



**Staff Report**  
**Application # UU – 38587**  
**Applicant: Kathleen Beaton**

**DATE RECEIVED:** October 27, 2008

**DATE PREPARED:** December 3, 2008

**TO:** Chair and Commissioners – Island Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To construct a second dwelling for the owners to allow the owners' son and his family to move into the existing home. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

Strathcona Regional District

**Legal Description of Property:**

PID: 000-106-674  
Lot A, District Lot 232, Comox District, Plan 32370

**Purchase Date:**

1978

**Location of Property:**

600 Comox Road, Courtenay

**Size of Property:**

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

**Present use of the Property:**

Turkey and blueberry farm

**Surrounding Land Uses:**

**WEST:** berry, poultry and dairy farm  
**SOUTH:** hobby farm and commercial tree nursery  
**EAST:** hobby farm, bush and the creek  
**NORTH:** dairy and berry farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F/14  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

Bylaw No. 2042  
Rural Comox Valley Official Community Plan, 1998  
Designation: Agriculture

**Zoning Bylaw and Designation:**

Bylaw No. 2781  
Comox Valley Zoning Bylaw, 2005  
Designation: Rural Agricultural Land Reserve (RU-ALR)

**PREVIOUS APPLICATIONS:**

**Application #75-0789-0**

**Applicant:** Gunter Farms Ltd  
**Decision** October 10, 1975  
**Date:**  
**Proposal:** To subdivide the 52.6 ha property into six (6) lots of 19.7 ha, 17.3 ha, 4.5 ha, two lots of 3.8 ha, and 1.6 ha.  
**Decision:** Refused on the grounds that approximately 40 ha of the property is rated as Class 4 farmland and improvable with irrigation. Furthermore, the Commission was not interested in hobby farm developments in this area and wishes to keep the property as large as possible.

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**Application #75-0789-1**

**Applicant:** Gunter Farms Ltd  
**Decision** January 15, 1976  
**Date:**  
**Proposal:** To subdivide the subject property in any manner that the Commission sees fit with the dedication of 3.8 ha to fisheries.  
**Decision:** Allowed the dedication of subdivision of the property within two provided options along with the dedication of 3.8 ha to fisheries. One option created a lot of 25.1 ha and one lot of 17.3 ha. The second option allowed subdivision on the condition of consolidation with neighboring farm land.

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**Application #75-0789-2**

**Applicant:** Gunter Farms Ltd  
**Decision** April 1, 1976  
**Date:**  
**Proposal:** The applicants wish to follow the second option allowed but requested that the Commission reconsider the condition of consolidation with adjacent farm land as the owners of these properties refused to purchase the land. Instead this lot would be purchased by the neighbors' daughter and son-in-law.  
**Decision:** Allowed on the condition that the dedication of the 3.8 ha to fisheries be used for the preservation of the coho spawning grounds.

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**Application #75-0789-3**

**Applicant:** Gunter Farms Ltd  
**Decision** May 20, 1976  
**Date:**

**Proposal:** The regional district indicated that one of the proposed parcels did not conform with the current bylaw and thus two of the applications had to be consolidated. Creating a total of four lots.  
**Decision:** Allowed.

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#### RELEVANT APPLICATIONS:

**Application #21701-0**

**Applicant:** Jones, P / Selwyn, R,

**Decision** February 25, 1988

**Date:**

**Proposal:** To subdivide one (1) 0.3 ha lot from the 17.9 ha parcel to provide a homesite for the applicant's daughter.

**Decision:** Allowed.

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**Application #35776-0**

**Applicant:** Sylvan Vale Nursery Ltd

**Decision** January 19, 2005

**Date:**

**Proposal:** To subdivide one (1) 2.0 ha lot from the property to separate their residence from their corporate holdings.

**Decision:** Allowed as requested - no impact.

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#### LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

**Board:**

Supports application.

**AAC:**

Supports the application.

**Planning Staff:**

Supports the application.

#### OTHER COMMENTS:

**District Agrologist:**

Supports the application.

#### STAFF COMMENTS:

It is recommended that the Commissioners consider the following:

- The applicants have owned the property since 1978.
- The agricultural capability of the subject property is improvable to Class 2, 3 and 5 with limitations due to a combination of soil factors and stoniness.

#### ATTACHMENTS:

1. ALC Context Maps (2 pages)
2. Aerial Photograph
3. Agricultural Capability Map
4. Local Government Staff Report (14 pages)

**END OF REPORT**

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**Signature**

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**Date**