



**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

October 19, 2005

Reply to the attention of Ron Wallace

Martha Jensen  
PO Box 140 – 1589 Nurmi Road  
Merville, BC – V0R 2M0

Dear Madam:

Re: Application # I-36147  
Lot 2, District Lot 99, Block 29, Comox District, Plan 26722

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide the above noted property into one 2.7 ha lot which will contain the homesite and one 10 ha lot. The application was submitted pursuant to section 21(2) of the *Agricultural Land Commission Act* (the "ALCA").

The Commission wishes to thank you for taking the time to meet with its representatives on September 28, 2005.

The Commission writes to advise that it approved your application in principle subject to:

- the subdivision being in substantial compliance with the attached plan.
- The applicant demonstrating proof of intent to develop the proposed 2.7 ha lot for farm market gardening as proposed. This proof is to include the submission of a Farm Development Plan to BC Assessment and receipt of their approval of your operation for farm status.
- compliance with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment. The Commission suggests you contact the Regional District of Comox Strathcona at your earliest convenience.

The decision noted above is recorded as Resolution #550/2005.

Please forward the above noted information to the Commission for its review and final approval for the proposed subdivision. Upon final approval two (2) paper prints of the final survey plans should be sent to this office well in advance of commencing registration at the Land Titles Office. The Commission will authorize the Registrar of Land Titles to accept the application for deposit of the plan. Please quote your application number in any future correspondence.

Yours truly,  
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Comox-Strathcona - #ALR-1C-05  
Approving Officer, Ministry of Transportation, Courtenay  
BC Assessment, Courtenay  
Martha Stamme, PO Box 140, 1589 Nurmi Road, Merville, BC – V0R2M0  
RW/lv/Encl./36147d1







**Staff Report**  
**Application # I – 36147-0**  
**Applicants: Martha Stamme and Martha Jensen**

**DATE PREPARED:** August 2, 2005

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

**FROM:** Simone Magwood, Regional Research Officer

**PROPOSAL:** To subdivide the 12.7 ha property into one (1) 2.7 ha lot which will contain the homesite and one (1) 10.0 ha lot. This application is made pursuant to section 21(2) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

The applicants wish to subdivide the homesite from the property in order to sell it to a family member who wishes to establish an organic vegetable market garden on the parcel. The applicants state that 0.8 ha of the proposed 2.7 ha parcel are unsuitable for this purpose but that the remainder has good soil and would be heavily cultivated. The property has been in the family since 1938. The applicants also own the adjacent property that has also been in the family since 1938. The applicants plan to build a new home on the larger remainder.

**Local Government:**

Regional District of Comox-Strathcona

**Legal Description of Property:**

PID: 002-410-435  
Lot 2, District Lot 99, Block 29, Comox District, Plan 26722

**Purchase Date:**

1938

**Location of Property:**

1589 Nurmi Road, Merville

**Size of Property:**

12.7 ha (The entire property is in the ALR)

**Present use of the Property:**

Residential, greenhouse, and other outbuildings

**Surrounding Land Uses:**

**WEST:** Hobby farm (ALR)  
**WEST:** Undeveloped forest (ALR)  
**SOUTH:** Undeveloped forest (ALR)  
**NORTH:** 2 ha residential lots on Nurmi Road (non-ALR)

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92F.075  
The majority of the property is identified as having Prime Dominant ratings.

**Official Community Plan and Designation:**

The land is designated "Agriculture" in the Official Community Plan

**Zoning Bylaw and Designation:**

The land is zoned Rural (ALR) with a minimum lot size of 8 ha.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

**Local Government Staff:** Staff feel that the existing residential infrastructure combined with the proposed 2.4 ha lot size consisting of good soil types make this a potentially viable property on which to establish a small scale market gardening operation. It is felt that the remainder of the property at 10.3 ha is of sufficient size to support a number of farming opportunities. Given that the subject property has been in the family for many years and that the proposed subdivision is intended for a family member's use and to be developed as an active farm property, staff do not object to the proposed subdivision. Staff, therefore, offer conditional support for the subdivision request on the condition that the applicant demonstrates proof of intent to develop the proposed lot for active farm use. This was the option taken by the Regional District Board and the Community Planning Committee.

**Community Planning Committee Recommendation:** That the application be supported subject to the applicant demonstrating proof of intent to develop the proposed lot for farm market gardening as purposed, this proof is to include the submission of a Farm Development Plan to BC Assessment Authority and receipt of their approval.

**Regional District Board:** As above.

**Agricultural Advisory Committee:** The subject property has generally good capability soils and, as a unit is reasonably capable of agricultural production. The secondary capability soils can support early and late season grazing as well as providing a site for non-soil based agricultural activities. There are adjacent farming operations and future agricultural potential in the area that may be negatively impacted by increased residential development. It was noted that there is currently limited development adjacent to the agricultural area in this vicinity. Approval of the application will set a precedent that will adversely affect the existing farms and future agricultural opportunities in the area. The AAC would only be prepared to support the application if it met the provisions of the homesite severance policy.

**OTHER COMMENTS:**

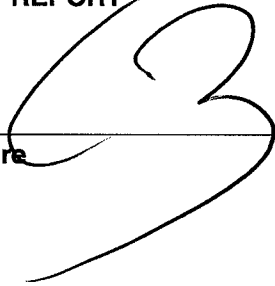
**Regional Agrologist:** The proposed location of the subdivided parcel does appear to be the best location to develop a market garden. However, the subdivision of the 2.4 ha parcel falls below the minimum parcel size for the area. While there are small parcels to the east, most of the parcels surrounding the proposed subdivision are over 6 ha.

The proposed location of the subdivided parcel would alienate the best soils from the main parcel thereby reducing the agricultural options available. The owner could still provide a dwelling for her daughter without subdividing the parcel. Given the considerations and option described above, the proposed subdivision does not appear to be in the best long-term interests of agriculture.

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**END OF REPORT**

Signature

A large, stylized handwritten signature in black ink, consisting of a large loop and a long horizontal stroke.

Date

August 9/05

