

Agricultural Land Commission 133–4940 Canada Way Burnaby, British Columbia V5G 4K6 Tel: 604-660-7000 Fax: 604-660-7033 www.alc.gov.bc.ca

December 5, 2005

Reply to the attention of Ron Wallace

City of Courtenay
Operational Services Department
830 Cliffe Avenue
Courtenay, BC – V9N 2J7

Attention: Kevin Lagan, P. Eng., Director of Operational Services

Re: Application # I-34444-1

Parcel A (DD12676-N), Block 71, Comox District, EXCEPT Part in Plan 44639

Further to your letter of 23 September 2005, the Commission, acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

It was noted that a detailed determination of the subject property was conducted subsequent to the original application for the proposed road dedication. As such, the Commission, by Resolution #617/2005, has approved your request to widen the road dedication beyond 40 metres.

This approval is granted provided that your road dedication is in substantial compliance with the plan attached hereto.

The land referred to in the application continues to be subject to the provisions of the Act and Regulation except as provided by this approval.

This approval in no way relieves the owner or occupier of the responsibility of adhering to all other legislation that may apply to the land. This includes zoning, subdivision, or other land use bylaws, and decisions of any authorities that may have jurisdiction.

When the final survey plans or documents as required for Land Title purposes have been prepared, please send two paper prints to this office well in advance of commencing registration procedures. The Commission will then authorize the Registrar of Land Titles to accept the application for deposit of the plans.

Please quote the above application number in any future correspondence.

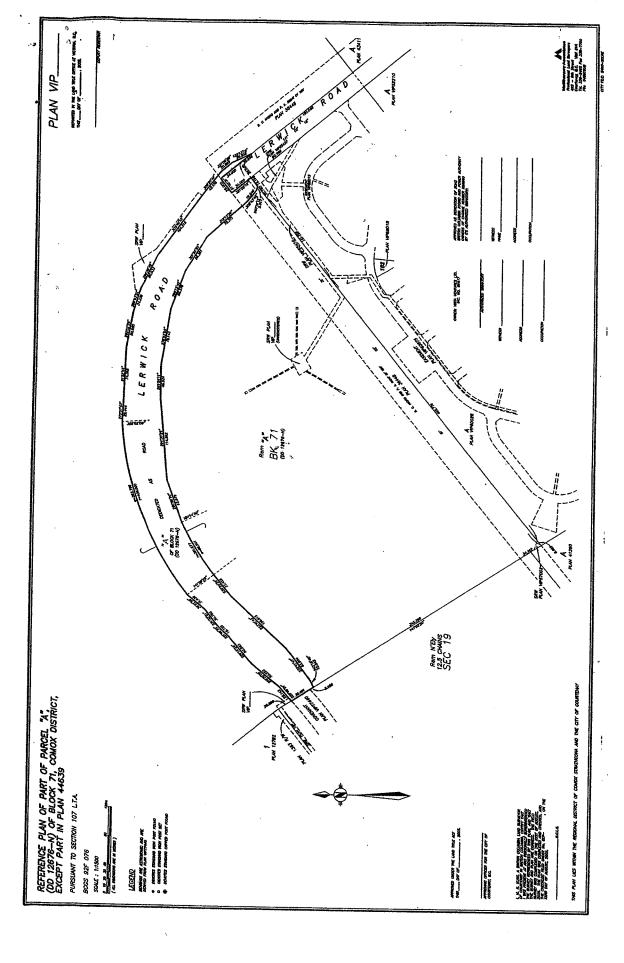
Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

RW/lv/Encl./34444d2



Provincial Agricultural Land Commission Application: I-34444-1 Resolution #617/2005 Area approved for dedication as road.

MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on November 15, 2005 in Port Alberni, B.C.

PRESENT:

Lorne Seitz

Chair

David Craven

Commissioner

Donald Rugg

Commissioner

STAFF:

Ron Wallace, Regional Research Officer

For Reconsideration

In a letter dated 23 September 2005 Kevin Lagan, Director of Operational Services, with the City of Courtenay requested reconsideration of application #I-34444. In this application by Resolution #410/2003 the Commission allowed the proposal to construct a road through the subject property to a maximum width of 40 metres.

As indicated in the attached reference plan of road dedication, the right-of-way width has exceeded the original expectation. During detailed design, and subsequent to the original application, geotechnical reports confirmed the soils consist largely of sand. This necessitated shallower slopes for both cut and fill situations – 2:1 run to rise, rather than 1.5:1.

Safety concerns for a pedestrian walkway along the roadside dictated it being constructed further from the travelling road and at a different grade.

Providing for uninterrupted subsurface drainage across the roadway resulted in design modifications requiring additional right of way width.

Site Inspection

A site inspection was conducted on November 15, 2005. Those in attendance were:

- Commissioners Seitz, Craven & Rugg
- Agricultural Land Commission Staff: Ron Wallace, Regional Research Officer
- Agent: Kevin Lagan, Director of Operational Services, City of Courtenay

The Commissioners were informed that the purpose of the application was to widen the road dedication beyond 40 metres as shown on the proposed reference plan to better accommodate the grade of the property.

The site inspection lasted from 10:30 a.m. to 11:00 a.m.

Page 2

Commission Discussion

The Commission approved the reconsideration as proposed in the reference plan.

IT WAS

MOVED BY: Commissioner D. Rugg
SECONDED BY: Commissioner D. Craven

That the request for reconsideration to widen the road dedication beyond 40 metres as shown on the proposed reference plan be received and approved.

This approval is subject to compliance with any other enactment, legislation or decision of any agency having jurisdiction.

CARRIED