



Agricultural Land Commission
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November 25, 2005

Reply to the attention of Ron Wallace

Albert and Margaret Eigler
3610 Burns Road
Courtenay, BC – V9L1S2

Dear Sir/Madam:

Re: Application # I-36276
Lot 2, Section 27, Township 9, Comox District, Plan 41139

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to subdivide a 1.9 ha portion of the above noted property that lies south of Burns Road and which is physically separated from the remainder of the parcel. 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 November 15, 2005. The Commission found the meeting and site visit informative.

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

- the subdivision being in substantial compliance with the attached plan.
- 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 #615/2005.

Please send two (2) paper prints of the final survey plans to this office well in advance of commencing registration at the Land Titles Office. When the Commission confirms that the subdivision plan is acceptable and verifies that all conditions of approval have been met it 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:

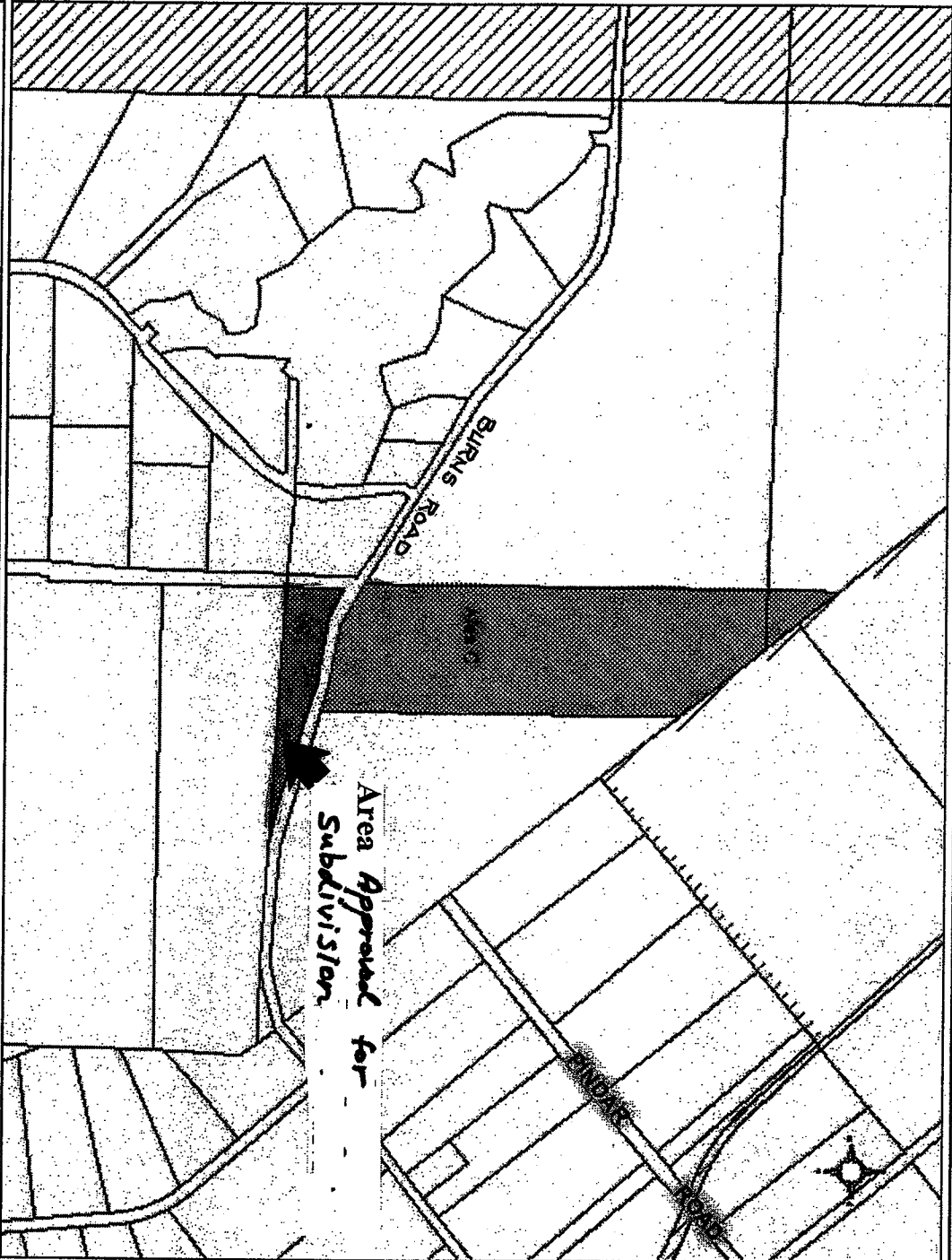
Erik Karlsen, Chair

cc: Regional District of Comox Strathcona – ALR 4C05

RW/lv/Encl./36276d1

ALR 4C 05 / Figler

Subdivision Within the ALR



Map printed on: Tue Jun 21 09:47:17 2005

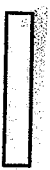
Disclaimer: This map is intended for display purposes only.

