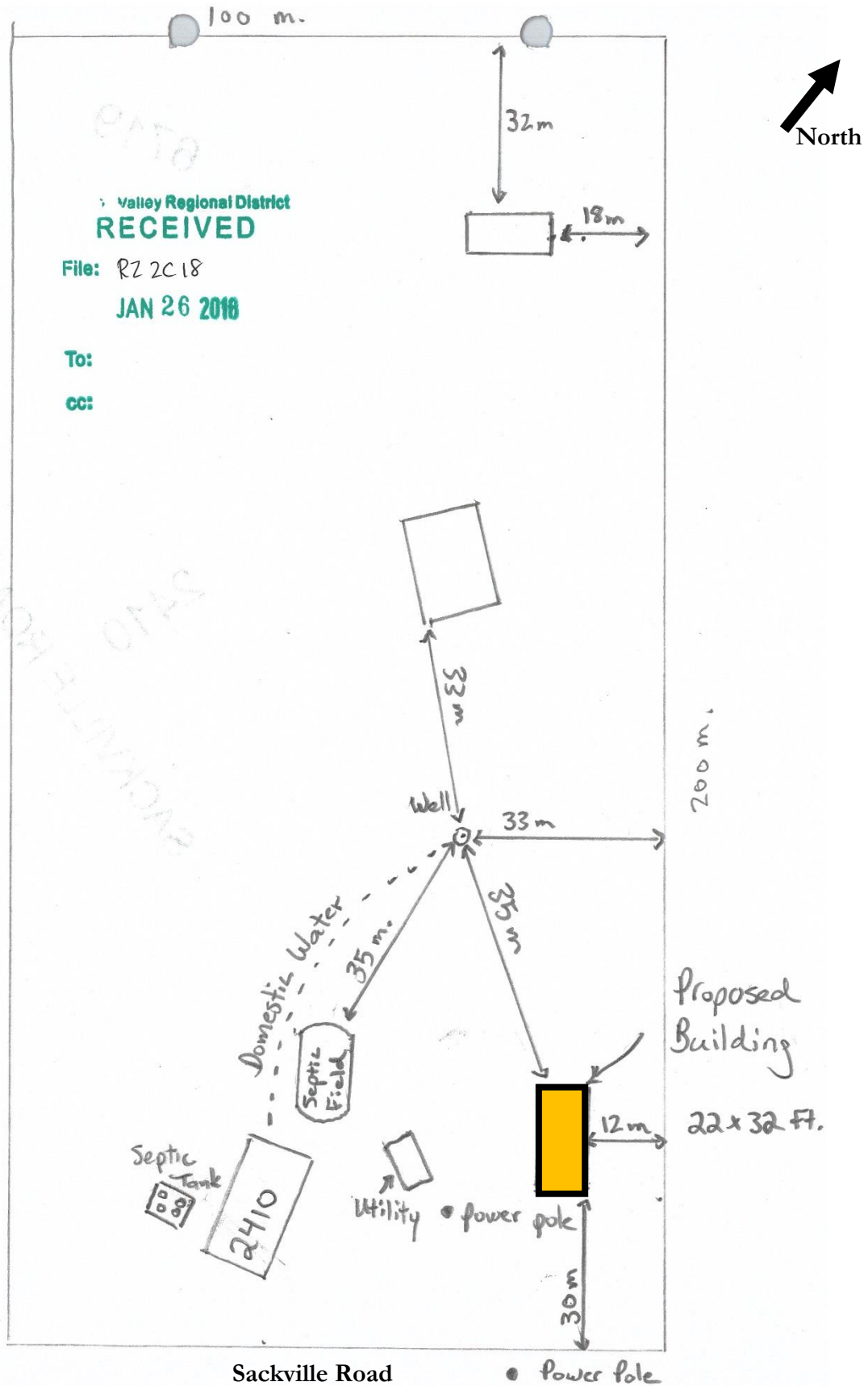


Figure 4: Proposed Site Plan if Rezoning were to be Successful





November 21, 2017

**File: 20004026**  
**vFCBC Tracking No.: 100188800**

**Christopher Scott MacKenzie and Regula Heynck**  
PO BOX 27  
Merville BC V0R 2M0

**Dear Christopher MacKenzie and Regula Heynck:**

**Re: Groundwater Licence Application 104026**

---

The investigation of the above application has been completed. Enclosed is a copy of your Conditional Water Licence 500169.

