



Staff Report
Application # I – 37891
Applicant: David Drew and Suphaporn Chuenchomying

DATE RECEIVED: December 24, 2007

DATE PREPARED: February 14, 2008

TO: Chair and Commissioners – Island Panel

FROM: Terra Kaethler, Land Use Planner

PROPOSAL: Non-farm use on the 4.0 ha subject property to construct a second dwelling. The applicant's elderly mother would live in the original dwelling.

This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

BACKGROUND INFORMATION:

Local Government:

Regional District of Comox-Strathcona

Legal Description of Property:

PID: 003-887-286
Lot 10, Block 2, Section 5, Township 6, Comox District, Plan 1818

Purchase Date:

2006-07-01

Location of Property:

6515 Fitzgerald Road, Courtenay

Size of Property:

4.0 ha (The entire property is in the ALR).

Present use of the Property:

Residence, long workshop/storage building, chickens. The applicant has cleared the property to allow for poultry production and/or berry production.

Surrounding Land Uses:

NORTH: Residential, hobby farms
EAST: Fitzgerald Rd
SOUTH: Residential, not cleared
NORTH: Residential, not cleared

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.075 (digital)
The property is identified as having mixed Prime and Secondary ratings.

Official Community Plan and Designation:

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

Zoning Bylaw and Designation:

Comox Valley Zoning Bylaw No. 2781 (2005)
Designation: Rural
Minimum Lot Size: 8.0 ha

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Comox-Strathcona Regional District Board: Forwarded the application with a recommendation of support and recommending that the Agricultural Land Commission register a covenant on the title limiting the occupation of the existing dwelling to an immediate family member.

Agricultural Advisory Committee: Recommended that the new home should only be permitted if a bond is placed on the property to ensure that original home is removed.

Local Government Staff: Recommend support with the registration of a covenant on the title limiting the occupation of the existing dwelling to an immediate family member

OTHER COMMENTS:

District Agrologist, Ministry of Agriculture, Food and Fisheries: Recommends support with the registration of a covenant on the title limiting the occupation of the existing dwelling to an immediate family member.

STAFF COMMENTS:

- The intention of the proposal is to build a new house for the applicant and allow Mr. Drew's elderly mother to move into the existing house on the property. The CSRD staff did a site visit in November 2007 and noted the existing house was 870 sq. ft, and sited on beams and wood blocks and sits on a temporary structure.
- The RD staff and agrologist recommend that, if approved, a restrictive covenant be placed on the property to ensure that the original house must be limited to occupation of the immediate family member. The AAC also recommends that a bond be place to ensure the old house is removed or made inhabitable when Mr. Drew's mother is no longer living there.
- The location of the new house is in the middle of the property, along the property boundary. It would be preferable to site the new house closer to the existing structures to decrease the impact on the agricultural potential of the property. However, through

conversation with the applicant and the CSRD, it appears that the soil in the front of the property has higher capability (improvable to Class 3) than where the proposed new dwelling is (50% Class 3, 50% Class 4 with stoniness). The applicant has made some improvements to the front area of the property and eventually the existing structures will need to be removed.

ATTACHMENTS:

- ALC Context Map
- Agricultural Capability Map
- Aerial Photo
- CSRD Staff Report
- Application Form

END OF REPORT

Signature

Date