



Agricultural Land Commission
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November 29, 2006

Reply to the attention of Terra Kaethler
ALC File #: I - 36914

Robert and Beverley Gunter
6188 Ledingham Road
Courtenay, BC V9J 1M5

Dear Mr. and Mrs. Gunter:

Re: Application to Subdivide land in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 578/2006 outlining the Commission's decision as it relates to the above noted application.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Yours truly,

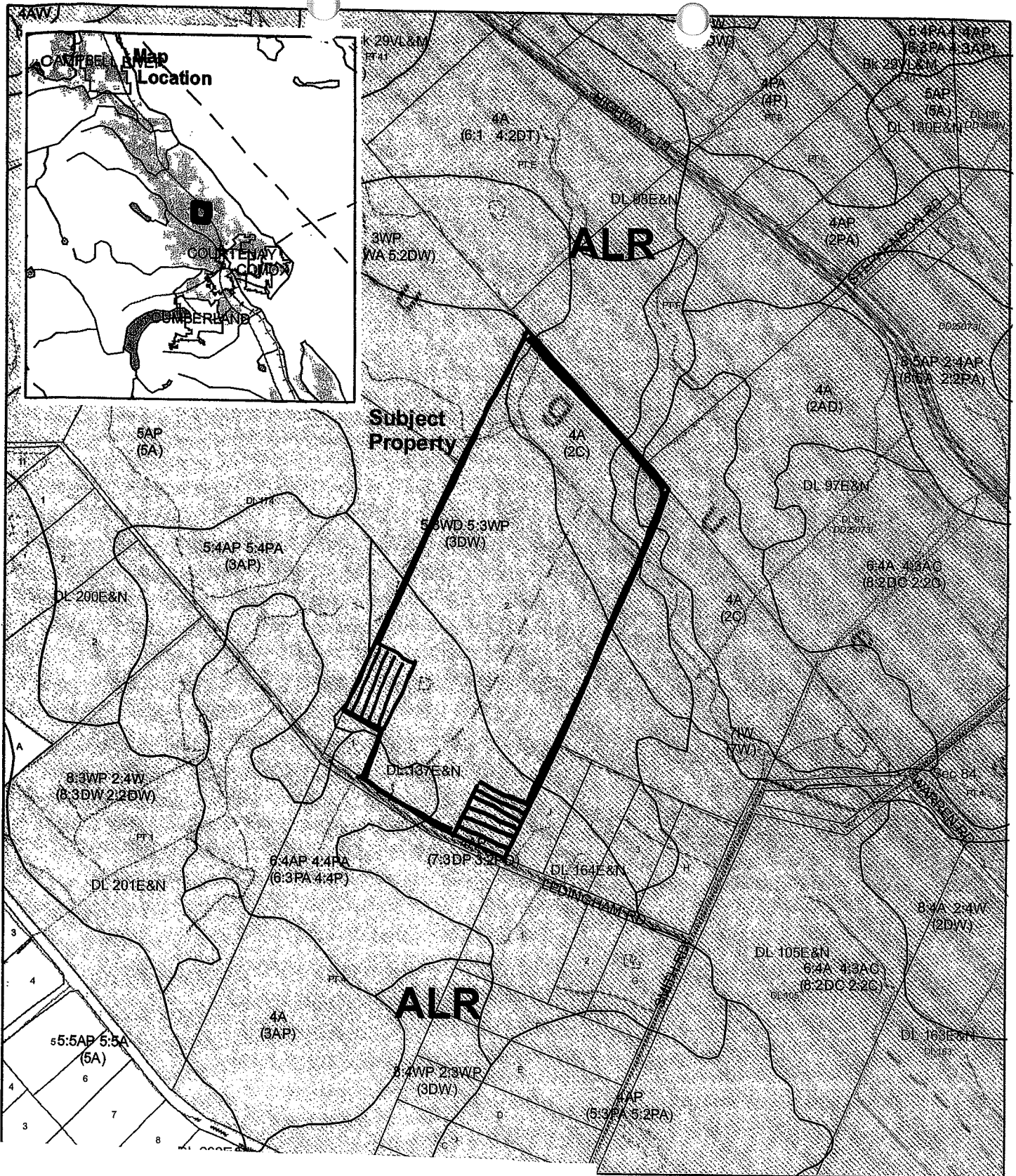
PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc: Regional District of Comox-Strathcona (#ALR 2C-06)

TK/lv/Encl.: Minutes/Sketch Plan
36914d1



Provincial Agricultural Land Commission

Application # I-36914

Resolution #578/2006



2 ha area approved for subdivision from the ALR



1.2 ha area approved for boundary adjustment

ALC File#:	21-06-36914
Map Sheet #:	92F.075
Regional District:	Comox-Strathcona



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on November 8, 2006 at Courtenay, B.C.

PRESENT:	Lorne Seitz	Chair, Island Panel
	Donald Rugg	Commissioner
	David Craven	Commissioner
	Roger Cheetham	Staff
	Terra Kaethler	Staff

For Consideration

Application: # I - 36914
Applicant: Robert and Beverley Gunter
Proposal: The proposal is twofold:
1. To subdivide one 2.0 ha lot from the 34.0 ha parcel pursuant to the *Homesite Severance Policy*,
2. To subdivide 1.2 ha from the 34.0 ha parcel and then consolidate this area with an adjacent 1.0 ha parcel that is the site of Gunter Bros. Meats. The purpose of this aspect of the proposal is to accommodate new wastewater detention ponds for the abattoir so as to comply with new changes to the *Meat Inspection Act*.
Legal: PID: 014-428-385
Lot 2, District Lot 137, Comox District, Plan 48802
Location: 6188 Gunter Road

Site Inspection

A site inspection was conducted on November 8, 2006. Those in attendance were:

- Applicants: Robert and Beverley Gunter, and family members
- Commissioners: Lorne Seitz, Donald Rugg, David Craven
- Staff: Roger Cheetham, Terra Kaethler

Mr. Gunter confirmed that the staff report dated October 19, 2006 was received and no errors were identified.