Please read the documents carefully. Any error(s) in these documents should be brought to the attention of this office as soon as possible.

There are restrictions on removing water from British Columbia and the size of the container, refer to Section 5(c) of the *Water Protection Act* for more details ([http://www.bclaws.ca/civix/document/id/complete/statreg/00\\_96484\\_01#section5](http://www.bclaws.ca/civix/document/id/complete/statreg/00_96484_01#section5)).

Please contact the local Vancouver Island Health Authority (VIHA) office to further discuss requirements under the *Drinking Water Protection Act* and other relevant Acts that VIHA administers.

You are advised that the Comox Valley Regional District requires an application to rezone the property to enable "water and beverage bottling" as the principal use on the property.

Please note the following:

- 1) Water licences do not authorize entry on privately owned land for the construction of works, or flooding. Permission of the affected landowner must be obtained or an easement expropriated. For your protection, permission should be in writing and registered with the appropriate Land Title Office.
- 2) Permission for installing works on lands or roadways which are under the jurisdiction of any government agency, must be obtained from the agency concerned.

Page 1 of 2

Ministry of Forests, Lands and  
Natural Resource Operations  
Water Management

Mailing Address:  
103-2100 Labieux Road  
Nanaimo BC V9T 6E9

Location:  
103-2100 Labieux Road  
Nanaimo BC V9T 6E9

Phone: (250) 751-7220  
Fax: (250) 751-7192  
Web: <http://www.gov.bc.ca/water>

Please contact FrontCounter BC to assist you with notifications and any applications required if:

- a) there is any change in your mailing address;
- b) you sell the land to which the licence is appurtenant;
- c) you propose to subdivide the land to which the licence is appurtenant; or
- d) you propose to alter the works authorized under the licence.

In order for you to keep your water licence in good standing, the following must be observed:

- a) continued beneficial use of water, as authorized under your licence;
- b) payment of annual rentals;
- c) compliance with the terms of your licence; and
- d) compliance with the terms of the *Water Sustainability Act*.

One of the obligations of a water licence is the payment of annual rentals and fees to the Crown for the authorization to exercise the rights granted under the licence. Failure to pay water rental invoices by a specified date may result in late-payment penalties, collection action or cancellation of the licence. Any questions in regards to invoices, statements or billing procedures should be directed to the Water Revenue Unit at 1 800 361-8866. Callers from the Victoria area should dial 250 387-9445.

The *Water Sustainability Act* gives the recipient of this notice the right to appeal my decision. Information on filing an appeal can be found on the Environmental Appeal Board website at: <http://www.eab.gov.bc.ca/>. A right of appeal from my decision lies to the Environmental Appeal Board. Notice of any appeal must (1) be in writing; (2) include grounds for the appeal; (3) be directed by registered mail to the Chair, Environmental Appeal Board, PO Box 9425 Stn Prov Govt., V8W 9V1 or personally delivered to the office of the Board at 4th Floor, 747 Fort Street in Victoria, BC V8W 3E9, [eabinfo@gov.bc.ca](mailto:eabinfo@gov.bc.ca); (4) be delivered within 30 days of receiving this letter, and (5) be accompanied by a fee of \$25.00, payable to the Minister of Finance.

If you have any questions or concerns, please contact Tanya Dunlop, Senior Authorizations Technologist, at 250 751-7015 or by email at [Tanya.Dunlop@gov.bc.ca](mailto:Tanya.Dunlop@gov.bc.ca).

