



Agricultural Land Commission
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November 25, 2005

Reply to the attention of Ron Wallace

Jean-Marc and Darlene Godin
3571 Piercy Road
Courtenay, BC V9J 1P7

Dear Sir/Madam:

**Re: Application # I-36277
Lot 9, District Lot 111, Comox District, Plan 25690**

The Provincial Agricultural Land Commission (the "Commission") has now concluded its review of your application to construct a temporary additional dwelling for your mother to reside in. The application was submitted pursuant to section 20(3) 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 area of the temporary dwelling being no larger than 800 sq. ft.
- the registration of a covenant – stating that the temporary dwelling is to be removed once your mother no longer resides there and that your property cannot be sold until this temporary dwelling is removed. It is required that this covenant be registered on title prior to construction of the temporary dwelling. (A sample of Covenant attached)
- 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 #616/2005.

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 3C 05

RW/lv/Encl.

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 Consideration

Ron Wallace presented his staff report dated November 3, 2005 regarding application #I-36277-0, Jean-Marc and Darlene Godin. The application is to construct an additional dwelling for a relative.

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
- Applicant Darlene Godin

It was indicated that the temporary dwelling was for the applicant's mother and that the dwelling would be removed once their mother no longer resides in the dwelling.

The site inspection lasted from 9:50 a.m. to 10:15 a.m.

Commission Discussion

It was decided to support the application for a temporary dwelling, no larger than 800 sq. ft., for the owner's mother subject to the registration a covenant on title stating that the temporary dwelling is to be removed once their mother no longer resides there. In addition, the covenant is to state that the property cannot be sold until this temporary dwelling is removed.

IT WAS

MOVED BY: Commissioner D. Craven

SECONDED BY: Commissioner L. Seitz

THAT the staff report be received and the application to construct an additional dwelling for a relative be approved subject to the conditions noted in the discussion.

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

CARRIED



Staff Report
Application # I – 36277-0
Applicant: Jean-Marc and Darlene Godin

DATE PREPARED: November 3, 2005

TO: Chair and Commissioners – Island Panel

FROM: Ron Wallace, Regional Research Officer

PROPOSAL: The application is to construct an additional dwelling for a relative.

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

BACKGROUND INFORMATION:

The applicants wish to construct a Harvest Cedar Home for a family member. The company that makes this home describes it as a "prefab home" and as such the applicants sought to install the building as a manufactured home as per the ALR regulations. As the definition of "manufactured home" and "temporary" are unclear in the ALR regulations, the applicants were directed to make an application for a second dwelling.

Local Government:

Regional District of Comox-Strathcona

Legal Description of Property:

1. PID: 002-641-321
Lot 9, District Lot 111, Comox District, Plan 25690;

Purchase Date (m/d/y):

06/15/1998

Location of Property:

3571 Piercy Road, Courtenay

Size of Property:

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

Present use of the Property:

The Godin's presently reside on the property in the existing home and have a large detached workshop. The property is not being used for farming purposes.

Surrounding Land Uses:

WEST: Large lot residential development, non-ALR
SOUTH: Farm, hay field and dairy cattle, some ALR
EAST: Farm, hay fields, ALR
NORTH: Farm, hay fields, ALR

Agricultural Capability:

Data Source: Agricultural Capability Map # 92F.065
The majority of the property is identified as having Mixed Prime and Secondary ratings.

Official Community Plan and Designation:

The Community Plan designated the property as Agriculture.

Zoning Bylaw and Designation:

Rural ALR, 8.0 ha minimum lot size

PREVIOUS APPLICATIONS:**Application #17314-0**

Applicant: Westbrook, John C
Decision Date: January 17, 1984
Proposal: To subdivide this 4.5 ha parcel into one lot of 2.5 ha and one lot of 2.0 ha. The proposed 2.0 ha lot is intended as a homesite for the applicant's son.
Decision: Refused on the grounds that the land has sufficient capability to support agricultural activity.

RELEVANT APPLICATIONS:**Application #33347-0**

Applicant: View Field Farms Ltd
Decision Date: November 21, 2000
Proposal: Joe Taylor of Viewfield Farms is requesting permission to construct two additional dwellings on the farm property for his two sons who are shareholders in the company and participate in the farm activities.
Decision: Allow as requested- two houses in opposite corners of the property, as requested.

Application #15771-0

Applicant: Pinfield, R.
Decision Date: January 13, 1983
Proposal: To construct a permanent second dwelling on this 5.2 ha parcel in order to provide accommodation for the Pinfield's father-in-law.
Decision: Refused on the grounds that the land has good agricultural capability. In light of the small size of the property, two permanent dwellings does not appear justified.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

Regional Board

The Regional Board does not support the application for an additional dwelling.

Community Planning Committee

Does not recommend support for the application.

Agricultural Advisory Committee

"The Committee recommends that:

- The temporary nature of the structure be required.
- The RDCS and/or the ALC register a covenant against the title ensuring that the structure is removed when no longer required by the family member.
- The applicant be encouraged to locate the proposed dwelling close to the existing dwelling to minimize driveway requirements and reduce the impact on the future agricultural potential of the property."

