



Agricultural Land Commission
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December 5, 2006

Reply to the attention of Terra Kaethler
ALC File: I - 36947

Alex Eigler, John Eigler and Erwin Eigler
3051 Maple Glen Drive
Courtenay, BC V9N 9N9

Dear Sirs:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 572/2006 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen'. The signature is written in a cursive, flowing style.

Erik Karlsen, Chair

cc: Regional District of Comox-Strathcona (#ALR-3C-06)

TK/lv/Encl.: Minutes
36947d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 7, 2006 in Courtenay, B.C.

PRESENT:	Lorne Seitz	Chair, Interior Panel
	Donald Rugg	Commissioner
	David Craven	Commissioner
	Roger Cheetham	Staff
	Terra Kaethler	Staff

For Consideration

Application: # I - 36947
Applicant: Alex, John, and Erwin Eigler
Proposal: To subdivide the 8.1 ha parcel into two (2) approximately 4.0 ha lots, to allow two (2) family members to have their own parcel of land to farm.
Legal: PID: 006-622-551
Lot 6, Section 38, Comox District, Plan 2115
Location: 3393 Dove Creek Road

Site Inspection

A site inspection was conducted on November 7, 2006. Those in attendance were:

- Applicants: John and Karen Eigler
- Commissioners: Lorne Seitz, David Craven, Donald Rugg
- Staff: Roger Cheetham, Terra Kaethler

Mr. Eigler confirmed that the staff report dated October 19, 2006 was received and no errors were identified.

The Commission walked through the field to the proposed property line. The property is surrounded by agricultural uses.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The subject property has been identified as having prime ratings for agricultural capability. Prime ratings indicate that the land is capable of producing a wide range of crops with minor limitations of soil or climate that pose no major difficulties in management.

Assessment of Agricultural Suitability

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The property is in an area with considerable agricultural activities, therefore the Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission discussed that the creation of two smaller lots in this area would be undesirable from an agricultural perspective. The adjacent properties are of similar size to the subject property and a smaller lot size would be inconsistent with current zoning requirements.

The Commission considered the family situation behind the application, and while appreciative of their needs and intentions, cannot consider estate settlement as a significant reason to divide good quality farmland.

Conclusions

1. That the land under application has high agricultural capability.
2. That the land under application is suitable for agricultural use.
3. That the proposal will impact agriculture.

IT WAS

MOVED BY: Commissioner Craven

SECONDED BY: Commissioner Rugg

THAT the application be refused as proposed.

CARRIED

Resolution # 572/2006



Staff Report
Application # I – 36947
Applicant: Alex, John and Erwin Eigler

DATE PREPARED: October 19, 2006

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: To subdivide the 8.1 ha parcel into two (2) approximately 4.0 ha lots to allow two family members to have their own parcel of land to farm.

This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Comox-Strathcona

Legal Description of Property:

PID: 006-622-551
Lot 6, Section 38, Comox District, Plan 2115

Purchase Date:

June 27, 2006

Location of Property:

3393 Dove Creek Road

Size of Property:

8.1 ha (The entire property is in the ALR)

Present use of the Property:

House and two barns. No residence for past 15 years.

Surrounding Land Uses:

EAST: Beef, hay, raspberries, blueberries
EAST: Bush
EAST: Tsolum River
NORTH: Hay

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F/11
The majority of the property is identified as having prime agricultural capability ratings.

Official Community Plan and Designation:

OCP Bylaw No. 2042 (1998)
Designation: Rural Comox Valley

Zoning Bylaw and Designation:

Zoning Bylaw No. 2781 (2005)
Designation: Rural ALR (RU-ALR)
Minimum Lot Size: 8.0 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board:

Does not support the application. Proposed subdivision does not meet the RU-ALR minimum lot size of 8.0 ha and the subdivision of ALR lands into smaller lots is not supported by the OCP.

Agricultural Advisory Committee:

Recommends the application be refused, on the grounds that the property has prime agricultural capabilities and there is considerable agricultural activity in the area. Parcelization in this area would be undesirable from an agricultural perspective and approval of this application would set a precedent. The application is inconsistent with the RDCS Agricultural Plan Policy.

Local Government Staff:

Does not support the application.

OTHER COMMENTS:

District Agrologist, Ministry of Agriculture, Food and Fisheries:

Does not support the application given the productive soils of the property, the surrounding parcel sizes and current zoning.

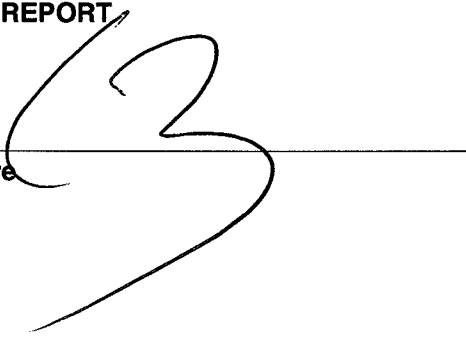
Page 3 – October 19, 2006 Staff Report
Re: Application # I-36947

Attachments:

1. ALC Context Map # 92F.075
2. Aerial Photograph
3. Sketch of Property (current and proposed uses)
4. Regional District Staff Report

END OF REPORT

Signature

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Date

Oct 20/06