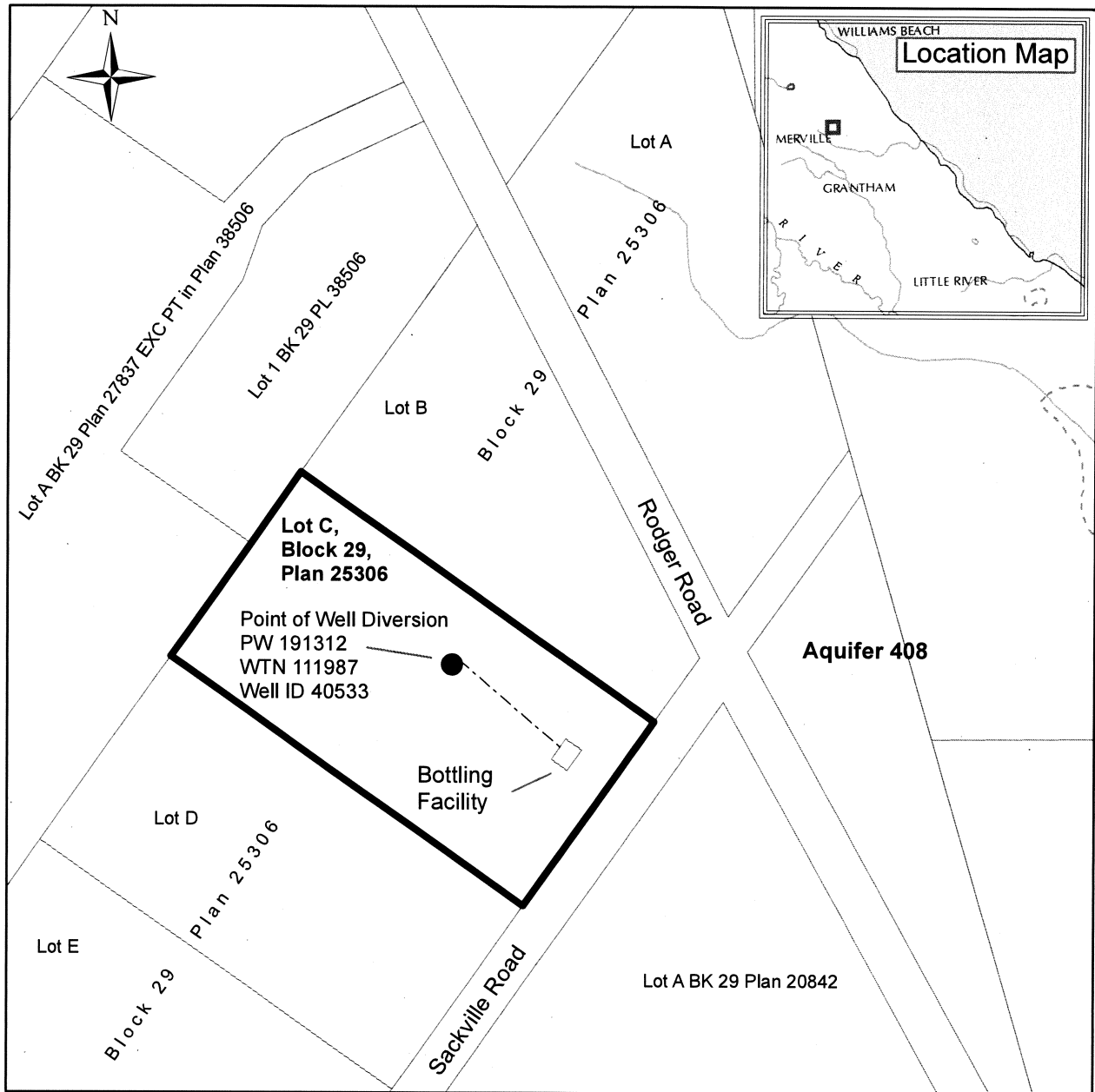
Yours truly,



David Robinson  
Assistant Water Manager

Enclosure(s)

cc: Gary Anderson, Upper Island Health Authority, [gary.anderson@viha.ca](mailto:gary.anderson@viha.ca)  
Alana Mullaly, Manager of Planning Services,  
Planning and Development Services Branch,  
Comox Valley Regional District, [amullaly@comoxvalleyrd.ca](mailto:amullaly@comoxvalleyrd.ca)