Comments:

LEGEND

- Property Information**
- Regional Place Names
 - Road Names
 - First Nations
 - Major Rivers
 - Property Lines
 - Regional Parks
 - Active Park
 - Inactive Park
 - Administrative Boundaries
 - Ocean

Provincial Agricultural Land Commission
 Application: I-36276
 Resolution #615/2005



Subject property.



Approved for subdivision.



Staff Report
Application # I – 36276-0
Applicant: Albert and Margaret Eigler

DATE PREPARED: November 2, 2005

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: To subdivide off a 1.9 ha portion of the subject property that lies to the south of Burns Road and which is physically separated from the remainder of the parcel.

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

BACKGROUND INFORMATION:

The subject property was created in a previous subdivision made in 1983 as noted below.

Local Government:

Regional District of Comox-Strathcona

Legal Description of Property:

1. PID: 000-513-687
Lot 2, Section 27, Township 9, Comox District, Plan 41139;

Purchase Date:

November 10, 1997

Location of Property:

3610 Burns Road, Courtenay

Size of Property:

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

Present use of the Property:

The property is used as a farm with house on it. The area south of Burns Road is treed.

Surrounding Land Uses:

WEST: Treed land, ALR
SOUTH: Treed land, ALR
EAST: Treed land, ALR
NORTH: Horse farm

Agricultural Capability:

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

Official Community Plan and Designation:

The community plan designated the property: Agriculture

Zoning Bylaw and Designation:

Rural ALR (RU-ALR), 8.0 ha minimum lot size

PREVIOUS APPLICATIONS:

Application #16975-0

Applicant: Holt and Porritt, Martin and Bill
Decision Date: October 20, 1983
Proposal: To subdivide the subject property into two equal lots of roughly 17.6 ha each.
Decision: That the application be allowed

RELEVANT APPLICATIONS:

Application #29526-0

Applicant: Haveruk, Bob
Decision Date: March 27, 1995
Proposal: To construct a second dwelling for the applicant's son on the 37 ha property. The septic field, well and foundation are all completed.
Decision: The Commission refused Mr Haveruk's request for a second dwelling on the grounds that it did not wish to precipitate similar requests for second dwellings in the ALR.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional District Board recommended that the application not be supported due to the potential negative impacts upon the ALR and the conflict with the stated objectives of the Comox Valley Agriculture Plan.

Community Planning Committee

The committee did not support the application due to the potential negative impacts upon the ALR and the conflict with the stated objectives of the Comox Valley Agriculture Plan.

Agricultural Advisory Committee

The Committee recommends that:

- The application be refused for the following reasons:
 - ✓ There are many lots whose configurations makes cultivation more challenging
 - ✓ There are many lots divided by a road
 - ✓ The RDCS Agriculture Plan seeks "to restrict subdivision and housing development on agricultural lands"
 - ✓ The RDCS Agriculture Plan seeks to "retain current large parcels"
- That the applicant review possible options related to some form of lot consolidation that would result in no additional lots being created.

Local Government Staff

"In reviewing the available information, and notwithstanding the current owners' decision not to actively farm the land in question, it is the view of staff that the probability the subject area will be used for agricultural purposes increases if it is part of a larger farm operation either as part of the existing parcel, as is currently the case, or consolidated into another parcel within the ALR as suggested by the AAC. This approach is consistent with the objectives and suggested actions of the Comox Valley Agricultural Plan and reduces the potential for long-term negative impacts upon the ALR."

OTHER COMMENTS:

District Agrologist, Ministry of Agriculture, Food and Fisheries

"I do not believe the proposed subdivision will have a negative impact on the agricultural productivity of the main farm unit for the following reasons.

Burns Road bisects the parcel leaving a small portion alienated from the main parcel. The soil on the smaller portion, while suitable for permanent pasture, farm buildings and confinement livestock, is limited for seasonal crops by stones and dry soils.

Additionally, the shape of the smaller parcel does not lend itself to using large farm equipment. There are also other lots of similar size adjacent to lot A. For these reasons I have no major objections to the proposed subdivision."

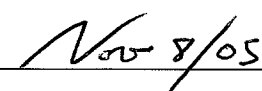
STAFF COMMENTS:

In light of the expressed objections to the application noted above staff recommends an on-site to determine whether Burns Road acts as a significant barrier to farming the property as a whole. If as the applicant states the parcel south of the road is too small and difficult to farm then consideration could be given to review possible options related to lot consolidation that would result in no additional lots being created. Otherwise, subdivision may be justified.

END OF REPORT



 Signature



 Date