Local Government Staff

The Planning Department recommends that the Commission not support the application for an additional dwelling within the ALR.

OTHER COMMENTS:

District Agrolgist, Ministry of Agriculture, Food and Fisheries

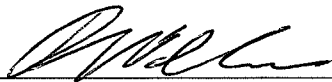
"The soils on the property indicate the temporary dwelling should be located nearer the existing buildings. The majority of the parcel consists of soils that are reasonably productive..."

STAFF COMMENTS:

It is a permitted use within the ALR to allow the placement of a manufactured home as a secondary dwelling for a family member that is part of the immediate family. Provided the proposed Harvest Cedar Home for the applicants' mother meets the Canadian Standards Association for Manufactured Homes then the second home is a permitted use. The second home is only allowed for the time the family member continues to live there, after which time it needs to be removed.

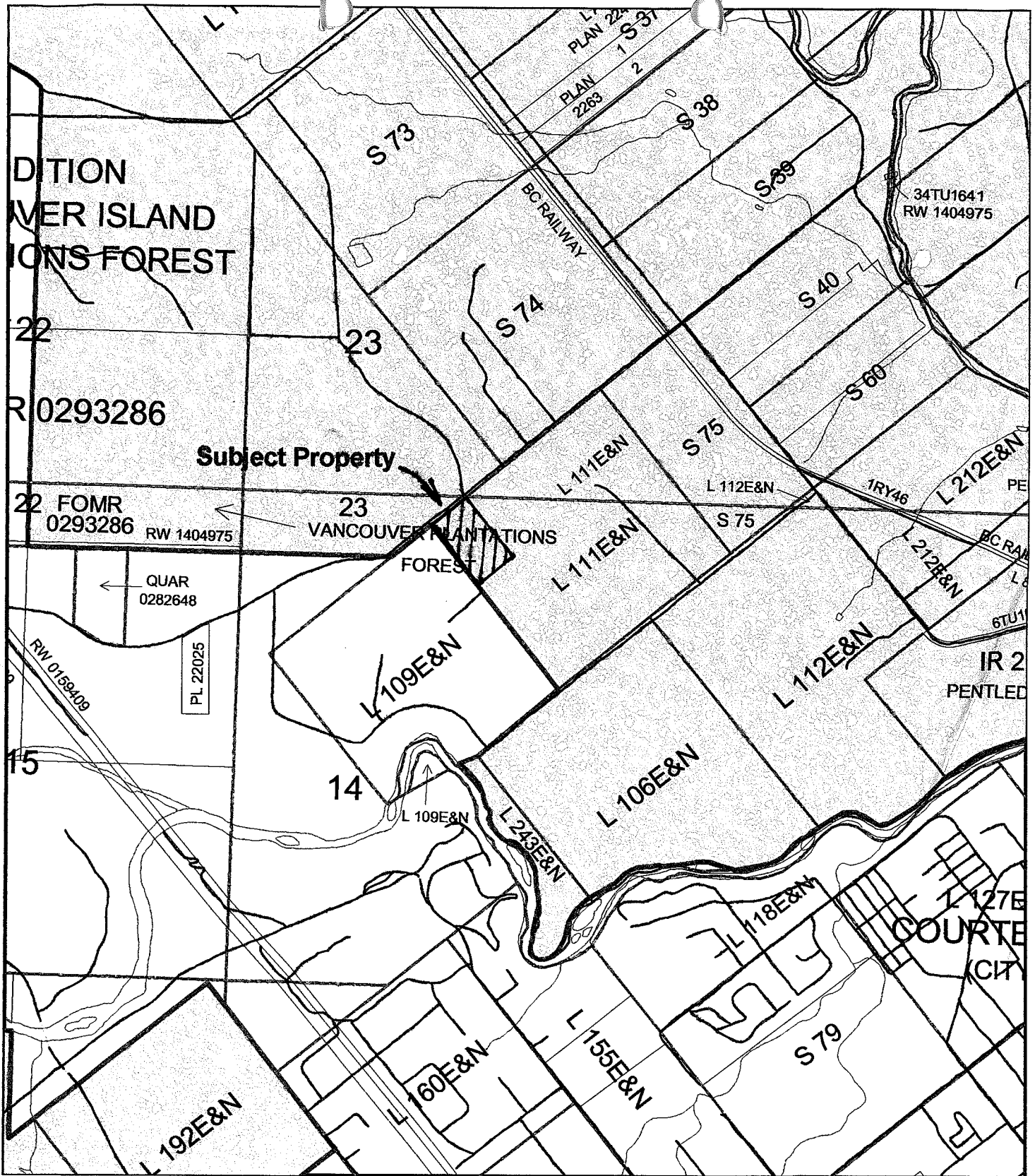
END OF REPORT

Signature



Date

Nov 8/05



ALC CONTEXT MAP
Application # 36277

Map Scale: 1: 20000

ALC File #: 21-05-36277

BCGS Map Sheet #: 92F.065

Regional District: Comox-Strathcona