WATER DISTRICT:  
 PRECINCT:  
 LAND DISTRICT:

Nanaimo  
 Courtenay  
 Comox

Signature:

Date:

November 21, 2017

LEGEND:

Scale: 1:3,000  
 Point of Diversion: ●  
 Map Number: 92F.075.4.3  
 Pipe: -----

C.L.: 500169  
 FILE: 20004026

The boundaries of the land to which this licence is appurtenant are shown thus: **\_\_\_\_\_**



# Province of British Columbia

## *Water Sustainability Act*

### CONDITIONAL WATER LICENCE

The owner(s) of the land to which this licence is appurtenant is/are hereby authorized to divert and use water as follows:

- a) The aquifer on which the rights are granted is 408.
- b) The point of well diversion is located as shown on the attached plan.
- c) The date from which this licence shall have precedence is November 15, 2016.
- d) The purpose for which this licence is issued is industrial (fresh water bottling).
- e) The maximum quantity of water which may be diverted for industrial (fresh water bottling) purpose is 3650 cubic metres per year at a rate not to exceed 10 cubic metres per day.
- f) The period of the year during which the water may be used is the whole year.
- g) The land upon which the water is to be used and to which this licence is appurtenant is Lot C, Block 29, Comox District, Plan 25306.
- h) The authorized works are well, pipe and bottling facility which shall be located approximately as shown on the attached plan.
- i) The construction of the said works shall be completed and the water shall be beneficially used prior to December 31, 2020. Thereafter, the licensee shall continue to make regular beneficial use of the water in the manner authorized herein.
- j) The licensee must install a diversion flow measuring device to the satisfaction of the Water Manager.
- k) The licensee must retain diversion flow meter records, and have them available upon request by the Water Manager.

David Robinson  
Assistant Water Manager

## Agency and First Nations Referral List

The following agencies will receive a referral of the proposal .

### First Nations

<input checked="" type="checkbox"/>	K'ómoks First Nation	<input checked="" type="checkbox"/>	Homalco (Xwemalhkwa) Indian Band
<input checked="" type="checkbox"/>	We Wai Kai Nation of the Laich-Kwil-Tach Treaty Society	<input checked="" type="checkbox"/>	We Wai Kum First Nation
<input checked="" type="checkbox"/>	Kwiakah First Nation		

### Provincial Ministries and Agencies

	Agricultural Land Commission		Ministry of Community, Sport & Cultural Development (responsible for TransLink)
<input checked="" type="checkbox"/>	BC Assessment		Ministry of Energy & Mines
	BC Parks		Ministry of Forests, Lands and Natural Resource Operations
	Ministry of Environment	<input checked="" type="checkbox"/>	Ministry of Transportation and Infrastructure
	BC Transit		Ministry of Jobs, Tourism & Skills Training (responsible for labour)
	Ministry of Agriculture		Ministry of Aboriginal Relations and Reconciliation

### Local Government

	Comox (Town of)		Alberni-Clayoquot Regional District
	Courtenay (City of)		Strathcona Regional District
	Cumberland (Village of)		Regional District of Mount Waddington
	Islands Trust		Regional District of Nanaimo

### Other

<input checked="" type="checkbox"/>	Puntledge – Black Creek Area ‘C’ advisory planning commission		Agricultural Advisory Planning Commission
	School District No.71 (Comox Valley)	<input checked="" type="checkbox"/>	Vancouver Island Health Authority (Environmental Health)