The Commission viewed the abattoir, the water detention areas, the proposed area for expansion and the barn areas. The property was a working farm and the applicants have been farming for many decades. The property had good soil capability, and was surrounded by agricultural uses and large properties.

Discussion

Part one of the application was for a subdivision of one 2.0 ha lot from the 34.0 ha parcel pursuant to the *Homesite Severance Policy*. The applicants qualify under the *Homesite Severance Policy*, as they have owned the property from 1963. However, at the site visit, the applicants informed the Commission that a homesite severance subdivision did not suit their needs, as they intend to keep farming the property and therefore want to keep their barns with the house.

Therefore, in consideration of the *Homesite Severance Policy*, the Commission had no objection to subdividing a 2 ha property, on the conditions that:

- 1) The subdivided area be located in the southern corner of the property, adjacent to Parcel J (*PLAN DL164E&N*) on Ledingham Road, and
- 2) That the applicants will not be eligible for any future consideration pursuant to the *Homesite Severance Policy*.

The Commission felt that an approval on this basis would minimize the impact to the property, and would allow the applicants to continue farming.

Part two of the application was to subdivide 1.2 ha from the 34.0 ha parcel and consolidate this area with the site of Gunter Bros. Meats to accommodate new wastewater detention ponds for the abattoir so as to comply with new changes to the *Meat Inspection Act*. The Commission had no objection to the boundary adjustment.

IT WAS

MOVED BY: Commissioner David Craven

SECONDED BY: Commissioner Don Rugg

THAT the proposed 2 ha lot be allowed in lieu of any future consideration pursuant to the *Homesite Severance Policy*, subject to the following conditions:

- the subdivision does not exceed 2 ha.
- the preparation of a subdivision plan to delineate the new lot in the southern corner of the property

AND THAT the proposal for a subdivision/consolidation to expand the abattoir property by 1.2 ha be allowed.

AND THAT the approval is granted to the applicant only and is valid for three (3) years from the date of this decision. The subdivisions must be completed within this time period.

This decision does not relieve the owner or occupier of the responsibility to comply 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.

CARRIED

Resolution # 578/2006



Staff Report
Application # I – 36914-0
Applicants: Robert and Beverley Gunter

DATE PREPARED: October 19, 2006

TO: Chair and Commissioners – Island Panel

FROM: Colin Fry, Director – Regional Operations

PROPOSAL: The proposal is twofold:

1. To subdivide one 2.0 ha lot from the 34.0 ha parcel pursuant to the *Homesite Severance Policy*, and
2. To subdivide 1.2 ha from the 34.0 ha parcel and then consolidate this area with an adjacent 1.0 ha parcel that is the site of Gunter Bros. Meats. The purpose of this aspect of the proposal is to accommodate new waste water detention ponds for the abattoir so as to comply with new changes to the *Meat Inspection Act*.

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

BACKGROUND INFORMATION:

The application as originally submitted to the Regional District had three proposals. Besides the two mentioned above the applicants also wanted to create one (1) 8.1 ha lot for sale as farmland. However, the applicants wrote to the Regional District on July 12, 2006 withdrawing this aspect of the application.

Local Government:

Regional District of Comox-Strathcona

Legal Description of Property:

PID: 014-428-385
Lot 2, District Lot 137, Comox District, Plan 48802

Purchase Date:

Not identified, but the applicants state in the application that they have owned the property for 54 years.

Location of Property:

6188 Gunter Road

Size of Property:

34.0 ha (The entire property is in the ALR)

Present use of the Property:

Hay and grain, cattle

Surrounding Land Uses:

WEST: Retired landowners with several cattle
SOUTH: Ledingham Road, horse boarding farm
EAST: Hay and cattle farm, hobby farm
NORTH: Retired landowners with several sheep

Agricultural Capability:

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

Official Community Plan Designation:

Agriculture

Zoning Bylaw Designation:

Rural ALR (RU-ALR)
Minimum Lot Size: 8.0 ha

PREVIOUS APPLICATIONS:

Application #08747-0

Applicant: Robert and Beverley Gunter
Decision Date: June 25, 1979
Proposal: To construct a 247 m² building for processing stock raised on the property.
Decision: Allowed as requested.

Application #08747-1

Applicant: Robert and Beverley Gunter
Decision Date: August 7, 1996
Proposal: To expand the existing abattoir by 250 m². It was noted at the time that approximately 50 % of the meat processed was supplied by Gunter Bros' livestock operation (beef and turkeys).
Decision: Allowed.

LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:

The Regional Board and the Agricultural Advisory Committee support the amended application.

OTHER COMMENTS:

District Agrologist, Ministry of Agriculture and Lands

See attached Local Government Report

Attachments:

1. ALC Context and Agricultural Capability Map
2. Aerial Photograph
3. Plan of Proposed Subdivision
4. Local Government Report
5. July 12, 2006 Letter from Applicants to the Regional District

END OF REPORT

Signature

A large, stylized handwritten signature, possibly the initials 'B', written in black ink over a horizontal line.

Date

The date 'Oct 19/06' written in a cursive, handwritten style in black ink over a horizontal line.